

Standards and Governance Committee

Minutes of a meeting held at County Hall,
Colliton Park, Dorchester on 8 July 2013.

Present:-

County Councillors

Mike Byatt
Andrew Cattaway
Janet Dover
David Jones
John Wilson (Chairman)

Independent Members

Judith Anstice
Ronald Manley

Officers attending: Jonathan Mair (Head of Legal and Democratic Services and Monitoring Officer), Mark Taylor (Head of Internal Audit, Insurance and Risk Management) and Fiona King (Senior Democratic Services Officer).

(**RECOMMENDED** in this type denotes that approval of the County Council is required.)

Chairman

37. The appointment of John Wilson as Chairman of the Committee for the remainder for the year 2013/14 was noted.

Noted

Vice-Chairman

Resolved

38. That Janet Dover be appointed as Vice-Chairman of the Committee for the remainder of the year 2013/14.

Apology for Absence

39. An apology for absence was received from Elizabeth Bird.

Code of Conduct

40. There were no declarations by members of any disclosable pecuniary interests under the Code of Conduct.

Minutes

41. The minutes of the meeting of the Standards and Governance Committee held on 15 April 2013 were confirmed and signed.

Matters Arising

Minute 32.5 – Corporate Governance Framework – Annual Compliance Assessment

42. In response to a member's question on the failure to follow professional advice, the Monitoring Officer advised that the Cabinet had received a detailed report on the outcomes of an internal audit. Important learning points had arisen from this report including the need to develop a toolkit to help managers when considering major changes to services.

Terms of Reference

43.1 The Monitoring Officer advised members that in the light of the Localism Act the current terms of reference did not fully reflect the role of the Committee as a governance committee.

He undertook to provide members with updated terms of reference at their next meeting on 22 October 2013 and invited members to email any suggestions to him that they may wish to see included.

43.2 One member commented that it would be helpful to reinforce the governance aspect to all elected members.

Noted

Code of Conduct Update

44.1 The Monitoring Officer updated members on the outcome of the first complaint that had been received under the new arrangements.

44.2 The Chairman of the Standards and Governance Committee and the Monitoring Officer had met and applied the assessment criteria to the complaint and came to the conclusion that there was a lack of any real information in order to judge if further investigation was needed. There was no remedy that the Code of Conduct could deliver.

44.3 The Monitoring Officer advised members that the complaint was a long standing one dating back to the 1980s when the County Council was responsible for policing functions in Dorset. The complainant was considered to be a vexatious complainant of the County Council and that the complaint in question was very historic and related back to 1982.

44.4 The complainant had since been advised and was unhappy with the outcome, and it was understood that she was now pursuing a complaint about the Monitoring Officer.

44.5 In response to a question from a member about whether the complaint could be considered through the corporate complaints procedure, the Monitoring Officer confirmed that the complainant had previously accessed the whole authority complaints procedure and was considered a vexatious complainant.

44.6 Following a member's question about any possible publicity that could result from the complaint, the Monitoring Officer advised that the complainant was well known to the Communications Unit and a statement could be prepared, in conjunction with Dorset Police, should the need arise.

Noted

Constitutional Changes

45.1 The Committee considered a report by the Monitoring Officer which proposed three changes to the Constitution and is attached as an Annexure to these minutes.

(i) Membership of the Audit and Scrutiny Committee and the Overview Committees

45.2 Following a discussion on the membership of the Audit Committee and the Overview Committees, members felt that the key point was around the word 'involved' and how much a member had been involved in a particular matter. It was clear that members who had been involved in the making of decisions should not then be involved in the scrutinising of those decisions.

45.3 One member commented that for members of the public it would be clearer and more transparent for the membership to still exclude the Chairmen of the Audit and Scrutiny Committee and Overview Committees.

45.4 Members were content with the recommendation on the membership of the Overview Committees but the Monitoring Officer undertook to come back to the next meeting of the Committee with more relevant wording.

(ii) Growing Places Fund (GPF)

45.5 In response to a member's comment about the need for a clear and open process for members on how the whole process worked, the Monitoring Officer advised that the Scheme of Delegation advised officers to work with their portfolio holder and to undertake consultation with the local member if appropriate.

45.6 One member expressed concern about openness in relation to the endorsement of any future GPF schemes as it was so wide ranging. The Monitoring Officer advised that the need for a delegation was a reflection of working in partnership with Bournemouth and Poole. 'Decisions' were taken by the LEP and included the Leaders of the County Council, Bournemouth and Poole but needed to be approved on behalf of the County Council as the accountable body for the GPF.

45.7 Members agreed the recommendation, but for greater transparency included the wording that 'any delegation to act under this to be reported to the Cabinet and then to full Council'.

(iii) Terms of Reference of the Public Health Overview Committee

45.8 The Monitoring Officer advised members that the County Council was committed to the health partnership for the next three years. The County Council's Cabinet had no decision making role in relation to health, that was the role of the Joint Executive.

45.9 Following a comment from a member about how members who were not on the Public Health Overview Committee were able to contribute, the Monitoring Officer advised that the Overview Committee minutes would be reported to full council where there would be the opportunity for members to ask questions. The minutes of the Joint Executive would also be presented to full council.

45.10 One member added that there were opportunities for individual members from all authorities to question and comment on health matters.

RECOMMENDED

46. That the County Council be asked to approve the following changes to the Constitution:-

- (i) Membership of the Audit and Scrutiny Committee and Overview Committees
- (ii) Scheme of Delegation – Growing Places Fund – Any delegation to act under this to be reported to the Cabinet and then to full Council
- (iii) Terms of Reference of the Public Health Overview Committee

Reason for recommendation

47. To contribute to the corporate aim to 'provide innovative and value for money services'.

Questions

48. No questions were asked by members under Standing Order 20 (2).

Exempt Business

Exclusion of the Public

Resolved

49. That in accordance with Section 100 A (4) of the Local Government Act 1972 to exclude the public from the meeting in relation to the business specified in minute 50 because it was likely that if members of the public were present, there would be disclosure to them of exempt information as defined in paragraphs 3, 4 and 5 of Part 1 of Schedule 12A to the Act and the public interest in withholding the information outweighed the public interest in disclosing the information to the public.

Membership of the Personnel Appeals Committee

50.1 The Committee considered a joint exempt report by the Monitoring Officer and the Director for Corporate Resources, which had also been considered by the Staffing Committee and Personal Appeals Committee on 17 June 2013, on changes necessary to ensure the County Council complied with the law in regards to the composition of the Personnel Appeals Committee (PAC).

50.2 The Monitoring Officer advised members that the members of the Staffing Committee and the Personal Appeals Committee had supported the recommendations subject to a caveat that the arrangements should be reviewed after twelve months.

50.3 In response to a question from a member seeking clarification about the decision-making, the Monitoring Officer advised that the hearing of both end of employment and grievance appeals would be undertaken by the officer decision maker and the elected member(s)/trade union representation together.

50.4 Members agreed the recommendation and looked forward to receiving a feedback report in twelve months.

RECOMMENDED

51. That the County Council be asked to approve:

1. The membership of the Personnel Appeals Committee be changed so that members of the trades unions no longer serve as members of the committee when it sits as a pay board or to hear grievance appeals from staff.
2. That the role of the hearing and determining grievance appeals be delegated to the Chief Executive or a director after consultation with one member of the Personnel Appeals Committee and one trades union representative drawn from any one of the recognised trades unions.
3. That the role of hearing and determining end of employment appeals be delegated to the Chief Executive or a director after consultation with two members of the Personnel Appeals Committee.
4. That a further report be provided for the Personnel Appeals and Staffing Committees after the new arrangements had been in place for twelve months.

Reason for Recommendation

52. In order to comply with the law and to test a more proportionate approach to hearing and determining appeals.

Meeting duration: 10.00am – 11.15am