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SOUTHAMPTON CITY COUNCIL  
STANDARDS AND GOVERNANCE COMMITTEE  
MINUTES OF THE MEETING HELD ON 16 April 2012

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Present:

Members of the Council

Councillors Burke, Noon, Osmond, Parnell and Turner

Independent Members

Mr Brian Hooper (Chair), Mr David Blake, Mrs Elizabeth Hale and Mr Geoff Wilkinson

Apologies

Councillor Matthews

18. **STATEMENT FROM THE CHAIR**

The Committee expressed its appreciation of the past service given by Councillor Drake who had resigned as an elected member with effect from 16<sup>th</sup> March 2012. The Committee also wished to express appreciation for the input from its Independent Members and to the Chair in particular.

19. **MINUTES OF PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

**RESOLVED:** that the minutes for the meeting held on 13<sup>th</sup> December 2011 be approved and signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

20. **LOCALISM ACT 2011 – REVISED STANDARDS ARRANGEMENTS**

The Committee considered the report of the Head of Legal, HR and Democratic Services regarding proposals for changes to the standards regime brought about by the Localism Act and recommending proposals for the drawing up of a revised Code of Conduct for adoption by Council, together with arrangements for dealing with complaints where a Member has breached the Code. (Copy of the report circulated with the agenda and appended to the signed minutes).

The Committee was informed that the revised local Code of Conduct for Members, which the Council needed to develop to replace the national standards framework, remained “work in progress” until regulations under the Act were finalised but that arrangements for the new standards regime needed to be in place for 1<sup>st</sup> July 2012.

**RESOLVED**

- (i) that a further update report be submitted to a later meeting of the Committee once further clarification had been received regarding the remaining detail of the revised standards regime;

- (ii) that an additional meeting be arranged for the Committee to give further consideration to the draft Code of Conduct prior to it being presented to Council for adoption;
- (iii) that the Committee recommend to Council the proposed arrangements as outlined in the report:-
  - (a) that authority be delegated to the Head of Legal, HR and Democratic Services to:-
    1. advertise for and appoint two Designated Independent Persons;
    2. appoint two independent co-opted members from the current appointees to serve on the proposed Governance Committee on standards issues only from 1st July 2012;
  - (b) that once the new Standards Regime has come into force on 1<sup>st</sup> July 2012:-
    1. the role of the current Audit Committee be extended to one of overall governance and from that committee a Standards Sub Committee be formed;
    2. the Standards Sub Committee consist of three Members, politically balanced, together with two co-opted and non voting independent members to deal with any Code of Conduct issues that may be referred to it by the Monitoring Officer and that it has the terms of reference as outlined;
    3. that authority be delegated to the Monitoring Officer, after consultation with a Designated Independent Person, to where appropriate
      - (i) determine whether a complaint in relation to Member misconduct merits formal investigation
      - (ii) refuse to accept complaints that are trivial, vexatious, repetitive or political and at his discretion to refer such decisions on investigation to the Standards Sub Committee
      - (iii) agree local settlements;
    4. that power be delegated to the Standards Sub Committee to take such actions as it lawfully can in respect of a Member who is found to have failed to comply with the Code of Conduct but that in addition an appeal process involving a committee of the same composition but different people;
    5. that authority be delegated both the Monitoring Officer and Standards Sub to grant dispensations under the Act;
    6. that the Designated Independent Persons be paid an annual retainer of £645.00 and that this be reviewed annually; and
    7. that the current Code remain in place until a revised code of conduct is adopted by Council.

## 21. **INTERNAL COMPLAINTS PROCEDURE**

The Committee considered the report of the Head of Legal, HR and Democratic Services setting out the current complaints procedure in order to consider whether any revisions were required following the receipt of correspondence from a resident. (Copy of the report circulated with the agenda and appended to the signed minutes).

The Committee carefully considered the points raised in the correspondence to the members of the Committee. The Committee found that the complaints procedure was fit for its purpose and that it was both sensible and reasonable that complaints about services provided by a contractor should be referred to the contractor in the first instance, and that it was beyond the Committee's remit to become involved in the substance of individual complaints, there being sufficient levels in the complaints process already.

However, the Committee felt that feedback from the survey forms sent to all complainants asking for their views on the process and the outcome should provide information regarding how many cases end with the complainant being satisfied, and how many with them being still dissatisfied. However, it was recognised that the data that can be drawn from them is not very reliable due to the poor response rate.

### **RESOLVED**

- (i) that the Annual Report statistics to the Committee give more prominence to the customer feedback on the Complaints procedure; and
- (ii) that the Chair respond in writing to the resident concerned on behalf of the Committee regarding their deliberations.

## 22. **CHANGES TO THE CONSTITUTION**

The Committee considered the report of the Head of Legal, HR and Democratic Services seeking the Committee's comments and views, in its governance role, upon the annual review of the Constitution due to be presented to the Annual General Meeting of the Council in May 2012. (Copy of the report circulated with the agenda and appended to the signed minutes).

The Committee noted that In light of the significant revisions made last year, only minor revisions were proposed.

The Committee particularly noted and discussed the following points:-

- that as with the agenda for the Standards and Governance Committee, a separate report would be considered by Council in relation to standards issues and the Localism Act 2011, including the deletion of the Standards and Governance Committee and expansion of the current Audit Committee, adoption of a new Members Code of Conduct, new register of interests and appointment of independent members;
- with regard to the Employment and Appeals Panel, it was the intention to review the process on employment issues and consult with the unions before bringing an item to Council;
- that whilst the Localism Act has removed the statutory obligation to have a petition scheme, it was considered useful to retain for the public to raise significant issues. However, it was proposed to remove the option to appeal to Overview and Scrutiny Committee;
- changes to Financial Procedure rules including the raising of financial thresholds and changes to the procurement procedure.

**RESOLVED**

- (i) that the Committee endorse the proposed changes to the Constitution:
- (ii) that authority be delegated to the Head of Legal, HR and Democratic Services to finalise the arrangements as approved by Full Council and make any further consequential or minor changes arising from the decision(s) of Full Council; and
- (iii) that approval be given to the City Council's Constitution, as amended, including the Officer Scheme of Delegation for the municipal year 2012/13.