
DACORUM BOROUGH COUNCIL

STANDARDS COMMITTEE

12 SEPTEMBER 2013

Present -

MEMBERS:

Borough Councillors: Cllr Mrs Green (Chairman), Councillors Ayling, Mrs Flint, and Wood;

TOWN AND PARISH COUNCIL CO-OPTED REPRESENTATIVES:

None present

INDEPENDENT CO-OPTED REPRESENTATIVES

Andrew Russell
Amy Wilcox

ALSO IN ATTENDANCE

Rachel Keil (Independent Person)

OFFICERS:

Steven Baker, Assistant Director (Chief Executive's Unit) and Monitoring Officer and Pauline Bowles, Members Support Officer

The meeting began at 7.30 pm.

1. APPOINTMENT OF CHAIRMAN

Resolved:

That Councillor Mrs Green be appointed Chairman for the Standards Committee to serve until the Annual Meeting of the Council in 2014

2. MINUTES

The minutes of the meeting held on 19 December 2012 were confirmed by the Members present and were then signed by the Chairman.

3. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Cllr Mrs Rance (Dacorum Borough Council);
Cllr McCarthy (Aldbury Parish Council).

4. REVIEW OF THE CODE OF CONDUCT FOR MEMBERS – COMPLAINTS PROCEDURE

The Monitoring Officer summarised his report giving an update on the recommended changes to the procedure for handling complaints about members

He explained that a training session had been arranged for members of the Standards Committee on 12 June 2013. The training was undertaken by Paul Hoey who had been Head of Policy at the former Standards Board for England. Prior to the training event Paul was requested by the Monitoring Officer to review the Council's Code of Conduct and the Complaints Procedure and highlight any possible omissions or issues.

Paul Hoey concluded that he considered both the Code of Conduct and the Complaints Procedure to be sound and did not see that any major changes were necessary. He did, however, make a number of suggestions in relation to the Complaints Procedure which are listed in the agenda report.

The suggested changes were to-

Make clear in paragraph 3.6 that the Monitoring Officer is to immediately inform the member concerned that a complaint has been made about them.

In paragraph 6 to give the Monitoring Officer the option of referring an investigating officer's report to the Standards Committee for a decision that no further action is required on the complaint. In addition, the Independent Person should be consulted by the Monitoring Officer when he/she is reviewing an investigation report.

The Monitoring Officer drew particular attention to Paragraph 8 of the procedure that lists the types of action the Standards Committee can take where a member has breached the Code of Conduct. The Monitoring Officer suggested amending paragraph 8.1.2 so that the Committee has the option of recommending that no sanction be applied even though a breach of the Code has occurred.

Finally, an additional paragraph 8.10 was suggested which would give the Committee the option to recommend to Council that the member concerned is denied access to a particular officer/s. For example, where there is an allegation of bullying a particular officer. This would be an extreme sanction and would only be recommended in exceptional circumstances.

Councillor Flint asked if there were similar sanctions in the previous system for monitoring members conduct. The Monitoring Officer replied that the previous system did not have this particular sanction, but in a serious breach of the code, such as extreme bullying of an officer, there was the ultimate sanction of suspending the member. The sanction of suspension was removed by the Localism Act, no matter how serious the breach.

The Chairman suggested that if the Member is prevented from approaching the officer concerned, then there are other members of staff in the department who would answer any genuine question, providing they are not connected with the complaint.

The Monitoring Officer explained that the main principles of the Complaints Procedure (for example, the delegation to the Monitoring Officer to carry out the initial review of complaints in consultation with the Independent Person) were approved by Council but that it was for the Committee to decide on the detail, keep it under review and make

changes as and when appropriate. These changes do not need to be reported to Full Council. If agreed, the Procedure will be published on the DBC website in its amended form.

Resolved:

That Members approve the recommended changes to the Complaints Procedure.

5. DATE OF NEXT STANDARDS COMMITTEE MEETINGS

Resolved:

That the following dates be noted:

Wednesday 11 December 2013

Wednesday 12 March 2014

6. EXCLUSION OF THE PUBLIC

Resolved:

That, under s.100A of the Local Government Act 1972 Schedule 12A Part 1, Paragraph 12 as amended by the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during the item in Part II of the Agenda for this meeting, because it was likely, in view of the nature of the business to be transacted, that if members of the public were present during this item there would be disclosure to them of exempt information relating to individuals whose identity is likely to be revealed if the report was to be disclosed. (Minute 7).

(Local Government Act 1972, Schedule 12A, Part 1, paragraphs 1 and 2).

7. COMPLAINTS UPDATE

The number and nature of complaints received by the Monitoring Officer since December 2012 were reported and the outcome of the initial reviews of such complaints carried out by the Monitoring Officer in consultation with the Independent Person.

The Monitoring Officer explained that since the last update in December 2012 there have been four complaints involving five Members. Just one case had been sent forward for investigation.

In response to a question relating to notification of decisions, the Monitoring Officer replied that once a decision has been reached, he writes to the complainant setting out in detail all the reasons for the decision and this normally satisfies the Complainant. The member concerned is also written to outlining the response sent to the complainant.

The Monitoring Officer said that the advantage of the new system is that it is more straightforward and quicker. It gives more power to the Monitoring Officer to carry out the initial reviews of complaints without having to convene a meeting of the Committee or a sub-committee. It is important, however, for the Monitoring Officer to report back to the Standards Committee on the use of this delegated power so that he is held accountable for his decisions.

Resolved:

The report was noted

The meeting ended at 7.53 pm.