

City of Durham

At a Meeting of the **STANDARDS COMMITTEE** held in the Town Hall, Durham, on Tuesday, 14th March, 2006, at 5.30 p.m.

Present: Mr B.R.J. Ingleby (in the Chair)
and Councillors Gibbon, Moderate, and Simpson (City Council Members)
and Mr D. Hollingworth and Mrs T. Naples (Independent Members).

539. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Cummings and Parish Councillor Beswick.

540. MINUTES

The Minutes of the Meetings held on 17th January, 2006, were confirmed as a correct record and signed by the Chairman.

Report of Monitoring Officer

541. RESIGNATION OF PARISH REPRESENTATIVE

Parish Councillor Mac Williams was elected to Durham County Council at a by-election held earlier this year. He had been appointed to the Standards Committee of Durham County Council and as such felt that there could be a conflict of interest. He had therefore tendered his resignation as a parish representative on the City Council's Standards Committee.

The Monitoring Officer had been in touch with the Executive Officer for the Durham Association of Parish and Town Councils with a view to the Organisation nominating a replacement, and would keep Members informed of any developments in connection with this.

Resolved: (i) That the report be noted.

(ii) That the Committee's congratulations on his election to the County Council and appreciation of his services to the Standards Committee be forwarded to Parish Councillor Williams.

542. SBE 14091.06

The Monitoring Officer had received notification of a recent decision on behalf of the Standards Board for England. A complaint had been made to the Standards Board by a City Councillor that a colleague had approached her in an aggressive manner. The complaint also raised the issue of bias in the assessment of applications for the City Council's Flourishing Communities Fund.

The Standards Board for England noted that the allegations referred to meetings of the authority and concerned alleged disrespect of one member towards another member. The Board did not consider in the particular instance that the alleged conduct was potentially disreputable. The Board did consider that the allegation disclosed a potential breach of the code of conduct which required members to treat others with respect but concluded that allegations of mild rude and inappropriate language would not be serious enough to refer for investigation by an ethical standards officer. In relation to the allegation of bias the Board concluded that there was no information provided to substantiate the allegation. It was decided therefore that the allegation should not be investigated.

Resolved: (i) That the report be noted.

(ii) That details of the complaint [anonymised] be sent to Members of the Committee for information.

543. ACCESS TO INFORMATION RULES – EXEMPTIONS

In January, the Government introduced three new Statutory Instruments which made changes to the legislation governing access to meetings and the documents of local authorities. The changes were designed to bring the categories of exempt information in line with the legal requirements governing Freedom of Information. The new rules came into effect on 1st March 2006.

There were some minor changes which affected the hearings of Standards Committees. The Relevant Authorities (Standards Committees) Regulations 2001 contained some additional descriptions of exempt information which applied when a Standards Committee was meeting to consider an allegation of breach of the code of conduct. These categories of exempt information had now been changed. With effect from 1st March 2006, the additional descriptions of exempt information which applied to hearings of the Standards Committee would be:-

1. Information which is subject to any obligation of confidentiality.
2. Information which relates in any way to matters concerning national security.
3. The deliberations of the Standards Committee reaching a finding on a matter referred under the relevant provisions of the Local Government Act 2000.

The main alteration from the previous regulations was that the new regulations no longer contained a specific provision which exempted “information relating to the personal circumstances of any person”. It was considered that this provision was essentially covered by the new Schedule 12A of the Local Government Act 1972.

The Head of Policy and Guidance at the Standards Board had issued a letter to all Monitoring Officers, in light of the amended regulations, confirming that the Standards Board remained of the view that it was in the public interest for hearings generally to be held in public. The Board recommended therefore that hearings were held in public to ensure fairness and openness of the procedure. Standards Committees would have a continuing obligation to consider the requirements of Article 6 and 8 of the European Convention on Human Rights when holding local determination hearings.

It was the intention of the Standards Board to revise its guidance for Standards Committees when the Board produced revised guidance on the amendments which were proposed to the Code of Conduct.

Resolved: That the report be noted.

544. TERMS OF REFERENCE

Members were reminded that the Leader of the City Council had considered further the concern which the Chairman of the Standards Committee had expressed to him, on behalf of the Committee, regarding the decision of Council not to extend the terms of reference of the Standards Committee at the present time. The Leader had agreed to refer the issue to Scrutiny Committee for consideration.

That reference was duly made and the Scrutiny Committee considered the matter at their Meeting on 30th January. The Monitoring Officer was advised that the Chairman of the Scrutiny Committee had informed the Committee of the request and asked for Members’ instructions. The Monitoring Officer understood that Committee Members decided by 9 votes to 1 that the topic was not an appropriate one for Scrutiny, so the decision had been taken not to refer it to one of the Scrutiny Panels for a Scrutiny exercise.

The City Council's own procedure rules provided that when Full Council had taken a decision on an issue, the topic could not be revisited within a period of 6 months, unless a notice of motion was signed by at least 25 Members of the Council. If the Standards Committee therefore wished to pursue the extension of its terms of reference, the Monitoring Officer suggested that the matter be referred back to Full Council for further consideration once the 6 month period had elapsed.

Resolved: (i) That the report be noted.

(ii) That the issue be referred back to Full Council for reconsideration at the earliest opportunity under the Council's Procedure Rules.

545. BULLETIN 27

Bulletin 27 of the Standards Board for England was circulated for Members' information. It was noted that the annual conference was to be held on 16/17 October 2006.

Resolved: (i) That the report be noted.

(ii) That the Vice-Chair be requested to represent the Committee at the annual conference of the Standards Board for England.

(iii) That the City Council be requested to make the necessary funding available.

546. INDEPENDENT MEMBER FORUM

The Monitoring Officer from Darlington Borough Council had written to the City Council on behalf of the independent members on his council's Standards Committee to explore the possibility of an independent member forum in the northern area. It was perceived that there would be benefits for independent members in having their own support organisation where they could exchange experiences of best practice and help to develop consistency of approach across the authorities.

The nearest forum geographically to the north east was in Yorkshire and Humberside. Enlarging that forum would not appear to be particularly useful, and therefore it had been suggested that a forum be set up for north east authorities. The Chairman and Vice-Chairman had indicated that they were happy to support the proposal and the Monitoring Officer had replied to Darlington Borough Council accordingly.

If the forum was established, the Monitoring Officer would arrange for updates to be reported to Members on a regular basis.

547. GOING LOCAL – INVESTIGATIONS AND HEARINGS

The Standards Board for England had produced a DVD which used a fictional case to illustrate a local investigation and hearing. The DVD was intended as guidance for Monitoring Officers and Standards Committees.

The DVD was shown at the Meeting and was then used as a tool for discussion. Members asked that the DVD be shown again as an aide-memoir in the event of there being a local hearing.

The meeting terminated at 6.35 p.m.

Chairman