

STANDARDS COMMITTEE

22 MAY 2008

Councillor Spyvee (Deputy Mayor)
Councillor Chapman (Former Mayor)
Councillor Gamble (Former Mayor)
Mrs Brown (Parish Council Representative)
Mr Coe (Independent Member)
Ms Eden (Parish Council Representative)
Mr Farmer (Independent Member)
Mr Fitton (Independent Member)
Mr Roberts-Mee (Independent Member)

1. Election of Chairman

RESOLVED that Mr D. Coe be elected as Chairman for the ensuing Municipal Year.

2. Election of Deputy Chairman

RESOLVED that Mr P. Fitton be elected as Deputy Chairman for the ensuing Municipal Year.

3. Minutes

The minutes of the meeting on 24 April 2008 were confirmed as a correct record.

4. Local Assessment of Complaints Against Members // Update and Local Assessment Criteria

The Monitoring Officer presented a report updating the Committee on the framework for the local assessment of complaints against members and proposing local assessment criteria. The report also set out detailed terms of reference for the Standards Committee and the three Sub-Committees.

The Committee noted the contents of the report and its appendices and, subject to the amendments set out below, agreed with the recommendations in the report. The Committee considered that in general terms, it was sensible to approve the recommendations in the report and review them in the light of experience. The Committee expressed its thanks to the Monitoring Officer for the work involved in establishing the procedures for the local assessment of complaints. It was clear that Colchester was ahead of the game compared to many other local authorities.

The Committee discussed the proposed membership of the Allegations Sub-Committee. There was some concern that the proposed membership was the same as the quorum and that if a member was unable to attend at short notice, the meeting would not be quorate. However, there was also a need to balance the needs of this Sub-Committee with the need to ensure there were sufficient members to sit on the

Allegations Appeals Sub-Committee and the Hearings Sub-Committee. In the circumstance, the Committee considered that the membership of the Allegations Sub-Committee should remain as proposed in the report.

The Committee noted that it was now proposed that the Hearings Sub-Committee have a membership of five members. However in order to give more flexibility in the selection of members to sit on the Hearings Sub-Committee, it was agreed that recommendation 3 in the report should be amended to allow members who had been involved in the initial assessment of the complaint to consider the complaint when it was determined by the Hearings Sub-Committee.

In relation to recommendation 7, the Committee noted that the requirement on the Monitoring Officer to keep the identity of the complainant confidential was not necessary in relation to anonymous complaints.

The Committee supported the principle in recommendation 8 of establishing a protocol for action by the Monitoring Officer in relation to initial assessment of complaints. In view of the demanding targets set for the handling of complaints, it was necessary to give some freedom of action to the Monitoring Officer to collect readily available information relevant to the complaint. However, it was noted that the reference to the "Allegations Sub-Committee" in paragraph 4.1 of Appendix 5 should be amended to the "Allegations Appeals Sub-Committee".

The Committee welcomed the Local Assessment Criteria. The Committee considered that the criteria were fair and workable but agreed that criteria 3 of paragraph B should be sub-divided into two separate factors.

RESOLVED that:-

(a) The recommendations set out in the Monitoring Officer's report be approved subject to the amendments/additions set out below:-

(i) the deletion of the words "the initial assessment or" in recommendation 3;

(ii) that recommendation 7 be amended to read:

"It is recommended that the Standards Committee adopt a policy decision that anonymous complaints should not be entertained."

(iii) the reference to the "Allegations Sub-Committee" in paragraph 4.1 of Appendix 5 be amended to the "Allegations Appeals Sub-Committee";

(iv) Paragraph B of Appendix 6 be amended to read:-

Circumstances when the Allegations Sub-Committee will refer a complaint to the Standards Board for England:

1. Complaints concerning the Leadership of the Council or in some cases the opposition.
2. Complaints from the Chief Executive and Monitoring Officer.

3. Instances where a large number of key people are conflicted out.
4. There is a risk of successful judicial review.
5. Instances where there has been national attention, or where the Standards Committee feels that the matter turns on an important point of interpretation of the Code (a test case).

(b) The Monitoring Officer be authorised to amend the Standards Committee Procedure Rules to reflect the changes contained in the report.

5. Work Programme

The Monitoring Officer presented a report suggesting a draft work programme for 2008/09. The guidance from the Standards Board advised that Standards Committee should have an agreed work programme. The Committee agreed that it should meet on a quarterly basis and asked that a schedule of meetings be drawn up for the ensuing municipal year. The Committee agreed that all the items identified by the Monitoring Officer should remain on the work programme but delegated authority to the Monitoring Officer, in consultation with the Chairman, to schedule these items once the dates of the meetings were known.

RESOLVED that:-

(a) A work programme for the Standards Committee be drafted for the ensuing municipal year based on the items set out in the Monitoring Officer's report;

(b) The Standards Committee should meet on a quarterly basis for the ensuing municipal year;

(c) The Monitoring Officer, in consultation with the Chairman, be authorised to schedule the items in the draft work programme once the dates of the meetings were known.