

STANDARDS AND CONDUCT COMMITTEE

FRIDAY, 20TH JULY, 2012

PRESENT: Councillor E Nash in the Chair

Councillors C Campbell, B Gettings,
P Harrand and K Maqsood

Apologies: Councillors J Harper and B Selby

1 Appeals against refusal of inspection of documents

There were no appeals against refusal of inspection of documents in accordance with Procedure Rule 25 of the Access to Information Procedure Rules.

2 Exempt Information - Possible exclusion of the press and public

There were no resolutions to exclude the press and public.

3 Late items

There were no late items submitted to the agenda by the Chair for consideration.

4 Declaration of Disclosable Pecuniary and Other Interests

There were no declarations of disclosable pecuniary or other significant interests.

5 Apologies for absence

Apologies for absence were received from Councillor Janet Harper and Councillor Brian Selby.

6 Chair's Opening Remarks

The Chair welcomed everyone to the meeting and expressed her hopes that the new standards regime would lead to less frivolous and malicious complaints against Members, and that far fewer complaints would progress through the formal process. The Chair also encouraged Members of the Committee to continue the practice of the former Standards Committee in acting non-politically when dealing with complaints.

7 New Standards and Conduct Regime

The City Solicitor submitted a report setting out the new standards and conduct arrangements adopted by full Council and proposing terms of reference for the new sub-committee of the Standards and Conduct Committee.

Members discussed the procedure for considering complaints alleging a failure to comply with the Members' Code of Conduct. In particular, Members noted that the Standards and Conduct Committee and any sub-committee would be subject to the provisions in Part 5 of the Local Government Act 1972 and therefore those meetings would be held in public, even when complaints were being discussed. However, the Deputy Monitoring Officer advised the Committee that if confidential or exempt information is identified within the reports or appendices, it would be up to the Committee to decide whether the press and public should be excluded from the meeting during consideration of those items.

Members also discussed the time limit for complaints to be informally resolved and whether the subject Member would always be given 28 days in which to attempt to resolve the issue. The Deputy Monitoring Officer advised that the 28 day time period was primarily to help support the early informal resolution of complaints but that this could be extended in exceptional circumstances.

RESOLVED – Members of the Standards and Conduct Committee resolved to:

- (a) Note the new standards and conduct arrangements adopted by full Council;
- (b) Approve the terms of reference for the Consideration Sub-Committee; and
- (c) Agree the proposed substitute arrangements as set out in the report.

8 Review of the local codes and protocols

The City Solicitor submitted a report proposing amendments to some of the local codes and protocols to bring them up to date and asking the Committee to consider how they could be further improved in due course.

In relation to the Codes of Practice for the Determination and Planning Matters, Members commented that the sections on bias and predetermination needed to be reviewed following the clarification provided by the Localism Act 2011. The Committee concluded that further advice needed to be sought from Legal Officers on this subject.

In relation to the Protocol on Member Officer Relations, Members commented that the document was too detailed and required a thorough review in order to make it fit for purpose. The Committee concluded that it was minded to delete the contents of the Protocol from paragraph 5 onwards, but that the Chief Officer (Human Resources) and the City Solicitor be asked to review the Protocol and report back to the Committee.

RESOLVED – Members of the Standards and Conduct Committee resolved to:

- (a) Approve the amendments to the codes and protocols as shown in the appendices to the report;
- (b) Ask the Licensing Committee to review the Code of Practice for the Determination of Licensing Matters to ensure it is fit for purpose and to report back to the next available meeting of the Standards and Conduct Committee;
- (c) Ask the Joint Plans Panel to review the Code of Practice for the Determination of Planning Matters to ensure it is fit for purpose and to report back to the next available meeting of the Standards and Conduct Committee; and
- (d) Ask the Chief Officer (Human Resources) and City Solicitor to review the Protocol on Member Officer Relations and to report back to the next meeting of the Standards and Conduct Committee.

9 Standards and Conduct Committee Work Programme

The City Solicitor submitted a report presenting the Committee with a draft work programme for the remaining meetings of the municipal year.

Members made the following comments:

- In relation to the review of the Employee Code of Conduct, Members commented that the Chief Officer (Human Resources) should consider amending the Code to reflect the provisions of the new Members' Code of Conduct as far as possible.
- That the Committee should receive a breakdown of the number of complaints received in relation to the Members' Code of Conduct at each meeting.
- That the non-voting Parish Members of the Consideration Sub-Committee and the Independent Person should be invited to attend future meetings of the Standards and Conduct Committee to observe the proceedings.

RESOLVED – Members of the Standards and Conduct Committee resolved to note the work programme.