

## **Standards Committee**

### **Minutes of the meeting held on 17<sup>th</sup> November 2008**

#### **Present:**

Mr J.A. Snadden – In the Chair  
Councillors Burns, Evans, Firth, O’Callaghan, Sandiford and Whitmore,  
Mrs E. Carmichael and Mrs A. Isles.

#### **ST/08/22 Minutes**

##### **Decision**

To approve as a correct record the minutes of the meeting held on 8<sup>th</sup> September 2008.

#### **ST/08/23 Communities in Control – codes of conduct for local authority members and employees**

A report of the City Solicitor was submitted advising the Committee of a consultation being carried out by the Department for Communities and Local Government (DCLG) regarding the proposed revision of the model code of conduct for local authority members together with associated changes to the Relevant Authorities (General Principles) Order 2001, and seeking the Committee’s comments on the consultation paper and the draft response set out in the report.

The Committee noted that the consultation period closes on 24 December 2008, and that within 3 months the DCLG will analyse the responses and produce a summary of them that will be taken into account in making decisions on the legislation that will revise the Code and the 2001 Order.

The main proposals forming the consultation were -:

- clarification of the application of the Code to conduct of members in their non-official capacity, making it clear that the Code will only apply to conduct that amounts to a criminal offence;
- definition of ‘criminal offence’ and ‘official capacity’ for the purposes of the Code;
- Standards committees and the Standards Board to cease investigations where allegations relate to criminal activity that is undergoing investigation by the police or is before the courts;
- amendment of the General Principles of the Code to clarify that the existing ten principles only relate to members conduct in their official capacity and introducing an eleventh principle – duty to abide by the law – that will apply to

members' conduct in their non-official capacity.

- definition of 'criminal offence' and 'official capacity' for the purposes of the General Principles.

In relation to Question 2 Members challenged the proposal to exclude from the Code all criminal offences capable of attracting fixed penalty notices, indicating that certain fixed penalty offences now involved personal standards behaviour and activity, such as public order offences, which it would be appropriate for the Standards Committee to consider as a 'criminal offence' under the Code and to exercise discretion in terms of how relevant the offence is in terms of assessing the extent to which a member's conduct has brought their office (as a councillor) into disrepute. The response to the consultation should therefore invite a classification of those fixed penalty offences that should not be defined as 'criminal offences' for the purposes of the Code in the interests of clarity and, equally importantly, of there being a consistency of approach by all local authorities.

Discussion also ensued about the deferment of ethical standards investigations pending the conclusion of initial conviction stage of the criminal process (Question 5) Members acknowledged the importance that parallel action should not prejudice the criminal process but felt that the response should better articulate that the Standards Committee would investigate the initial ethical standards complaint whatever the outcome of criminal proceedings. Members also highlighted that this approach might necessitate a review of the way that the Council dealt with quasi judicial processes in terms of evidence presentation in the interests of consistency.

## **Decision**

1. To note the DCLG's consultation and approve the draft response canvassed in the report to the proposed changes to the model code of conduct for local authority members and Relevant Authorities (General Principles) Order 2001, subject to the City Solicitor, in consultation with the Chair, reviewing the draft response to Question 2 about the exclusion of fixed penalty offences, and Question 5 to clarify the position about the suspension of ethical standards investigations pending the conclusion of criminal processes.
2. To agree that the revised response to the consultation paper is circulated to all members of the Council so that views can be fed back to political group officers.
3. To delegate to the City Solicitor authority to respond to the consultation paper.

## **ST/08/24 Monitoring report**

A report of the City Solicitor was submitted informing the Committee of the number and outcome of complaints that members of the Council had breached the Council's Code of Conduct made since the last monitoring report until 31 October 2008.

During this period 6 complaints were made, 5 under the Old Regime and one under the New Regime. In relation to the complaints handled under the Old Regime, none were referred by the Standards Board for investigation, and in the case of the sole complaint under the New Regime the decision of the Council's Standards (Assessment) Sub-Committee was to take no action. The complainant had not subsequently requested a review of the Sub-Committee's decision.

### **Decision**

1. To note the Standards Board for England's findings in relation to complaints against members during the period of 1 November 2006 to 31 October 2008.
2. To note the Standards Committee's findings in relation to complaints against members during the period of 1 November 2006 to 31 October 2008.
3. To request that brief summaries of the cases considered by the Assessment Sub Committee are maintained in a Register that can be presented at each meeting and which can be used as a reference point to assist members' consideration of future complaints.

### **ST/08/25 Ethical governance report**

A report of the City Solicitor was presented to update the Committee on developments in ethical governance matters. The Committee was advised that briefings for members on issues of ethical governance would be held on 22 January 2009 (morning); 26 February 2009 (afternoon); and 19 March 2009 (morning). If necessary an early evening session could also be added.

### **Decision**

To note the report.

### **ST/08/26 Dates of Panel meetings**

A report of the City Solicitor was submitted proposing dates for meetings of Panels A, B and C for the remainder of the Municipal Year.

### **Decision**

To approve the following arrangements for the remainder of the current Municipal year and to review the position at that time in the light of experience.

#### **Cycle 3**

- Panel A 17 November (prior to the Standards Committee)
- Panel B 1 December (0900)
- Panel C 15 December (0900)

**Cycle 4**

- Panel A 12 January 2009 (prior the Standards Committee)
- Panel B 26 January (0900)
- Panel C 9 February (0900)

**Cycle 5**

- Panel A 9 March (prior of the Standards Committee)
- Panel B 23 March (0900)
- Panel C 30 March (0900)

**ST/08/27 Annual Assembly of Standards Committees 2008**

Members felt that the Annual Assembly had again lacked the necessary member focus and felt that representations should be made to the Standards Board urging a more participatory approach for 2009

**Decision**

1. To note the report back from the Council delegates that attended.
2. To request the City Solicitor to draw members' concerns to the attention of the Standards Board for England and to urge a more participatory, member-focused and dynamic approach to the Assembly in 2009.

**ST/08/28 Register of Interests**

The Register of Interests (including gifts and hospitality received) recorded by members of the Council was submitted for inspection by the Committee.