

Standards Committee

Monday 6 October, 2014 at 6.00 p.m.

at the Council House, Walsall

Present

Councillor Underhill (Chair)
Councillor Martin (Vice-Chair)
Councillor Andrew
Councillor Burley
Councillor Clews
Councillor E. Hazell
Councillor Murray
Councillor D. Shires
Councillor Worrall

In attendance

Mr. A. Green (observer)

59/14 Apology

An apology for non-attendance was submitted on behalf of Dr. A Sen.

60/14 Minutes

Resolved

That the minutes of the meeting held on 21 July, 2014, copies having been previously circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

61/14 Declarations of interest

There were no declarations of interest.

62/14 Local Government (Access to Information) Act, 1985 (as amended)

There were no items for consideration in private session.

63/14 Process for Review of Complaints

A report was submitted:

(see annexed)

The Committee considered the report on the process followed by the Monitoring Officer when undertaking investigations into complaints about Members under the Council Code of Conduct.

The Head of Legal and Democratic Services introduced the process currently followed. He highlighted that there was currently no appeal process following his review of complaints. He noted that he had not received any complaints about this and the majority of Councils operated a similar process. He recommended that this approach continue subject to a review in 12 months. He also suggested that Members could consider introducing a timeframe for complaints.

The Chair noted the feedback of Dr. A. Sen (Independent Member) who supported introducing an appeals mechanism. A briefing note containing Dr. Sen's comments was tabled at the meeting:

(see annexed)

Members were in favour of introducing a time limit to make complaints. A debate took place on the length of time this could be. The Committee concluded that a 3 month time limit would be reasonable with an exception if there were exceptional circumstances for delay.

In the light of no complaints about the process being received the Committee was not in favour of introducing an appeals process to the Monitoring Officer's review of complaint, this would be kept under review for a further 12 months.

A Member enquired whether it would be possible to suspend investigations into complaints made against Members who were due to stand for election in order to prevent malicious complaints? Other Members of the Committee noted the sentiment of the point but were concerned about delaying an investigation in any circumstances. The Head of Legal and Democratic Services suggested that he consider the matter and report back to a future meeting.

Resolved

- (1) That the complaints assessment criteria be approved.
- (2) That a 3 month time limit for complaints against Members be introduced except in exceptional circumstances where complaints outside of this time limit could be accepted.
- (3) That the process for the review of complaints be reviewed in 12

months.

- (4) That the Head of Legal and Democratic Services prepare a report considering whether investigations into complaints against Members can be suspended if the Member concerned is standing for re-election.

64/14 **Elected Members role in budget setting process**

A report was submitted:

(see annexed)

The Committee considered a draft guidance note on the role of all elected Members detailing their role in the budget setting process.

The Head of Legal and Democratic Services introduced the guidance note and explained the importance of the advice contained within it in the context of reducing Council services.

The role Members should take both formally in meetings and behind the scenes gathering information in order to be able make effective decisions was discussed. Members urged officers to be clear and concise when drafting reports to assist their understanding. The role of training was particularly important to assist with understanding budgetary issues.

Following a question the Head of Democratic Services advised the Committee on the need for the Council to set a budget and the consequences of not doing so. Members were reminded of the outcome of the judicial review of the Doncaster Council budget.

The meeting discussed scrutiny of the budget and reflected on the role that the former Corporate Scrutiny and Performance Panel played in scrutinising the complete Council budget. Some Members felt that there was a gap in the budget scrutiny process and other Members expressed the view that in practice budget setting scrutiny took place within political groups. The Head of Legal and Democratic Services agreed to reflect on this and advise Members. It was noted that the change in committee structure was a decision of Council.

Members questioned the most effective way of scrutinising the Council tax precepting of West Midlands Police Authority and West Midlands Fire and Rescue Authority and asked the Head of Legal and Democratic Services to advise them on the most effective methods of carrying this out.

Resolved

- (1) That "The role of the elected Member in the Budget Setting Process" briefing note be circulated to all Members.
- (2) That a briefing note explaining the difference between revenue and

capital budgets be prepared and circulated to all Members.

- (3) That the Head of Legal and Democratic Services advise the Committee on scrutiny of the budget setting process in the new committee structure.
- (4) That the Head of Legal and Democratic Services advise the Committee on the most appropriate methods of holding to account West Midlands Police Authority and West Midlands Fire and Rescue Authority regarding their Council tax precepts.

65/14 Sanctions under the arrangements for dealing with complaints

A report was submitted:

(see annexed)

The Committee considered the sanctions available for dealing with breaches of the Council Code of Conduct.

The Head of Legal and Democratic Services highlighted that since the Localism Act 2011 sanctions available to Councils against Members breaching the Code of Conduct were very limited. He highlighted examples of Members from across the country committing criminal behaviour and still holding onto their seats as the events were related to their behaviour as a private individual.

Members noted the limited powers available and acknowledged that behaviour in Walsall was largely self-policing through political groups. However, the Committee did recognise that the ability to place Members under sanctions, away from political groups, would be beneficial. Therefore Members requested that the Head of Legal and Democratic Services liaise with the Local Government Association regarding this matter and recommend they lobby government to increase sanctions if they are not doing so already.

Resolved

That the Head of Legal and Democratic Services contact the Local Government Association to establish whether or not they are lobbying the government for an increase in sanctions available to Standards Committees, if no lobbying is taking place the Standards Committee ask the Head of Legal and Democratic Services to write to the LGA recommending that lobbying on this matter does take place.

The meeting terminated at 6.56 p.m.

Chairman:

Date: