

STANDARDS COMMITTEE
Thursday, 8th September, 2011

Present:- Mrs. A. Bingham (in the Chair); Councillors Buckley, Gilding and Hughes; Mr. P. Edler, Mr. D. Foster, Dr. G. Musson, Mr. N. Sykes, along with Mr. P. Blanksby and Mr. D. Rowley (Parish Councils' Representatives)

Apologies for absence were received from Councillor Middleton, Messrs M. Andrew, I. Daines, and D. Bates and Mrs. J. Porter.

B7 MINUTES

Resolved:- That the minutes of the meeting of the Committee held on 9th June, 2011 be approved as a correct record, subject to an amendment to Minute No. B3, Paragraph 3, to insert the two words "and amended" before the words "at the meeting".

B8 ANNUAL REPORT

Further to Minute No. B3 of the meeting of the Committee held on 9th June, 2011, consideration was given to the revised draft annual report presented by Richard Waller, Senior Manager, Legal and Electoral Services, which had been amended in light of Members' comments.

The Committee was happy with the content, but suggested a few further amendments to correct errors and updates to Dr. G. Musson's and Parish Councillor D. Rowley's pen portraits.

Resolved:- (1) That the amended draft report be received and the changes as suggested be approved.

(2) That the report be referred to full Council for adoption.

B9 PARISH COMPACT/QUESTIONNAIRE

Further to Minute No. B4 of the meeting of the Committee held on 9th June, 2011, Richard Waller, Senior Manager, Legal and Electoral Services, introduced the Standards for England template Parish Compact and the questionnaire devised by the working group under the chairmanship of the Vice-Chair. The questionnaire had been circulated to Parish Councils earlier in the year.

The objective of the Parish Compact was to facilitate closer working between Parish Councils and the Committee, in particular through joint working and training arrangements.

The Committee was mindful of the uncertainties around the Localism Bill and the difficulties of enthusing Town and Parish Councillors. To stimulate interest, the Vice-Chair of the Committee undertook to draft a letter for the Committee's consideration with a view to circulating the agreed draft to Parish Councils informing them that the Parish Compact would remain under consideration.

The Committee considered the draft letter and was minded to remove the wording in italics, preferring Parish Councils to make contact rather than offering meetings.

Resolved:- That the text of the draft letter be approved, subject to the removal of the words in italics, and the Senior Manager, Legal and Electoral Services, be authorised to circulate it to all Parish Councils.

B10 LOCALISM BILL AND THE FUTURE OF THE STANDARDS COMMITTEE

Further to Minute No. 38 of the meeting of the Committee held on 14th April, 2011, consideration was given to a report presented by Richard Waller, Senior Manager, Legal and Electoral Services, which referred to the Localism Bill receiving its third reading in the Lords on the 5th September, 2011 following which it would return to the House of Commons for consideration of any amendments made to the Bill by the Lords. The provisions of the Bill concerned with the standards regime (Chapter 5 (standards) and Schedule 4 (conduct of local government members) have so far remained unchanged. It was, therefore, likely that these provisions would become law in their current form.

Further information was provided on Chapter 5 and the duty placed upon certain authorities and Town and Parish Councils to promote and maintain high standards of conduct by members and co-opted members of the authority (Clause 16 of the Bill).

At its meeting on the 14th April, 2011, the Committee identified a number of issues to be addressed were the Council minded to adopt a voluntary code of conduct overseen by a Standards Committee and the Committee was also invited to submit their views on the Standard Committee's future.

The Committee also noted that the Director of Legal Services at Sheffield City Council recently circulated an e-mail to the Monitoring Officers of Barnsley and Doncaster Councils and the Council advocating a shared standards regime. Drafts of Sheffield's proposed Standards Protocol and draft procedure for dealing with allegations of breach of the Sheffield Code of Conduct were set out in detail as part of the report.

It was suggested that the issues be explored over the next few months with a view to proposing to the Cabinet and the Council an appropriate standards regime and voluntary code of conduct once the Localism Bill had become law.

The Committee sought clarification on the regulations and the sanctions that could be imposed.

Discussion ensued on the shared arrangement which would invariably result in members of the Standards Committees of the four Local Authorities having to comply with a uniform standard of code and could lead to concerns over a lack of knowledge and independent view.

The Committee was mindful of the changing environment, the need for more prescriptive Terms of Reference and how the complaint workload would change, but did not want to dismiss the wider role of the Standards Committee.

It was suggested that further comments on this matter be sent to the Monitoring Officer by the 30th September, 2011, following which a meeting be arranged with the Chairman and Vice-Chairman to draw up draft Terms of Reference and for them to be submitted back to the next meeting for consideration.

Resolved:- (1) That the contents of the report be noted.

(2) That any comments be forwarded to the Monitoring Officer by the 30th September, 2011, following which a meeting be arranged with the Chairman and Vice-Chairman of the Standards Committee to draw up draft Terms of Reference and for them to be submitted back to the next meeting for consideration.

B11 COUNCILLOR JUDITH DALTON

Consideration was given to a report presented by Richard Waller, Senior Manager, Legal and Electoral Services, which set out the alleged circumstances that led to an assessment and resultant review hearing relating to Councillor Judith Dalton, who was a member of the Council and a member of Anston Parish Council.

The review panel directed that Councillor Dalton should undergo further training and directed the Monitoring Officer to write to Councillor Dalton to arrange further training on the code, specifically with regard to personal and prejudicial interests.

Following receipt of the review panel's decision notice and the Monitoring Officer's letter, Councillor Dalton wrote to him and ultimately asked the Committee to reconsider its decision in light of this information, as she felt strongly that her good intentions had led to her reputation being called into question and that she should have the opportunity to refute the allegation.

The review panel's decision to direct the Monitoring Officer to carry out certain actions was irrevocable and could only be challenged by way of judicial review.

The assessment and review panels' decisions were currently in the Standards Committee's pages of the website. Members may, therefore, wish to consider whether these decisions should be removed from the website in light of the new information that Councillor Dalton had referred the matter to the Parish Council for a decision and had neither chaired, spoke nor voted at the meeting.

Whilst being somewhat sympathetic to Councillor Dalton's situation, the Committee believed that the decision of the review panel was right that she would benefit from some training to improve her understanding of the principles of the Code, but was in agreement that the decision notices from the assessment and review hearings be removed from the Council's website.

Resolved:- (1) That the contents of the report be noted and the Monitoring Officer be directed to advise Councillor Judith Dalton that the decision of the 26th May, 2011 review panel was final.

(2) That, in light of the new information, the decisions of the assessment and review panels of 24th February and 26th May, 2011 be removed from the

website, but in the best interests of Councillor Dalton training should still be offered.

B12 MR. NEIL FULCHER

Consideration was given to a report presented by Richard Waller, Senior Manager, Legal and Electoral Services, which set out the circumstances that led to a referral to the Standards Board for England who in turn referred it for investigation by an Ethical Standards Officer relating to Mr. Neil Fulcher.

The Ethical Standards Officer found Mr. Fulcher not to be in breach of the Code in relation to Councillor Bradley's allegation that he had withheld from the members of the Parish Council legal advice given by Mr. Mumford, but in breach in relation to Mr. Waller's allegation. In the course of his investigation the Ethical Standards Officer also found evidence of other breaches of the Code in relation to Councillor Bradley, Mr. Mumford and another Council officer, Mr. K. Battersby.

The case was heard by the First-tier Tribunal on 19th July, 2010 on the basis of written submissions (as Mr. Fulcher had informed the tribunal that he would not be attending the hearing) and as a result Mr. Fulcher was suspended from membership of Bramley Parish Council for a period of six months.

Mr. Fulcher then appealed to the Upper Tribunal on a number of grounds the majority of which were dismissed. However, the Upper Tribunal did find that the First-tier Tribunal had fallen into error as in its statement of reasons it linked the allegations in relation to Mr. Mumford and Mr. Battersby with Mr. Waller's complaint rather than treating them as separate allegations upon which it was required to make specific findings and give reasons on the basis of the written evidence before it.

However, as Mr. Fulcher had already served his six months' suspension at the time the Upper Tribunal heard the appeal, the tribunal and Mr. Fulcher considered little would be achieved from reducing the period of suspension to five months.

Resolved:- That the contents of the report be noted.

B13 MR. ALAN HARSTON

The Committee paid tribute to Mr. Alan Harston and thanked him for all his help and support. They wished him well in his retirement.

B14 DATE AND TIME OF THE NEXT MEETING

Resolved:- That the next meeting of the Standards Committee take place on Thursday, 13th October, 2011 at 2.00 p.m.