

STANDARDS COMMITTEE 5 DECEMBER 2008

Present :- Mr D. Coe (Independent Member) Chairman
Mr Bartier (Parish Council Representative)
Mrs Brown (Parish Council Representative)
Ms Eden (Parish Council Representative)
Mr Farmer (Independent Member)
Mr Fitton (Deputy Chairman) (Independent Member)
Councillor Gamble
Mr Roberts-Mee (Independent Member)
Councillor Spyvee

6. Minutes

The minutes of the meeting held on 22 May 2008 were confirmed as a correct record.

7. Review of Local Assessment Process

The Monitoring Officer presented a report reviewing experience of the new local assessment process for allegations that members may have breached the members Code of Conduct introduced in May 2008. The Committee considered that the introduction of the new procedures had run smoothly. It noted that statutory time targets are been complied with in all but one case, and the exceptional case had only missed its target by one day. Members of the Allegations Sub-Committee reported that the practice of setting aside one day each month as a provisional meeting date, which would only be used if necessary, had worked well.

The arrangements for publicising the new arrangements were noted. The Committee considered that it would be useful for another article to be placed in the Courier in approximately six months to keep the new process in the public eye.

RESOLVED that:-

(i) The contents of the report be noted;

(ii) A further article publicising the Local Assessment Process be placed in the Courier in approximately six months time.

8. Local Government Ombudsman - Annual Letter 2007/08

The Monitoring Officer presented a report setting out the contents of the Local Government Ombudsman's Annual Letter for 2007/2008. Details of the Ombudsman's Annual Letter had also been reported to Cabinet on 10 September 2008. The Committee noted that no findings of maladministration had been made against the Council and no formal reports were issued. Whilst the average response time of the Council to Ombudsman first enquiry letters was slightly higher than the target of 28 days, the introduction of e-mail correspondence to and from the Ombudsman's office

was expected to help reduce the response time.

RESOLVED that the contents of the Local Government Ombudsman's Annual Letter for 2007/08 be noted.

9. Communities and Local Government Consultation Paper: Communities in Control: Real People, Real Power and Codes of Conduct for Local Authority Members and Employees

The Monitoring Officer presented a report proposing a response to the Department of Communities and Local Government's consultation paper *Communities in Control*, which dealt with issues relating to codes of conduct for local authority members and employees.

The Committee thanked the Monitoring Officer for the detailed consideration given to the various points raised in the consultation paper. The Committee discussed a number of points raised by the consultation paper. The suggested response was agreed, subject to the following points:-

- In respect of the response to question one, the Committee agreed that the Code of Conduct for members should apply to at least some conduct in a member's private life. However, the answer to question one needed to be amended to clarify the point that the Code needed to cover any behaviour that was criminal at the time it was committed, whether it resulted in a prosecution or not.
- The response to question four needed to address the issue of behaviour that would be a criminal offence abroad, but would not be so in the UK. Given the higher standards expected of elected members, it could be argued that the Code should apply to behaviour that would not be a criminal offence in the UK but was in the country where the offence was committed. As elected members had a responsibility to maintain standards in public life they should show an understanding of the culture and laws of any country they visit.
- In response to the issue raised in question five about whether a standards investigation should await the completion of the judicial process, the Committee was of the view that the dangers of prejudicing any criminal investigation outweighed the potential damage to the credibility of the standards system from delaying the standards investigation. Accordingly the reply should stress that standards investigations should await the conclusion of criminal proceedings.
- In respect of question 6(j), the Committee felt that the £25 threshold for declaration of gifts and hospitality was too low. However, it should also be consistent with the threshold applicable to others in the public sector.
- In respect of the issue raised at question 16(c) about the applicability of the employee's code, the Committee considered that the number of employees to whom it applied should be limited as far as was possible. However seniority was not necessarily the decisive factor in identifying those employees to whom it should apply. The Code should apply to all those officers whom Councillors would need to trust not to use the information gained via their employment for their own

purposes.

- At question 19, the figure used here for the threshold of declarations of gifts and hospitality would need to be consistent with that at question six for members.
- In respect of the issue raised at question 21, the Committee considered that the employee's code should apply to clerks of Parish Councils.

The Committee delegated authority to the Chairman and Monitoring Officer to amend the response to take account of the points above.

RESOLVED that:-

(i) the draft response to the Department of Communities and Local Government consultation paper Communities in Control be agreed subject to the points above;

(ii) authority be delegated to the Chairman of the Standards Committee and the Monitoring Officer to amend the response where appropriate to take account of the points raised by the Committee.

10. Review of Training for Members on the Code of Conduct and Local Assessment

The Monitoring Officer presented a report providing an update of training for Members on the Code of Conduct and the local assessment process.

The Committee considered it was important that arrangements for training on the new Code of Conduct be put in place for May/June 2009. This should be targeted particularly at Parish Council Chairman and clerks. It should be offered on more than one occasion to maximise the opportunities for Councillors to attend.

RESOLVED that:-

(a) the contents of the report be noted;

(b) arrangements be made to provide training on the new Code of Conduct in May/June 2009, aimed particularly at Parish Council Chairman and clerks.