

STANDARDS COMMITTEE

A meeting of the Standards Committee was held on 8 May 2006.

PRESENT: G Fell (Chair)

Councillors Brady, Clark, Elder, J Jones and Williams.

Independent Members:
R Anderson and D Middleton

Also in Attendance: Councillors Khan, McPartland and P Thompson.

OFFICIALS: M Braithwaite, C Davies and R G Long

****APOLOGIES FOR ABSENCE** were submitted on behalf of Mr R Anderson (Independent Member and Councillor I Bruce (Parish Councillor).

**** DECLARATIONS OF INTEREST**

No declarations of interest made at the meeting.

**** MINUTES**

The minutes of the previous meeting held on 31 August 2005 were taken as read and approved as a correct record.

APPOINTMENT OF VICE-CHAIR

ORDERED that Councillor B Taylor be appointed as Vice-Chair for the coming year.

APPOINTMENT OF INDEPENDENT MEMBERS

The Director of Legal and Democratic Services reported that following advertisement of the vacancies and subsequent interviews Mrs Donna Middleton and Mr Ron Anderson were reappointed as Independent Members of the committee for a further three year term of office.

NOTED

STANDARDS BOARD FOR ENGLAND – CODE OF CONDUCT INVESTIGATION – COUNCILLOR McPARTLAND

The Director of Legal and Democratic Services submitted a report in respect of a joint complaint from a Ms M Stevenson received by the Standards Board for England relating to the conduct of Councillor McPartland at a meeting of the Planning and Development Committee held on 15 July 2005.

Following referral of the matter from the Standards Board for local investigation the Director of Legal and Democratic Services in accordance with the Regulations appointed Mr C Davies, Members' Office Manager, to carry out the investigation.

A copy of the final report prepared by Mr Davies had been appended to the report submitted. A copy had also been sent to the Standards Board, Councillor McPartland and the complainant.

The Committee was advised that its remit was specifically to determine either of the following: -

- a) to accept the findings made by the investigating officer, or
- b) to require the complaint to be referred to the Standards Panel Hearings Sub-Committee for a full hearing.

In the event of the Committee agreeing that the Code of Conduct had not been breached the Council should arrange for a notice to be published to that effect although in accordance with the Regulations. Councillor McPartland could request that such notice be not published in the local press.

Should the Committee conclude that based on the finding of the Investigating Officer there appeared to have been a breach of the Code of Conduct, then the matter must be referred to the Standards Panel (Hearings) for a full hearing.

The Board considered the finding of the Investigating Officer and sought clarification on a number of points, particularly regarding the advice provided to Councillor McPartland.

The Committee received, tabled at the meeting, copy of correspondence received from Mr T J Moss, Solicitor acting on behalf of the complainant regarding matters which, he felt should be considered by the Committee prior to making their decision.

ORDERED that the finding of the Investigating Officer be accepted in that there had not been a breach of the Code of Conduct, specifically in relation to Paragraphs 4, 5 (a), 8, 9, 10 and 12 of the Council's Code of Conduct.

COMPLAINT – STANDARDS BOARD FOR ENGLAND – COUNCILLOR MCTIGUE

The Director of Legal and Democratic Services submitted a report advising the Committee of the results of an investigation by the Standards Board for England. The complaint, as to whether Councillor McTigue had failed to comply with the Council's Code of Conduct in relation to the decision to construct a BMX cycle track within Beechwood, had been referred to the Adjudication Panel for England for a full hearing held on 31 January 2006.

The substance of the complaint was that Councillor McTigue had not declared a personal or prejudicial interest in the matter at a meeting of the Overview and Scrutiny Board held on 5 January 2005 nor did she declare a personal interest at the Planning and Development Committee meeting held on 1 April 2005.

The Adjudication Panel's finding was that Councillor McTigue had failed to comply with the Code of Conduct. Although the Tribunal deprecated the Councillor's behaviour it did not consider it necessary, in the circumstances of the case, to impose a penalty.

As Councillor McTigue had stated at the hearing that she had not received training on the Code of Conduct, the Tribunal had recommended that the authority provide such training for all Members. The Director of Legal and Democratic Services had advised the Tribunal that such training had been offered to all Councillors following the 2003 Council elections and that further training would be available to Councillors in the future, as detailed in the Member Development Programme.

NOTED

STANDARDS BOARD BULLETINS AND NEWSLETTERS

The Director of Legal and Democratic Services circulated copies of the following publications issued by the Standards Board for England:

Standards Board Bulletin No 28 (April 06)
Standards Committee News (Issue 4) (November 05)
Town and Parish Standard No 6 (March 06)

The Director reported that the Standards Board issued bulletins on a regular basis highlighting guidance and news on standards and ethical issues relevant to the work of the Standards Committee and to town and parish councils. The publications had not routinely been circulated to committee members but were available on the Standards Board Website.

In addition to the publications referred to above, the Standards Board also publish details of experience gained from case reviews of investigations, giving legal advice and developing policy on the Code of Conduct. Members were asked whether they wished to receive future copies of the publications with the committee agenda or via e-mail.

ORDERED as follows:

1. That all elected Members of the Council receive e-mail copies of the Standards Board bulletins and newsletters
2. That copies be deposited in the Members' Library.
3. That Co-opted Members be asked for their preferences regarding circulation of the publications.

FIFTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

Details of the forthcoming 5th Annual Assembly of Standards Committee entitled "Bridging the Gap – Towards Effective Local Regulation", to be held at the ICC, Birmingham on 16/17 October 2006 were circulated.

ORDERED that authority be granted for attendance at the event by the Chair and Vice-Chair or substitutes.

PLANNING AND LICENSING PROTOCOLS

The Director of Legal and Democratic Services submitted copies of the current protocols in regard to operating procedure for the Planning and Development and Licensing Committees. The protocols dealt with a variety of issues including lobbying by members of the public or applicants, giving guidance in respect of Members own personal circumstances and provided advice on the overall conduct of the committees.

Members were asked whether they wished to comment on or endorse the current protocols.

ORDERED that the protocols be endorsed subject an amendment to reflect the following:

To ensure that there is no perception of bias where there has been an element of involvement in another capacity by the Chair of a Planning and Development or Licensing Committee in a matter before the committee, he/she should vacate the chair and allow the vice-chair, or in their absence, another member of the committee, to preside

ACCESS TO INFORMATION REGULATIONS

The Director of Legal and Democratic Services submitted a report notifying Members of amendments to the rules regarding Access to Information following the issue of three new regulations dealing access to document submitted to the Council, Executive and their committees and sub-committees and the Standards Committee.

The regulations substitute the current 15 paragraphs within schedule 12A of the Local Government Act 1972 and replace them with 7 new categories. The regulations relating specifically to Standards Committees add additional categories of exemption relating to confidential information, issues relating to national security and deliberations by the committee relating to allegations of breach of the code of conduct. The changes were intended to simplify the existing categories and conditions and provide consistency with those categories of exemption within the Freedom of Information Act. The changes also extended the rights of Members to reports.

A further change in the Regulations applied to decisions regarding whether or not to exclude the press and public and require the Council to apply the public interest test. The test required the Council to decide whether the greater public interest would be served by disclosing the information rather than by withholding it.

ORDERED that the changes to the Access to Information provisions be noted.

MEMBER DEVELOPMENT STRATEGY

The Director of Legal and Democratic Services presented the Member Development Strategy for 2006/2007. The Strategy consisted of three key elements: The Member Development Policy Statement, Member Development Strategy and the Member Development Programme. The Committee's endorsement of the Strategy was sought prior to further consideration by the Council on 17 May 2006.

ORDERED that the Member Development Strategy (attached as an appendix to the report) be approved.

STANDARDS OF CONDUCT IN ENGLISH LOCAL GOVERNMENT: THE FUTURE

The Director of Legal and Democratic Services submitted a report detailing the content of the above discussion paper published by the Deputy Prime Minister. The draws together the Government's views on the future of the conduct regime for Members and employees local government in England, and set out the Government's intentions following various consultation exercises.

The main proposals included:

- Monitoring officers will undertake the investigation of most allegations.
- Local Standards Committees will make determinations of most cases.
- Only the most serious cases will be referred to the Standards Board for investigation.
- Monitoring Officer and Standards Committees will need to become central not only in investigating but also in promoting and championing high standards, and ensuring that standards become embedded as an intrinsic part of the local culture.
- Capacity building measures and support to be provided to Standards Committees between now and the coming into effect of the new regime.
- Standards Committees will be required to an independent chair.
- Standards Committees will report to the Standards Board on how they been undertaking their role: this might be through the submission of annual reports, in a common format.
- The Standards Board will monitor the performance of Standards Committees.

Proposals for changes in relation to the conduct of local government employees included:

- Retention of the existing framework that restricts the political activities of certain senior staff, however, consideration will be given to amending the existing legislation to ensure that 'Political Restriction' only applies to the most senior, or the most sensitive posts.
- Abolition of the post of Independent Adjudicator, and delegation of the role in making decisions on applications for exemption from 'Political Restriction' to local Standards Committees.
- To issue a code of conduct that all employees should follow, which will be incorporated into each employee's contract of employment.
- Measures to increase the pay of Political Assistants (which is covered by statute).

The paper rejects any further changes to the rules relating to political or mayoral assistants, and in respect of rules relating to employees acting as elected members.

NOTED

STANDARDS COMMITTEE – MEETINGS 2006-2007

ORDERED that meetings of the committee be held at 10.00 a.m. as follows:

Tuesday 6 June 2006
 Tuesday 5 September 2006
 Tuesday 6 December 2006

Tuesday 6 March 2007

(NB Following the meeting the commencement time for the meeting on 6 June 2006 was subsequently changed at the request of the Chair to 2.00 p.m.)

GOING LOCAL – INVESTIGATIONS AND HEARINGS

ORDERED that a copy of the DVD on local investigations produced by the Standards Board for England be circulated to all Members and Co-opted Members of the Council.