

STANDARDS COMMITTEE

MONDAY, 21 FEBRUARY 2005 at 10.00 am

PRESENT: Councillor Dodd (Chairman), Councillors Farmer (P), McDevitt and Stevenson

ALSO PRESENT: Councillor J Holland and Dr P Tiplady

ST.06/05 APOLOGIES FOR ABSENCE

There were no apologies for absence.

ST.07/05 DECLARATIONS OF INTEREST

There were no declarations of any personal or personal and prejudicial interests relating to any item on the agenda.

ST.08/05 MINUTES

The Minutes of the meeting of the Standards Committee held on 6 January 2005 were circulated.

RESOLVED – The Minutes of the meeting of the Standards Committee held on 6 January 2005 were received as a true record of the meeting.

ST.09/05 LOCAL INVESTIGATION OF STANDARDS COMPLAINTS

The Head of Legal and Democratic Services reminded Members that it was a requirement for an Independent Member to be present for a meeting of the Standards Committee to be quorate.

He informed Members that following the meeting on 6 January, it had become apparent that the term of tenure for the Independent Member present at the meeting had expired. It was therefore necessary to consider and ratify the Committee's deliberations with regard to the report on the Local Investigation of Standards Complaints which had been dealt with at that meeting.

A copy of the Head of Legal and Democratic Services report (LDS.59/04), informing Members of the effect of the new regulations and advice from the Standards Board for England on investigating Code of Conduct complaints locally and a suggested Model Procedure for carrying out local investigations had been re-circulated.

Members, in considering the report, questioned the Head of Legal and Democratic Services on the options open to the Monitoring Officer. The Head

of Legal and Democratic Services explained that the intention was that any investigation would be carried out using in-house resources wherever possible but, if this was not possible for whatever reason, then it was likely that assistance would be sought from neighbouring authorities to provide suitable investigators and, if this was not possible, then private sector support would be commissioned.

Members also commented on the decision as to whether any investigation should be carried out locally or by the Standards Board for England. The Head of Legal and Democratic Services drew Members attention to the guidance which had been received and circulated with regard to the investigation of Standards complaints, and it was noted that it was a judgement to be made by the Standards Board for England as to whether the investigation should be carried out locally by the Council or nationally by the Standards Board for England.

RESOLVED – (1) That the Committee re-affirm the decisions made by the Standards Committee at its meeting on 6 January 2005 as set out below:

- (i) that the Committee note the implementation of the regulations which enable complaints into alleged breaches of the Code of Conduct to be investigated locally and the Standards Board guidance would help such investigation to be carried out as summarised in report LDS.04/05;
- (ii) that subject to the amendments suggested by Members in relation to the procedure as set out in Minute ST.04/05, the Committee approve the procedure for carrying out local investigations attached as Appendix 1 to LDS.59/04 which reflect the Standards Board guidance on the matter;
- (iii) that the Committee note the proposal to monitor the potential budgetary consequences which may arise from the new duty to carry out local investigations;
- (iv) that the Head of Legal and Democratic Services be authorised to make appropriate amendments to both the previously approved procedures for hearing complaints following investigation and reports by Ethical Standards Officer and by a local Investigating Officer in order to bring them into line with the new regulations and guidance;
- (v) that the Head of Legal and Democratic Services circulate a copy of the above procedures for hearing complaints to Members and Officers and advise them that the Standards Committee will expect their co-operation in any local investigations carried out by the Standards Committee.

ST.10/05 PUBLIC AND PRESS

RESOLVED - That in accordance with Section 100A(4) of the Local Government Act 1972, the Public and Press were excluded from the meeting during consideration of the following items of business on the grounds that it involves the likely disclosure of exempt information, as defined in Paragraph Number 1 of Part 1 of Schedule 12A of the 1972 Local Government Act.

ST.11.05 APPOINTMENT OF INDEPENDENT MEMBER

The Head of Legal and Democratic Services reported (LDS.5/05) that there was currently a vacancy on the Standards Committee following the expiry of an Independent Member's term of office.

He informed Members that he had placed an advert in the local press to seek expressions of interest from individuals wishing to serve as an Independent Member as required under the current regulations. The Head of Legal and Democratic Services circulated a copy of an application which had been received from Mr A Fraser indicating that he was willing to continue for a further term of office.

The Head of Legal and Democratic Services drew Members attention to the regulations with regards to the appointment of Independent Members and also circulated guidance which had been produced by the Standards Board for England on the criteria which Members should have regard to in selecting an Independent Member.

RESOLVED – That the City Council be recommended to agree to the re-appointment of Mr A Fraser as an Independent Member on the Standards Committee for a further three year term from the date of appointment.

(The meeting ended at 10.10 am)