

City of Durham

At a Meeting of the **STANDARDS COMMITTEE** held in the Town Hall, Durham, on Tuesday, 16th January, 2007, at 5.30 p.m.

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

442. APOLOGIES FOR ABSENCE

There were no apologies for absence.

443. MINUTES

The Minutes of the Meeting held on 14th November, 2006, were confirmed as a correct record and signed by the Chairman.

Report of Monitoring Officer

444. ETHICAL GOVERNANCE AUDIT

The responses to the Audit had now been collated and forwarded to Professor Lawton for his comments. These would be reported when they were received.

Resolved: That the report be noted.

445. APPOINTMENT OF PARISH REPRESENTATIVE TO THE STANDARDS COMMITTEE

The appointment panel meeting fixed for December had had to be re-arranged when the date proved inconvenient for a number of the applicants. The meeting would now take place on 26th January, 2007, when it was hoped an appointment would be made.

Resolved: That the report be noted.

446. EXTRAORDINARY MEETING OF THE STANDARDS COMMITTEE

A meeting of the Standards Committee had been fixed for Monday 19th February, 2007, at 10.00 a.m. for a local hearing into a complaint made to the Standards Board for England.

The papers for this hearing would be forwarded to Members of the Standards Committee nearer to the date of this meeting.

Resolved: That the report be noted.

447. COMPLAINTS TO THE STANDARDS BOARD FOR ENGLAND

(a) SBE16769.06 – 16772.06

The Standards Board for England recently considered a number of complaints referred to the Board by a member of the public and making allegations about various members of Pitlington Parish Council.

The Standards Board had now issued its decision notices in relation to these complaints.

The first allegation referred to a meeting of the Parish Council on 19th September, 2006, when it was alleged a Councillor had accused the complainant and another Member of the Council of collusion. The Board took the view that this allegation could potentially be considered as failure to treat others with respect and noted that as the complainant was in attendance at the Parish Council meeting (as a member of the public) she would not have had access to the same public platform as the Member complained about, from which to defend herself from the accusation. The Board therefore considered that the alleged conduct did disclose a potential breach of the Code of Conduct but determined not to refer the matter to an Ethical Standards Officer for investigation on the basis that it was not considered that the alleged conduct was serious enough to justify an investigation.

The second complaint alleged a failure on the part of a Parish Councillor to display the minutes of the Parish Council meeting on the Parish Notice Board at Littleton. The Board took the view that this did not amount to unlawful withholding of information from the public and considered that as the information could be accessed from another source in Low Pittington (which admittedly was less convenient) it satisfied the Council's requirement to give public notice of its meetings. There was a second allegation that the same councillor had spoken to the complainant in an aggressive and disrespectful manner on two occasions, the first at a Parish Council meeting in July, 2004, and the second occasion at a meeting in September, 2006.

The Board took the view that no specific detail of the comment in July, 2004, had been given, and that a considerable period of time had elapsed since the alleged incident. The Board thought that the alleged comments in September, 2006, did disclose a potential breach of the Code of Conduct and again noted that as the complainant was in attendance at the Council meeting as a member of the public, she would not have access to the same platform as the Councillor to defend herself. Nevertheless it was not considered that the alleged conduct was serious enough to justify an investigation and so the decision of the Board was not to refer the allegation to an Ethical Standards Officer for investigation.

The third complaint made a number of allegations alleging the failure of the Vice-Chairman of the Parish Council to conduct Council meetings properly in the Chair's absence. There were a number of issues involved in this complaint including an allegation that minutes of Council meetings had not been signed correctly, allegations of alleged bullying and failing to intervene when unfounded accusations against the complainant were made and the premature closing of the meeting.

The Board took the view that some of the matters complained about were matters of Council business rather than issues to be addressed under the Code of Conduct. It was felt that there was a potential failure to treat the complainant with respect but again, because the alleged conduct appeared to be of a relatively minor nature, and an isolated incident, it was decided that the allegation should not be referred to an Ethical Standards Officer for investigation.

The final complaint to the Standards Board was against the Chairman of the Parish Council and again made a number of allegations alleging breach of the Code of Conduct by bringing the Parish Council into disrepute. Some of these allegations involved failure to read out letters to the Council at Parish Council meetings and acting in an inappropriate and disrespectful manner towards members and the general public as well as failing to offer appropriate guidance to the Parish Council and addressing the Parish Council in an "aggressive, agitated, bullying and most disrespectful manner".

Again, the decision of the Board was that some of the matters complained of related to the business practices of the Parish Council rather than the ethical conduct of an individual Member.

Failure to stop fellow Members of the Council acting disrespectfully was not considered to constitute a breach of the Code of Conduct and the Board made the point that this allegation related more to the capability of the individual Councillor as a chairman rather than ethical conduct, pointing out that the Standards Board did not have the remit to regulate the quality of members work. The allegations of aggressive, disrespectful and bullying conduct were considered to disclose potential failures to comply with the Code of Conduct but the Board noted that a higher threshold must be crossed for disrespectful behaviour from one member to another and it was not considered that the threshold had been reached in the particular instance. The decision therefore, was not to refer the allegation to an Ethical Standards Officer for investigation.

At the request of the complainant the Standards Board's Chief Executive could review and change a decision not to refer an allegation for investigation if he was persuaded the decision was unreasonable in law. The complainant had a period of 30 days in which to make application for review.

To date, no such review had been requested.

Resolved: That the report be noted.

(b) SBE16961.06

The Standards Board for England had also recently been considering a complaint from the MP concerning the alleged conduct of the Leader of the Council. The complaint arose from a news item published on the City Council's web site which the MP considered attacked her role. A separate complaint was also made about the City Council publication, Durham City News, in which it was said that opposition councillors rarely featured.

The decision of the Standards Board was not to refer the matter for investigation. The Board had reiterated that general allegations relating to the tenor, content and style of the City Council's newsletter did not fall within its jurisdiction. Similarly, the Standards Board did not consider that a news item would generally fall within their remit. This was a matter for the Authority itself and in relation to specific comments attributed to the Leader it was noted that these were made in response to comments made by the MP which were critical of the City Council. The Board took the view that a robust defence of the Council was one of the functions of a leader and as such did not constitute potential misuse of the resources of the City Council.

At the request of the complainant the Standards Board's Chief Executive could review and change a decision not to refer an allegation for investigation if he was persuaded the decision was unreasonable in law. The complainant had a period of 30 days in which to make application for review.

To date, no such review had been requested.

Resolved: That the report be noted.

448. STANDARDS BOARD FOR ENGLAND – BULLETIN 31

A copy of the latest Bulletin from the Standards Board for England was circulated for Members' information.

449. GOING LOCAL – INVESTIGATIONS & HEARINGS

The Committee viewed the Standards Board for England DVD “Going Local – Investigations & Hearings”.

450. NEXT MEETING

The Chairman reported that he would be unable to attend the next ordinary Meeting of the Standards Committee (on 13th March, 2007) because of holiday commitments. It was agreed that the Meeting should be cancelled and re-arranged for Tuesday, 20th March, 2007.

The meeting terminated at 6.40 p.m.

Chairman