

## City of Durham

At a Meeting of the **STANDARDS COMMITTEE** held in the Gala Theatre, Durham, on Thursday, 29<sup>th</sup> November, 2007, at 5.30 p.m.

**Present:** Mr B.R.J. Ingleby (in the Chair)  
and Councillors Holland, Moderate and Simpson (City Council Members)  
and Councillors J.S. Anderson and Mrs P. Hudson (Parish Council Members)  
and Mr D. Hollingworth and Mrs T. Naples (Independent Members).

### **380. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Thompson.

### **381. MINUTES**

The Minutes of the Meetings held on 25<sup>th</sup> September, 2007, 1<sup>st</sup> October, 2007, and 26<sup>th</sup> October, 2007, were confirmed as a correct record and signed by the Chair.

The Committee were however disappointed to note that they had not received a copy of correspondence sent to the Parish Council following the Meeting on 26<sup>th</sup> October, 2007. The Committee also required further confirmation of the training undertaken.

**Resolved:** (i) That the Monitoring Officer write to the Parish Council to request confirmation in writing of the courses attended by the Chair and to seek confirmation of the training undertaken by the Vice Chair and Clerk.

(ii) a copy of the letter to the Parish Council to be circulated to all the Members of the Committee and the response to be circulated at the next Meeting.

### **382. THE CODE UNCOVERED – DVD**

A DVD, The Code Uncovered, was shown for Members' information.

### **383. REPORT OF VICE CHAIRMAN ON ROADSHOW 2007**

The Vice-Chairman submitted a report the Standards Board for England's Roadshow 2007, which she had attended on behalf of the City Council.

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

(ii) That the Committee meet at 9.30 a.m. on 2<sup>nd</sup> January, 2008, to discuss arrangements for future management of the Committee.

(iii) That the Monitoring Officer provide further information in respect of the processes and resources likely to be necessary for the future support of the Standards Committee.

### **Report of Monitoring Officer**

### **384. APPOINTMENT OF PARISH REPRESENTATIVE TO STANDARDS COMMITTEE**

On 5<sup>th</sup> September, 2007, the council resolved to constitute a panel comprising of four Members of the Council and the Chairman of the Standards Committee to consider nominations made by the Parish Councils for a parish representative on the Standards Committee. Accordingly, on 11<sup>th</sup> October, 2007, the Chairman of the Standards Committee, together with Councillors Young, Moderate, Stoddart and Young interviewed the parish

council nominees. Once all interviews were complete, the panel decided to put forward Councillors Mrs Hudson as the suggested appointment.

The nomination was accepted by Full Council, on 13<sup>th</sup> November, 2007, and accordingly, Councillor Mrs Hudson was appointed to the Standards Committee as Parish representative.

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

### **385. COMPLAINTS TO THE STANDARDS BOARD FOR ENGLAND**

#### **(a) SBE 19731.07**

The Standards Board for England recently received a complaint from a member of the public concerning the alleged conduct of a Member of West Rainton and Leamside Parish Council. The general nature of the allegation was that the Member had failed to treat others with respect in that the Councillor had acted in a threatening manner.

The Standards Board for England, on considering the information provided, considered that the matter should be referred to an Ethical Standards Officer (ESO). The ESO had referred the matter for local investigation and accordingly, the Deputy Monitoring Officer had been instructed to conduct the investigation. His report would be referred to the Committee in due course.

#### **(b) SBE 19601.07 & 19602.07**

At the time of the last Meeting, these complaints were being considered by an Ethical Standards Officer at the Standards Board for England. The Board had since referred this matter for local investigation and accordingly, the Deputy Monitoring Officer had been instructed to investigate the matter and produce a report. The possible breaches of the Code of Conduct are that Parish Councillors have compromised the impartiality of those who work on behalf of the Parish Council, and used their position to improperly secure or confer an advantage or disadvantage. The investigating officer's report would be referred to the Committee in due course.

#### **(c) SBE18323.07**

The Committee met on 1<sup>st</sup> October, 2007, to consider this complaint. The outcome of the hearing was that the Committee considered that there had been no breach of the Code of Conduct. Arrangements were being made for the outcome to be reported in the local press.

#### **(d) SBE 19941.07**

The Standards Board for England had recently received a complaint from a Member of the City Council concerning the alleged conduct of Councillor Carol Woods. The Standards Board for England conducted an assessment and decided not to refer the complaint for investigation. It was acknowledged that this was a sensitive matter and that the reported conduct of the Member had attracted criticism from a number of quarters, however, on balance, it was not considered that the reported comments were likely to amount to an unlawful act under the Race Relations Act 1976 and other legislation. The Board further considered that the views expressed would be protected by the articles of the Human Rights Act pertaining to freedom of expression as the comments could be viewed in the context of the MP not being local to the Durham area rather than a specific comment on the capabilities of people who come from Belfast. The Board went on to determine that party political leaflets are usually

produced in a member's private capacity and as such the Code does not apply. Accordingly, no further action would be taken.

**(e) SBE19988.07**

The Standards Board for England recently received a complaint from a member of the public concerning the alleged conduct of Councillor Carol Woods.

The complaint was that a comment made by Councillor Woods that the local MP was born and bred in Belfast and was out of touch with the views of local people was insulting.

The complaint arose from the same facts as SBE 19941.07 and the Standards Board for England maintained their conclusion that the matter should not be referred to an Ethical Standards Officer as the comments were not likely to amount to an unlawful act under the Race Relations Act 1976, the comments would be protected by a right to political expression confirmed within the Human Rights Act 1998 and that the comments were contained in a political leaflet and had been produced other than when Councillor Woods was acting in her official capacity. Accordingly, no further action would be taken.

**(f) SBE 14399.06**

Further to concerns raised by Members in respect of this complaint, the Monitoring Officer confirmed that the Standards Board for England took the view that the failure of the Chairman to attend mediation sessions constituted a failure in the direction process and needed to be recorded in the Monitoring Officer's final report. Upon receipt of the final report, the Standards Board for England instructed that the outcome of the direction be reported in the press. The Board also noted that in the event of any further complaints being received, the failure to participate fully in the direction process would be taken into account during any investigation.

The outcome was published in the Durham Advertiser on 10<sup>th</sup> May, 2007, and the Monitoring Officer's final report was noted by the Standards Committee on 11<sup>th</sup> June, 2007.

Given that the matter was investigated by an Ethical Standards Officer, who decided that the most appropriate course of action was to issue a direction requiring mediation, it would not be appropriate for the Committee to take any further action in respect of this matter.

In the event that further allegations were made concerning the parties contributing to the failure of the process, the investigating officer and the Committee would need to take into account the issues raised.

**(g) SBE 20308.07**

Following the complaint to the Standards Board for English made by the Committee the Monitoring Officer confirmed that the Standards Board for England was currently determining whether to refer the matter for local investigation.

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

**386. DECLARATION OF MEMBERS INTERESTS**

The Monitoring Officer advised that she had received a request for the provision of copies of Declarations of Councillors Interests. However as the record was purely in paper form at

present, there was no requirement for copies of the register to be forwarded to any person. The register was purely to be available for inspection at the Council's premises. It was currently held in the Monitoring Officer's department. The Committee were asked to consider whether it would be preferable for an electronic copy of the Register of Members Interests to be made available on the website.

**Resolved:** That an electronic version of the Register of Members' Interests be made available on the Council's website subject to Council's approval.

### **387. PUBLICATIONS**

Copies of the following publications were circulated for Members' information:-

- (1) Factsheet: the Code of Conduct
  - Lobby Groups and Declarations of Interest under the Code of Conduct
  - Personal and Prejudicial Interests
  - Gifts and Hospitality
  - Bullying
  - Disclosing Confidential Information
  - The Ethical Framework for Local Government
- (2) Down to Details
- (3) The Daily Details
  - 15<sup>th</sup> October, 2007
  - 16<sup>th</sup> October, 2007
  - 26<sup>th</sup> October, 2007

The meeting terminated at 7.15 p.m.

Chairman