

**THE MINUTES OF THE MEETING OF THE
STANDARDS COMMITTEE
HELD ON FRIDAY, 22 APRIL, 2005**

Present: Mr W Local (Chair)
Councillors W Horsfield, Mrs M Goyns
and B Joyce

Apologies: Councillor B Wilson

THE CHAIR EXPRESSED THE COMMITTEE'S SADNESS AT THE DEATH OF COUNCILLOR W E GUSTARD WHO HAD BEEN A MEMBER OF THE STANDARDS COMMITTEE

1 **THE MINUTES OF THE LAST MEETING** held on 16 December, 2004, a copy of which had been circulated to each Member, were confirmed.

2 **REQUEST FOR DISPENSATION FOR PETERLEE TOWN COUNCIL**

COUNCILLORS B JOYCE AND W HORSFIELD DECLARED AN INTEREST IN THIS ITEM AND TOOK NO FURTHER PART IN THE DISCUSSION WHICH ENSUED.

The Monitoring Officer advised that the declarations of interest left the meeting inquorate and suggested that consideration of the item be deferred.

RESOLVED that consideration of this item be deferred.

3 **REVIEW OF THE CODE OF CONDUCT FOR MEMBERS**

Consideration was given to the report of the Monitoring Officer which gave details of a consultation document issued by the Standards Board for England reviewing the Code of Conduct for Members, a copy of which had been circulated to each Member.

Members were advised that the Code of Conduct was introduced under the Local Government Act 2000 and had been in force for nearly three years. Following completion of the legislative framework to accommodate investigation and local determination of complaints experience was gained on the working of the Code. There had now been an opportunity to see how it was applied in practice and to form a view as to whether there were areas of the Code which warranted amendment. The Standards Board had issued a set of twenty nine questions for consideration and the report outlined the main issues and sought Members views on the areas of consultation.

With reference to the general principles of the Code the Monitoring Officer was of the opinion that these were relatively clear and it was not over important whether they were physically included in the Code or simply referred to in the legislation. However, it was suggested that it may be prudent to include the principles as a preamble.

The Monitoring Officer proceeded to take Members through the report highlighting each section.

Standards Committee - 22 April 2005

Particular reference was made to the Duty to Report Breaches by Others. This provision was introduced to prevent Members from turning a blind eye to misconduct and provided protection to Members who were whistleblowers. However, it had given rise to politically motivated and malicious complaints which had used Standards Board resources. The Standards Board believed that the spirit of this paragraph should be retained as it served the wider public interest and it had suggested that consideration be given to introducing a concept of seriousness into the alleged breach. This would impose an obligation to report if a Member believed that the breach was serious or significant. It would remove any suggestion that all breaches, however trivial, must be reported to the Standards Board to avoid the risk of being reported oneself.

The Monitoring Officer explained that he would prefer a situation where if the Member was placed under duty, the duty was to report to the Monitoring Officer who would then determine whether or not the matter required reporting to the Standards Board and the Member had discharged his duty by drawing the potential breach to the Monitoring Officer's attention. It was accepted that there were good reasons to oblige Members to expose misconduct if they become aware of it, however, a mandatory duty to make a complaint to the Standards Board or risk sanctions themselves went beyond what was necessary to maintain ethical standards in public life.

Members were happy with the Monitoring Officers suggestion in relation to the duty to report breaches by others and agreed that the report could form the basis of a reply to the Standards Board.

RESOLVED that the Monitoring Officer prepare a response to the consultation document based on the report and comments made by Members in relation to the duty to report breaches by others.

4 FOURTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

The Monitoring Officer reported that the Fourth Annual Assembly of Standards Committees would be held on 5 – 6 September, 2005 at the ICC in Birmingham.

RESOLVED that the Council not be represented at the Fourth Annual Assembly of Standards Committees.

5 THE STANDARDS BOARD FOR ENGLAND ROADSHOW 2005

The Monitoring Officer reported that the Standards Board for England would be holding a roadshow at Gateshead on 26 May 2005 and the Authority were entitled to send three representatives.

RESOLVED that the Monitoring Officer, Mr W Local, and Councillor Mrs M Goyns be authorised to attend the roadshow on 26 May 2005.