

Minutes



Meeting STANDARDS COMMITTEE

Date Tuesday, 2 February 2010 (commencing at 2.00 pm)

Membership

- Mr Charles Daybell (Chairman)
- Councillor Michael Bennett (Vice-Chair)
- Councillor Les Ward (Vice-Chair)
- A Councillor Chris Barnfather
- Councillor Steve Carroll
- A Councillor Stan Heptinstall MBE
- Mr Robert Lilley
- Mr Ian McLaren
- Councillor Sue Saddington
- Ms Christine Southwell
- Councillor Martin Suthers OBE

ALSO IN ATTENDANCE

Councillor Vincent Dobson

OFFICERS IN ATTENDANCE

Sue Bearman, Senior Solicitor, Governance)
David Ellis, Service Manager, Member Support) Chief Executive's
Keith Ford, Senior Governance Officer) Department
Simon Gill, Solicitor, Governance)

MINUTES OF THE LAST MEETING

The Minutes of the last meeting of the Committee held on 21 December 2009, having been circulated to all Members, were confirmed and signed by the Chair.

APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Heptinstall MBE.

DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillor Carroll, Councillor Saddington and Robert Lilley declared a personal interest in agenda item 11 – Retrospective Payment of Special Responsibility Allowance as former Council colleagues of the proposed recipient.

REGULATION OF INVESTIGATORY POWERS ACT (RIPA) POLICY

Simon Gill introduced the report which proposed revisions to the existing policy, ahead of proposed legislative changes expected to come into force on 6 April 2010.

During discussions, the following issues were raised:-

- requests to use CCTV which may require authorisation (section 4.3.1 of the policy) - Members suggested that the policy needed to clarify what circumstances would require authorisation. The policy would be revised to reflect this suggestion;
- 'drive by' surveillance (section 4.3.5 of the policy) - Members queried whether it would be more appropriate for all deliberate forms of surveillance to require authorisation. Further consideration would be given to this issue and the related section 4.3.6 of the policy with regard to whether a certain amount of observation should be permissible;
- with regard to the decisions by authorising officers, the central record held by the Monitoring Officer and the guidance available to officers was intended to help ensure consistency of decision-making. Members suggested that the Monitoring Officer should also keep a record of officers' training to ensure it was kept up to date.

RESOLVED: 2010/001

That the draft Policy be endorsed, subject to revisions to reflect Members' suggested changes, and recommended for approval by full Council.

STANDARDS FOR ENGLAND ADVICE ON PREDISPOSITION, PREDETERMINATION OR BIAS, AND THE CODE

Simon Gill introduced the report which outlined the key issues within the updated Standards for England advice on this issue and its relationship with the Code of Conduct. Members felt that the revised guidance helped to further clarify this overall issue.

RESOLVED: 2010/002

That the report, including the significance of the obligations in respect of Members, be noted.

ENGAGING LEADERSHIP

The Chair introduced the report which sought the Committee's support for action to promote the ethical well-being of the County Council.

During discussions, the following issues were raised:-

- Members underlined the importance of Councillors having respect for each other;

- the encouraging attitudes of the Group Leaders, Business Managers and Whips in relation to the work of the Standards Committee was highlighted;
- with regard to training, the regular updates on the website would include new information from the Standards Board. Member Services could alert Members to new information via e-mail reminders;
- Independent Members highlighted their concerns that they were being encouraged to attend the authority's meetings but were expected to leave the room during the consideration of exempt items. Further clarification of the rights of Independent Members in relation to other Committees would be sought.

RESOLVED: 2010/003

That the actions proposed in the report to promote the ethical well-being of the County Council be endorsed.

WHISTLEBLOWING

Sue Bearman introduced the report which updated the Committee on the Council's discharge of its duties under its Whistleblowing Policy.

RESOLVED: 2010/004

- 1) That the report be noted.
- 2) That the next scheduled report on the subject of whistleblowing provide an assessment of the effectiveness of the Council's arrangements based on the British Standards Institution's code of practice checklist, with particular reference to promotion of the Policy.
- 3) That reference to an independent helpline be retained in the Policy.

FREEDOM OF INFORMATION ACT UPDATE

Sue Bearman introduced the report which gave an update on the Council's discharge of its duties under the Freedom of Information Act 2000.

Members expressed concerns about the time and cost involved in responding to vexatious requests for information. It was clarified that the Council operated on a principle of making as much information available as possible and if information was already publicly accessible then people could be directed to the Council's website as appropriate. It was reported that 72% of authorities do not charge for information provided, with others charging in 5% of cases or less. Requests could be refused in instances where the amount of time involved exceeded a certain level. Councils were also able to refuse requests if it was felt that they were vexatious.

RESOLVED: 2010/005

- 1) That the report be noted and the importance of the Council discharging its duties under the Freedom of Information legislation be acknowledged.
- 2) That a further report reviewing the Council's policy and procedures be presented to the Committee within six months.

DECISION UPDATE (STANDARDS FOR ENGLAND BOARD AND ADJUDICATION PANEL FOR ENGLAND)

Simon Gill introduced the report which was the first such report to be presented to the Committee, as previously agreed as part of the work programme.

RESOLVED: 2010/006

That the report be noted.

EXCLUSION OF THE PUBLIC

RESOLVED: 2010/007

That the public be excluded for the remainder of the meeting on the grounds that the discussions were likely to involve disclosure of exempt information described in paragraphs 1 and 3 of the Local Government (Access to Information) (Variation) Order 2006.

RETROSPECTIVE PAYMENT OF SPECIAL RESPONSIBILITY ALLOWANCE (SRA)

David Ellis introduced the report and underlined the circumstances leading to a former Councillor not claiming an SRA due to their misunderstanding about their eligibility. Mr Ellis read out to the Committee the original letter which had been sent to the Councillor asking them to confirm whether they wished to claim this SRA, to which no reply had been received. Mr Ellis also read out a subsequent e-mail from the Councillor to the Chief Executive in September 2009 about the issue. As detailed in the report, the view of Administration Committee would also be sought prior to Officers taking the final decision.

During discussions, Members suggested that the process through which Members were contacted about SRAs should be improved by asking Members to reply if they did not wish to receive such allowances and ensuring follow-up contact if no reply was received. Further details of eligibility, in relation to membership of other bodies, should also be included in such correspondence. However, Members also felt that Councillors had a responsibility to seek to clarify such issues themselves and that it was reasonable to assume that more experienced Councillors would be aware of their entitlements. Members also suggested that the Council should consider adopting a formal policy for dealing with retrospective SRA claims.

The Committee considered and dismissed the following options for dealing with the request:-

- a) no payment at all ;
- b) payment of 25% ;
- c) payment of 50%.

Councillor Carroll abstained from these discussions and voting.

Following further discussions it was:-

RESOLVED 2010/008

That it be recommended that

- 1) a payment of £5,000 be made;
- 2) the procedure for confirming whether a Member wished to claim an SRA be further clarified and a policy for dealing with retrospective claims be considered.

The meeting closed at 3.10 pm.

CHAIR

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