

**STANDARDS COMMITTEE**

A meeting of the Standards Committee was held on 27 January 2004

**PRESENT:** G Fell (Chair)

Councillors Brady, McPartland, B Taylor and T Ward

Independent Members:

W Anderson, I Bruce

**OFFICIALS:** R Baker, M Braithwaite, R G Long, D Robinson

**\*\*APOLOGIES FOR ABSENCE** were submitted on behalf of Councillor Hubbard and Ms D Middleton.

**CODE OF CONDUCT – LOCAL DETERMINATION**

The Committee considered a report together with various appendices proposing the establishment of a Hearing Sub-Committee (to be known as a Panel) to consider and deal with complaints referred for local determination by the Standards Board for England. The report included two sets of procedures (Appendices 1 and 2) together with a brief note outlining the regulations (Appendix 3).

Procedures at Appendix 1 related to allegations of misconduct which had been investigated by an Ethical Standards Officer of the Standards Board for England and then referred to the Council's Standards Committee for determination. The procedures at Appendix 2 anticipated the making of further regulations to enable the Monitoring Officer to secure the investigation of an allegation and report directly to the Standards Committee or Standards Panel.

The procedures would cover the investigation of alleged misconduct by elected councillors (Borough and Parish), voting co-opted or non-elected members and any non-voting, co-opted or non elected members of Council committees who had voluntarily agreed to be bound by the Code of Conduct.

It was suggested that the Independent/Parish Council representatives be appointed on a rota basis, subject to the proviso that the Parish Council representative attends any meeting involving complaints relating to Parish Council members. It was also suggested that the Labour Group representative on the Panel be selected by rota, although that view was not supported, the Group favouring that a single member be appointed to attend all meetings of the Panel.

**ORDERED** as follows:

1. That the procedures contained in Appendices 1 and 2 of the report be approved and adopted.
2. That the following sub-committee comprising 5 members, acting with delegated powers, be established to deal with any hearing as follows:

Standards Panel (Hearings)

Membership/Restrictions:-

Independent Chair

3 Elected Members - one from each registered political group – Political balance rules do not apply

1 Independent / Parish Councillor Member on a rota basis, subject to the proviso that the Parish Council representative attends any meeting involving complaints relating to Parish Council Members

Members:

Mr G Fell (Chair)  
Councillors B Taylor T Ward and M Williams  
Independent/Parish Council Members:  
Mr W Anderson, Ms D Middleton  
Councillor A Bruce,

Terms of Reference:

Acting with delegated powers, to consider and deal with, in accordance with agreed procedures, complaints referred for local determination by the Standards Board for England under the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003.

**MONITORING OFFICER PROTOCOL**

The Director of Legal and Democratic Services presented a report proposing the adoption of a protocol for the statutory post of Monitoring Officer appointed under Section 5 of the Local Government and Housing Act 1989.

The report detailed the statutory responsibilities and working arrangements of the post and included as an appendix to the report, a summary of the functions of the post.

**RECOMMENDED** that the Monitoring Officer Protocol be approved.

**MEDIA PROTOCOL**

The Director of Legal and Democratic Services presented a report proposing the adoption of a protocol to provide guidance for members of the Council's Standards Committee(s) when dealing with media enquiries in respect of complaints and investigations referred from the Standards Board for England.

**RECOMMENDED** that the Media Protocol be approved.

**TEES VALLEY AUTHORITIES – LEGAL ADVICE PROTOCOL**

The Director of Legal and Democratic Services presented a report seeking formal endorsement of a protocol agreed by the chief legal officers of the five Tees Valley authorities. The protocol would enable a member of the Council to seek legal advice from an officer of any of the other four Tees Valley authorities, where this authority's officers were unable to provide that advice due to conflicts of interest.

**RECOMMENDED** that the protocol "Ethical Framework" – Members' Code of Conduct – Alleged Breaches – Legal Advice " be approved.

**CODE OF CORPORATE GOVERNANCE**

The Director of Legal and Democratic Services presented a report on the role of Corporate Governance in the democratic process explaining that it was a system that directs and controls the functions of the local authority and the way it relates to its community. As Middlesbrough Council was committed to the principles of good Corporate Governance, it was felt appropriate to demonstrate that commitment through the adoption of a formal code. The Committee was therefore asked to formally endorse adoption of a proposed Code of Corporate Governance, a copy of which was attached as an appendix to the report.

**RECOMMENDED** that the Code of Corporate Governance be approved.