

## STANDARDS COMMITTEE

A meeting of the Standards Committee was held on 11 March 2008.

**PRESENT:** G Fell (Chair)  
Councillors Kerr, Majid, McPartland and Pearson  
Parish Council Member: Councillor I Bruce  
Independent Member: C Nestor.

**OFFICIALS:** M Braithwaite, R G Long and D Robinson.

**\*\*APOLOGIES FOR ABSENCE** were submitted on behalf of Councillors Davison and Taylor.

### **\*\*DECLARATIONS OF INTEREST**

There were no declarations of interest for this meeting.

### **\*\*MINUTES**

The minutes of the meeting of the Standards Committee held on 11 December 2007 were taken as read and approved as a correct record.

### **WELCOME NEW MEMBER**

The Chair referred in sympathetic terms to the recent death of Councillor Ward and then welcomed Councillor Pearson to the meeting following her appointment to the committee in place of former Councillor Ward.

### **INDEPENDENT MEMBER – ADVERTISEMENT**

The Director of Legal and Democratic Services reported that following the recent advertisement of the vacancy for an independent member of the committee one expression of interest had been received but no formal applications received. The Director sought approval, subject to further clarification on the technical requirements regarding joint membership, to approach members of the Council's Independent Panel on Members' Remuneration to ascertain interest in taking up the place on the committee. It was acknowledged that other authorities were also struggling to appoint to similar places on their standards committees. In order to encourage participation other authorities in the Tees Valley provided for the payment of an SRA. It was therefore suggested that in order to encourage further interest the Independent Panel on Members' Remuneration be asked to consider the possibility of remuneration for independent members.

#### **ORDERED as follows:-**

1. That officers be authorised to make approaches to members of the Independent Panel on Members' Remuneration regarding the take up of the vacancy on this committee and, that should there be no interest from those members in taking up the place, a further public advertisement be pursued.
2. That the Independent Panel on Members' Remuneration be asked to consider the payment of a Special Responsibility Allowance for Independent Members.

### **CODE OF CONDUCT - HEARINGS**

The Director of Legal and Democratic Services submitted a report advising on the committee's responsibility for new functions associated with the consideration of complaints regarding councillors who are alleged to have failed to comply with the Code of Conduct and of the need to develop an operational structure and establish sub-committees to discharge those functions.

The four stages of the complaints process were as follows:

Stage 1 – an initial assessment under Section 57A of the 2000 Act to consider whether a complaint should be referred for investigation.

Stage 2 – the complainant seeks a review under Section 57B of the 2000 Act in respect of a decision not to investigate the complaint.

Stage 3 – the Council receives the Investigation Officer's report and determines whether or not to refer the matter to a formal hearing, and

Stage 4 – a formal hearing at which witnesses etc., are called to give evidence.

Regulations will be made to prohibit members of the Standards Committee from taking part in both stages 1 and 2 of the process. New rules also require that the Chair of a Standards Committee or Sub-Committee must be one of the independent members (i.e non elected members).

The general guidance proposed that three sub-committees, comprising three members be established to carry out the functions as follows:-

Standards (Initial Assessment) Sub-Committee  
Standards (Review) Sub-Committee  
Standards (Hearing) Sub-Committee

Due to the current conflicting views in relation to natural justice regarding the level of involvement of individual members at each stage, further guidance will be reported to the committee once regulations have been published.

**ORDERED** as follows:-

1. That the three sub-committees outlined above be established.
2. That Mr C Nestor, be appointed Chair of the Standards (Initial Assessment ) Sub-Committee
3. That the person appointed to the current independent member vacancy on the Standards Committee be appointed Chair of the Standards (Review) Sub-Committee.
4. That Mr G Fell, Chair of the Standards Committee be appointed Chair of the Standards (Hearings) Sub-Committee.
5. That the remaining two places on each sub-committee be appointed from the remaining members of the Standards Committee as follows:-

Labour Group – 1 permanent member – the name to be forwarded in due course.  
Remaining elected members on a rota basis.

## **CODE OF CONDUCT – INITIAL ASSESSMENT**

The Director of Legal and Democratic Services submitted a report together with various case studies, based upon actual complaints, as part of a training package produced by the Standards Board for England relating to the type of issues Members would be required to deal with, when considering whether or not to refer a complaint for investigation under the new code of conduct requirements.

The old system was based upon the idea of an investigation followed by a sanction. The new system allowed for greater scope for mediation and other remedies. The recommended approach focussed on two key tests to be applied to every new case:

- i) Does the allegation disclose a potential breach of the code? and,
- ii) If it does disclose a potential beach of the Code of Conduct, should anything be done?

The Standard Board for England had prepared a flow chart, (a copy of which was appended to the report), which recommended the approach to be adopted, as outlined by the Board.

Members then went through four of the twelve actual case studies included in the training package in order to highlight the relevant issues that would need to be considered and to determine an outcome to be assessed against the actual case histories.

**NOTED**

#### **STANDARDS BOARD BULLETIN NO. 37**

Reference was made to the publication of the latest issue of the Standard Board Bulletin, copies of which would be circulated to all members of the Council and committee. A report on the important issues within the bulletin would be presented to the next meeting of the committee.

#### **LOCAL PROTOCOL**

The Director of Legal and Democratic Services reported that requests had been received from a Member in relation to two complaints against councillors regarding possible breaches of the Council's protocol relating to the involvement of councillor in wards other than their own.

A further report would be presented to the next meeting.

**NOTED**