

Standards Committee

Monday 25 January 2016 at 6.00 p.m.

at the Council House, Walsall

Present

Councillor Underhill (Chair)
Councillor Martin (Vice Chair)
Councillor Burley
Councillor Clarke
Councillor Ditta
Councillor E. Hazell
Councillor Perry (Substitute)
Councillor Sohal (Substitute)

In attendance

Dr. A. Sen, Mr A. Green

97/16 Apologies

Apologies for non-attendance were submitted on behalf of Councillors Andrew and Murray.

98/16 Substitutions

The Clerk advised the Committee of the following substitutions:-

- Councillor Sohal substituting for Councillor Andrew; and
- Councillor Perry substituting for Councillor Perry.

99/16 Minutes

Resolved

That the minutes of the meeting held on 5 October 2015, copies having been previously circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

100/16 Declarations of interest

There were no declarations of interest.

101/16 **Local Government (Access to Information) Act, 1985 (as amended)**

There were no items for consideration in private session.

102/16 **Disclosure and Barring Service Checks for Members**

The Head of Legal and Democratic Services presented a report [annexed] which provided an update in respect of previous reports that had been considered by the Standards Committee.

Members were advised that there had been numerous correspondences with the Chair of the Disclosure and Barring Service Board and customer relations at The Disclosure and Barring Service.

It had been suggested by customer relations at The Disclosure and Barring Service that a basic disclosure from Disclosure Scotland would provide corroboration of self declaration and confirm that office holders are 'of good standing'. The Head of Legal and Democratic Services advised that, should it be the wish of Committee, he would contact colleagues in Human Resources to establish the process and mechanics of introducing the basic disclosures for Members, where appropriate.

A Member queried what was different between the Scotland and English checks and also how much it cost. It was confirmed that the Scottish checks only undertook basic disclosures at a cost of £46.00 per application.

A Member stated that elected Members were required to confirm on their declaration papers for election that they have not had a criminal conviction in 5 years. It was suggested that it would be more appropriate to undertake the disclosure prior to a candidate standing for election. The Head of Legal and Democratic Services accepted the point but re-iterated that the check for elected members would reinforce the self declaration. Another Member advised that often political parties did undertake checks for prospective candidates.

The proposal to carry out the additional check was supported by both independent members. Whilst it would not go as far as originally intended, it would ensure that the council was taking additional steps to ensure that safeguarding issues were taken seriously.

A Member supported this view stating that the Standards Committee had every right to push for probity and adopt high standards.

Another Member disagreed stating that the impact was lost once a person became elected given that they were already required to sign a declaration. The offer of a basic check was less than the original request for a full check and there was also a cost attached. It was also queried as to whether all

Members would undergo a check as many already had one for other purposes such as employment or in their roles as school governors. This member asked that the full financial implications in organising these checks were set out in the next report to Standards Committee.

The Head of Legal and Democratic Services advised that subject to approval by the Committee, he would consult Human Resource colleagues before bringing a proposal to the next meeting on the practical operation of undertaking the checks.

Resolved

That the Head of Legal and Democratic Services submits a further report to Standards Committee to be held on 26th April, 2016, detailing the practical operation of undertaking basic disclosure checks together with cost implications.

103/16 Consideration of an example complaint

The Head of Legal and Democratic Services advised that he had recently completed an investigation which could be used as a case study. It was clear that this item would benefit from detailed deliberation by the Committee at a future meeting.

The Chair supported this suggestion and recommended that the next meeting consisted of an item on Disclosure and Barring Service Checks for Members and consideration of an example complaint.

Resolved

That an item entitled 'consideration of an example complaint' be considered, in depth, at the meeting of Standards Committee to be held on 26 April, 2016.

104/16 Draft Guidance for members of the public on how complaints and Code of Conduct investigations are undertaken

The Head of Democratic Services presented a report [annexed] which detailed how complaints and Code of Conduct Investigations were undertaken.

The Head of Legal and Democratic Services highlighted that the original timescale to investigate complaints was 5 working days. This had been extended to 20 working days given that many complaints could be quite complex requiring statements to be gathered and witnesses interviewed. It was also stated that complaints often arose due to a misunderstanding from the public about elected members' roles.

Members were advised that the guidance and processes therein would only be tested once used. To date, a complaint had not been received that was of

sufficient significance to require full use of the process. It was highlighted that guidance issued was to deal with complaints at the lowest proportionate level.

In closing, it was explained that 14 to 15 complaints against members were received per year.

Members of the Standards Committee were supportive of the guidance and provided the following feedback:-

- The fact that Walsall has two independent members should be acknowledged within the procedure;
- A flowchart setting out the process including timescales would be welcomed;
- There should be provision to extend the 20 days deadline to investigate complaints, with the permission of the Chair, should the complaint require it;
- There should be reference to the Nolan Principles;
- The guide should be accessible to all including those with a disability;
- Standards Committee should be advised of the number of complaints lodged together with an explanation of what has been learnt;
- If a complaint reaches a hearing, the elected member should be able to be represented by another person without the permission of the committee.

The Head of Legal and Democratic Services agreed to consider the points raised and advised that reference to the Nolan principles were set out at the start of the Code of Conduct. He agreed that this could also be referenced within the guidance.

In terms of sanctions following investigation, the Head of Legal and Democratic Services advised that a number of common law sanctions could be implemented but highlighted that the power to suspend an elected member was no longer an option.

Resolved

That the report be noted.

Termination of Meeting

There being no further business, the meeting terminated at 6.50 p.m.

Chair:

Date: