



MINUTES

STANDARDS COMMITTEE
FRIDAY, 3 FEBRUARY 2006
2.30 PM

Mr. C. Holtom
Mr. F. Mann
Councillor R Lovelock M.B.E.
Councillor J. Wilks
Councillor M. Williams
Councillor P Dolby
Councillor M. Exton
Councillor T. Holmes

PRESENT

Chairman
Vice-Chairman
SKDC
SKDC
SKDC
Braceborough and Wilsthorpe Parish Council
Stamford Town Council
Bourne Town Council

OFFICERS

Corporate Manager Democratic & Legal Services (Monitoring Officer)
Committee Support Officer

22. MEMBERSHIP

Councillor Exton was appointed the parish representative with voting rights for this meeting.

23. APOLOGIES

Apologies for absence were received from Councillor Rose.

24. DECLARATIONS OF INTEREST

There were none declared.

25. MINUTES OF THE MEETINGS HELD ON 23RD SEPTEMBER 2005, 21ST NOVEMBER 2005 AND 20TH DECEMBER 2005

Subject to the inclusion of Councillor Williams' apologies at the meeting on 23rd September 2005, the minutes of the meetings held on 23rd September, 21st November and 20th December 2005 were confirmed as true records of the decisions taken.

26. APPLICATIONS FOR DISPENSATIONS BY THE STANDARDS COMMITTEE

None received.

27. SITUATION REPORT - ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT

Report DLS62 by the Monitoring Officer outlining the current situation with allegations of breaches of the code of conduct was noted. The Monitoring Officer commented that he had been very happy with the procedure undertaken at the hearing on 20th December 2005. The way they used the procedure was a credit to the Committee. The Committee expressed their satisfaction with the way in which the Monitoring Officer fulfilled his role.

One of the parish representatives commented that, for training purposes, it should be normal practice for the non-voting parish representatives to remain in the meeting, but not participate, during the Committee's deliberations.

28. GOVERNMENT DISCUSSION PAPER - "STANDARDS OF CONDUCT IN ENGLISH LOCAL GOVERNMENT - THE FUTURE"

Decision:

That the Monitoring Officer writes on behalf of the Standards Committee to the Office of the Deputy Prime Minister in response to the Government Discussion Paper on Standards of Conduct in English Local Government expressing the Committee's agreement with the essence of the document, but reservations on matters that require further clarification.

The Chairman presented report DLS61 by the Monitoring Officer which outlined the vision for a future comprehensive conduct regime for local authority members and employees as per the Government Discussion Paper on Standards of Conduct in English Local Government: the Future. This had been produced by the Office of the Deputy Prime Minister. It was noted that in paragraph 23 of report DLS61, "muted" needed amending to "mooted".

The paper had recommended that Standards Committees have independent Chairmen and Vice-Chairmen. It was promising that this was already in place at South Kesteven. The Chairman added that it was important that elected members outnumber the independent members on the committee to ensure a majority with appropriate local government experience. This, however, was disputed by a member who suggested that public perception might be that there could be bias when other elected members were under investigation.

It had been proposed that initial assessments of all misconduct allegations would be undertaken by the Standards Committee and not the Standards Board. One member suggested that there could be a risk here that decisions by the committee could be influenced by expediency. There was also concern that the committee, having a majority of elected members, could be perceived to be biased. Other members suggested that being judged by one's peers was appropriate because if there were not a sufficient number of elected members deciding on an allegation, it could be seen to be undemocratic. Also, non-elected members may not necessarily understand the role, requirements and circumstances of being a councillor.

The committee discussed at length further implications for local assessment, investigation and determination. The Monitoring Officer suggested how the proposals could work practically. He was glad that initial assessment would be undertaken by the committee as this would give a better impression to the public and not put an individual officer at risk. One member suggested that given the experience of the Standards Board and the case examples they could access, they were the more appropriate organisation to make the initial assessment. This view was not common to the committee. Another member drew attention to the fact that if initial assessments were made by the committee, this would be in the public domain and therefore not fair to the individual were the complaint to be dismissed. The committee then considered whether or not, given that they would be privy to information prior to a hearing, they would be prejudiced against determining a complaint. Possible solutions to this problem were discussed, but it was suggested that this issue be raised in response to the paper and government guidance awaited.

Another major issue was resources for the increased activity of the Standards Committee. Although only the most serious allegations would be investigated, the Monitoring Officer advised on the high level of work involved in an investigation. It was suggested that the government needed reminding that it could not always rely on the goodwill and availability of volunteers for Standards Committees. The Council also needed to be aware of the potential costs.

The Monitoring Officer pointed out the new proposals to include an offence of bullying. This would require a redefinition of “friend” and “close personal associate”, although no further details were provided in the paper. It had also been proposed that the threshold for gifts would remain the same and the hospitality book would be available for public inspection. The committee considered this to be a sensible approach.

The committee briefly discussed politically restricted posts for council employees. The impression from the paper was that the government was looking to reduce the number of posts. This, however, was not clear and therefore clarity was required.

29. GOING LOCAL: INVESTIGATIONS AND HEARINGS

The Standards Committee watched a short film produced by the Standards Board for England. It used a dramatised scenario of a local investigation and hearing together with learning points for Standards Committee.

The committee found the film useful, well-constructed and well-made. Members were also encouraged that their recent hearing had been organised and run in a similar way to that on the film. The film, however, had included a pre-hearing, which the Standards Committee had not thought necessary for their hearing. The Monitoring Officer suggested that a pre-hearing could prejudice members by giving them information prior to a hearing. A member suggested that, given the quasi-judicial approach demonstrated in the film, it would not be appropriate

for the adjudicators (i.e. members) to attend a pre-hearing session. If, however, the pre-hearing was for procedural matters only, it may be appropriate for members to attend. It was suggested that if a pre-hearing did not take place, members could be criticised for not following guidance or, if it did take place, that member could be inadvertently influenced prior to a hearing. It was agreed that the new guidance be awaited for a solution to this issue.

30. TRAINING EVENT: MEDIATION AND MEMBER STANDARDS

Decision:

(1) That Fred Mann, Lucy Youles, Councillor Lovelock, Councillor Mike Williams, Councillor Wilks, Councillor Exton and Councillor Holmes attend the Lincolnshire County Council training event on 20th March 2006.

(2) That members give their feedback at the next meeting of the Standards Committee

The Standards Committee had been invited to a training event at Lincolnshire County Council on Mediation and Member Standards. The committee briefly discussed their approach to the event. They generally agreed with the setting up of a local standards forum as it was sensible to have common approaches and discuss ideas on training, resources and best practice.

31. DATES OF FUTURE MEETINGS

Decision:

That the following dates for meetings of the Standards Committee be included in the Council's draft programme of meetings:

- ***5th May 2006***
- ***7th July 2006***
- ***6th October 2006***
- ***2nd February 2007***

It was noted that this would be the Monitoring Officer's last meeting with the committee. He was thanked for his guidance in the past and had given the committee a very good start in its work. The Monitoring Officer replied, saying how easy the committee had been to work with; they had always taken a pragmatic and sensible approach to their work.

Members were reminded that the training event for Bourne Town Council would take place at 6.45p.m. at Bourne Town Hall on 28th February 2006.

32. CLOSE OF MEETING

The meeting closed at 4.15p.m.