

## City of Durham

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

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

### **363. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Gibbon, Simpson and Mr Hollingworth.

### **364. MINUTES**

The Minutes of the Meeting held on 26<sup>th</sup> September, 2006, were confirmed as a correct record and signed by the Chairman.

#### **Report of Monitoring Officer**

### **365. PARISH REPRESENTATIVE VACANCY**

The expressions of interest which had been received in relation to the present vacancy on the Standards Committee for a parish representative were reported to Full Council on 7<sup>th</sup> November, 2006.

A small sub-committee, comprising Councillors Dickie, Lightley and Stoddart, together with the Chief Executive and Mr Ingleby, had been set up to interview the applicants on 7<sup>th</sup> December, 2006, and make the necessary appointment.

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

### **366. ETHICAL GOVERNANCE AUDIT**

The questionnaire was distributed last month and to date, 36 replies had been received. Although the closing date for return of the questionnaires had now passed, forms which were submitted late would continue to be accepted.

When the responses had been collated, they would be forwarded to Alan Lawton, formerly Professor at Teesside University, and who was now at Birmingham University working for Inlogov. The responses received and Professor Lawton's comments would be reported to a future meeting.

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

(ii) That copies of the questionnaire be circulated to the Independent Members of the Committee for completion, prior to responses being forwarded to Professor Lawton.

### **367. STANDARDS BOARD FOR ENGLAND – ANNUAL CONFERENCE ICC BIRMINGHAM 15<sup>TH</sup> -16<sup>TH</sup> OCTOBER 2006**

The Conference was attended by the Vice-Chair, Mrs Naples. Her briefing note on the Conference was circulated, together with a copy of the Conference Newsletter.

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

**368. COMPLAINT TO THE STANDARDS BOARD FOR ENGLAND –  
SBE 16378.06**

The Monitoring Officer had recently received from the Standards Board notification of an allegation and the Board's decision.

The complaint was made against a City Councillor who was a member of the Development Control Committee and was made by a member of the public.

The basis of the complaint was concerned with a planning application submitted by the complainant. The nature of the application was such that it would normally have been dealt with by the Chairman and Vice-Chairman under delegated authority. In accordance with the Planning Protocol, a Local Member had asked the Chairman to agree to the matter being made the matter of a full report for determination by the Development Control Committee.

The letter making that request was sent to the City Council's Planning Office. In it the Ward Councillor gave as a reason for the request that the complainant "has already caused too much trouble in the area".

The complainant considered that the comment had a measure of discrimination, disrespect and an element of bias.

The decision of the Standards Board was not to refer the complaint for investigation. In their decision letter, the Board said that it was recognised that Members were the elected advocates of the local community and therefore had a certain right to speak their minds on issues they perceived to be of local concern. However, there was an expectation that such comments would be made at appropriate times and also when making such comments, they would treat others with respect. The Board also considered that letters relating to the calling in of planning applications should solely address matters directly relating to the application.

The Board felt that the Councillor's alleged comments about the complainant in the letter to the Planning Officer could, if proven, potentially be considered disrespectful, although not in their view discriminatory. It was felt therefore that a potential breach of the Code of Conduct had been disclosed by the allegation, but on balance, this was not considered to be of a sufficiently serious nature to warrant referral for investigation.

In addition, the Board mentioned that as the complainant considered the alleged comments to be both biased and libellous, allegations of bias and libel did not generally fall within the Board's remit to consider. It was suggested, therefore, that the complainant might wish to seek independent legal advice.

At the request of a complainant, the Standards Board's Chief Executive could review a decision taken in relation to a complaint, and if the review mechanism was to be triggered, the complainant must make a written request within a period of 30 days from the notification.

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

**369. LOCAL GOVERNMENT WHITE PAPER –  
STRONG & PROSPEROUS COMMUNITIES**

The long awaited white paper on local government was published at the end of October.

The introduction to the report talked of the Government giving local authorities and other local public services the freedom and powers to meet the needs of their communities and tackle complex cross cutting issues. A key theme was the idea of reshaping public services around citizens and communities who used them, that is to give them more individualised services and more choice. The white paper therefore talked about helping partnerships to

work better, promoting strong and visible leadership for local authorities, introducing a new performance framework and providing more specific support for local authorities and their partners to address community cohesion issues.

There was a second volume to the report which looked in detail at the way in which the proposals set out in the first volume were expected to change the way in which the Government tackles some of the biggest challenges for local services such as community safety, health and well being, vulnerable people, children, young people and families, economic development, housing and planning and climate change.

The section which was of interest to Standards Committee members was Section 3 which was entitled 'Effective, Accountable and Responsive Local Government'.

The white paper stated that the framework within which local authorities operate could be a barrier to effective governance. The paper therefore proposed to:-

- Introduce measures to encourage more people to put themselves forward for election.
- Support the role of non-executive councillors as democratic champions for their local areas.
- Extend the powers of councils to pass local laws. (This would end the Secretary of State's current role in confirming bye-laws.) There would also be additional powers for councils to enforce bye-laws through fixed penalty notices.
- Legislate for stronger and more accountable local leadership by offering local authorities a choice of three executive models. These were:-
  - (i) a directly elected Mayor
  - (ii) a directly elected Leadership
  - (iii) an indirectly elected Leader

All with a four year term. There were proposals to allow authorities to adopt the Mayoral model after consultation with their communities but without the need for a referendum. In each model, all executive powers would be vested in the mayor or leader who would have responsibility for deciding how the powers should be discharged.

- Strengthen Overview and Scrutiny Committees to improve accountability.
- Give all local authorities freedom to opt for whole council elections and to move to single member wards.
- Create opportunities for improved local governance by giving councils an opportunity to seek unitary status or adopt improved two tier models.
- Establish a new locally based conduct regime.

It was the last bullet point which would be of particular interest to the Standards Committee. The white paper picked up on recommendations both in the former ODPM papers which was entitled "Standards of Conduct in English Local Government; The Future", the report of the Committee on Standards in Public Life, "Getting the Balance Right – Implementing Standards in Public Life", the report of the ODPM select committee on the role and effectiveness of the Standards Board for England and finally the recommendations of the Standards Board itself following their review and consultation exercise of the Code of Conduct for Members.

The white paper indicated that the Government was proposing to give local Standards Committees the power to make initial assessments of misconduct allegations and promised that most investigations and decisions would be made at local level. The paper also indicated that the Members' Code of Conduct was to be amended and that these amendments would include changing the rules on personal and prejudicial interests with a view to removing barriers so that Councillors could speak up on behalf of their constituents.

The paper also suggested that there would shortly be a code of conduct for employees.

Further reports would be submitted to the Standards Committee as the changes were introduced.

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

### **370. ASSOCIATION OF INDEPENDENT MEMBERS OF STANDARDS COMMITTEES**

The Vice-Chairman reported that the inaugural meeting of the Association had been held at the Annual Conference, but she had been unable to attend. She would however contact the organisation to obtain copies of the Constitution and application forms.

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

The meeting terminated at 6.05 p.m.

Chairman