



NORWICH
City Council

MINUTES

STANDARDS COMMITTEE

Time: 10am to 11.05am

18 July 2014

Present: Councillors Sands (M) (chair following election), Wright (vice chair, following election), Grahame (substituting for Councillor Henderson), Haynes, Manning, Sands (S), Mr P Franzen and Mr C Thrower

Apologies: Councillor Henderson and Mr A Roy (independent person)

1. APPOINTMENT OF CHAIR

RESOLVED to appoint Councillor Sands (M) as chair for the ensuing civic year.

2. APPOINTMENT OF VICE CHAIR

RESOLVED to appoint Councillor Wright as vice chair for the ensuing civic year.

3. DECLARATION OF INTERESTS

None.

4. MINUTES

RESOLVED to approve the accuracy of the minutes of the meeting held on 27 September 2013.

5. MONITORING OFFICER

Pamela Cary, the new monitoring officer, explained that she was using the meeting of standards committee as an opportunity for her to meet the committee. By way of introduction, she said that she had been a solicitor for over 30 years most of which had been in local government. She had been the deputy monitoring officer at Norfolk County Council for 10 years. She had also undertaken a number of code of conduct investigations on behalf of local authorities in Norfolk and elsewhere in East Anglia.

She said that soon after her appointment as monitoring officer in February 2014 she held meetings with senior managers at Norwich City Council and attended the corporate leadership team's annual away day. She had also met a number of the senior councillors and had given an "all councillor briefing" on the role of the monitoring officer.

She had reviewed the code of conduct process and identified that the constitution required any complaint received about a councillor to be initially assessed against an adopted criteria. A report was therefore taken to full council on 18 March 2014 when criteria for deciding whether a code of conduct complaint should be referred for formal investigation, based on Norfolk County Council's criteria, was approved. Under the previous standards regime, it would have been an assessment sub-committee of standards committee that would have made a decision as to whether something should be referred to investigation or not. Under the current arrangements, this decision would be made by the monitoring officer in consultation with the independent person in accordance with the adopted criteria.

In the six months that she had been in post she thought that there appeared to be reasonable relationships between members and between members and officers. She had only dealt with two code of conduct matters brought to her attention since her appointment and it had been appropriate to deal with both informally.

In reply to a question from Peter Franzen on the process following a complaint, Pamela Cary said that it was important to understand that standards committee no longer had the role that it had in the previous standards regime. She would follow the council's arrangements for dealing with standards including assessing the complaint against the adopted criteria including consultation with the Independent Person and, if she considered the matter warranted investigation, she would appoint an investigating officer. At the end of the investigation she would determine whether nothing was proven; or, in consultation with the Independent Person whether it needed to go on to a full hearing. In the first scenario above a report would go to standards committee for information. If it was determined that a hearing was required then standards committee would meet.

If the matter was also a potential criminal offence the monitoring officer would discuss the matter with the independent person and the other senior officer including the chief executive officer and the police would be notified if deemed appropriate. Peter Franzen suggested that the police should be called in very early if there was even a remote possibility that it could be a criminal matter.

Councillor Grahame queried the transparency if decisions were made not to refer the matter to the police. Pamela Cary said that she had a legal responsibility to ensure that the council acted lawfully and ethically and in her professional role would engage all the appropriate people in this respect.

Colin Thrower recognised that the monitoring officer is required to act in a professional capacity. Since the previous standards regime had been abandoned he believed that the role of the independent person was important in giving the wider public confidence that matters were being considered impartially and that role could include bringing matters to standards committee.

In reply to a question from Councillor Grahame, Pamela Cary said that once a complaint was received the monitoring officer would generally speak to the complainant. If it was decided that an investigation would be held the complainant would be interviewed formally as part of this process. Normally, the complainant would be entitled to see a copy of the investigation report and to comment on it. If a hearing was subsequently held the complainant would be invited to participate in that process. She said that it was absolutely necessary to keep the complainant involved and informed at all stages of the process.

In reply to comments on the lack of sanctions available, Pamela Cary said that the penalties that could be imposed by a standards committee were limited including censure/reprimand or training. Andy Emms, democratic services manager, said that although it was not possible to impose serious sanctions such as suspensions etc., it should not be under-estimated how powerful it would be if the standards committee, which met in public and whose minutes were published, came to the view that a member had acted inappropriately. Some members expressed concern about how difficult it would be to sit in judgment of their peers. Pamela Cary emphasised that it was standards committee member's responsibility on behalf of the council to ensure good standards of conduct. .

In reply to other comments, Pamela Cary said that it was understood that the council was a political organisation and that political debate occurred. The whip system was a matter for the political parties themselves. Any member, who became aware of any action by another member that could be a breach of the code, had a responsibility to address it and if necessary, report it to the monitoring officer. She commended the council on continuing to invite co-opted members to be part of the committee as this element of external independent overview would give added confidence to the public.

Newly elected members had received an initial briefing at their induction session but a more detailed session was required. She would be liaising with the democratic services team to find a date in the autumn when she could deliver a code of conduct development session to councillors.

The chair emphasised that it was important that all councillors understood and adhered to the Nolan seven principles of public life.

6. SCHEDULE OF MEETINGS

RESOLVED to –

- 1) note the following schedule of meetings for the civic year –

17 October 2014 at 10am
15 January 2015 at 10am

- 2) ask the monitoring officer and the democratic services officer to give early warning to members if it was likely that one of those meetings would not be required.

CHAIR