

MINUTES OF A MEETING OF THE STANDARDS COMMITTEE HELD AT COUNTY HALL, CHELMSFORD, ON 11 MAY 2009

Membership

- * Professor R M Atkinson (Chairman)
- * Mr D Farrow (Independent Member)
- * Mr A French (Independent Member)
- Mr M Goodswen (Independent Member)
- Mr C Jackman (Independent Member)
- * Councillor E Bishop
- * Councillor Mrs M Fisher
- * Councillor Mrs E Hart (ex officio)
- * Councillor P Kirkman
- * Councillor M Mackrory
- * Councillor I Pummell (substitute for Councillor Pike)
- * Councillor Mrs M Webster

* present

The following officers were present in support throughout the meeting:

Nick Bell	Monitoring Officer
Alex Hallam	Deputy County Solicitor
Colin Ismay	Governance Manager
Antoinette Mortley	Committee Officer
Ian Myers	Committee Officer

1. Apologies and Substitution Notices

The Governance Officer reported apologies from Councillor J Pike and Michael Goodswen and notices of substitution as shown above.

The Chairman welcomed Nick Bell to his first meeting of the Standards Committee as Monitoring Officer. He informed the Committee of his intention to attend meetings on a regular basis.

2. Minutes

The minutes of the meeting of the Committee held on 23 February 2009 were approved as a correct record and signed by the Chairman subject to a minor amendment, as agreed, to Minute 11 (replacement of the word 'exiting' with 'existing').

3. Matters arising.

There were no matters arising.

4. Declarations of Interest

There were no declarations of interest.

5. Chairman's Report

The Chairman referred to the annual return to the Standards Board for England which has to be submitted by 15 May. He had recommended that the return should not be brought to this Committee at this time but should be reviewed at the next meeting as a matter of report.

Alex Hallam advised Members that the return asks for factual information and suggested the forward plan be updated to reflect some items in the return.

The Chairman asked what would happen to the outcomes of complaints that are now investigated locally. It was agreed that there would be a procedure in place to ensure a report is made to this Committee in future.

6. Annual Report

The Chairman introduced the report and welcomed comments from Members.

It was agreed that the report be amended to include a brief summary on all Independent Members of the Committee and that Fire Authority Members be included in next year's report.

Following discussion it was agreed to make the following minor amendments to the report (shown in bold):

- Roles and Functions – The Standards Committee **does have** the following roles and functions.
- Work of the Committee – assessed one complaint **not deemed suitable to take any further action**.
- Conclusion – The challenge of developing an effective joint committee will be a significant focus for the forthcoming year together with continuing to acquire expertise in dealing with such complaints as **may be** made against members under the local determination regime.

Alex Hallam highlighted that the report, including the agreed amendments, will be presented to the first full meeting of the County Council on 16 June 2009.

7. Bulletin 43 – The Standards Board for England – April 2009

The Committee considered the attached publication and discussed various issues.

It was noted that Bulletin 42 had been omitted and Tony French raised the following issues:

- Terms of Reference of Joint Committee and the need to ensure a unified approach between the County Council and Fire Authority
- Indemnification arrangements for Independent Members. Nick Bell agreed to clarify the situation.
- Assessment of complaints across the County.

The Committee requested again that they should receive an email with an embedded link to take them to the website page for the Bulletins from The Standards Board for England. It was agreed this would be organised as soon as possible.

The Chairman then referred to Bulletin 43 and, in particular, Guidance on Other Action. It was noted guidance will be published in May which will include advice to monitoring officers.

The Committee discussed the use of mediation in resolving complaints and noted the difference between mediation and arbitration. Councillor Elwyn Bishop shared his experiences of mediation and how it can work. The Chairman reminded Members that mediation should only be used in exceptional circumstances and where it is likely to be successful.

8. Referring Complaints for Investigation

The Chairman led a discussion of the assessment criteria as outlined in Bulletin 43 and, in particular, made reference to the questions to be used when assessing a complaint.

- Has the complainant submitted enough information to satisfy the assessment sub-committee that the complaint should be referred for investigation or other action?
- Is the complaint about someone who is no longer a member of the authority, but is a member of another authority?
- Has the complaint already been the subject of an investigation or other action relating to the Code of Conduct?
- Is the complaint about something that happened so long ago that there would be little benefit in taking action now?
- Is the complaint too trivial to warrant further action?
- Does the complaint appear to be simply malicious, politically motivated or tit-for-tat?

The Chairman expressed his concern that complaints may not be referred in the future because they are 'not serious enough' and that this may impact on the democratic process locally.

He also added that, in his view, by using the current published criteria, complaints may be referred that would not have been referred by the Standards Board for England. Despite Members' concern, Nick Bell confirmed that resources would not impact on any investigation or complaint.

In summary, the Chairman advised that the published criteria should not be refined in any way and should the Committee consider there is a case then it should be referred for investigation.

9. Induction for New Members

Alex Hallam introduced the Member Induction Programme 2009 and the contents were noted. The Chairman and Vice-Chairman agreed to attend the sessions on the Code of Conduct (17 July and 18 September) with Daniel Farrow agreeing to act as a substitute.

10. Forward Look

The Committee considered the Forward Plan of business (SC/09/09). It was agreed that Alex Hallam would update the plan with items from the annual report.

11. Date and Time of Future Meetings

It was agreed that a programme of dates would be circulated to Members after the forthcoming County Council election.

12. Urgent Part 1 Business

Members were informed that an assessment sub-committee will need to be convened as a matter of urgency following the receipt of 2 complaints.

There being no further business the meeting closed at 11.20am

Chairman