

STANDARDS COMMITTEE

MINUTES OF A MEETING of the Standards Committee held on Monday 12 June 2006 at 4.00 pm in the Civic Offices, Portsmouth.

(NB: These minutes should be read in conjunction with the agenda for the meeting.)

Present

Councillor Frank Jonas (Standing Deputy)
Councillor Hugh Mason (Standing Deputy)
Councillor Jim Patey
Councillor Paula Riches (Standing Deputy)

Independent Members

Dr David McIntyre
Mr Peter Parham
Ms Antonia Simpson
Mr John Woods

Southsea Town Council Representative

Town Councillor Chris Davey

11 Welcome to New Members (AI 1)

Mr Stephen Kerr, the Deputy Monitoring Officer, introduced himself and invited members and officers present to formally introduce themselves so that the new members on the Committee became acquainted with their colleagues.

12 Appointment of Chair (AI 2)

The Deputy Monitoring Officer called for nominations to the position of chair. Mr Peter Parham was then elected Chair of the Standards Committee for the 2006/07 municipal year.

(MR PETER PARHAM IN THE CHAIR)

13 Apologies for Absence (AI 3)

Apologies for absence had been received from Councillors Richard Jensen, Howard Jones, Eleanor Scott, Simon Boshier and Lee Mason. (Councillors Hugh Mason and Paula Riches were in attendance as Liberal Democrat standing deputies. Councillor Frank Jonas was in attendance as the Conservative Group standing deputy.)

14 Declaration of Members' Interests (AI 4)

Councillor Hugh Mason and Town Councillor Chris Davey declared personal, non-prejudicial interests in any matters relating to Southsea Town Council by virtue of their respective positions as Town Councillors.

15 Minutes of Standards Committee Meeting held on 27 February 2006 (AI 5)

(TAKE IN MINUTES)

RESOLVED that the minutes of the Standards Committee meeting held on 27 February 2006 be confirmed and signed by the Chair as a correct record.

16 Matters Arising from the Minutes

(i) Minute 3 - Southsea Town Council – Criminal Records Bureau (CRB) Checks

Town Councillor Chris Davey advised the Committee that Southsea Town Council's view in respect of CRB checks was that it would not insist on its members being CRB checked, thereby incurring what the Town Council regarded as unnecessary expense, until meaningful powers had been devolved.

(ii) Minute 6 - District Auditor's Report - Provision of Information to Councillors

The Committee Support Manager referred to resolution (1) in this minute and reported the comments of the Chief Executive in respect of it. The Chief Executive had indicated that she was willing, as far as practicable, to comply with the spirit of the resolution but that it might not always be possible for her to do so. Investigations relating to the leaks of sensitive information had a significant resource implication on her and her staff and there may therefore be times when she would need to make a judgement that there were tasks of an equal, or higher, priority that would need to take precedence. The committee noted the reported comments from the Chief Executive, observing that if the Standards Committee membership felt that this issue was not being given sufficient priority then they had the option of reporting to the City Council.

Councillor Hugh Mason indicated that he had spoken to the Chief Executive himself and that she had agreed with the Committee's view that the use of the exclusion of press and public resolution should be used sparingly.

17 Access to Local Authority Information – Local Government Act 1972 – Schedule 12A (AI 9)

(TAKE IN REPORT)

With the agreement of the Chair this item was taken out of sequence to allow the Democratic Services Manager to attend another meeting.

DSM

The Democratic Services Manager explained that the previous 15 categories that allowed a City Council committee to exclude the press and public had now been reduced to seven, with a public interest test having to be applied whenever the use of a resolution to exclude the press and public was being considered. The Democratic Services Manager indicated that he intended circulating a copy of the report to all members of the Council for their information.

Members of the committee welcomed the trend that was apparently developing within the City Council, with only a small number of reports that genuinely contained prejudicial information now being considered out of the public domain. Members were encouraged by the fact that the City Council seemed to be becoming more open in its dealings with the press and public and regarded this as being a positive development.

DMO/
DSM

In response to questions relating to the applicability of the new regulations to Southsea Town Council the Democratic Services Manager and Deputy Monitoring Officer confirmed that they would research this point and advise both the committee members and Southsea Town Council.

RESOLVED that the report be noted.

18 Monitoring Officer Investigation (AI 6)

DMO/
CSM

The Deputy Monitoring Officer advised the committee that there would need to be a sub-committee hearing to consider a report from him in the near future. The appointment mechanism for the sub-committee would be in accordance with minute 8/06 of the attached minutes of 27 February 2006 meeting. Members would be canvassed in due course regarding a date for the sub-committee hearing.

RESOLVED that the imminent need for a sub-committee hearing to consider the report from the Deputy Monitoring Officer and the appointment mechanism that would be used (see minute 08/06) be noted.

19 Adjudication Panel for England (AI 7)

The Deputy Monitoring Officer explained that adjudication panel hearings were undertaken in the manner explained on the agenda. The facts that were not in dispute were not heard in public and the practice of the adjudication panel tribunals was therefore to deal only with issues that were contested.

Councillor Hugh Mason indicated that he had been advised that the expressions of surprise which he had been aware of, in relation to the case that had been mentioned at the last meeting, was not so much over the agreed procedure but the lack of opportunity to query statements that were made and which were felt to be challengeable. Councillor Mason indicated that he was aware of a number of members of the public who had expressed surprise at there apparently being no procedural mechanism allow a challenge to a statement at the hearing itself. He asked whether the adjudication panel procedures were readily available so that members of the Standards Committee could consider them.

RECOMMENDED (1) that the report be noted;

DMO

(2) that the Deputy Monitoring Officer investigates the processes used for adjudication panel hearings and provides any such information he is able to obtain to members of the Standards Committee.

20 Appointments (Southsea Town Council and Portsmouth City Council) (AI 8)

The committee noted that Mr Robert Park had now been formally appointed as the Clerk to Southsea Town Council and that Mr Michael Lawther, City Solicitor, would assume the position of Monitoring Officer at the City Council with effect from the first day of his employment on 3 July 2006.

RESOLVED that the respective appointments be noted.

21 Code of Conduct Investigations (AI 10)

(TAKE IN REPORT)

The Deputy Monitoring Officer advised that ongoing cases in the attached schedule had been anonymised to avoid the possibility of prejudicing any future cases that Standards Committee members might be required to hear.

Members of the committee noted with regret that a number of the cases that had been reported to the Standards Board appeared to be frivolous. They were disappointed that many of them would be regarded as trivial complaints yet they clearly required huge amounts of needless work to be undertaken.

Members indicated that they would welcome guidance from the Standards Board over the degree of seriousness relating to an allegation that should automatically be reported to the Standards Board. The current guidelines in the Code of Local Government Conduct were felt to be unclear. Members asked that the Deputy Monitoring Officer notify the Standards Board of the Committee's concerns over the current phrasing of the code of conduct, pointing out that they felt that it left too much room for interpretation.

RESOLVED (1) that the code of conduct investigations outlined in the attached schedule from the Deputy Monitoring Officer be noted;

DMO

(2) that the Standards Committee wish for greater clarification and guidance from the Standards Board be notified to the Standards Board in relation to the requirement to report cases.

22 Dates of Future Meetings

It was noted that the Standards Committee was due to meet again on Monday 6 November 2006 and Monday 12 March 2007. Members were asked to note these dates in their diary.

In submitting his apologies for absence, Councillor Richard Jensen had asked the committee to consider whether alternative days and times might be feasible. The Democratic Services Manager indicated that members would be canvassed to see if there was any particular wish to change the existing arrangements.

The meeting closed at 5.05 pm.

Chair

NE/DMF
20 June 2006
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