

NORTH DORSET DISTRICT COUNCIL

MINUTES OF THE SPECIAL MEETING OF THE STANDARDS COMMITTEE HELD IN THE COUNCIL CHAMBER, NORDON, SALISBURY ROAD, BLANDFORD FORUM ON 8 FEBRUARY 2008 AT 10:00AM

Present: L G Fraser (Independent) (Acting Chairman)
Councillor I A Campbell
Councillors Hitchings
Councillor Mrs Jones, MBE
Parish Councillor E J Horton (DAPTC)
Town Councillor Mrs J Stayt (DAPTC)

Apologies: Air Cdre I McNeil.

Members of the Political Management Panel: Councillor Mrs A Burch
Councillor D Milsted
Councillor M Oliver
Councillor P Webb

Also present: Stuart Caundle, Solicitor to the Council
Jo Williams, Democratic Services Manager

23. DECLARATIONS OF INTEREST

There were no declarations of interest made.

24. ORDERS AND REGULATIONS RELATING TO LOCAL FILTERING OF STANDARDS COMPLAINTS

The Committee considered the report of the Monitoring Officer inviting the Committee to respond to a consultation on proposed orders and regulations to introduce the local filtering of standards complaints.

Members thanked Stuart Caundle for such a clear presentation of the issues in the consultation.

Resolved

1. to approve the responses to the questions contained in the consultation on proposed orders and regulations to introduce the local filtering of standards complaints as set out in the Appendix to these minutes;
2. that in the preamble to the response the Monitoring Officer include that the Standards Committee considered that the Government should consider permitting councils to recover costs from parish councils whose members are subject to complaints.

The meeting ended at 11.30am

CHAIRMAN

**RESPONSE OF THE STANDARDS COMMITTEE TO CONSULTATION ON
PROPOSED ORDERS AND REGULATIONS RELATING TO LOCAL
FILTERING OF STANDARDS COMPLAINTS**

Q1: Does our proposal to prohibit a member who has been involved in a decision on the initial assessment of an allegation from reviewing any subsequent request to review that decision to take no action (but for such a member not to be prohibited necessarily from taking part in any subsequent determination hearing) provide an appropriate balance between the need to avoid conflicts of interest and ensure a proportionate approach? Would a requirement to perform the functions of initial assessment, review of a decision to take no action, and subsequent hearing, by sub-committees be workable?

Response:

The process should operate through sub-committees. It is acceptable for Members to take part in either the initial assessment or a review of that assessment and then take part in the hearing. It is not acceptable for them to take part in both the initial assessment and a review of that assessment.

Q2: Where an allegation is made to more than one Standards Committee, is it appropriate for decisions on which Standards Committee should deal with it to be a matter for agreement between Standard Committees? Do you agree that it is neither necessary nor desirable to provide for any adjudication role for the Standards Board?

Response:

It would be unfair on the Member to have the same complaint determined simultaneously by two or more standards committees. The standards committees involved may not be able to agree which should deal with the complaint, so there needs to be a mechanism to decide where the complaint should go. The only logical solution is for the Standards Board to fulfil that role.

Q3: Are you content with our proposal that the timescale for making initial decision should be a matter for guidance by the Standards Board rather than for the imposition of a statutory time limit?

Response:

The Standards Committee agree that this is a matter for guidance and not statutory time limit.

Q4: Do you agree that the sort of circumstances we have identified would justify a Standards Committee being relieved of the obligation to provide a summary of the allegation at the time the initial assessment is made? Are there any other circumstances which you think would also justify the withholding of information? Do you agree that in a case where the summary has been withheld the obligation to provide it should arise at the point where the monitoring officer or ethical standards officer is of the view that a sufficient investigation has been undertaken?

Response:

The circumstances identified should be the only ones justifying the withholding of information about the allegation from the Member complained of. The Member should be informed of the allegation as soon as the monitoring officer or ethical standards officer has carried out a sufficient investigation so that the reasons for withholding the information no longer subsist.

Q5: Do you agree that circumstances should be prescribed as we have proposed in which the Monitoring Officer will refer a case back to the Standards Committee?

Response:

This should remain a discretionary power vested in the Monitoring Officer, who should be aided in the process by guidance rather than the circumstances being prescribed in the regulations. With regard to dealing with a complaint otherwise than by investigation, this presupposes that there is some merit in the complaint. There is also a question as to the vires of the proposal under S.66 of the 2000 Act.

Q6: Are you in favour of an increase in the maximum sanction the Standards Committee can impose? If so, are you content that the maximum sanction should increase from three months to six months suspension or partial suspension from office?

Response:

The Standards Committee would like to see the maximum sanction available to it increased to twelve months suspension from office.

Q7: Do you have any views on the practicality of requiring that chairs of all sub-committees discharging the assessment, review and hearing functions should be independent, which is likely to mean that there would need to be at least three independent chairs for each Standards Committee? Would it be consistent with robust decision-making if one or more of the sub-committee chairs were not independent?

Response:

If the Standards Committee is required to have an independent chair, then each of its sub-committees should be required to have an independent chair. This does not presuppose that three independent Members are required as the same person could chair either the initial assessment or the review of that assessment and then chair the hearing.

Q8: Do you agree with our proposal that the initial assessment of misconduct allegations and any review of a Standards Committee's decision to take no action should be exempt from the rules on access to information?

Response:

The Standards Committee agrees with the proposal.

Q9: Have we identified appropriate criteria for the Standards Board to consider when making decisions to suspend a Standards Committee's powers to make initial assessments? Are there any other relevant criteria which the Board ought to take into account?

Response:

The Standards Committee believes that the criteria are appropriate.

Q10: Would the imposition of a charging regime, to allow the Standards Board and local authorities to recover the costs incurred by them, be effective in principle in supporting the operation of the new locally-based ethical regime? If so, should the level of fees be left for the Board or authorities to set, or should it be prescribed by the Secretary of State or set at a level that does no more than recover costs?

Response:

The Standards Committee supports the imposition of charges. In these circumstances the charges should be the sums incurred.

Q11: Would you be interested in pursuing joint working arrangements with other authorities? Do you have experience of joint working with other authorities and suggestions as to how it can be made to work effectively in practice? Do you think there is a need to limit the geographical area to be covered by a particular joint agreement and, if so, how should such a limitation be expressed? Do you agree that if a matter relating to a parish council is discussed by a joint committee, the requirement for a parish representative to be present should be satisfied if a representative from any parish in the joint committee's area attends?

Response:

The Standards Committee is interested in joint working with other authorities. Discretion should be given to each council as to which functions should be shared and how this should be organised. In particular, councils should be free to agree which geographical areas should be included in joint working.

It is accepted that the parish representative criterion could be met from any parish member within the joint working area.

Q12: Are you content that the range of sanctions available to case tribunals of the Adjudication Panel should be expanded, so the sanctions they can impose reflect those already available to Standards Committees?

Response:

The Standards Committee supports this proposal.

Q13: Do you agree with our proposals for an ethical standards officer to be able to withdraw references to the Adjudication Panel in the circumstances described? Are there any other situations in which it might be appropriate for an ethical standards officer to withdraw a reference or an interim reference?

Response:

The Standards Committee agrees with the proposals.

Q14: Have you made decisions under the existing dispensation regulations, or have you felt inhibited from doing so? Do the concerns we have indicated on the current effect of these rules adequately reflect your views, or are there any further concerns you have on the way they operate? Are you content with our proposal to provide that dispensations may be granted in respect of a committee or the full Council if the effect otherwise would be that a political party either lost a majority which it had previously held, or gained a majority it did not previously hold?

Response:

Whilst issuing dispensations in the past, none have been based on political balance. Removal on any ambiguity on the operation of the dispensation regime is to be welcomed. The Standards Committee does not support the use of dispensations to maintain political balance. If this paragraph is to be in the Regulations has the Government considered how this would affect councils who decide not to apply the rules of political proportionality.

Q15 has no impact on the Standards Committee of a District Council.

Q16: The final question raises the issue of implementation of the local filtering regime from 1 April 2008 at the earliest.

Response:

The Standards Committee would propose that the new regime should not be implemented until at least 2 months after the issue of the relevant guidance.