

MINUTES OF: THE MEETING OF THE STANDARDS COMMITTEE

Date of Meeting: 20th September 2011

**PRESENT: Mrs I Divine, Independent Member (Chair)
Councillors L. Barnes, Cheetham (in part), Gill, McInnes (in part),
Serridge and Shipley
Whitworth Town Councillors D. Barnes and Mellor
Mr A Neville, Independent Member
Mr K Pilkington, Independent Member**

**IN ATTENDANCE: Sian Roxborough, Head of Legal
Jenni Cook, Committee Officer**

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies had been received from Councillor Essex (Councillor L Barnes substituting) and Councillor Kenyon, Councillor M. Smith (Councillor Serridge substituting) and Mr Andrew Buckle, Head of Customer Services and ICT.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. URGENT ITEMS

The Chair confirmed that there were no urgent items of business.

4. MINUTES OF THE PREVIOUS MEETING

Resolved:

That the Minutes of the Standards Committee held on 21st June 2011 be confirmed as a correct record.

5. CHAIR'S UPDATE

The Chair of the Standards Committee provided Members with an update as follows:-

Committee Membership

It was noted that Councillor M. Smith had been appointed to the Standards Committee and there were now no outstanding vacancies on the Committee.

Voting Rights for Co-opted Members

The Chair reported that following the Standards Committee's recommendation on 21st June, the report was taken to Governance Working Group on 6th July 2011. The recommendation to give Co-opted Members Voting Rights was not supported by the Governance Working Group and this amendment to the Constitution was not taken to full Council.

Standards Committee Work Plan

The Chair noted that the Standards Committee Work Plan had been amended to include the Annual Report of the Standards Committee. This would be brought to the March 2012 meeting ahead of its submission to Full Council, also in March 2012.

6. PUBLIC QUESTION TIME

There were no members of the public present.

7. LOCALISM BILL UPDATE

The Head of Legal and Democratic Services gave a verbal update on the progress of the Localism Bill through Parliament and explained it was currently being amended in the House of Lords. It was anticipated that the Localism Bill was at reporting stage and would be debated again in October 2011. Discussion took place regarding the amendments to the Bill that four Members of the House of Lords had put forward, which would:

- Make it obligatory for all local authorities to adopt a Code of Conduct for Members.
- Include the requirement to register and declare interests, as now.
- Have a code as proposed by the Local Government Association and the National Association of Local Councils (NALC).
- Remove the Bill's new criminal offence in relation to failure to declare an interest.
- Restore the power for Local Authorities themselves to suspend Members found guilty of serious misconduct.
- Require, as now, Council to have a Standards Committee with independent Members with an appeals mechanism drawn from local government.

It was noted that following the October debate, a further report would be brought to the November meeting of the Standards Committee.

Members discussed the update and the following comments were made:-

- The historical overview of the Code of Conduct and the improvements made to Councils following its implementation.
- Members noted that the removal of the criminal offence item was a sensible recommendation, as the cost of a Police investigation was disproportionately high in comparison to a Monitoring Officer or Standards Board investigation.

Resolved:

1. That the update is noted.

8. LOCAL GOVERNMENT OMBUDSMAN ANNUAL LETTER FOR THE YEAR ENDED 31ST MARCH 2011 AND ANNUAL COMPLAINTS REVIEW

The Head of Legal and Democratic Services outlined the report which informed Members of the Local Government Ombudsman's Annual Letter 2010/11 and also provided an annual update on complaints and compliments received by the Council during the same year.

The Local Government Ombudsman had made decisions on 14 enquiries during the year and 8 complaints had been forwarded to the investigative team (the figure includes any carried forward from the previous year). It was noted that 4 had been resolved with a local settlement, 1 had been resolved as no maladministration (no report) and 3 had been closed at Ombudsman's discretion (no report). In addition, the Council were required to respond to initial enquiries within 28 calendar days. During 2010/11 the average response time was noted as 18.0 days which was an improvement on the previous years figures of 22.3 days (2009/10) and 44.0 days (2008/09). It was noted that when complaints were open, regular liaison meetings took place between the Head of Legal and Democratic Services and the Liaison Officer to ensure deadline compliance and to discuss any issues.

Clarification was provided regarding premature complaints and it was noted that if the Council had not had sight of a complaint prior to its submission to the Local Government Ombudsman, then the Council was usually given the opportunity to progress it through its formal complaints system for 12 weeks.

It was noted that the Local Government Ombudsman currently had 1 full investigation ongoing.

The Head of Legal and Democratic Services outlined the complaints and compliments received by the Council during 2010/11. It was noted that a weekly summary report was circulated to the Senior Management Team and Councillors which displayed progress with deadline compliance.

It was noted that there had been an overall reduction in complaints received, being 85 during 2010/11, compared with 110 in 2008/09. In addition the overall average time to deal with complaints across all service areas had decreased slightly from 6.6 days in 2009/10 to 6.5 days in 2010/11. It was noted that email had become a popular method of registering complaints; however during 2010/11 a resurgence of complaints by letter had been recorded.

The Head of Legal and Democratic Services noted that officers were required to assess whether a complaint was justified or unjustified. Out of the 85 complaints received during 2010/11, 17 were seen to be justified, 56 were seen to be unjustified and 12 were seen to be partially justified.

It was highlighted to Members that 2010/11 had seen a significant increase in the number of compliments received, being 237, which was an increase from the 2009/10 figure of 89. It had been determined that there were two main reasons for this, being the inclusion of data from satisfaction surveys (e.g. STAN and Building Control) and the inclusion of internal customer compliments (e.g. Legal Services).

Members discussed the report and the following comments were made:-

- It was noted that complaints were able to be made via the Council's Neighbourhood Forums and confirmed that a Senior Officer and a member of the Communities Team usually attended each Forum.
- The increase in compliments was noted.

Resolved:

That the report is noted.

9. BRIBERY ACT 2010

The Head of Legal and Democratic Services outlined the report which informed Members of the Bribery Act which had come into force on 1st July 2011 and introduced the Anti-Bribery Policy. The Act defines 'bribery' as giving somebody financial or other advantage to encourage that person to perform their functions or activities improperly or to reward that person for having already done so. Members were asked to recommend approval of the Policy by the Cabinet. The Policy had been based upon the Chartered Institute of Public Finance and Accounting Model (CIPFA). It was noted that the Act only dealt with bribery and not other forms of corruption and/or white collar crime. In addition, it was clarified that no-one can be prosecuted in England unless the Director of Public Prosecutions or the Director of Serious Fraud Office is personally satisfied a conviction is more likely than not and is in the public interest.

The Head of Legal noted that the Policy would sit alongside the current safeguards and good governance in place, such as the Standards Committee, Risk Management Policies and Procedures, Registers of Gifts, Hospitality and Entertainment, etc. The Policy had been presented to the Management Team in July 2011 and would be taken to the JCC Committee on 22nd September 2011. Consultation had been carried out with Council officers.

The Head of Legal and Democratic Services noted that a training session would be carried out for Officers in October 2011. A session for Members was timetabled into the Member Training Schedule for February 2012. Members' attention was drawn to the 'Quick Guide' available on the Ministry of Justice's website.

Members discussed the report and the following comments were made:-

- Members noted that there were several similar procedures in place already. The Head of Legal and Democratic Services noted that although there was no statutory requirement to implement this Policy, it was considered good practice to do so.

Resolved:

1. That Cabinet be recommended to approve the Anti-Bribery Policy and Procedure.
2. That Cabinet be recommended to authorise the Head of Legal and Democratic Services, in consultation with the Director of Business to review existing relevant policies and procedures and amend as necessary, to comply with the new legislation.
3. That Cabinet be recommended to delegate all future minor amendments to the Anti-Bribery Policy and Procedure to the Head of Legal and Democratic Services, in

consultation with the Portfolio Holder.

10. RECOMMENDATIONS FROM INTERNAL AUDIT

The Head of Legal and Democratic Services introduced the report which outlined the recommendations made by the Council's Internal Auditors which suggested the following:-

- That the Members register of interests be published on the Council's website.
- That the Members Code of Conduct in Part 5 of the Constitution be amended at Part 3 Paragraph 13 to add:-
 - 3) That members update their Register of Interests on an annual basis after each election to confirm that there are no changes or to confirm that changes have occurred since they last submitted their interests. This will apply to all members, and not just new or re-elected members.
- That Members are asked to update their register of interests on an annual basis after each election to confirm that there are no changes or to confirm that changes have occurred since they last submitted their interests. To apply to all Members and not just new or re-elected Members.

The Head of Legal and Democratic Services noted that other Councils did publish Members interests, however, noted the opinion of Standards for England, which state that this should only be done with the individual consent of each Councillor due to data protection issues. It was further noted that the Register of Interests was a publically available document, which resided with the Monitoring Officer.

It was noted that at present, 2 members had failed to return their register of interests form.

Members discussed the report and the following comments were made:-

- Concerns were expressed regarding the publishing on the website, particularly with regard to personal safety and security.
- The current register of interests form was discussed and further information was required on whether the form could be amended or split into sections.
- Further information was requested regarding whether Members had to specify their actual address/employer on the form.

It was noted that this item was on the published agenda for Full Council which would take place on 28th September 2011. The recommendations would ask Full Council to defer this item, pending further investigations into the concerns of the Standards Committee.

Resolved:

1. That both the recommendations in the report be deferred due to concerns raised by the Standards Committee and Full Council be recommended not to approve publication of the Members Register of interests on the Council's website, pending further investigation into the content of the register of interests form and the format in which Members interests may be published.
2. That any future recommendations to publish Members interests be amended to include the views of Standards for England which state that interests should be published 'with

the individual consent of each Councillor’.

3. That the matter raised by Members be investigated and brought back to the November 2011 meeting of the Standards Committee.

11. EXCLUSION OF PUBLIC AND PRESS

Resolved:

That the public and press be excluded from the meeting during consideration of the following item of business on the grounds that it involves disclosure of exempt information relating to the financial or business affairs of any particular person (including the authority holding that information) under Part 1 Paragraph 2 of Schedule 12A to the Local Government Act 1972.

12. STANDARDS COMPLAINTS UPDATE

The Head of Legal and Democratic Services provided Members with a verbal update on complaints to the Standards Committee since the last meeting and the implementation of recommendations from a Standards Assessment Sub-Committee with regard to usage of social media by Elected Members. It was noted that that the relevant deadlines had been complied with.

Resolved:

1. That the update is noted.

The meeting commenced at 6.30pm and concluded at 7.40pm

CHAIRMAN