

**THE MINUTES OF THE MEETING
OF THE STANDARDS COMMITTEE**

HELD ON TUESDAY 13 FEBRUARY 2007

Present: W Local (Chair)

 B Burn and B Joyce
 E Smith and Miss J Clark

Apologies: Councillor Mrs. M. Goyns

1 **THE MINUTES OF THE LAST MEETING** held on 25 July 2006, a copy of which had been circulated to each Member, were confirmed.

2 **MATTERS ARISING**

(i) **The Association of Independent Members of Standards Committees in England (Minute Number 6 refers)**

E Smith reported that he had attended the inaugural meeting of the Association of Independent Members of Standards Committees in England (AIMSce) which was held on 16 October 2006 at the Fringe Meeting for Independent Members at the Fifth Annual Assembly of Standards Committees.

E. Smith expressed concern in relation to the motives of the members in attendance at the meeting the purpose of which was to establish a new professional body to provide peer group support, champion the role of independent members and represent their interests.

It was explained that the association were seeking financial assistance and membership was £25 a year. The flavour of the meeting appeared to be that many independent members felt they did not receive adequate assistance from their local authorities or Monitoring Officers and were not happy with the level of remuneration they received.

E Smith felt that the views expressed at the meeting did not reflect those of the independent members on the District of Easington's Standards Committee.

RESOLVED that the information given, be noted.

3 **REQUEST FOR DISPENSATION FROM HASWELL PARISH COUNCIL**

Consideration was given to the report of the Monitoring Officer which gave details of a request for dispensation from the obligation to declare a prejudicial interest at Haswell Parish Council when considering business which affected the Haswell and Haswell Plough Regeneration Partnership and Haswell Community Association, a copy of which had been circulated to each Member.

Members were advised that Haswell Parish Council regularly considered items of business affecting the Haswell and Haswell Plough Regeneration Partnership and Haswell Community Association. Four of the nine Members of Haswell Parish Council were also involved in the management of both organisations. The quorum

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to conduct business was three and in the event of illness or unavailability of those members with no involvement in the Partnership or Association then the declaration of interest could well lead to the Council being unable to progress its business due to the lack of a quorum.

It was not considered likely that any of the four Councillors involved would receive any personal gain from decisions which affected the Regeneration Partnership or the Community Association.

The Relevant Authorities Standards Committee (Dispensations) Regulations 2002 permitted the Standards Committee to grant dispensation in those circumstances if they considered that the transaction of the Council's business would be impeded as a result of the Code of Conduct and if taking all the circumstances of the case into consideration they considered it appropriate to grant dispensation.

The Monitoring Officer advised that it was likely that when the Code was amended the proposed new category of public service interest may render this kind of request unnecessary. In the meantime it was important that the Council were able to conduct their business without unnecessary delay under the present regime.

RESOLVED that:-

- (i) approval be granted for the dispensation for the four named Members of Haswell Parish Council to participate and debate in decisions concerning Haswell and Haswell Plough Regeneration Partnership and Haswell Community Association;
- (ii) the dispensation to run for the life of the current Council.

4 REQUEST FOR DISPENSATION FROM MONK HESLEDEN PARISH COUNCIL

The Monitoring Officer gave details of a request for dispensation from the obligation to declare a prejudicial interest at Monk Hesleden Parish Council when considering business in connection with the Blackhall Settlement Renewal Initiative Steering Group, a copy of which had been circulated to each Member.

Members were advised that Monk Hesleden Parish Council had received a request from the Blackhall Settlement Renewal Initiative (SRI) Steering Group for financial assistance towards the establishment of a new community partnership which was currently being formed. The SRI had been in existence for ten years and in partnership with the District of Easington, had funded numerous capital regeneration projects throughout the parish. Once its objectives had been reached this group would cease to exist and the new partnership would be its successor. The SRI had no funds to help establish the partnership as all remaining monies could only be spent on capital projects.

Monk Hesleden Parish Council consisted of 21 Members, however, 2 vacancies currently existed which reduced the number of Councillors to 19. Standing Orders dictated that 7 Members constituted a quorum. The number of Parish Councillors currently involved with the SRI was 11 and it was anticipated that due to the high number of Members involved in the SRI there would be insufficient Members eligible to vote on this matter.

The Relevant Authorities Standards Committee (Dispensations) Regulations 2002 permitted the Standards Committee to grant dispensation in those circumstances if they considered that the transaction of the Council's business would be impeded as

a result of the Code of Conduct and if taking all the circumstances of the case into consideration they considered it appropriate to grant dispensation.

RESOLVED that: -

- (i) approval be granted for the dispensation for the Members outlined in the report to consider the request from the Blackhall Settlement Renewal Initiative Steering Group;
- (ii) the dispensation to run for the life of the current Council.

5 CONSULTATION ON AMENDMENTS TO THE MODEL CODE OF CONDUCT FOR LOCAL AUTHORITY MEMBERS

Consideration was given to the report of the Monitoring Officer which gave details of a Consultation Paper on amendments to the Model Code of Conduct for Local Authority Members and provided the Standards Committee an opportunity to respond to the consultation, a copy of which had been circulated to each Member.

The Monitoring Officer advised that the Department for Communities and Local Government had published the consultation paper with a view to amending the original Code of Conduct. The timescale for the new Code to be available for Members to sign up to was May 2007 following the May elections. The deadline to respond to the consultation was 9 March 2007.

The Monitoring Officer outlined in detail the proposed changes and a copy of the full consultation document was circulated to each Member.

Members were advised that Mr P K Lucas of Bevan Brittan, Solicitors had produced a paper on the proposed amendments which made a number of vital points and suggested that the consultation period was too short and should be extended.

RESOLVED that the Monitoring Officer be authorised to respond to the consultation document stating that, in principle, the Standards Committee had no objection to the proposals however, the paper produced by Mr P K Lucas should be considered and any amendments should not be rushed through purely to allow an early adoption of the Code by May 2007.

6 ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

Consideration was given to the report of the Monitoring Officer which provided a report on the Fifth Annual Assembly of Standards Committees which was held in Birmingham on 16 and 17 October 2006, a copy of which had been circulated to each Member.

Members were advised that the Monitoring Officer had been invited to attend by the Standards Board to present seminars on conducting an effective investigation into alleged breaches of the Code of Conduct.

The Monitoring Officer advised that the event was well attended and provided the opportunity to meet representatives from neighbouring authorities.

It was explained that when the date of the conference was set it was anticipated that the revised Code of Conduct would have been available for debate and many delegates had expressed disappointment at the absence of the new Code. The

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answer from Central Government was that the Code would be included in its forthcoming White Paper which was scheduled for release in October 2006.

The Government had given a commitment to use its best endeavours to have the revised Code in force prior to the May 2007 elections. This was a demanding timescale and clearly could not be guaranteed. It would however, be desirable that new Members elected in May 2007 would start with the Code which was going to apply to them for the duration of their period in office.

A major theme of the conference was the changing role of the Standards Board itself. It was anticipated that legislation would come forward in Spring 2007 which would result in a drastic change in the manner in which complaints were handled. At this stage, complaints would be received by Local Standards Committees and filtered at local level to determine whether they merited investigation. The Standards Board currently undertook this exercise. The most disappointing aspect of the conference was learning of the difficulties the Standards Board appeared to have in persuading the Government how impractical it would be for Local Standards Committees to match the timescale on a model which met Government approval.

The Government had ruled out a filtering being undertaken at Monitoring Officer level, as this would place an undue burden on Officers. All complaints would therefore need to go before a sub-committee of the Standards Committee. There would need to be a right of appeal to the complainant against the decision not to investigate a complaint. The appeal would need to be dealt with by a different sub-committee of the Standards Committee. The view was apparently being taken that those Members who had participated in either initial or appeal stage were likely to be disqualified from dealing with the final hearing of the complaint in those cases which were considered suitable to investigate. If such a rigid approach was adopted it would have implications for the size of the committee and present a particular challenge in maintaining the input of independent members.

An advantage of the changes was likely to be the opportunity to mediate complaints informally if that would meet the wishes of the complainant rather than leave them with a choice of the formal process or no method of resolving their grievance.

There was an indication that the Code of Conduct for Officers was likely to be published in the months following the White Paper. Members will recall that the District of Easington adopted its own Code several years ago.

The Standards Board had indicated that a new round of roadshows would be arranged in 2007 to keep Members informed of progress on these topics and provide an opportunity to question members of the board.

RESOLVED that the information given be noted.