

Standards Committee

Monday 5 October 2015 at 6.00 p.m.

at the Council House, Walsall

Present

Councillor Underhill (Chair)
Councillor Andrew
Councillor Burley
Councillor Ditta
Councillor E. Hazell

In attendance

Dr. A. Sen

89/15 Apologies

Apologies for non-attendance were submitted on behalf of Councillors Clarke, Martin and Murray and Mr. A. Green.

90/15 Minutes

Resolved

That the minutes of the meeting held on 21 July 2015, copies having been previously circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

91/15 Declarations of interest

There were no declarations of interest.

92/15 Local Government (Access to Information) Act, 1985 (as amended)

There were no items for consideration in private session.

93/15 Update on current national cases

The Committee were informed of recent National Standards/Code of Conduct cases for their information.

The Head of Legal and Democratic Services provided an update to Members on standards cases of interest. He reported on three cases namely:

- The case of Councillor Spencer Flower who was the only Councillor to have been convicted of a Code of Conduct offence after failing to declare a disclosable pecuniary interest in a meeting. This occurred as he was a Non-Executive Director of a local housing charity and he failed to declare an interest when considering a decision on a core strategy document.
- A copy of an independent investigators report into an alleged breach of the Code of Conduct in Brent by Councillor Lorber. This complaint revolved around allegations that Councillor Lorber breached the Code of Conduct during a series of e-mail exchanges with a local community organisation. The investigation found that Councillor Lorber had not breached the Code of Conduct rather that he had acted passionately and with fervour.
- Case 3 centred upon Cornwall Council's Councillor Brewer who made offensive remarks regarding disabled children. This was considered by a Standards Hearing Committee where Councillor Brewer was found to have breached the Code of Conduct. However, the Committee was unable to suspend him due to the lack of available sanctions currently available.

The Chair expressed her concern regarding the lack of available powers to Standards Committees to censure Members should they breach the Code of Conduct. Another Member noted, however, the examples demonstrated the grey areas regarding the Code which Members needed to navigate. The Chair added that Members should always be encouraged to ask for advice particularly when it came to whether or not they were required to declare an interest in a meeting.

The Independent Member suggested that a guidance note be prepared for members of the public to provide them with details about how to make a complaint about a Member but importantly to explain to them what factors the

Monitoring Officer would or would not be able to take into account during his investigation. It was felt that explaining this at the outset would assist in managing the expectations of local people with regard to the Monitoring Officer's investigations against local Members.

Resolved

- (1) That the Monitoring Officer write to all members providing them with details of these Code of Conduct cases for information.
- (2) That public guidance on how complaints and Code of Conduct investigations can be developed. This should be presented to the January 2016 meeting of the Committee for approval before being made available on the Council's website.

94/15 Process for the review of complaints

The Committee were provided with information in respect of how the Monitoring Officer carried out reviews of complaints under the Council's Code of Conduct.

The Head of Legal and Democratic Services explained how the time limits for investigations had been extended from 10 to 20 working days at Annual Council in June 2015. He explained that this was a more realistic timescale as often the complaints required interviews with many people in order to be able to complete a thorough investigation. He explained that in the last year only one complaint regarding the process had been received. This had been referred to the Local Government Ombudsman who had upheld the investigative approach taken by the Monitoring Officer. It was explained that the view of the independent person was welcomed by complainants who were pleased that independent challenge was being provided.

It was recommended to the Committee that the process was kept under review.

Resolved

- (1) That the process for the review of complaints be reviewed in 12 months time.
- (2) That the Committee consider an example complaint at a future meeting for information.

95/15 Feedback on disclosable pecuniary interest training

Members were provided with information on the recent disclosable pecuniary interests training.

The Head of Legal and Democratic Services provided members with feedback and analysis of the recent disclosable pecuniary interests training which had taken place on 2 September 2015.

The Chair was pleased with the feedback received and emphasised the importance of Members receiving training on topics such as this.

Resolved

That the report be noted.

96/15 Disclosure and Barring Service checks for Councillors

The Committee were updated on the current situation regarding correspondence with the Disclosure and Barring Service regarding the Committee's wish for all Members to be eligible to undergo a DBS check.

The Head of Legal and Democratic Services reported that the Chair had written to the DBS expressing the Committee's desire that all Members should be eligible to undergo a DBS check. He also reported that he had received some further correspondence from the DBS following some recent e-mails. This correspondence needed further analysis before being reported to the Committee.

The Committee Business and Governance Manager reported that he had followed up the Chair's letter with the DBS and raised a complaint about the delay in receiving a response.

The Committee emphasised their wish for all Members to be eligible for a DBS check and resolved to continue to pursue this issue to its conclusion.

The Committee asked the Head of Legal and Democratic Services to make a formal complaint to the DBS regarding the slow response to the Chair's letter.

Resolved

- (1) That the Head of Legal and Democratic Services write to the Disclosure and Barring Service to complain about the speed of the response to the Chair's letter of 13 August 2015.
- (2) That Disclosure and Barring Service checks for Councillors be considered at the next meeting of the Committee.

The meeting terminated at 7.00 p.m.

Chair:

Date: