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To: The Chairman and Members of the  
**STANDARDS COMMITTEE**  
City Council Members:  
Councillors Gibbon, Moderate, Simpson and Cummings  
Parish Council Members  
Councillors C W Beswick  
Independent Members:  
Mr B R J Ingleby (Chairman) Mrs T Naples, Mr D Hollingworth

Dear Sir/Madam

A Meeting of the **STANDARDS COMMITTEE** will be held in the Town Hall, Durham on Tuesday 14 March 2006, at 5.30pm.

**BUSINESS**

1. Apologies for Absence
2. Minutes of the Meeting held on 17 January 2006 (copy attached)
3. Report of Monitoring Officer (*to be circulated under separate cover*)

Yours faithfully

**CHIEF EXECUTIVE**

**City of Durham**

At a Meeting of the **STANDARDS COMMITTEE** held in the Town Hall, Durham, on Tuesday, 17<sup>th</sup> January, 2006, at 5.30 p.m.

**Present:** Mr B.R.J. Ingleby (in the Chair)  
and Councillors Cummings, Gibbon, Moderate, and Simpson (City Council Members)  
and Councillor C.W. Beswick (Parish Council Member)  
and Mr D. Hollingworth and Mrs T. Naples (Independent Members).

**Also Present:** Councillor Kinghorn.

**436. APOLOGIES FOR ABSENCE**

There were apologies for absence from Councillor Williams

**437. MINUTES**

The Minutes of the Meeting held on 15<sup>th</sup> November, 2005, were confirmed as a correct record and signed by the Chairman. With reference to Minute 352, Members requested that a letter be sent to Durham County Council enquiring about the training for Standards Committee Members which was to have taken place in December 2005.

**Report of Monitoring Officer.**

**438. “STANDARDS OF CONDUCT IN ENGLISH LOCAL GOVERNMENT: THE FUTURE”**

Shortly before Christmas, ODPM published a paper entitled “Standards of Conduct in English Local Government; The Future” which drew together the Government’s current views on the future of the conduct regime for local government and provided a co-ordinated response to recent recommendations and consultations on conduct issues in local government. In particular, it responded to the report of the committee on Standards in Public Life – Getting the Balance Right – Implementing Standards in Public Life, published in January 2005 and the report of the ODPM Select Committee published in April on the Role and Effectiveness of the Standards Board for England, as well as commenting on the recommendations of the Standards Board following their recent review and consultation exercise on the Code of Conduct for Members.

The paper also contained a review on the regulatory framework governing the political activities of local government employees and the ODPM consultation paper from August 2004 on the proposed introduction of a Code of Conduct for such employees, but this aspect of the paper was the subject of a separate report.

The government was proposing to simplify and clarify the Code of Conduct for Members, so it was easier to understand and use and better reflected the way modern councils work. Some of the proposed changes would require primary legislation – others could be achieved through statutory instrument. The government’s intention was to seek the new legislation at the first convenient opportunity Parliamentary time allows. In the meantime, comments on the contents of the paper were invited.

A copy of the paper was circulated for members’ information. Because the appendices were lengthy, these have not been copied, but the salient points were brought out in the Monitoring Officers report. Any member of the Committee who wished to be supplied with a full copy of the papers should advise the Monitoring Officer. The full report could also be accessed on [www.odpm.gov.uk](http://www.odpm.gov.uk).

**Resolved:** That the report be noted.

#### **439. CODE OF CONDUCT FOR MEMBERS**

The Government had welcomed the recommendations made by the Standards Board for England following their consultation exercise and had agreed that amendments of the code should be made along the lines suggested, taking account of lessons learnt during the 3 years' operation of the code to date. The aim was to make the code simpler and more proportionate. In particular, relaxations were planned which would free up Councillors' advocacy role for their constituents and for the public bodies on which they served.

The Government had also decided that there were considerable benefits in the introduction of more local decision making, so it was a logical step to extend the role of Standards Committees by getting them to take on the initial assessment of all allegations. The intention was that Monitoring Officers would undertake investigations and Standards Committees would make a determination in the majority of cases. Only the most serious complaints would be referred to the Standards Board for investigation. To ensure independence and thoroughness the Government considered there was a need to improve the independence of Standards Committees and to build capacity and capability, so they were proposing to work closely with the Standards Board to produce guidance on new roles and responsibilities. The government was also urging local authorities to ensure their Monitoring Officer and Standards Committee were properly supported, of the appropriate quality and able to promote high standards of conduct so that concern for conduct issues was embedded in every aspect of the authority's work.

Interestingly the government had rejected the Graham Committee's view that standards committees should be required to have a majority of independent members (though they endorse the view that the Chairman should be independent). Their reasoning was that it was the balance of experience of members which was important rather than a numerical majority.

It was likely guidance would encourage the sharing of experience and expertise amongst authorities with possibly Councils joining forces to recruit independent members and/or provide Monitoring Officer services.

When local Standards Committees take on the initial vetting and determination role in relation to complaints, one advantage was that they would be able to weed out politically inspired and vexatious claims, given their better understanding of local pressures and sensitivities. Reports would need to be made to the Standards Board – perhaps via an annual report and the Board would continue to monitor performance. If necessary the Board would be able to withdraw a local Committee's powers if it is felt a particular Standards Committee was not operating in the public interest.

The Government would also consider increasing the powers available to Standards Committees to impose penalties, to reflect the fact that committees would be considering more serious cases than at present.

**Resolved:** (i) That the report be noted.

(ii) That further reports are brought forward as the promised new legislation and guidance is issued.

#### **440. CONDUCT OF LOCAL GOVERNMENT EMPLOYEES**

The paper published by the Office of the Deputy Prime Minister on the 15 December 2005, entitled "Standards of Conduct in English Local Government; The Future" was in part a response to the ODPM consultation paper issued in August 2004 on the topic of a Model Code of Conduct for Local Government Employees.

The Local Government Act 2000 gave powers to the Secretary of State to issue a code of conduct for employees of relevant authorities in England and police authorities in Wales. In 2004 the

ODPM consulted on a draft code of conduct for local government officers which were broadly in line with the provisions of the code of conduct for members. 640 responses to the draft were received and the government now reports that opinion was roughly split for and against introducing a code for officers. Some authorities pointed out that many groups of officers and professionals were already subject to codes of conduct which were directly applicable to their specific duties and had proven to be very effective in guiding such conduct. Some authorities pointed out that there was a need to allow for adaptation to local terms and conditions.

The Government had now indicated that it considered it was important to maintain high standards of conduct for local authority employees and accordingly they were minded to issue a code of conduct which all employees should follow. The intention would be that the code would set out only general principles of conduct, so that individual authorities could take ownership of the operation of those principles locally. It was intended that the code would be incorporated into each employee's contract of employment, with decisions on detailed interpretation being left as a matter for individual authorities.

It was intended that lessons learned from the operation of the code of conduct for Members should be fed into any code for employees. The Government was therefore proposing that further consideration of the content of the code for employees would be needed following the detailed amendments which were currently proposed to the Members Code of Conduct, in the light of the recent review by the Standards Board for England.

The paper "Standards of Conduct in English Local Government; The Future" also dealt with the regulatory framework governing the political activities of local government employees as set out in the Local Government and Housing Act 1989.

Current rules provided for certain senior posts to be "politically restricted" and for an independent adjudicator to consider applications for exemption from political restriction. The 1989 Act also provided arrangements for the employment of political assistants (including provisions relating to their pay). At the present time the City Council did not employ any political assistants and therefore the review carried out by ODPM in 2004 was probably of limited relevance to the City Council in so far as this section of the review was concerned.

The issue of politically restricted posts was however of more general application. The Government had reported that a total of 411 responses were received to their consultation paper. Many of those responding felt the existing rules were working, were well understood and were not unduly onerous to administer – hence there was no need to make any change to the rules. Some authorities felt there was clear scope for reducing the number of staff covered by the restriction and some suggested that a suitably framed code of conduct for officers was capable of delivering the appropriate degree of neutrality and propriety and therefore negated the need for any further safeguards in the form of specific provisions which restricted political activity.

The Government had considered retaining the framework of restrictions with some amendments and also the option of doing away with political restrictions altogether. The Government had concluded that because it was committed to the principle of political neutrality for local government employees the existing framework should be retained so far as senior staff were concerned. It was felt however that the best way to handle applications for exemptions from political restriction was at a local level but with suitable central guidance. The Government had signalled therefore that it was currently minded to abolish the post of independent adjudicator and to delegate that role to Standards Committees who, when legislation was introduced, would have power to make decisions on applications for exemptions from political restrictions.

No change was proposed to the rules which relate to employees acting as elected members.

In summary the Government was proposing the under mentioned changes. The actions which will be needed to pursue those changes, in terms of primary and secondary legislation are set out below:

### **Issues for secondary legislation**

1. Issue a code of conduct for local government employees
2. Update current rate of pay of political assistants by statutory instrument

### **Issues for primary legislation**

1. Retain current rules requiring senior and sensitive posts to be politically restricted but ensure the restriction only applies to the most senior or most sensitive posts.
2. Abolish the post of independent adjudicator and provide for local Standards Committees to make decisions on post exempt from political restrictions.
3. Amend the Housing and Local Government Act 1989 to allow for the pay rate of political assistants to be permanently linked to the salary scale so there is no further need for secondary legislation to increase the rate.

**Resolved:** (i) That the report be noted.

(ii) That a further report be produced as the new legislation and guidance is issued.

### **441. TERMS OF REFERENCE**

The Chairman, at the request of the Committee, wrote to the leaders of the 3 political groups of the City Council to express concern at the decision of Council not to extend the terms of reference of the Standards Committee at the present time.

As a consequence of that letter, the Chairman met the Leader of the Council, Councillor Reynolds and discussed the issue further. The outcome of the meeting was that the Leader agreed to refer the issue to Scrutiny Committee for consideration.

**Resolved:** That the report be noted.

### **442. TRAINING EVENT**

Sedgefield Borough Council had made provisional arrangements for a training event on Standards issues to be presented by Peter Keith Lucas of Bevan Brittan Solicitors. The Monitoring Officer anticipated that this would follow the same format as the seminar and role-play organised by the City Council in January last year, which was very well received by those who took part.

Sedgefield's event was to take place on Tuesday 4 April at the Council Offices, Green Lane, Spennymoor and was expected to last from 10.00am to 4.00pm. Invitations had been despatched via the County Monitoring Officers' group to all participating authorities and members of Standards Committees, Monitoring Officers and their deputies were invited to attend.

The cost was likely to £90 per person, and we had been asked to indicate by 27 January 2006 how many places we wished to reserve.

**Resolved:** That places be reserved for the Chairman, Mrs Naples, Mr Hollingworth and Councillor Beswick to attend the seminar.

The meeting terminated at 6.10 p.m.

Chairman