

## **Standards Committee**

**Monday 22<sup>nd</sup> January 2018 at 6.00 p.m.**

**at the Council House, Walsall**

### **Present**

Councillor Underhill (Chair)  
Councillor R. Burley  
Councillor K. Chambers  
Councillor E. Hazell  
Councillor R. Martin  
Councillor J. Murray  
Councillor G. Sohal

### **21/18 Apologies**

Apologies for non-attendance were submitted on behalf of Councillor K. Chambers, Arko Sen and Andy Green.

### **22/18 Substitutions**

The following substitutions were received for the duration of the meeting;

### **23/18 Minutes**

#### **Resolved**

That the minutes of the meeting held on 2<sup>nd</sup> October 2017, copies having been previously circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record subject to the inclusion of Andy Green as in attendance.

### **24/18 Declarations of interest**

There were no declarations of interest.

### **25/18 Local Government (Access to Information) Act, 1985 (as amended)**

There were no items for consideration in private session.

### **26/18 Review of the role of 'Independent Member**

The Head of Legal and Democratic Services stated that the report would provide information to the Committee in respect of the statutory role of the Independent Person in the complaints process in relation to Member conduct.

The Committee were advised that in Walsall there were 2 Independent Members, which was in line with good practice, who assisted the Monitoring Officer and

advised the Standards Committee with the determination of complaints in relation to councillor misconduct. The Independent Members in Walsall were active in their role and challenged at every stage.

A Member questioned if an Independent Member was permitted to be a member of a political party. The Head of Legal and Democratic Services explained that there were a number of exclusions for Independent Members in the legislation however being a member of a party political group was not one of them. Prospective independent Members were asked to attend a formal interview before being appointed. A discussion ensued on the difficulties that this could create. It was suggested that the social media activity of a prospective independent member could be researched to identify any political allegiances. The Head of Legal and Democratic Services stated that this was something that could be considered. However it was stressed that the proper process needed to be followed.

A Member asked if other standards committees followed the same criteria. The Head of Legal and Democratic Services stated that Walsall was rigorous in its approach. A Member questioned if there was a means for the independent person declaring such political memberships and if there was a process for dealing with such issues. The Head of Democratic Services stated that there were no formal processes set out in the legislation as far as he was aware. However he would take the issues discussed to the Black Country Chief Legal Officers group to see if they had a view. Members acknowledged that Walsall's two independent members carried out the role to a high standard.

**Resolved that;**

- 1. The Committee noted the contents of the report;**
- 2. The Independent Members were thanked for their role in supporting the Councils Standards regime.**

## **27/18 Process for Review of Complaints**

The Head of Legal and Democratic Services informed the Committee that the report would provide Members with information on how the Monitoring Officer carried out reviews of complaints. The Committee were advised that the Monitoring Officer had delegated authority to review every complaint brought against elected members under the council code of conduct. The Monitoring Officer would review each complaint and consult with the Councils independent person to make a decision as to whether or not the complaint merits formal investigation. It was stated that there was no right of appeal against the decision to refer the complaint for formal investigation.

**Resolved**

**That the Committee noted the contents of the report.**

## **28/18 Review of the Code of Conduct**

The Head of Legal and Democratic Services stated that the report proposed changes to the Councillor Code of Conduct which would be presented to Annual Council in May 2018. The report formed part of the consultation to consider the proposed changes. Members were advised that the changes had aimed to ensure that the code of conduct was more specific about what would constitute a breach.

A Member asked that the word 'expectation' was replaced with the word 'requirement' in 1.8 of the report on page 24 (annexed). The Head of Legal and Democratic Services stated that this could be considered and discussed the difficulties of requiring Members to attend training due to the absence of sanctions for non attendance.

It was agreed that the Head of Legal and Democratic Services would verify the inclusion of the word 'tenant' on page 33. The Committee were also advised that there was strong cooperation from all group leaders.

A Member noted that the phrase 'to serve the public' was no longer in the code of conduct and suggested that this was revised. The Head of Legal and Democratic Services explained that previously there had been some repetition and the revisions aimed to address this. Although elements may have been taken out the intention was that the revision were more specific and were underpinned by the Nolan principles.

A Member suggested that Members should be required to complete their declarations of interests on an annual basis or after a local election. The Head of Legal and Democratic Services suggested that this could be included with the DBS annual reminder.

### **Resolved**

**That the report be noted.**

## **29/18 Date of Next Meeting**

The date of the next meeting was confirmed as 24<sup>th</sup> April 2018.

## **29/18 Termination of Meeting**

There being no further business, the meeting terminated at 6.55 p.m.

Chair:

Date: