

## **SPECIAL MEETING OF STANDARDS COMMITTEE**

Tuesday, 10<sup>th</sup> June, 2008, at 6.00 pm  
in Committee Room 4 at the Council House, Dudley

### **PRESENT:-**

The Bishop of Dudley (Independent Chairman)  
Councillors Attwood, Ms Boleyn, Mrs Martin, Ms Partridge and Tyler; Mr J  
Beards and Miss L Smith

### **Officers**

The Director of Law and Property, Assistant Director Legal and  
Democratic Services and Mr J Jablonski (Directorate of Law and  
Property).

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### 1 **COMMENTS OF THE CHAIRMAN**

The Chairman, in opening the meeting, welcomed Members to this the  
first meeting of the Committee in the new municipal year in particular  
those members who had not previously served on the Committee.  
Members and officers then introduced themselves.

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### 2 **APOLOGY FOR ABSENCE**

An apology for absence from the meeting was submitted on behalf of  
Councillor J R Davies.

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### 3 **DECLARATIONS OF INTEREST**

No Member made a declaration of interest, in accordance with Members'  
Code of Conduct in respect of any matter to be considered at this  
meeting.

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### 4 **MINUTES**

#### **RESOLVED**

That the minutes of the meeting of the Committee held on 24<sup>th</sup>  
April, 2008, be approved as a correct record and signed.

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### 5 **LOCAL INITIAL ASSESSMENT OF COMPLAINTS**

A report of the Monitoring Officer was submitted on arrangements for the Local Initial Assessment of Complaints under the Members' Code of Conduct.

The Monitoring Officer, in his presentation of the content of the report, referred in particular to the changes in the membership of the Committee arising from the local election and Annual Meeting of the Council, which affected the membership of the three Sub-Committees appointed at the last meeting of the Committee. Draft Terms of Reference for these Sub-Committees, to be known as the Referrals, Review and Hearings Sub-Committees, were attached as Appendices 1 to 3 to the report submitted.

Arising from comments made by Members on the three options referred to in paragraph 7 of the report submitted, following a local investigation and submission of a report to the Referrals Sub-Committee, the Monitoring Officer undertook to have a further look at the regulations as to the appeal mechanisms available should the Referrals Sub-Committee determine to accept a finding of no failure to observe the Code.

The second part of the report submitted referred to the Local Assessment Guidance recently issued by the Standards Board for England a copy of which was attached as Appendix 4 to the report submitted.

In considering the Guidance the Monitoring Officer referred to the fifth point in paragraph 10 of the report submitted, regarding the criteria against which the Referrals Sub-Committee should assess new complaints and determine what action, if any, to take, the wording of which varied slightly from that contained in the Guidance.

On consideration of the criteria set out in paragraph 10 of the report submitted Members indicated that they endorsed the Assessment Criteria as set out in the report.

Members also agreed that if there was a referral to the Review Sub-Committee following a decision not to investigate a complaint the Review Sub-Committee would adopt the same assessment criteria together with any new information that might have become available.

Regarding paragraph 13 of the report in respect of dealing with anonymous complaints the recommendation of the Standards Board that the Referrals Sub-Committee may decide that an anonymous complaint should only be referred for investigation or some other action if it includes documentary or photographic evidence indicating an exceptionally serious or significant matter was endorsed together with the recommendation of the Monitoring Officer that this point be included in the Assessment Criteria referred to in paragraph 10 of the report submitted and that the Chief Executive or a senior member of the Council be invited to 'adopt' the complaint so that it ceases to be anonymous.

RESOLVED

1. That the information contained in the report, and Appendices to the report, submitted be noted and, where appropriate, endorsed as indicated above.
2. That the three Sub-Committees of the Committee be reappointed for 2008/09, each to be chaired by an Independent Member, with the Terms of Reference as set out at Appendices 1 to 3 respectively attached to the report submitted, as follows:-

<b>Referrals Sub-Committee</b>	<b>Review Sub-Committee</b>	<b>Hearings Sub-Committee</b>
Ms L Smith (Chairman)	Mr J Beards (Chairman)	The Bishop of Dudley (Chairman)
Councillor J Davies Councillor Attwood	Councillor Ms Boleyn Councillor Ms Partridge	Councillor Mrs Martin Councillor Tyler

3. That the Assessment Criteria as set out in paragraph 10 of the report submitted, together with the addition referred to in paragraph 13 of the report submitted, be adopted;
4. That anonymous complaints be dealt with as set out in paragraph 13 of the report submitted; and
5. That the information contained in the Local Assessment Guidance recently issued by the Standards Board for England, attached at Appendix 4 to the report submitted, be noted.

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MONITORING OFFICER PROTOCOL AND OTHER ISSUES RELATING TO LOCAL ASSESSMENT

A report of the Monitoring Officer was submitted on a Monitoring Officer Protocol, a copy of which was attached at Appendix 1 to the report submitted, and on other issues relating to the Local Initial Assessment of complaints under the Members' Code of Conduct.

In his presentation of the content of the report, and Appendix to the report, submitted the Monitoring Officer referred in particular to paragraphs 6 and 7 of the draft protocol, which authorised him to explore the possibility of a local resolution of a complaint before it was considered by the Referrals Sub-Committee.

Regarding other issues relating to the Local Initial Assessment of Complaints, arising from consideration of the issues relating to Notification to the Member; Filtering out of irrelevant complaints and Pre-investigation, paragraphs 5 to 8 of the report submitted, Members endorsed the proposed recommendation, in paragraph 5, and the arrangements referred to in those remaining paragraphs in respect of these matters.

In respect of the content of the draft Monitoring Officer Protocol, minor variations were made to paragraphs 1 and 2 of the protocol and revised wording circulated at the meeting in respect of paragraph 5.5 of the protocol.

### RESOLVED

1. That the information contained in the report submitted, on a draft Monitoring Officer Protocol and other issues relating to the Local Initial Assessment of Complaints under the Members' Code of Conduct, be noted and, where appropriate, recommendations agreed and proposed actions endorsed.
2. That, subject to the following amendments, the draft Monitoring Officer Protocol attached at Appendix 1 to the report submitted be endorsed:-
  - i. The inclusion of the words "the Monitoring Officer" instead of "them" in the third line of the first paragraph of the protocol.
  - ii. The deletion of the words 'ensure that' after the word "that" in the first line of the second paragraph of the protocol; and
  - iii. The deletion of the wording in paragraph 5.5 of the protocol and the substitution therefor of the following wording -  
'place a report on the agenda for the next convenient meeting of the Referrals Sub-Committee. This report will include a copy of the allegation, such readily available information, their recommendation as to whether the allegation disclosed is an apparent failure to observe the Code of Conduct and whether the complaint should more properly be dealt with by the Standards Board for England'.

The meeting ended at 6.50pm

CHAIRMAN