

## City of Durham

At a Meeting of the **STANDARDS COMMITTEE** held in Dragonville Offices, Durham, on Wednesday, 5<sup>th</sup> March, 2008, at 9.30 a.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 Mrs T. Naples (Independent Member).

### **509. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Thompson and Mr Hollingworth.

### **510. DECLARATION OF MEMBERS' INTEREST**

Councillor Holland then declared a prejudicial interest in the matter and remained in the room as a member of the public observing the hearing.

#### **Report of Monitoring Officer**

### **511. DETERMINATION OF LOCAL INVESTIGATION – SBE 19731.07**

The Committee considered the report of the Investigating Officer dated 15<sup>th</sup> January, 2008, copies of which had been circulated.

Councillor Holland then declared a prejudicial interest in the matter and remained in the room as a member of the public observing the hearing.

The Committee then considered whether members of press and public should be excluded from the meeting and determined that there was no need to exclude the press and public.

The panel heard from the Investigating Officer, Councillor Fawcett, Councillor Clark, Councillor Wilkinson, Councillor Wilkes, and Mr Gilbank. They considered the Investigating Officers report, together with the supporting documentation.

In relation to the first matter complained of, the Standards Committee found the matter fell to be determined under the 2001 Code of Conduct. Accordingly, the Committee found that in respect of the allegation that Councillor Fawcett failed to treat Mr Gilbank with respect and thereby breached the Code of Conduct, the remark made by Councillor Fawcett was that Mr Gilbank could wipe that smile of his face. The Committee did not find this to be a breach of the Code of Conduct. In respect of the allegation that a member must not in his official capacity or any other circumstance conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute, the Committee did not find that Councillor Fawcett's conduct was such that he brought his office or authority into disrepute. The above findings were by majority of the Committee.

The allegations in respect of the incident outside of the meeting fell to be determined under the 2007 Code of Conduct. The Committee accepted the findings of the Investigating Officer's report in respect of that matter and therefore found no breach of the Code of Conduct. This was a unanimous decision of the panel.

However, despite these findings, the Committee were concerned about the way in which business appeared to be being conducted by the West Rainton and Leamside Parish Council. The Committee therefore recommended that all members of the parish council consider the need for training on matters of conduct and procedure. In particular, the

Committee recommended that those who do or may Chair the council meetings receive training aimed at how to chair meetings.

**Resolved:** That the outcome of the hearing be publicised.

The meeting terminated at 11.45 a.m.

Chair

## City of Durham

At a Meeting of the **STANDARDS COMMITTEE** held in Dragonville Offices, Durham, on Wednesday, 5<sup>th</sup> March, 2008, at 1.00 p.m.

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

### 512. APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr BRJ Ingleby and Councillors Moderate Thompson.

### 513. DECLARATION OF MEMBERS' INTEREST

Councillor Holland declared a prejudicial interest and took no further part in the proceedings although the Councillor remained in the room as a member of the public.

#### Report of Monitoring Officer

### 514. DETERMINATION OF LOCAL INVESTIGATION – SBE 19601.07 & 19602.07

The Committee considered the report of the Investigating Officer, dated 15 January 2008, copies of which had been circulated.

**Resolved:** The Committee have retired and engaged in a full and lengthy debate over the issues raised. In particular, the Committee have considered the representations of:

1. Councillor Clark,
2. Councillor Fawcett,
3. Councillor Wilkinson,
4. Mr Stabler,
5. The Investigating Officer, and
6. The Complainant

By the concession of Councillors Clark and Fawcett, the matter falls to be considered under the 2007 Code of Conduct.

Following substantial consideration of the Investigating Officer's report and supporting documentation, and the matters raised by the Councillors and their witnesses, the Committee resolved that:

1. In relation to the alleged breach of Paragraph 3(2)(d);
  - The Committee is satisfied by majority that both Councillor Clark and Councillor Fawcett have breached the Code.
2. In relation to the alleged breach of Paragraph 6(a):
  - The Committee is satisfied by majority that Councillor Clark and Councillor Fawcett have breached the Code.
3. In relation to the alleged breach of paragraph 8 of the Code by Councillor Fawcett:
  - The Committee unanimously found a breach of the Code with Councillors Simpson and Anderson abstaining.

Having found that the Code has been breached the Committee has resolved that the following penalties be imposed:

1. In relation to Councillor Fawcett the panel imposes a two month suspension to be lifted on receipt by the Complainant of a written apology (copied to the Monitoring Officer) stating that the Councillor apologises for compromising the Clerk's impartiality and independence. The suspension is not to commence until the 19 March 2008.
2. In relation to Councillor Clark the panel imposes a one month suspension on the same terms.

The Committee also resolves that both Councillors undergo a period of conciliation with the Clerk.

The Committee reiterates its concerns over the conduct of the Parish Council and reiterates the need for training set out in its previous decision.

The meeting terminated at 3.15 p.m.

Chair

## City of Durham

At a Meeting of the **STANDARDS COMMITTEE** held in Studio 2 Gala Theatre, Durham, on Tuesday, 11<sup>th</sup> March, 2008.

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

### **544. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Anderson and Councillor Simpson

### **545. MINUTES**

The Minutes of the meeting held on 15<sup>th</sup> January, 2008, were confirmed as a correct record and signed by the Chair.

### **Report of Monitoring Officer**

### **546. DATES OF MEETINGS TO BE HELD IN MUNICIPAL YEAR 2008/2009**

**Resolved:** That the report be noted

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

#### **(a) SBE 20733.07**

**Resolved:** That the report be noted

#### **(b) SBE21260.07**

**Resolved:** That the report be noted

#### **(c) SBE 21253.08 – SBE 21255.08**

**Resolved:** That the report be noted

### **548. BRIEFINGS TO PARISH COUNCILS**

The Monitoring Officer advised that the presentations had commenced and seemed to be being well received. The Committee did however note concerns about parish council's ability to take on additional responsibility as a consequence of the move towards unitary government and requested that the Monitoring Officer write to Durham County Council to ensure that the appropriate priority was placed on training parish councils in anticipation of the new responsibilities they would have.

**Resolved:** That the report be noted and the Monitoring Officer write to Durham County Council.

**549. ANNUAL REPORT OF THE STANDARDS COMMITTEE**

The Panel considered the final draft annual report and, subject to one minor amendment, were satisfied that the matter could now be referred to the Council.

The meeting terminated at 6.25 p.m.

Chair

**CITY OF DURHAM**

**STANDARDS COMMITTEE**

**24 April 2008**

**REPORT OF MONITORING OFFICER**

**1. Complaints to the Standards Board for England**

**i) SBE 21393.08**

The Standards Board for England recently received a complaint from Councillor M Smith concerning the alleged conduct of Councillor P Mitchell of City of Durham Council. The Standards Board for England conducted an assessment and decided not to refer the complaint for investigation. Officers took the view that the information provided did not disclose a potential breach of the Code of Conduct as the Member making the complaint had a public platform to respond to allegations that were made and therefore could put forward her own rebuttal. The Standards Board for England made no findings of fact in this matter.

Recommended: That the report be noted.

**ii) SBE 21450.08**

The Standards Board for England recently received a complaint from Councillor M Smith concerning the alleged conduct of Councillor P Taylor of City of Durham Council. The Standards Board for England conducted an assessment and decided not to refer the complaint for investigation. Officers took the view that the information provided did not disclose a potential breach of the Code of Conduct as the Member making the complaint had a public platform to respond to allegations that were made and therefore could put forward her own rebuttal. The Standards Board for England made no findings of fact in this matter.

Recommended: That the report be noted.

**iii) SBE 21260.08**

The Standards Board for England recently received a complaint from Clare Greenlay, on behalf of the City of Durham Council concerning the alleged conduct of Councillor P Mitchell of the same authority. The Standards Board for England conducted an assessment and decided not to refer the complaint for investigation. Officers took the view that the information provided did not disclose a potential breach of the Code of Conduct as the Member making the complaint had a public platform to respond to allegations that were made and therefore could put forward her own rebuttal. The Standards Board for England made no findings of fact in this matter.

Recommended: That the report be noted

**iv) SBE 21711.08**

The Standards Board for England recently received a complaint from Councillor M Wilson of Bearpark parish council concerning the alleged conduct of Councillor R Crooks of City of Durham Council. The Standards Board for England conducted an assessment and decided not to refer the complaint for investigation. Officers took the

view that whilst Councillor Crooks' alleged conduct may constitute a breach of the Code of Conduct if proven, it was not serious enough to justify an investigation. The Standards Board for England made no findings of fact in this matter.

Recommended: That the report be noted.

v) **SBE 21712.08**

The Standards Board for England recently received a complaint from Councillor M Wilson concerning the alleged conduct of Councillor A Crooks of Bearpark parish council. The Standards Board for England conducted an assessment and decided not to refer the complaint for investigation. Officers took the view that the alleged conduct may, if proven, have been a breach of the Code of Conduct, however they did not believe the alleged conduct was serious enough to justify an investigation. No findings of fact were made and no judgement was made about whether the alleged events actually occurred in the way that the complainant stated.

Recommended: That the report be noted.

## **2. Seventh Annual Assembly of Standards Committees**

The annual conference for Standards will take place on the 13 & 14 October 2008 in Birmingham. The cost is £430 + VAT per delegate for two days and £320 + VAT for a delegate attending for one day.

In view of the fact that the Standards Committee of City of Durham Council will be abolished on 1 April 2009, serious consideration needs to be given as to whether attendance at this conference by either Members or the Monitoring Officer can be justified.

Instructions of the Standards Committee are sought as soon as possible in order that appropriate reservations can be made should the committee decide that they wish to have a representative at this event.

## **3. Local Assessment Procedure**

The regulations which will give effect to the requirement for the Standards Committee to determine complaints at a local level in the first instance have still not been laid by Parliament. Without the regulations, the Standards Committee have no authority to determine complaints at local level initially. It is anticipated that the regulations will be published in the near future with a view to them taking effect at some point in May. It is however therefore highly unlikely that the committee will need to meet on the 7 May, however cancellation of this meeting will be confirmed at the meeting of the committee on 24 April 2008.