



Lewes District Council

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Standards Committee

Minutes of a meeting of the **Standards Committee** held in the **Warren Room, Lewes House, 32 High Street, Lewes** on **Friday, 21 November 2008** at 9.30am

Present:

Mr G R Eysenck (Independent Member – Chair on Election)
Mrs J M Redman (Independent Member)
Councillor L Holland (Seaford Town Council)
Councillors M P Chartier, I Eiloart, A T Jones and D H Mitchell

Officers Present:

C Knight, District Solicitor and Monitoring Officer
D Feintuck, Committee Officer

Minutes

Action

1 Election of Chair

Resolved:

1.1 That Mr Eysenck be elected Chair for the meeting.

2 Minutes

The Minutes of the meeting held on 21 April 2008 were approved as a correct record and signed by the Chair.

3 Apologies for Absence

Apologies for absence had been received from Mr E P O Mercer (Independent Member), Councillors B Clutterbuck and C Terry (Town and Parish Council Members) and Councillor C Sugarman.

4 Initial Assessment of Standards Complaints

The Committee considered Report No 227/08 the purpose of which was to decide upon agreed procedures and assessment and review criteria for the initial assessment of complaints received.

In discussion the following points were made:

- "Average 20 working days" (agenda page 22) for convening Assessment Sub-Committees following the receipt of a complaint was Standards Board guidance and a target to be worked towards.
- The "minimum of 12 months" (agenda page 33) was Standards Board guidance for the length of time for retention of documents relating to complaints which Assessment Sub-Committees decided not to investigate. This guidance would be reviewed within the Council's ongoing record management and document retention schemes.

The Chair led the Committee through the recommendations.

Recommendation 1 - whether the Monitoring Officer should be given authority to attempt local resolution of a complaint in appropriate cases as an alternative to formal investigation:

- Such a process could lead to speedier resolution if the Monitoring Officer felt comfortable using her discretion
- Such a process could prevent complaints escalating unnecessarily
- The complaint might be a plain misunderstanding which could be resolved without recourse to an Assessment Sub-Committee

Resolved:

- 4.1** That the Monitoring Officer should be given authority to attempt local resolution of a complaint in appropriate cases as an alternative to formal investigation, this policy to be subject to review by the Committee in six months time.

Recommendation 2 - production by the Monitoring Officer of a summary of any complaint for each Assessment Sub-Committee as a matter of course:

- Such a summary would contain only helpful and easily located documents within the Council's records, for example, declarations of interest, codes of conduct or the confirmation of individuals' membership of particular councils
- Such a procedure could contribute towards consistency in assessment sub-committee procedures

Resolved:

- 4.2** That the Monitoring Officer be requested to produce a summary of any complaint for the Assessments Sub-Committee as a matter of course.

Recommendation 3 - assessment and review criteria to be adopted:

- The recommendations within paragraphs 2.10.1 to 2.10.4 of the Report were based largely on the Standards Board guidance
- While the Monitoring Officer could ask the complainant for further details, it was debatable to what extent the Monitoring Officer should be expected to ask the complainant for anything other than information which was obviously missing
- The Monitoring Officer and Assessment Sub-Committee could not be expected to wait indefinitely for additional details of a complaint
- There was no way of extracting evidence deliberately omitted by a complainant

Resolved:

- 4.3** That the assessment and review criteria set out in paragraphs 2.10.1 to 2.10.4 of the Report be adopted, this policy to be subject to review by the Committee in six months time.

Recommendation 4 - adoption of the model answer suggested in the Standards Board guidance:

- Such model answers provided a framework within which each Sub-Committee could frame its responses

Resolved:

- 4.4** That the model answers suggested by the Standards Board on page 12 of the attached guidance (Appendix 1 to the Report) be adopted for consideration for each Sub-Committee's response.

Recommendation 5 - the subjects of complaints to be notified only after initial assessments of the complaint by an Assessment Sub-Committee:

- It was possible that were the subjects of complaint notified immediately, any offending behaviour could be immediately rectified
- Such notification could, however, lead to unnecessary distress and/or escalation of the complaint
- Neighbouring councils varied in their approach to this subject
- Were the Committee to adopt a procedure of informing the subject of a complaint at the outset, nothing more than the name of the complainant and the paragraphs possible breached could be disclosed and this in itself could cause problems
- Mrs Redman reported that at the recent Standards Board conference, she had canvassed views on the matter for which there had been no consensus. Mrs Redman believed that guidance would eventually be provided.

Resolved:

- 4.5** That councillors who are the subject of a complaint be notified only after the initial assessment of the complaint by an Assessment Sub-Committee, this policy to be subject to review by the Committee in six months time.

Recommendation 6 - adoption of criteria for the purposes of considering any request by a complainant for confidentiality

- This would arise rarely and only if a complainant claimed they might be in danger of physical threat should confidentiality be breached, it would in any case be a decision to be made by the Sub-Committee.

Resolved:

- 4.6** That those criteria set out on page 25 of the attached guidance extract for the purpose of considering any request by a complainant for confidentiality be adopted.

The meeting ended at 10.30am

G R Eysenck
Chair