

STANDARDS COMMITTEE

MINUTES OF A MEETING of the Standards Committee held on Thursday 21 September 2006 at 4.00 pm in the Guildhall, Portsmouth.

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

Present

Councillor Simon Boshier
Councillor Hugh Mason (Standing Deputy)
Councillor Lee Mason
Councillor Jim Patey
Councillor Paula Riches (Standing Deputy)

Independent Members

Dr David McIntyre
Mr Peter Parham (Chair)
Ms Antonia Simpson

23 Apologies for Absence (AI 1)

Apologies for absence had been received from Councillors Richard Jensen, Howard Jones, Eleanor Scott, Town Councillor Chris Davey and Mr John Wood. Councillors Hugh Mason and Paula Riches were in attendance as Liberal Democrat standing deputies.

In submitting his apologies for absence Councillor Howard Jones indicated that he would like the Committee to be aware of his difficulties in attending meetings on particular days and times and that this information be brought to the Committee's attention. Councillor Jones indicated that he was more likely to be able to attend Committee meetings if they were held on a Friday or during the daytime before 4.00 pm.

24 Declaration of Members' Interests in accordance with Standing Order 14 (AI 2)

There were no declarations of interest.

25 Minutes of Last Meeting - 12 June 2006 (AI 3)

(TAKE IN MINUTES)

RESOLVED that the minutes of the Standards Committee meeting held on 12 June 2006 be confirmed and signed by the Chair as a correct record.

26 Matters Arising from the Minutes

(a) Minute 17 - Access to Local Authority Information - Local Government Act 1972 – Schedule 12A

The Democratic Services Manager confirmed that the new regulations referred to in this minute did not apply to Southsea Town Council.

(b) Minute 18 - Monitoring Officer Investigation

The City Solicitor indicated that there were now two local matters that needed to be considered, one of which was the case referred to in minute 18.

Subsequent to the 12 June 2006 meeting, the City Solicitor had been made aware of an additional case that might require local consideration. In respect of this extra case the complainant was, however, not offering their full co-operation. The City Solicitor advised that the time scale within which the matter would be brought before members of the Committee was therefore uncertain.

The Committee noted the situation but indicated that they would welcome a standing agenda item in the future, outlining the status of ongoing code of conduct investigations that were under investigation.

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RESOLVED that, until further notice, the City Solicitor report to each meeting of the Standards Committee with a summary explaining the status of ongoing code of conduct investigations.

(c) Minute 19 - Adjudication Panel for England

The City Solicitor referred to case tribunal procedures in respect of the Adjudication Panel which were laid out on the Adjudication Panel's own website

http://www.adjudicationpanel.co.uk/documents/case_tribunal__procedures_v2aug06_copy1.pdf.

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The Committee asked that the City Solicitor bring forward an item to the next meeting which explained the procedures that would be used as and when it was necessary to convene sub committees to hear cases that had been referred back by the Standards Board for England (minute 08/06 refers).

(d) Minute 22 - Dates of Future Meetings

Noting Councillor Jones' apologies and the indication as to what might be more convenient times for him to attend Standards Committee meetings, members indicated that it would be helpful to know, in advance of the Annual Council meeting, the days and times at which particular committees would be expected to meet on. This would assist in helping individual Councillors to identify which of the Council's Committees and Panels that they could best offer themselves for

appointment to.

Members indicated their wish for Standards Committee meetings to be held when the majority of members and/or their Standing Deputies (if applicable) could attend. Those members who were in paid employment indicated that it was sometimes difficult for them to attend meetings that were scheduled to take place between 9.00 am and 5.00 pm. It was, however also pointed out that members of the committee with childcare and/or dependent care may have similar difficulties If meetings were held in the late afternoon or early evening.

The City Solicitor reminded members that the Standards Committee was now the body that would consider the possibility of dispensations being granted, for example in cases where the need to declare interests would otherwise affect the political balance of a Committee. In such cases, the requirement to call meetings of the Standards Committee was only likely to become known after despatch of an agenda. Any such meetings of the Standards Committee, to consider dispensations, would inevitably need to be called at short notice.

In respect of complaints and local matters for determination that would be brought before sub-committees (of the Standards Committee) key factors in relation to the timing and setting up of these would be (i) the availability of members to serve on the relevant sub committee and (ii) the member(s) about whom a complaint had been made. The need for such meetings and the days/times upon which they might need to be held were impossible to predict. The City Solicitor did, however, advise that he expected the majority of any such sub committees to be likely to last approximately 2-4 hours.

The Democratic Services Manager and the Committee Support Manager reminded the meeting that the standing deputy mechanism offered some comfort to elected political representatives, in that their respective party groups were permitted to send named substitutes for absent colleagues. It was also pointed out that one of the limiting factors in terms of ensuring that the Standards Committee was always quorate was the need to ensure a minimum of one of the four independent members always being available (the Committee only being able to conduct business if at least one independent member was present.) The City Council itself had also indicated its wish that, wherever possible, the Standards Committee Chair should be an independent member.

DSM

The Democratic Services Manager agreed to write to the respective Group Leaders in advance of the Annual Council meeting to advise them of the days, times, expected frequency and known factors that might need to call meetings at short notice for all of the Council's Committees (based upon the previous year's experience for each.)

27 Establishment of a Governance and Audit Committee (AI 4)

(TAKE IN REPORT)

The Democratic Services Manager introduced the report, which he confirmed would also be considered by the General Purposes Committee and the City Council. The report addressed governance issues in the light of CPA guidance and also views expressed by the District Auditor. It sought agreement to the notion of allocating responsibilities for functions to the most appropriate committee, rather than the present, slightly ad hoc arrangements. The report also sought to address the issue of member training and development.

During a wide-ranging discussion, members indicated that matters of ethical governance seemed, as far as they were concerned, to be appropriately located within the Standards Committee's terms of reference. As such, they felt that the following bullet points in recommendation 3 should remain within the Standards Committee terms of reference, particularly given the recently enhanced role (and numbers) of independent members on the committee.

- Overview of complaints handling and ombudsman investigations
- Overview of the City Council's whistle blowing policy
- Oversight of the constitution

In response to questions, the Democratic Services Manager confirmed that in the event of the recommendations being approved, the General Purposes Committee would cease to exist. Members commented that it may be more appropriate for any new committee regime to be introduced at the beginning of a municipal year, particularly given the earlier discussions that they had had regarding dates and times of meetings and providing members with a degree of expectation as to when particular committees might meet. They therefore suggested that any changes should only come into effect at the commencement of the new municipal year.

Members asked that their views be reported to the General Purposes Committee.

RECOMMENDED that (1) a Governance and Audit Committee, comprising 6 members (in political proportionality) together with standing deputies, be created as a regulatory committee with the functions and responsibilities set out in Appendix B of the report (amended as shown below) ;

(2) the Chair of the Governance and Audit Committee be a member free of Executive functions or responsibility for chairing a policy and review panel;

(3) the functions of the Standards Committee be revised –

(a) to exclude the following matters (which should now become the responsibility of the Governance and Audit Committee) -

- Power to make or amend standing orders relating to contracts,

- and financial standing orders or regulations in relation to the conduct of council business;
 - **Monitoring the question of the provisions relating to call in and urgency set out in Part 3 of the Constitution and submitting an annual report to the City Council if necessary;**
- (b) to include responsibility for member training and development.

(4) the functions of the General Purposes Committee be re-allocated to the Governance and Audit, Development Control and Licensing Committees in accordance with the details set out in Appendix C of the report;

(5) arrangements be made for members of the Governance and Audit Committee when appointed to receive appropriate training in their role and responsibilities.

(6) these changes come into effect from the Annual meeting of the City Council in May 2007.

28 Fifth Annual Assembly of Standards Committees, 16-17 October 2006 (AI 5)

The City Solicitor advised that in his view, it would be helpful if the City Council were to be represented at the Annual Assembly of Standards Committees as it was a particularly significant training event in the calendar year for both Monitoring Officers and chairs of Standards Committees. The Annual Assembly was also used as a sounding board or launch pad for new policy and legislative initiatives.

While noting that the Executive had previously expressed some reservations in relation to City Council members or officers attending conferences or other events involving overnight stays at the Council's expense the City Solicitor pointed out that the Executive's previous decision in respect of events requiring overnight stays had not been intended to apply to essential business meetings or training courses.

RESOLVED that (1) the programme of events for the fifth Annual Assembly of Standards Committees be noted;

(2) the Standards Committee be represented by the Monitoring Officer and the independent chair of the Standards Committee at the fifth Annual Assembly of Standards Committees being held on 16 and 17 October at the International Conference Centre in Birmingham.

29 Standards Committee Future Work Programme (AI 6)

The City Solicitor indicated his intention was to try and make sure that members received adequate training and that any training needs that they themselves identified were actioned and met, if at all practical and appropriate. The City Solicitor confirmed that there were a number of issues

of interest to Standards Committees that were potentially subject to change in the near future, for example, the Code of local government conduct and an enhanced role for Standards Committees in becoming the first 'sifting' body for complaints against members. The City Solicitor asked that members notify him of any training that they particularly wanted to see being organised.

Members of the committee indicated that they would welcome training on hearing complaints, which were often items of the utmost sensitivity. They also indicated that they would welcome the views of the Monitoring Officer and a full and frank discussion regarding ways of minimising the leaks of sensitive, confidential information that they perceived as often being detrimental to the City Council's interests.

City
Solicitor

The City Solicitor indicated that he would write to all members of the Council to ask for their ideas in relation to training and that he would bring a report back to a future meeting outlining his suggestions for a formal work programme.

30 Date of next Meeting

Members noted that the next meeting of the Committee was currently scheduled for Monday 6 November at 4.00 pm.

The meeting closed at 5.45 pm.

Peter Parham
Chair of Standards Committee

NE/DMF
28 September 2006
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