

City of Durham

At a Meeting of the **STANDARDS COMMITTEE** held in the Town Hall, Durham, on Tuesday, 18th July, 2006, at 5.30 p.m.

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

154. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Gibbon.

155. MINUTES

The Minutes of the Meeting held on 16th May, 2006, were confirmed as a correct record and signed by the Chairman.

Report of Monitoring Officer

156. PARISH REPRESENTATIVE VACANCY

The County Durham Association of Local Councils had reported no progress so far in nominating a parish councillor for the current vacancy. The County Association were proposing to resurrect the Durham District Local Councils Committee as a sub-committee of the County body and the intention would be that this sub-committee would then nominate a parish councillor to be appointed to the Standards Committee. Mr Ragg had a meeting with two councillors on 5th July to discuss the sub-committee, but the Monitoring Officer understood that the councillors concerned did not turn up for the meeting. Mr Ragg was continuing to try to see if he could make some progress. If all else failed, he would report the situation to the next executive committee meeting of the County body on 6th September to see if anyone from the executive was prepared to stand as a nominee.

Resolved: (i) That the report be noted.

(ii) That the Monitoring Officer be requested to write to all Parish Clerks inviting expressions of interest.

157. TERMS OF REFERENCE

The Monitoring Officer had been unable to prepare an item for Full Council in relation to the terms of reference of the Standards Committee, but would ensure that this issue was referred to the next meeting of the Full Council which would take place on 12th September 2006.

It was agreed that the Chairman would be invited to speak on behalf of the committee and in consultation with the Monitoring Officer to prepare a short report.

Resolved: That the report be noted and that the Chairman attend Council to speak.

158. LOCAL HEARINGS

This item had been deferred at the last Meeting of the Standards Committee.

Members were reminded that there was some discussion at a previous Meeting of the Standards Committee in relation to the Constitution of the panel to hear allegations against Councillors. The recommendation of the Standards Board for England was that allegations should not be heard by the full Standards Committee but by a smaller panel of three or a maximum of five members.

Some time ago the Standards Committee decided that it did not wish to delegate the issue of local hearings to a sub-committee but instead wanted hearings to be dealt with by the whole Committee.

When the matter was discussed previously, most of the Committee were still supportive of that view. There was a feeling that the provision of a smaller panel might lead to allegations of a lack of political balance. The view was, however, expressed that a full Committee of up to nine members could be overpowering to anyone who had been complained against. It was agreed therefore that the matter would be put on the agenda for this meeting for further consideration.

The Relevant Authorities (Standards Committee) Regulations 2001 provided that a meeting of the Standards Committee or sub-committee was not quorate unless at least three members of the Committee were present for the duration of the Meeting. These three members must include at least one independent member and if the Standards Committee was considering a parish matter, then the Committee must include at least one parish council representative.

Notwithstanding the advice of the Standards Board for England, the Committee, after full discussion of the merits and disbenefits of delegation, concluded that it did not wish to set up a sub-committee and that it was, on balance, preferable for local hearings to be dealt with by the full Committee.

Resolved: That the full Standards Committee deal with local hearings.

159. ETHICAL GOVERNANCE AUDIT

Proposals for the carrying out of an Ethical Governance Audit were circulated.

Resolved: That this issue be put on the agenda for the next Standards Committee meeting and that in the meantime, Members contact the Monitoring Officer with their suggestions for amendments to the form of questionnaire.

160. STANDARDS BOARD FOR ENGLAND

(a) SBE 15342.06

The Monitoring Officer had recently been notified by the Standards Board for England of a recent decision taken by the Board.

An allegation had been made by a City Councillor that at a meeting of the Development Control Committee on 24th May, 2006, another Member had proposed and spoken in favour of a planning application which was submitted by Durham Villages Regeneration Company Limited of which that Councillor was a board member by appointment of the City Council.

A personal interest was declared by the councillor in question in relation to his membership of the joint venture company. The allegation was, however, that the councillor did not declare two other interests namely his governorship at a local

school on which the proposed development was to take place and his membership of the Council's Cabinet which in the opinion of the complainant had a major political stake in ensuring that the development went ahead.

The allegation was that the Councillor in question had brought his office and authority into disrepute.

The decision of the Standards Board was as follows:-

- (i) In relation to the allegation of predetermination, the Standards Board did not have jurisdiction in most cases to consider this issue. In certain instances, evidence of predetermination might contribute to a view that an individual member had brought his authority into disrepute. However, this was not considered to be the case here. In all of the circumstances it was considered that the alleged conduct would not have involved any failure to comply with the Authority's Code of Conduct.
- (ii) It was noted that the Councillor had declared a personal interest on the basis that he was the Council's appointed representative for the joint venture company. Para 10(2a) of the Code of Conduct stated that a member may regard himself as not having a prejudicial interest in a matter if that matter related to a body to which they had been appointed or nominated by the Authority as its representative. It was further noted that under the Code of Conduct, Members were not, as a matter of course, required to declare their membership of committees. In any event, it was not considered the Councillor's membership of Cabinet gave rise to a potential interest and accordingly it was not considered that those aspects of the allegations disclosed a potential breach of the Code of Conduct.
- (iii) In relation to the school governorship, it was considered that he might have been required to declare this as a potential personal interest given that the school land was likely to be utilised as a result of the proposed development. As such it was considered that the alleged conduct disclosed a potential breach of Para 9 of the Code of Conduct. However, in the circumstances, the Board considered that the alleged conduct was not of such significance itself to justify investigation and any consequent action.

In conclusion, the Board decided that the allegation should not be investigated.

(b) SBE 12622.05

A Special Meeting of the Standards Committee was convened on 10th July, 2006, to discuss the report of the Investigating Officer in respect of case SBE 12622.05. The matter had been referred to the Monitoring Officer for investigation by the Standards Board. The allegations were that a member had:-

- (i) failed to treat a member of the public with respect
- (ii) failed to report illegal bird auctions
- (iii) refused to contact the Council with respect to illegal bird auctions and/or take steps to prevent illegal bird auctions
- (iv) made improper comments
- (v) in a capacity as a trustee of a village hall knowingly permitted illegal auctions to take place

The Investigating Officer had concluded that the second, third and fifth allegations could not be upheld and that, although there was a breach of the Code of Conduct in respect of the second and fourth allegations, no further action should be taken.

Having considered the report, and there being no additional representations from either the complainant or the subject of the complaint, the Committee had found that some allegations could be substantiated and that the conduct of the Councillor fell below the standard of conduct that would be expected of an elected member. It was resolved to write to the Councillor to highlight the Committee's concerns and hope there would be no further referrals. No penalty was however to be imposed.

Resolved: (i) That the report be noted.

(ii) That a recommendation be made to the City Council that a standing item regarding declarations of interest be included as an initial item on all agenda papers.

The meeting terminated at 6.15 p.m.

Chairman