

City of Durham

At a Meeting of the **STANDARDS COMMITTEE** held in the Town Hall, Durham, on Thursday, 18th September, 2008, at 5.30 p.m.

Present: Mr B.R.J. Ingleby (in the Chair)
and Councillors Holland, Lodge, Simpson and Turnbull (City Council Members)
and Councillors J.S. Anderson and Mrs P Hudson (Parish Council Members)

189. APOLOGIES FOR ABSENCE

Apologies for absence were received from Mrs T Naples and Mr D Hollingworth.

190. MINUTES

The Minutes of the Meeting held on 24th July, 2008, were confirmed as a correct record and signed by the Chairman.

191. DECLARATIONS OF MEMBERS' INTEREST

There were no declarations of interest from Members.

Report of Monitoring Officer

192. REQUEST FOR DISPENSATION

The Committee received information from the Monitoring Officer in respect of a request by a number of members of West Rainton & Leamside Parish Council for a dispensation in accordance with the Relevant Authorities (Standards Committee)(Dispensation) Regulations 2002. The Committee were of the opinion that they had been provided with insufficient information to be able to make a decision at this time and accordingly the request should be deferred.

Resolved: That the Monitoring Officer seek further information and the request be deferred until the next meeting.

193. COMPLAINTS TO THE STANDARDS BOARD FOR ENGLAND

(a) SBE19601 & SBE 19602.08

The complainant had withdrawn from the mediation process and it was recommended that no further action be taken in respect of this matter.

Resolved: That the report be noted

(b) SBE21948 – SBE21953.08

The above complaint was still with the investigating officer, whose report would be forwarded to the committee for consideration as soon as was available.

Resolved: That the report be noted

194. COMPLAINTS TO THE STANDARDS COMMITTEE

The Monitoring Officer updated the committee in respect of all ongoing complaints to the Standards Committee and confirmed that full details of each complaint would be reported as appropriate once they had concluded.

Resolved: That the report be noted.

195. LOCAL STANDARDS FRAMEWORK

The Monitoring Officer had received four copies of the Local Standards Framework: Guide for Authorities.

Resolved: That copies of the Local Standards Framework: Guide for Authorities be distributed to the Chair and Vice Chair or the committee and the Monitoring Officer. A further copy is to be retained by the Monitoring Officer and made available to other Members of the Committee upon request to the Monitoring Officer.

196. INVITATION TO JOIN AIMSce

The Monitoring Officer had received an invitation from the Association of Independent Members of Standards Committees in England for independent members of the Standards Committee to join AIMSce. Members were of the opinion that they knew insufficient about this organisation to judge whether the membership would be worthwhile and therefore the Vice Chair of the Committee should approach the AIMSce stand at the Standards Committee Conference to determine whether the membership would be worthwhile prior to a decision being made.

Resolved: That the matter be deferred to the next meeting

197. BULLETIN 40

Bulletin 40 from the Standards Board for England was circulated for information.

Resolved: That the Bulletin be noted.

198. CORRESPONDENCE

The Monitoring Officer had received a further email from Mr Malcolm Stabler again seeking to challenge the accuracy of the Minutes of the Standards Committee meetings on the 5 March 2008.

Resolved: That Members were satisfied with the Minutes of the Standards Committee as approved and were not prepared to consider further correspondence from Mr Stabler in respect of the accuracy or the content of the Minutes of the Committee.

The meeting terminated at 6.15 p.m.

Chairman

CITY OF DURHAM
STANDARDS COMMITTEE
16 October 2008

REPORT OF MONITORING OFFICER

1. Request for Dispensation

The Monitoring Officer will update Members upon the request for a dispensation at the meeting.

2. Complaints to Standards Board for England

(a) SBE21948 – SBE21953.08

The Deputy Monitoring Officer has concluded his investigation into this matter however the draft report has not yet been agreed by all parties concerned. Accordingly, the report will be circulated to Members once it has been finalised.

Recommended: That the report be noted

3. Complaints to Standards Committee

(a) SC0001.08

The complainant, Mr Malcolm Stabler, alleged that Councillor Richardson of West Rainton & Leamside Parish Council:-

1. Refused to address matters raised by the complainant in correspondence
2. Did not respond to correspondence
3. Attacked the integrity of the complainant
4. Had used his position to confer a disadvantage on the complainant
5. Had compromised the impartiality of the Clerk
6. Had associated himself with inaccurate and misleading statements and therefore brought his office into disrepute.
7. Participated in a meeting at which he had a prejudicial interest.

The Local Assessment Sub-Committee of the Standards Committee considered the matters alleged above at a meeting on 4 July 2008 and decided that the member had not breached the Code of Conduct in respect of the allegation that the member:-

1. Failed to treat the complainant with respect
2. Did anything which compromised the impartiality of anyone working for the authority
3. Used his position to improperly confer a disadvantage on the complainant

The sub-committee did find that the member had failed to respond to the complainant's letter of the 19 December 2007 which could bring the authority into disrepute, however it was of the opinion that this potential breach of the code was insufficient to warrant further action being taken. The allegation that the member had failed to declare a prejudicial interest was considered separately as complaint SC0002.08.

The complainant requested a review of the decision to take no further action and this review took place on the 11 September 2008. The sub-committee who carried out the review upheld the original decision in full.

(b) SC0002.08

The complainant, Mr Malcolm Stabler, alleged that Councillor Richardson of West Rainton & Leamside Parish Council failed to declare a prejudicial interest at a meeting of the Parish Council. The Local Assessment Sub-Committee met and considered this matter on 20th August 2008 and determined that the matter should be referred for investigation. The Deputy Monitoring Officer, Mr Richard Langdon, has been requested to undertake the investigation, and his report will be circulated once it is received.

(c) SC0003.08

The Complainant has alleged that a Member of the District Council has breached the Councils Code of Conduct. The Local Assessment Sub-Committee meeting on the 11 September 2008 determined that part of the complaint should be referred for investigation.

The Complainant has requested a review of the elements of the complaint which was not referred for investigation and a review hearing is therefore being arranged.

(d) SC0004.08

The Complainant has alleged that a Member of the District Council has breached the Councils Code of Conduct. The Local Assessment Sub-Committee meeting on the 11 September 2008 determined that part of the complaint should be referred for investigation.

The Complainant has requested a review of the elements of the complaint which was not referred for investigation and a review hearing is therefore being arranged.

(e) SC0005.08 – SC0012.08

A complaint in respect of a number of members of a parish council has been received. A sub-committee met on the 1 October 2008 and determined that some elements of the complaints should be referred for further investigation. Accordingly, the Deputy Monitoring Officer Mr Richard Langdon, has been instructed to commence an investigation and his report will be supplied to members in due course.

One element of the complaint was not however referred for investigation and it is therefore possible that the complainant will request a review of this element of the complaint.

(f) SC0014.08

A complaint has been received in respect of a parish councillor. A review hearing has been listed for the purposes of carrying out the local assessment procedures.

(g) SC0015.08 – SC0018.08

A complaint has been received in respect of a parish councillor. A review hearing has been listed for the purposes of carrying out the local assessment procedures.

4. Invitation to Join AIMScE

Further to the consideration given to this matter by the committee at its last meeting, the Monitoring Officer confirms that Vice Chair of the Committee is already a member of AIMScE and it is therefore proposed no further membership be taken out at this stage. The Vice Chair will continue to share information gained as a consequence of this membership with members of the Committee as appropriate.