

CITY OF DURHAM

STANDARDS COMMITTEE

14 March 2006

REPORT OF MONITORING OFFICER

1. **Resignation of Parish Representative**

Parish Councillor Mac Williams was elected to Durham County Council at a by-election held earlier this year. He has been appointed to the Standards Committee of Durham County Council and as such felt there could be a conflict of interest. He has therefore tendered his resignation as a parish representative on the City Council's Standards Committee.

I have been in touch with the Executive Officer for the Durham Association of Parish and Town Councils with a view to the organisation nominating a replacement and I will keep members advised when I hear anything further in this connection.

2. **SBE 14091.06**

I have received notification of a recent decision on behalf of the Standards Board for England. A complaint was made to the Standards Board by a City Councillor that a colleague had approached her in an aggressive manner. The complaint also raised the issue of bias in the assessment of applications for the City Councils' Flourishing Communities Fund.

The Standards Board for England noted that the allegations referred to meetings of the authority and concerned alleged disrespect of one member towards another member. The Board did not consider in the particular instance that the alleged conduct was potentially disreputable. The Board did consider that the allegation disclosed a potential breach of the code of conduct which required members to treat others with respect but concluded that allegations of mild rude and inappropriate language would not be serious enough to refer for investigation by an ethical standards officer. In relation to the allegation of bias the board concluded that there was no information provided to substantiate the allegation. It was therefore that the allegation should not be investigated.

It is recommended that the report be noted.

3. **Access to Information Rules – Exemptions**

In January the government introduced three new statutory instruments which made changes to legislation governing access to meetings and the documents of local authorities. The changes are designed to bring the categories of exempt information in line with the legal requirements governing Freedom of Information. The new rules come into effect on the 1 March 2006.

There are some minor changes which affect the hearings of Standards Committees. The Relevant Authorities (Standards Committee) Regulations 2001 contained some additional descriptions of exempt information which applied when a Standards Committee was meeting to consider an allegation of breach of the code of conduct. These categories of exempt information have now been changed. With effect from the 1 March 2006 the additional descriptions of exempt information which applied to hearings of the Standards Committee will be:

- i) Information which is subject to any obligation of confidentiality.

- ii) Information which relates in any way matters concerning national security
- iii) The deliberations of the Standards Committee reaching any finding on a matter referred under the relevant provisions of the Local Government Act 2000.

The main alteration from the previous regulations is that the new regulations no longer contain a specific provision which exempted "information relating to the personal circumstances of any person". It is considered that this provision is essentially covered by the exemption for "information relating to any individual" which is included in the new Schedule 12A of the Local Government Act 1972.

The Head of Policy and Guidance at the Standards Board for England has issued a letter to all Monitoring Officers, in the light of the amended regulations, confirming that the Standards Board remains of the view that it is in the public interest for hearings generally to be held in public. The Board recommends therefore that hearings are held in public to ensure fairness and openness of the procedure. Standards Committees will have a continuing obligation to consider the requirements of Article 6 and 8 of the European Convention on Human Rights when holding local determination hearings.

It is the intention of the Standards Board to revise its guidance for Standards Committees when the Board produces revised guidance on the amendments which are proposed to the Code of Conduct.

Recommended that the report be noted.

4. **Terms of Reference**

Members will recall that the Leader of the City Council had considered further the concern which the Chairman of the Standards Committee had expressed to him, on behalf of the Committee, regarding the decision of Council not to extend the terms of reference of the Standards Committee at the present time. The Leader agreed to refer the issue to Scrutiny Committee for consideration.

That reference was duly made and the Scrutiny Committee considered the matter at their meeting on the 30 January. I am advised that the Chairman of the Scrutiny Committee informed the Committee of the request and ask for Members' instructions. A lengthy discussion ensued and the issue was put to the vote. I understand that committee members decided by 9 votes to 1 that the topic was not an appropriate one for Scrutiny so the decision has been taken not to refer it to one of the Scrutiny Panels for a scrutiny exercise.

The City Council's own procedure rules provide that when Full Council has taken a decision on an issue the topic cannot be revisited within a period of 6 months unless a notice of motion is signed by at least 25 members of the council. If the Standards Committee therefore wishes to pursue the extension of its terms of reference, I can only suggest that the matter is referred back to Full Council for further consideration once the 6 month period has elapsed

Recommended that the report be noted.

5. **Bulletin 27**

Bulletin 27 of the Standards Board for England is attached for members' information.

6. **Independent Member Forum**

The Monitoring Officer from Darlington Borough Council has written to me on behalf of the independent members on his council's Standards Committee to explore the possibility of an independent member forum in the northern area. It is perceived that there will be benefits for independent members in having their own support organisation where they can exchange experiences of best practice and help to develop consistency of approach across the authorities.

The nearest forum geographically to the north east is in Yorkshire and Humberside. Enlarging that forum would not appear to be particularly useful and therefore it has been suggested that a forum is set up for north east authorities. The Chairman and Vice Chairman have indicated that they are happy to support the proposal and I have replied to Darlington Borough Council accordingly.

If the forum is established, I will arrange for updates to be reported to members on a regular basis.

7. **Going Local – Investigations and Hearings**

The Standards Board for England have produced a DVD which uses a fictional case to illustrate a local investigation and hearing. The DVD is intended as guidance for monitoring officers and Standards Committees. The DVD will be shown at the meeting and will then be used as a tool for discussion.