

STANDARDS COMMITTEE

13TH SEPTEMBER 2012 at 6.00 P.M.

PRESENT: Mr J. Jones (Independent Member – Chair)
Councillors Akbar, Dolling, Titmuss and Worlding
Mrs M. Briggs and Mr. J. Hearnshaw (Independent Members)

10 APOLOGIES FOR ABSENCE (REF: 1)

An apology of absence from the meeting was received on behalf of Councillor Moles.

The Chair announced the resignation of the Vice Chair, Mrs. S. Wright, an Independent Member of the Committee. He mentioned two consequences of the resignation as follows:

- Need to recruit another independent members in order to maintain the balance between Councillors and Independent Members,
- Need to elect a new Vice Chair. Members felt that with the absence of two independent Members it was best to defer the election to the next meeting of the Committee.

Resolved: (i) That the Resignation of the Vice Chair be noted.

(ii) That the election for the position of a new Vice Chair be deferred to the next meeting of the Committee

(iii) That the Monitoring Officer in consultation with the Chair be requested recruit for a new Independent Member due to resignation of the Vice Chair.

11 MINUTES (REF: 2.1)

Resolved: (i) That the Minutes of the meeting of the Committee held on 15th May 2012 be taken as read, approved as a correct record and the Chair be authorised to sign them.

(ii) That the Minutes of the meeting of the Committee held on 21st February 2012 be submitted at the next meeting of the Committee for ratification.

12 COMPLAINTS AGAINST MEMBERS – REGULAR UPDATE (REF: 6)

The Monitoring Officer advised that only one complaint had been received but that the matter was resolved without having to progress any further.

Resolved: That the report of the Monitoring Officer (Ref: 6) be noted.

13 STANDARDS REGIME/MEMBERS CODE OF CONDUCT (REF: 7)

The Monitoring Officer (MO) gave an oral update regarding the new standards regime and stated that from the 1st of July 2012 the Localism Bill required Local Authorities to have a regime in place. Also each Local Authority was now required to have or recruit an Independent Person.

Luton Borough Council with other 5 surrounding Authorities had jointly recruited a panel of 10 Independent Members as this was more cost effective. However, Bedford Borough Council had opted to only work with 2 out of the 10 Members. She further advised that Councillor Taylor represented Luton Borough during the interview process. Applications were received from applicants who already work with Local Authorities or were in similar roles of employment.

Members deliberated on some of the changes brought by the new standards regime and member's code of conduct and sought clarity in regards to the following;

- Members declaration of interest/Pecuniary Interest
- Code of Conduct
- Would each local authority ratify the new pool of Independent Members?
- Clarity in terms of the roles and responsibilities of other Members not included in the pool of 10 Independent Members,
- Clarity relating to Member complaints and process,
- Term of Membership for individual Members
- Complaints protocol relating to Leader of the Council or the Chief Executive or even the Monitoring Officer

The Monitoring Officer explained that an amended code of conduct was reported at Full Council but it was currently on hold. She advised that Members also required training in terms of the code of conduct in line with all the changes. Regarding the introduction of a pecuniary interest the concept was still the same and Members were still expected to declare any interest they may have as deem fit.

Members requested the Monitoring Officer to feedback on the issues discussed as soon as possible.

A briefing note would be forwarded to Members to help address some of the issues raised.

Resolved: (i) That the oral update be noted.

(ii) That the Monitoring Officer be requested to forward a briefing note to Members in order to address some of the issues and concerns discussed especially with regard to Members pecuniary interest and protocol for dealing with complaints against the Leader of the Council or Monitoring Officer.

14 WHISTLEBLOWING POLICY – ANNUAL REPORT (REF: 8)

The Monitoring Officer gave an update on the Whistleblowing Policy annual report. She advised that the number of allegations investigated continued to decline.

She explained that up until November last year, the Council's Whistle blowing were made via an external organisation called 'In-Touch',. This arrangement had now ceased as not so many complaints were received through them and the Council felt that the services received were not value for money. In 2010/11, 3 complaints were received and in 2011/12, only 2 complaints were received and as the contract with 'In-Touch' had ceased, the 2 complaints were channelled through the Monitoring Officer. This demonstrated that people were aware that the whistleblowing policy was still in place although there was a reduction of the complaints received through the process.

She further advised of the circumstances of the 2 complaints received that one of which was anonymous in relation to the Councils Contracts. This was later withdrawn. The other was in relation to comments about the Council on a social media site and that went through the disciplinary rout.

Members deliberated about the current whistle blowing policy arrangements and whether there was a need for a review of the process and a recommendation made to Audit and Governance Committee for a review. If not, what would be the way forward.

A Member enquired why the Council had used an external organisation in the past years. In response the Monitoring Officer advised that the main reason was to address a general perception that the system would be more impartial if issues were raised through an external company to maintain privacy.

She further advised on the nature of the allegations received and the departments to which they were referred. She explained the process to which allegations were received either through a letter or email, or sometimes anonymously, etc,. An initial assessment would then be carried out to identify the way forward.

There was further deliberation about what protocol was in place to protect the whistle blower and whether the current arrangements were effective or whether people were not referring matters because they felt that that they were unable to do so.

The Monitoring Officer advised that as much as possible the whistle blower was protected and their wish to remain anonymous was maintained. Furthermore, the whistle blower was protected by the Whistleblowing policy and they were kept informed of the outcome of the case or as it progresses.

In response to a question about allegations of cover up in an organisation, she explained that there was a different process. Such matters could be directed through Local Government Ombudsman. Also there was also a separate process for dealing with allegations relating to the Chief Executive as the Head of Paid service.

Resolved: That the Monitoring Officer's update (Ref: 8) be noted.

15 ANNUAL REPORT OF STANDARDS COMMITTEE (REF: 9)

The Chair presented the Annual Report of the Standards Committee 2011/12 for approval. A revised Members attendance sheet was also tabled at the meeting as part of the report covering Members attendance record from May 2011 to May 2012.

The Chair stated that it was the responsibility of Members to check the accuracy of the document and or any discrepancies relating to the attendance figures with Democratic Services responsible for producing the documents.

Members further deliberated on the following;

- The Members Attendance record was not inclusive of all Committees attended by Elected Members – Why
- In terms of Substitutes, how was this recorded?
- Some elected Members were members of several committees in comparison to others, was it possible to show the difference on the Attendance record?
- Possibilities of listing all Committees clerked by the Council's Committee section to show a true picture of the attendance record.

Members were advised that the Committees listed were not inclusive of all Council Committees and it was acknowledged that Members attended a number of Council meetings not recorded on the Attendance record, such as those classed as “Other Bodies” or Committees with “Outside Organisations”.

An Independent Member acknowledged the hard work of elected Members and their dedication and commitments towards their constituents. He commented that the overall attendance figures were encouraging.

It was suggested that the dates of the Committees should also be recorded so that Members could check accuracy of the figures against their own records of attendance where they felt that there were discrepancies.

Resolved: (i) That the Annual Report 2011/12 as attached at Appendix A of the report of the Chair of Standards Committee and the revised Members Attendance Record be approved and submitted to the next Full Council meeting subject to the suggested amendments and additional paragraph (ii) below,

(ii) For the purposes of clarity, Members agreed that an additional paragraph be included as a “Note” on the Members Attendance Record as follows “**This is not a comprehensive list of all meetings attended by Elected Members**”.

16 COMMITTEE WORK PROGRAMME (REF: 10)

The Committee considered its work programme.

Members considered and agreed that training on the new standards regime and code of conduct should be offered to all Members as soon as possible and it was expected for this to take place in November 2012.

Resolved: That the Monitoring Officer be requested to update the work programme accordingly.

Note: The meeting ended at 7.05p.m.