

STANDARDS COMMITTEE

MINUTES OF THE MEETING of the Standards Committee held on Monday 3 November 2008 at 4.00 pm in the Guildhall, Portsmouth.

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

Present

Councillors Simon Boshier (until 6.45pm)
Alistair Thompson
Paula Riches (until 6.45pm)
Donna Jones
Darron Philips

Independent Members

Peter Parham (Chair)
Peter Wyles
John Wood

Southsea Town Councillors

Councillor Peter Eddis
Councillor David Yates (until 6.30pm)

Officers Attending

Jan Paterson, Head of HR Recruitment, Learning & Development
Stephen Kerr, Deputy Monitoring Officer
Michael Lawther, City Solicitor
Carol Cunningham, Corporate Complaints Officer
Marina Martin, Operations Manager

47 Apologies for Absence (AI 1)

Apologies for absence were received from Mr Andrew Mackay, Mr Mervyn Cowdrey and Councillor Eleanor Scott.

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

David Yates and Peter Eddis both declared personal and prejudicial interests in relation to item 5. Councillors Alistair Thompson, Darron Phillips, Paula Riches, Donna Jones and Simon Boshier all declared a personal but non-prejudicial interest in relation to item 5.

49 Minutes of the Standards Committee Meeting held on 9 September 2008 (AI 3)

RESOLVED that the minutes of the Standards Committee meeting held on 9 September 2008 be confirmed and signed by the Chair as a correct record.

50 Report on Councillors' CRB disclosures from Assistant Head of Human Resources (AI 4)

(TAKE IN REPORT)

Jan Paterson, Head of HR Recruitment, Learning & Development, explained that the City Council is currently in the process of ensuring that all 42 councillors are covered by an enhanced CRB disclosure and that a four year rolling programme will commence thereafter. During discussion the following points were made.

- The committee expressed concern that there were still members of the City Council who had not submitted their CRB forms and were especially concerned that a Cabinet Member is among those who have not yet submitted a form. The City Solicitor agreed to pursue this matter with the utmost vigour and would endeavour to get all the forms completed by councillors who have not yet done so and lodged with the CRB. The committee instructed the City Solicitor to impose a deadline for return of a completed CRB form of seven days from being contacted. The committee also suggested that group leaders be contacted at the same time so as to be made aware of those members whose CRB forms are still outstanding.
- The committee requested that the City Solicitor should contact all members of the Standards Committee once the seven day deadline has expired so as to keep members of the Standards Committee informed. It would be up to the Standards Committee to then decide what action to take if the information received was not satisfactory.
- It was suggested that the Constitution Working Party should look at possibly building in the CRB requirements into the constitution.
- It was agreed following discussion that the independent members of the Standards Committee would be CRB checked and that the costs would be met by the City Council.
- It was agreed that the two Southsea Town Councillors would also be CRB checked and that this would be funded by the members' budget.
- The Chair read an email received from Councillor Eleanor Scott suggesting that responsibility for CRB checks should sit with the Resources Cabinet Member rather than with the Cabinet Member with responsibility for Children, Families & Learning and this was agreed by the committee.

- The City Solicitor agreed to report back to a future meeting of the Standards Committee about the potential changes to the CRB requirements as these are likely to change.

RESOLVED that

- (1) once Enhanced CRB disclosures have been obtained for current Councillors, a 4 year rolling programme will commence, initially with Councillors holding CRB disclosures dated 2002 being requested to complete a new CRB application form;
- (2) new Councillors' details will be captured upon election and sent a CRB application form to complete;
- (3) those Councillors holding an Enhanced CRB disclosure as School Governors should complete a new CRB Enhanced Disclosure application so that checks for working with Vulnerable Adults, in addition to Children, may be completed by CRB.
- (4) those councillors who have not yet returned a completed CRB form be required to do so within seven days of being contacted;
- (5) the City Solicitor contacts members of the Standards Committee to advise on progress once the deadlines for return of a completed CRB form have passed;
- (6) consideration be given by the Constitution Working Party to including CRB requirements in the revised constitution.
- (7) responsibility for CRB checks should sit with the Resources Cabinet Member rather than with the Cabinet Member with responsibility for Children, Families & Learning.

51 Application for a dispensation to participate in a meeting of Southsea Town Council by 8 Southsea Town Councillors (AI 5)
(TAKE IN REPORT)

Councillors Eddis and Yates left the room as they both had personal and prejudicial interests in this item. There followed a general discussion about who should be allowed to speak for and against the application and it was suggested that standing orders be suspended. This was proposed by Councillor Thompson and seconded by Councillor Donna Jones and was agreed by the committee. The City Solicitor advised that the procedure for making deputations will be clarified in the revised constitution. He also explained that the code of conduct allows a councillor who has a personal and prejudicial interest to speak for or against a proposal and then leave the meeting. In view of this Councillor Riches proposed that the opportunity be given to both Councillors Eddis and Yates to speak for or against the application for a dispensation and Councillor Thompson seconded her proposal which was then agreed by the majority of the committee. However Councillor Boshier wanted it to be minuted that he was against this proposal. The City Solicitor explained to Councillors Eddis and Yates that they were able to speak for or against the application for a dispensation if they so wished. Councillor Eddis declined to do so and left the room again.

Councillor Yates decided to speak for the application. The City Solicitor explained that everyone would be given five minutes each to speak for or against the item. The committee first heard from Councillor Yates who spoke for the application for a dispensation and who left immediately after making his views known. Councillor John Hall then spoke for the application for the item.

Mr Mark Austin, Councillor Linda Symes, Mr Philip Bilton and Southsea Town Councillor Barbara White all spoke against the application.

The committee discussed the implications of granting or not granting the dispensations and decided to consider each application individually. The committee also asked the City Solicitor to investigate the circumstances which led to four of the councillors concerned incurring costs in defending an electoral challenge, as the committee does not regard this as being good practice. The committee requested that the City Solicitor should investigate this problem as it may recur in future elections. The committee then considered the applications on an individual basis and decided that Councillor Eddis' application for a dispensation to participate in a meeting of Southsea Town Council be granted by a majority of six votes to two but decided unanimously that Councillors David Stephen Butler, Hugh Mason, David Yates, Les Stevens, Helena Cole, Michelle Cole and John Hall should not be granted dispensations to participate in a meeting of Southsea Town Council.

RESOLVED that the committee

- (1) grants Councillor Peter Eddis a dispensation to participate in a meeting of Southsea Town Council which he would otherwise be excluded from owing to a personal and prejudicial interest;**
- (2) refuses the applications for a dispensation to participate in a meeting of Southsea Town Council by Councillors David Stephen Butler, Hugh Mason, David Yates, Les Stevens, Helena Cole, Michelle Cole and John Hall.**

52 Proposal to re-appoint Mr John Wood for a term of 4 years from expiry of his current term of office on 20 December 2008 (AI 6)

(TAKE IN REPORT)

The committee considered the report from the City Solicitor concerning the proposal that Mr John Wood, one of the independent members on the Standards Committee is reappointed for a further term and that this should be until 20 December 2012. This was agreed unanimously by the committee. The Chair also mentioned that he would like a deputy vice-chairman to be appointed to stand in on those occasions when Mr Wood is unable to attend. Councillor Thompson proposed the motion and Councillor Jones seconded it.

RESOLVED that

- (1) the Standards Committee recommends that the City Council reappoints Mr John Wood as an independent member of the Standards Committee for a further term;**

- (2) **that Mr Wood's period of service should last up to and including 20 December 2012;**
- (3) **that Mr Peter Wyles acts as Vice-Chairman of the Standards Committee as required.**

53 Verbal Update from Human Resources on what training can be offered with regard to Members' Development Needs (AI 7)

Jan Paterson, Head of HR Recruitment, Learning & Development explained to the committee that no specific funding is set aside for councillor training. In order to meet the training needs of members there are a number of initiatives in place including

- having one to one conversations with councillors to find out what training needs can be identified (Member Needs Analysis)
- aiming towards mirroring procedures currently relating to officers' training needs.

Ms Paterson explained that there is a report going to Strategic Directors Board about funding which it is hoped will improve the situation for member training. She also explained that the City Solicitor is the champion for this issue. However, although the City Council is keen to give the correct amount of training to councillors, potential budget cuts may well limit what can be done. During discussion the following points were made.

- The member needs analysis was seen as being a useful way to identify training required.
- There are difficulties for councillors in attending training because of time pressures. Most training appears to be in the middle of the day.
- Online learning via CDs was generally regarded as being a good idea.
- The handout summarising the Standards Board for England course at Birmingham ICC contained a resolve to produce good ideas in time for the 2009 assembly. This should produce useful information concerning the training requirements for members of standards committees.
- The point was made that it is not possible to access POLOWeb training from a PC outside the City Council. The City Solicitor said that a new Head of ICT had been appointed and looking at online training will be a priority.

RESOLVED that the City Solicitor would encourage members to meet with Human Resources to consider their training needs.

54 Report from the City Solicitor on Licensing and Development Control Training (AI 8)

(TAKE IN REPORT)

The committee considered a report from the City Solicitor on what training has been undertaken by councillors who are members of the Development Control Committee and the Licensing Committee to enable them to fulfil their roles on the respective committees in the current year. The committee endorsed the recommendations and also suggested that the fact that training is compulsory should be written into the new constitution. Councillor Boshier proposed that a further recommendation be added to say that members would be offered the same training as members sitting on the Development Control or Licensing Committees as an option. This was seconded by Councillor Thompson.

RESOLVED that the Committee

- (1) Notes the report;**
- (2) Recommends that training should be considered to be compulsory before any Member is allowed to sit on the Development Control Committee or Licensing Committee and that this should be written in to the revised Constitution;**
- (3) Recommends that Officers ensure that such training be provided so as to ensure Councillors have the opportunity to undertake training as soon as possible after election or when they are subsequently appointed to the Committees;**
- (4) Recommends that the same training received by members before they are allowed sit on the Development Control Committee or Licensing Committee be offered as an option to all other members of the City Council.**

55 Consultation Paper – Code of Conduct for Local Authority Members and Employees (AI 9)

(TAKE IN CONSULTATION PAPER)

The City Solicitor explained that he and the Head of HR, Kay White, would be sending a joint response to the consultation paper which would reflect the views of the Standards Committee and the Employment Committee. The committee discussed the questions appearing in chapter 2 Code of Conduct for Local Authority Members. In response to consultation question 1 the members agreed that the members' code should apply to a member's conduct when acting in their non-official capacity. In response to question 2 the majority of committee members agreed with the definition of "criminal offence" for the purpose of the members' code. However some members of the committee felt that minor criminal offences should be monitored for frequency. In response to question 3, the committee agreed with the definition of "official capacity" for the purpose of the members' code as outlined in the code of conduct.

[At this point further discussion on this item was suspended so as to hear later agenda items which involved officers who were not involved in agenda item 9. At 7.00 pm this item was resumed.]

The committee agreed with consultation question 4 ie that the members' code should only apply where a criminal offence and conviction abroad would have been a criminal offence if committed in the UK. In response to consultation question 5, the committee after much discussion agreed that an ethical investigation should not proceed until the criminal process has been completed but wanted to include some provisos. The City Solicitor agreed to draft appropriate wording for agreement by the committee to reflect their concerns. In response to questions 6, 7 and 8 of the consultation, the committee felt that the paper generally was too long and needed to be made clear and concise. The committee felt that a simple summary document outlining the standards to be adhered to should be produced alongside a longer document containing the detail. In response to consultation question 9, the committee felt that the proposed timescale of two months during which a member must give an undertaking to observe the members' code is too long and that they felt that the undertaking should be made at the same time as the councillor is sworn in following election.

RESOLVED that the City Solicitor together with the Head of Human Resources send a response which reflects the responses of the Standards Committee and the Employment Committee to the matters raised in the consultation document before the closing of the consultation deadline, namely 24 December 2008.

56 Report from the Deputy Monitoring Officer about revising the Scheme of Delegation (AI 10)

(TAKE IN REPORT)

The Deputy Monitoring Officer explained that the scheme of delegations need regular review to ensure the efficient running of the Council. The committee was reassured that the proposed amended delegations does not amount to officers being given a blank cheque as the approval of the Section 151 Officer will also be necessary.

The committee

RESOLVED that the proposed amended delegations be adopted and forwarded as recommendations to the Cabinet and Council.

57 Appointment of an Independent Member to the Dental Inequalities and Fluoridation Steering Group (AI 11)

The committee

RESOLVED that Mr Mervyn Cowdrey be nominated as the independent member to serve on the Dental Inequalities and Fluoridation Steering Group, with Mr Peter Wyles deputising for him as required.

58 Report from the Head of Customer Services on Local Government Ombudsman Complaints (AI 12)

(TAKE IN REPORT)

The committee considered a report from the Head of Customer Services on Local Government Ombudsman (LGO) Annual Letter 2007/2008 and a half yearly update on complaints received in 2008/2009. During discussion the following points were made

- The complaints process was explained to the committee and the aim is to try to put the complainant in the position he would have been in had the problems not arisen.
- The situation concerning complaints generally is improving but there is still a long way to go.
- Many changes have been made to the procedure this year and every effort is made to learn from experience and change processes. There are written deadlines at all stages of the procedure and improvements are ongoing.
- It was noted by the committee that the highest number of complaints received by subject area relates to housing and the City Solicitor was asked to investigate why complaints about housing in particular are increasing.

RESOLVED that

- (1) the Standards Committee note the report;**
- (2) a report will be submitted to the Standards Committee following the receipt of the Local Government Ombudsman's Annual Letter 2008/2009;**
- (3) the Standards Committee receives a report from the City Solicitor on the increasing number of complaints being received in Housing.**
- (4) the Standards Committee receive 6 monthly updates on the Ombudsman Complaints System.**

59 Exclusion of Press and Public (AI 13)

RESOLVED

- (1) that the public be excluded from the meeting during consideration of the following item of business because it is likely that if members of the public were present, there would be disclosure to them of “exempt information” within paragraphs 1, 2 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Standards Committee (England) Regulations 2008;**

(2) that in the event of the recommendations or resolutions of this committee in relation to the following item of business being considered by any other decision making body, they be recommended to exclude the public during such consideration because it is likely that if members of the public were present there would be disclosure to them of “exempt information” within paragraphs 1, 2 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Standards Committee (England) Regulations 2008.

60 Exempt Appendix referred to in Item 12. Case Study (AI 14)

The exempt appendix provides members with an example of the type of complaint dealt with by the Ombudsman. During discussion the following points were raised

- Although the committee recognised that the majority of cases are dealt with satisfactorily, the committee was ashamed to see the events concerned in the example before it.
- As far as officers are aware, no disciplinary action was taken against officers involved in this case.
- The committee expressed surprise that no property was offered to the person concerned for a considerable time.

RESOLVED that the City Solicitor carry out a full investigation into this case and report back to the panel at its next scheduled meeting in March 2009.

61 Date of Next Meeting (AI 15)

The date of the next scheduled meeting is 9 March 2009 at 4.00 pm. Please note, however, that an additional meeting may be convened before then.

The meeting ended at 7.10 pm.

VJP/DMF
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