

ANNUAL COUNCIL

Friday,
16 May 2008
11.00 a.m.

Council Chamber,
Council Offices,
Spennymoor

AGENDA and REPORTS



This document is also available in other languages, large print and audio format upon request

العربية (Arabic)

إذا أردت المعلومات بلغة أخرى أو بطريقة أخرى، نرجو أن تطلب ذلك منا.

বাংলা (Bengali)

যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

(中文 (繁體字)) (Cantonese)

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

हिन्दी (Hindi)

यदि आपको सूचना किसी अन्य भाषा या अन्य रूप में चाहिये तो कृपया हमसे कहे

polski (Polish)

Jeżeli chcieliby Państwo uzyskać informacje w innym języku lub w innym formacie, prosimy dać nam znać.

ਪੰਜਾਬੀ (Punjabi)

ਜੇ ਇਹ ਜਾਣਕਾਰੀ ਤੁਹਾਨੂੰ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਵਿਚ ਜਾਂ ਕਿਸੇ ਹੋਰ ਰੂਪ ਵਿਚ ਚਾਹੀਦੀ, ਤਾਂ ਇਹ ਸਾਥੋਂ ਮੰਗ ਲਓ।

Español (Spanish)

Póngase en contacto con nosotros si desea recibir información en otro idioma o formato.

اردو (Urdu)

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھیے۔

AGENDA

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST**
To notify the Mayor of any items that appear later in the agenda in which you may have an interest.
3. **APPOINTMENT OF MAYOR**
To elect a Mayor for the 2008/2009 Municipal Year. The Mayor will, on appointment, make a Declaration of Acceptance of Office.
4. **APPOINTMENT OF DEPUTY MAYOR**
To appoint a Deputy Mayor for the 2008/2009 Municipal Year. The Deputy Mayor will, on appointment, make a Declaration of Acceptance of Office.
5. **APPOINTMENT OF LEADER OF THE COUNCIL**
To appoint a Leader of the Council for the 2008/2009 Municipal Year.
6. **APPOINTMENT OF DEPUTY LEADER OF THE COUNCIL**
To appoint a Deputy Leader of the Council for the 2008/2009 Municipal Year.
7. **ARRANGEMENTS FOR THE REVIEW OF THE CONSTITUTION**
Report of Chief Executive. (Pages 1 - 18)
8. **LOCAL GOVERNMENT AND HOUSING ACT 1989. THE LOCAL GOVERNMENT (COMMITTEES AND POLITICAL GROUPS) REGULATIONS 1990**
Report of Chief Executive. (Pages 19 - 22)
9. **CABINET, COMMITTEES, PANELS, FORUMS, WORKING PARTIES AND GROUPS; MEMBERSHIP 2008/2009**
Report of Chief Executive. (Pages 23 - 26)
10. **REPRESENTATION ON OUTSIDE ORGANISATIONS 2008/2009**
Report of Chief Executive. (Pages 27 - 32)
11. **FREQUENCY OF MEETINGS 2008/2009**
Report of Chief Executive. (Pages 33 - 34)

**12. LOCAL GOVERNMENT REVIEW PROPOSALS - IMPLICATIONS -
PROPOSED SINGLE TIER AREAS: PROTECTION OF HISTORIC
TRADITIONS AND CEREMONIAL ARRANGEMENTS - UPDATE**
Report of Chief Executive and Solicitor to the Council. (Pages 35 - 38)

B.Allen
Chief Executive

Council Offices
SPENNYMOOR

Councillor Mrs. S. J. Iveson (Mayor) and

All other Members of the Council

ACCESS TO INFORMATION

Any person wishing to exercise the right of inspection in relation to this Agenda and associated papers should contact
Liz North 01388 816166 ext 4237 email:enorth@sedgefield.gov.uk

Item 7

REPORT TO ANNUAL COUNCIL

16TH MAY 2008

REPORT OF CHIEF EXECUTIVE

ARRANGEMENTS FOR REVIEW OF THE CONSTITUTION

1. SUMMARY

- 1.1 The Council's Constitution was adopted on the 24th May 2002 as part of the Council's approach to implementing the Local Government Act 2000. A number of reviews have taken place.
- 1.2 The Constitution itself must necessarily be kept under regular review so as to ensure that it reflects existing law and its operation continues to provide an efficient and effective framework for delivering the Council's aims and objectives. This report is a further review for the purposes of Article 16 of the Constitution.
- 1.3 The recommendations in this report, based on advice from the Council's Monitoring Officer, and following meetings of the Constitutional Review Group, reflect those areas where it is considered appropriate to make some further changes, viz: in light of the Standards Committee (England) Regulations 2008 and Section 53 of the Local Government Act 2000 (Section 49(6)) Part 3 Section 57A (inserted by Sections 57B to 57D, and Section 58) by Section 185 of the Local Government and Public Involvement in Health Act 2007
 - **Article 9.02(a)** the Standards Committee (new membership composition) to add one additional independent member and one parish member
 - **Article 9.02(c)** to reflect the increase in parish membership from one to two
 - **Article 9.03** to add to the role and functions of the Standards Committee the following paragraphs in relation to the new local assessment arrangements
 - (n) Receiving complaints of alleged breaches of the Code of Conduct; deciding whether or not they merit investigation; arranging reviews of decisions not to investigate if so requested by the complainant and determining whether the code of conduct has been contravened upon receipt of reports from the Monitoring Officer or an Investigating Officer appointed on his behalf;
 - **Article 9.05** to add the following procedure for dealing with the new local assessment arrangements – see Appendix

Part 3A – Responsibility for Functions - C. Officer Delegations

To add new CE62 that

The Solicitor to the Council and Monitoring Officer is delegated power to appoint the members of the sub-committees from the Standards Committee to carry out the functions of:

- Receiving and assessing complaints
- Reviewing local assessment decisions
- Conducting hearings following an investigation into the complaint

in each case in accordance with the Standards Committee (England) Regulations 2008

2. RECOMMENDATIONS

2.1 That Council approves the Report and directs the Council's Monitoring Officer:

- (a) to amend the Constitution accordingly and make all necessary and consequential amendments; and
- (b) to publish an amended version on the Council's website.

3. LEGAL IMPLICATIONS

3.1 It is intended that these changes shall have immediate effect.

3.2 The principal changes are referred to in paragraph 1.3 above.

4. CONSULTATIONS

4.1 Management Team have been consulted on the proposed changes.

Contact Officer: D.A. Hall, Solicitor and Monitoring Officer
Telephone No: (01388) 816166, Ext. 4268
Email Address: dahall@sedgefield.gov.uk

Ward(s)

Key Decision Validation

Background Papers

Reports:

- Council - 16th May 2003
- Council - 26th June 2003
- Standards Committee - 4th November 2003
- Council - 26th November 2003
- Council - 21st May 2004
- Cabinet - 25th November 2004
- Council - 25th February 2005
- Standards Committee - 3rd November 2005
- Council - 25th November 2005
- Standards Committee - 9th February 2006
- Council - 24th February 2006
- Standards Committee - 6th April 2006
- Council - 21st April 2006
- Standards Committee – 5th May 2006
- Council – 19th May 2006
- Standards Committee – 6th July 2006
- Council – 28th July 2006
- Standards Committee – 2nd November 2006
- Council – 24th November 2006
- Standards Committee – 8th February 2007
- Council – 27th February 2007
- Standards Committee – 5th April 2007
- Council – 20th April 2007
- Standards Committee (Special Meeting) – 27th April 2007
- Council – 18th May 2007
- Council – 29th June 2007
- Standards Committee – 5th July 2007
- Council – 27th July 2007
- Standards Committee – 7th February 2008
- Council – 29th February 2008

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Council's Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Council's S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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**PROCEDURE FOR LOCAL DETERMINATION OF ALLEGATIONS
AGAINST COUNCILLORS**

(1) Introduction and Summary

This note sets out the procedure which will be followed in the local determination of allegations of misconduct by Councillors. No departure will be made from this procedure unless and until the Monitoring Officer has first notified the Councillor against whom the allegation has been made of the proposed variation to the procedure and the reasons for that variation.

Where the Monitoring Officer receives an allegation that a Councillor has breached the Authority's Code of Conduct for Members, he must report the allegation to a Sub-Committee of the Standards Committee comprising 3 Members. 1 Member of the Sub-Committee shall be one of its Independent Members. In the event of an allegation against a Parish Councillor, 1 Member of the Sub-Committee must be a Parish representative. The Sub-Committee shall meet to determine whether or not the complaint should be investigated further within 20 working days of receipt of the complaint. The Monitoring Officer's report to the Sub-Committee shall be exempt and Press and Public will be excluded from the meeting.

The Monitoring Officer shall notify the complainant of the decision of the Standards Sub-Committee within 14 days of the meeting. In the event of the Standards Sub-Committee deciding that the allegation did not merit investigation, the complainant shall have the right of appeal which may be exercised by requesting that the Council reviews its decision. Any such request must be received within 14 days of receipt by the complainant of notification that his complaint will not be investigated.

Upon being requested to arrange a review, the Monitoring Officer shall convene a meeting of a Sub-Committee of the Standards Committee comprising 3 Members who played no part in the original decision. 1 of the Members shall be an Independent Member who will usually take the Chair. In the event of the complaint relating to a Parish Council matter, a Parish representative who was not involved in the original decision shall also form 1 of the Sub-Committee. The Monitoring Officer shall present to the Review Sub-Committee, a copy of his original report, the Minutes of the original Sub-Committee meeting and the complainants written request for review. The complainant shall be entitled to attend the Sub-Committee and make oral and further written representations as to why his request for a review should be upheld.

Investigation

Once a Sub-Committee or a Review Sub-Committee have determined that a complaint against a Councillor shall be investigated, the Monitoring Officer must make arrangements for an investigation to be undertaken. Unless the Sub-Committee, after taking advice from the Monitoring Officer, indicate that the matter is potentially so serious that it should be referred to the Standards Board for England, any investigation will be undertaken locally either by the Monitoring Officer, or more commonly, by the person appointed by the Monitoring Officer.

Determination of a Complaint

Within 3 months of the Investigating Officer completing his investigations and submitting a report to the Monitoring Officer, the Monitoring Officer must arrange for the Standards Committee (or a Sub-Committee of the Standards Committee convened for the purpose) to consider the Investigating Officer's report. The Standards Committee (or its Sub-Committee) will then hold a formal hearing to determine whether a breach of the Authority's Code of Conduct has occurred and whether any action should be taken as a consequence. In this process, the function of the Reporting Officer is to ensure, as far as possible, that all the information which is relevant to the allegation is identified and presented to the Standards Committee, to enable the Standards Committee to come to an informed decision as to whether the Councillor has failed to comply with the Authority's Code of Conduct for Members, and upon any consequential action. The Standards Committee acts in an inquisitorial manner, rather than an adversarial manner, seeking the truth in relation to the conduct of the Councillor on the balance of the information available to it, and able to commission further investigation or information where it needs to do so in order to come to a decision.

Where the Standards Committee determines, after considering the Reporting Officer's report, that it does appear to show that a breach of the Authority's Code of Conduct has occurred, the Standards Committee will give the Councillor concerned the opportunity to make representations to it before it makes any final decision as to whether there has actually been a breach of the Authority's Code of Conduct. Where the Standards Committee determines that the Councillor has acted in breach of the Authority's Code of Conduct, the Committee will hear representations from the Reporting Officer and from the Councillor as to any action which the Committee should take in respect of the Councillor, and will consider whether any action should be taken by the Authority to rectify any consequences of the misconduct or to prevent any further breaches.

The actions which the Standards Committee may take against the Councillor may include censuring the Councillor, suspending or partially suspending the Councillor from being a Member of the Authority for a period not exceeding six months or until he apologises for the misconduct, and the withdrawal of access to the Authority's facilities.

(2) Notification of Reference of Allegation to the Monitoring Officer (where the Investigating Officer) has completed his investigation

(a) *Appointment of Reporting Officer*

Upon receipt of the allegation and report from an Investigating Officer, the Monitoring Officer will appoint a Reporting Officer in respect of the allegation and instruct him/her to report thereon to the Authority's Standards Committee or a Sub-Committee of the Standards Committee. The Reporting Officer may be an officer of the Authority (including the Monitoring Officer unless he is conflicted out from acting as Reporting Officer), an officer of another local authority, or an external consultant.

(b) **Notification to the Councillor**

The Reporting Officer will then notify in writing the Councillor against whom the allegation is made:-

- (i) that he/she has received the allegation and provide him with a copy of the Investigating Officer's report;
- (ii) of the procedure which will be followed in respect of the allegation;
- (iii) of the identity of the Reporting Officer;
- (iv) that, if he/she seeks at the meeting of the Standards Committee or Sub-Committee to dispute any matter contained in the Investigating Officer's report without having previously identified/notified the Reporting Officer of his/her intention to do so, the Standards Committee or Sub-Committee may either adjourn the meeting to enable the Reporting Officer to arrange the attendance of any witnesses necessary to give evidence on that matter or refuse to allow the Councillor to dispute that matter and take their decision on the basis of the matter as set out in the Investigating Officer's report.

(c) In notifying the Councillor of the reference of the allegation, the Reporting Officer shall request the Councillor within the next 14 days to:-

- (i) notify the Reporting Officer of the identity of any person whom the Councillor wishes to represent him/her at the meeting of the Standards Committee or Sub-Committee;
- (ii) provide the Reporting Officer with a written statement in which the Councillor sets out his/her response to the report, including whether he/she admits that the alleged breach did occur, and sets out any matter which the Councillor wishes to be sent to the Members of the Standards Committee or Sub-Committee at the same time as the report;
- (iii) notify the Reporting Officer of any matter contained in the Investigating Officer's report which the Councillor proposes to dispute at the meeting of the Standards Committee, in order to enable the Reporting Officer to arrange the attendance at the meeting of the Standards Committee or Sub-Committee of any witnesses necessary to provide evidence in respect of that matter; and
- (iv) notify the Reporting Officer of any witnesses whom he/she proposes to call to give evidence before the Standards Committee or Sub-Committee.

(d) **Notification to the Parish or Town Council Clerk**

Where the allegation relates to the conduct of a Member of a Parish or Town Council in his/her capacity as such, at the same time as notifying the Councillor, the Reporting Officer will notify the Clerk of the Parish or Town

Council concerned in writing of the matters set out in paragraphs 2(b)(i) and (ii) above.

- (e) The Reporting Officer shall then provide to the Chief Executive a copy of the Investigating Officer's report and of any response received from the Councillor within the said 14 days, together with a list of any witnesses whom the Reporting Officer will wish to call before the Standards Committee, and request the Chief Executive to arrange a meeting of the Standards Committee.

(3) **Arranging the Meeting of the Standards Committee or Sub-Committee**

- (a) Upon receipt of a request from the Reporting Officer under paragraph 2(e) the Chief Executive shall arrange a time and date for the Standards Committee (or the Sub-Committee of the Standards Committee which will determine the allegation) to meet and consider the matter.
- (b) At least 5 clear days before the date of the meeting of the Standards Committee or Sub-Committee, the Chief Executive shall notify the Councillor of the date, time and place of the meeting and the membership of the Standards Committee or Sub-Committee at which the matter will be considered.
- (c) At least 5 clear days before the day of the meeting of the Standards Committee or Sub-Committee, the Chief Executive will send to each Member of the Standards Committee or Sub-Committee, to the Councillor, to the Reporting Officer and to any person who made the allegation which gave rise to the investigation, but may make the provision of any such copy conditional upon an appropriate undertaking of confidentiality until such time as the Chief Executive makes the report available to the press and public or the Standards Committee or Sub-Committee agree that the press and public shall not be excluded from the meeting:-
 - (i) the agenda for the meeting of the Committee or Sub-Committee;
 - (ii) a copy of the Investigating Officer's report, and;
 - (iii) a copy of any written statement in response to the report which has been received from the Councillor.

- (d) At the same time the Chief Executive will write to the Councillor and advise him/her that, at the commencement of the meeting, the Committee will consider whether the press and public should be excluded from the meeting.

(e) **Background Papers**

The Chief Executive will, upon request, provide or arrange for any Member of the Committee or Sub-Committee (as appropriate) and the Councillor to have access to any background documents as have been identified or supplied by the Reporting Officer at any reasonable time between the issue of the agenda and the time of the meeting.

(f) ***Confidentiality in advance of the Meeting***

- (i) Where the Chief Executive considers that the Investigating Officer's report and/or the Councillor's written statement in response is likely to disclose "exempt information", and in consequence that it is likely that the Committee or Sub-Committee will, during consideration of these papers, not be open to the public, he/she shall not provide copies of these papers to the press or public or permit inspection thereof by the press or public in advance of the meeting.
- (ii) Where the Chief Executive considers that the Investigating Officer's report and/or the Councillor's written statement in response is likely to disclose "exempt information" falling within Paragraphs 1 to 6, 9, 11, 12 or 14 of Schedule 12A to the Local Government Act 1972, he/she shall not provide copies of these papers to, nor permit inspection thereof by, any Member of the Authority other than the Members of the Committee or Sub-Committee and the Councillor in advance of the meeting.

(4) **Procedure at the Meeting**

(a) ***Attendance of the Councillor***

- (i) The Councillor may arrange to be accompanied at the meeting at his/her own expense by a solicitor, counsel or friend.
- (ii) If the Councillor is not present at the start of the meeting, the Committee or Sub-Committee shall adjourn to enable the Councillor to attend, unless they are satisfied that there is sufficient reason for the failure of the Councillor to attend, in which case the Committee or Sub-Committee may resolve to proceed in the absence of the Councillor. Where the Committee or Sub-Committee proceeds in the absence of the Councillor, the procedure for the meeting shall be adapted as necessary, giving any representative of the Councillor who is present such rights as would otherwise be accorded to the Councillor.

(b) ***Order of business***

The order of business at the meeting shall be as follows:

- (i) Quorum. The Chief Executive or his/her representative shall confirm that the Committee is quorate;
- (ii) Disclosures of interest;
- (iii) Consideration as to whether to adjourn or to proceed in the absence of the Councillor, if the Councillor is not present;
- (iv) Introduction of the Committee, Chief Executive (or his/her representative), the legal adviser to the Committee, the Reporting Officer and the Councillor and any representative of the Councillor;

- (v) Any representations from the Reporting Officer and/or the Councillor as to reasons why the Committee or Sub-Committee should exclude the press and public and determination as to whether to exclude the press and public (where the Committee or Sub-Committee decides that it will not exclude press and public, the Chief Executive shall at this point provide copies of the agenda and reports to any members of the press and public who are present);
- (vi) Presentation by the Reporting Officer of the Investigating Officer's report.
- (vii) The Reporting Officer shall at this stage address only the issue of any disputes of fact relevant to the matters under consideration. The Reporting Officer may introduce any witnesses required to substantiate any matter contained in that report which the Councillor has disputed in his/her written statement in response. Members of the Committee or Sub-Committee may question the Reporting Officer and any witness on any matter within their competence. There shall be no cross-examination by the Councillor, but the Councillor may request the Chair of the Meeting to direct appropriate questions to the Reporting Officer or to any witness whom he/she has introduced;
- (viii) Presentation by the Councillor.
- (ix) The Councillor or his/her representative shall at this stage address only the issue of any disputes of fact relevant to the matters under consideration. The Councillor or his/her representative may introduce witnesses required to substantiate any matter contained in his/her written statement in response. Members of the Committee or Sub-Committee may question the Councillor and any witness on their evidence. There shall be no cross-examination by the Reporting Officer, but the Reporting Officer may request the Chair of the Meeting to direct appropriate questions to the Councillor or to any witness whom he/she has introduced.
- (x) Where the Councillor seeks to dispute any matter in the Investigating Officer's report which he/she had not given notice of intention to dispute in his/her written statement in response, the Reporting Officer shall draw this to the attention of the Committee. The Committee may then decide:-
 - (a) not to admit such dispute but to proceed to a decision on the basis of the information contained in the report;
 - (b) to admit the dispute, but invite the Reporting Officer to respond thereto, recalling any witness as necessary; or
 - (c) to adjourn the meeting to enable the Reporting Officer to investigate and report on the dispute and/or to arrange for the attendance of appropriate witnesses as to the disputed information.

- (xi) At the conclusion of the presentation by the Councillor, the Chair shall ask the Reporting Officer whether there was any matter raised during the course of that presentation which was not raised in the Councillor's written statement in response. The Reporting Officer may then respond to any such new matter, or may request the Committee or Sub-Committee to adjourn to enable him/her to investigate and report on that new matter and/or to secure the attendance of witnesses as to the new matter;
- (xii) The Committee or Sub-Committee is required to come to a decision on any disputes of fact relevant to the matters under consideration. Accordingly, they have to satisfy themselves that they have sufficient information upon which to take that decision, and they may question the Reporting Officer, the Councillor and any witness in order to obtain sufficient information to enable the Committee or Sub-Committee to come to a decision on this issue.
- (xiii) The Committee or Sub-Committee will adjourn into another room with the Chief Executive or his/her representative where they will consider in private session any disputes of fact relevant to the matters under consideration. At any stage in their consideration they may return to ask any further questions of the Reporting Officer or the Councillor or to seek legal advice;
- (xiv) The Committee or Sub-Committee may at any time seek legal advice from its legal adviser. Such advice will on all occasions be given in the presence of the Reporting Officer and the Councillor;
- (xv) At the conclusion of their consideration, the Committee or Sub-Committee will return and the Chair will advise the Reporting Officer and the Councillor of their decision on any disputes of fact relevant to the matters under consideration, and the reasons for that decision;
- (xvi) Having determined disputes of fact the Committee will then consider whether the Councillor has acted in breach of the Code of Conduct.
- (xvii) Presentation by the Reporting Officer of the Investigating Officer's report. The Reporting Officer shall at this stage address only the issue of whether the Councillor has acted in breach of the Code of Conduct. The Reporting Officer may introduce any witnesses required to substantiate any matter contained in that report which the Councillor has disputed in his/her written statement in response. Members of the Committee or Sub-Committee may question the Reporting Officer and any witness on any matter within their competence. There shall be no cross-examination by the Councillor, but the Councillor may request the Chair of the meeting to direct appropriate questions to the Reporting Officer or to any witness whom he/she has introduced;
- (xviii) Presentation by the Councillor. The Councillor or his/her representative shall at this stage address only the issue of whether he/she has acted in breach of the Code of Conduct. The Councillor or his/her representative may introduce witnesses required to substantiate

any matter contained in his/her written statement in response. Members of the Committee or Sub-Committee may question the Councillor and any witness on their evidence. There shall be no cross-examination by the Reporting Officer, but the Reporting Officer may request the Chair of the meeting to direct appropriate questions to the Councillor or to any witness whom he/she has introduced.

- (xiv) Where the Councillor seeks to dispute any matter in the Investigating Officer's report which he/she had not given notice of intention to dispute in his/her written statement in response, the Reporting Officer shall draw this to the attention of the Committee. The Committee may then decide:-
 - (a) Not to admit such dispute but to proceed to a decision on the basis of the information contained in the report;
 - (b) to admit the dispute, but invite the Reporting Officer to respond thereto, recalling any witness as necessary; or
 - (c) to adjourn the meeting to enable the Reporting Officer to investigate and report on the dispute and/or to arrange for the attendance of appropriate witnesses as to the disputed information.
- (xx) At the conclusion of the presentation by the Councillor, the Chair shall ask the Reporting Officer whether there was any matter raised during the course of that presentation which was not raised in the Councillor's written statement in response. The Reporting Officer may then respond to any such new matter, or may request the Committee or Sub-Committee to adjourn to enable him/her to investigate and report on that new matter and/or to secure the attendance of witnesses as to the new matter;
- (xxi) The Committee or Sub-Committee is required to come to a decision as to whether the Councillor acted in breach of the Code of Conduct. Accordingly, they have to satisfy themselves that they have sufficient information upon which to take that decision, and they may question the Reporting Officer, the Councillor and any witness in order to obtain sufficient information to enable the Committee or Sub-Committee to come to a decision on this issue.
- (xxii) The Committee or Sub-Committee will adjourn into another room with the Chief Executive or his/her representative where they will consider in private session whether the Member has acted in breach of the Code of Conduct. At any stage in their consideration they may return to ask any further questions of the Reporting Officer or the Councillor or to seek legal advice;
- (xxiii) The Committee or Sub-Committee may at any time seek legal advice from its legal adviser. Such advice will on all occasions be given in the presence of the Reporting Officer and the Councillor;

- (xxiv) At the conclusion of their consideration, the Committee or Sub-Committee will return and the Chair will advise the Reporting Officer and the Councillor of their decision as to whether the Councillor has acted in breach of the Code of Conduct, and the reasons for that decision;
- (xxv) If the Committee or Sub-Committee conclude that the Councillor has acted in breach of the Code of Conduct, the Committee or Sub-Committee will then hear representations from the Reporting Officer and then the Councillor as to whether the Committee or Sub-Committee should take any action against the Councillor and what form any action should take. Members of the Committee or Sub-Committee may ask questions of the Reporting Officer and the Councillor and seek legal advice in order to satisfy themselves that they have the information upon which to take a proper decision;
- (xxvi) The Committee or Sub-Committee will then adjourn into another room together with the Chief Executive or his/her representative where they will consider in private session whether to take any action in respect of the Councillor and what form any such action should take. The actions available to the Committee or Sub-Committee are set out in Appendix Three to this procedure. The Committee or Sub-Committee will then return and the Chair will advise the Councillor of their decision as to whether to take any action in respect of Councillor and what action they have decided to take and the reasons for those decisions;
- (xxvii) Where the Committee or Sub-Committee is considering allegations relating to a Member of that Authority, the Committee or Sub-Committee shall then consider in open session whether there are any recommendations which the Authority should make arising from consideration of the allegation, for example for providing recompense to any person who has suffered detriment as a result of the breach of the Code of Conduct or related matters, for reviewing or reconsidering any decision which was the subject of the breach of the Code of Conduct, for rectifying any deficiency in the Authority's decision-making procedures or for preventing or deterring any breach of the Code of Conduct.
- (xxviii) Where the Committee is considering allegations relating to a Member of another Authority, the Committee or Sub-Committee shall then consider in open session whether there are any recommendations which the Committee or Sub-Committee should make to the Authority of which the Councillor is a Member arising from their consideration of the allegation, for example for providing recompense to any person who has suffered detriment as a result of the breach of the Code of Conduct or local protocol or related matters, for reviewing or reconsidering any decision which was the subject of the breach of the Code of Conduct or local protocol, for rectifying any deficiency in that Authority's decision-making procedures or for preventing or deterring any breach of the Code of Conduct or local protocol.

(c) **Non-Co-operation**

Where the Reporting Officer has reported that any officer or Councillor of a local authority has failed to co-operate with the procedure, the Committee or Sub-Committee shall consider whether to make a formal complaint to the employing authority about such failure to co-operate or in the case of a councillor whether to request the Monitoring Officer to arrange an investigation into any potential breach of the Code of Conduct.

(d) **Costs**

Where the Reporting Officer secures the attendance of any person to give evidence to the Committee or Sub-Committee, he/she may pay to any such person such fees or allowances as he/she considers to be appropriate subject to any limits set by the Authority.

(5) **Reporting of the Decision of the Standards Committee or Sub-Committee**

(a) As soon as reasonably practicable after the Committee or Sub-Committee has made its determination in respect of an allegation, the Chief Executive shall take reasonable steps to give written notice of that determination and the reasons for such determination to:-

- (i) the Member who is the subject of that determination;
- (ii) the Investigating Officers concerned;
- (iii) the Standards Committee of any other local authority of which the Councillor is, or was at the time of the alleged misconduct, a Member; and
- (iv) any person who made an allegation that gave rise to the investigation; and

subject to paragraph 5(b), arrange for a summary of the finding to be published in one or more newspapers circulating in the area of the authorities concerned.

(b) Where the Committee or Sub-Committee determine that there has not been a breach of the Code of Conduct, the notice under paragraph 5(a) shall:-

- (i) state that the Committee or Sub-Committee found that the Councillor concerned had not failed to comply with the Code of Conduct of the Authority concerned or the Code of Conduct of any other authority concerned and shall give its reasons for reaching that finding; and
- (ii) not be published in summary in one or more local newspapers in accordance with paragraph 5(a), if the Councillor concerned so requests.

- (c) Where the Committee or Sub-Committee determines that there has been a failure to comply with the Code of Conduct but no action is required, the notice under paragraph (5)(a) shall:-
 - (i) state that the Committee or Sub-Committee found that the Councillor concerned had failed to comply with Code of Conduct of the authority concerned or the Code of Conduct of any other authority concerned but that no action needs to be taken in respect of that failure;
 - (ii) specify the details of the failure;
 - (iii) give reasons for the decision reached by the Committee or Sub-Committee; and
 - (iv) state that the Councillor concerned may apply for permission to appeal against the determination.

- (d) Where the Committee or Sub-Committee determines that there has been a failure to comply with the Code of Conduct and that a sanction should be imposed, the notice shall:-
 - (i) state that the Committee or Sub-Committee found that the Councillor concerned had failed to comply with the Code of Conduct of the authority concerned or the Code of Conduct of any other authority concerned;
 - (ii) specify the details of the failure;
 - (iii) give reasons for the decision reached by the Committee or Sub-Committee;
 - (iv) specify the sanction imposed; and
 - (v) state that the Councillor concerned may apply for permission to appeal against the determination.

(6) Assistance to the Reporting Officer

- (a) Where the Reporting Officer arranges for the attendance of any person as a witness at the meeting, he/she may pay to that person a sum to cover any reasonable costs which the person may incur in so attending.

(7) Confidentiality

- (a) No Member or Officer of the Authority shall disclose any information which he/she has obtained in the course of an investigation or in pursuance of this Procedure except in the circumstances set out in Paragraph 7(b) below;
- (b) The circumstances referred to above shall be as follows:
 - (i) the disclosure is made for the purposes of enabling the Reporting Officer to carry out his/her functions or the Standards Committee to carry out its functions in relation to the matter;

- (ii) the disclosure is made to enable an Appeals Tribunal to discharge its functions;
- (iii) the person to whom the information relates has consented to the disclosure;
- (iv) the disclosure is made in pursuance of a statutory requirement for disclosure;
- (v) the information has previously been disclosed to the public with lawful authority;
- (vi) the disclosure is made to the Audit Commission or District Auditor for the purposes of any function of the Audit Commission under the Audit Commission Act 1998; or
- (vii) the disclosure is for the purpose of criminal proceedings and the information in question was not obtained as a result of personal enquiries of the person subject to the criminal proceedings.

Sanctions available to the Committee or Sub-Committee

A. Sanctions available in respect of a Councillor who has ceased to be a Councillor at the date of the meeting

Censure of the Councillor.

B. Sanctions available in respect of a Councillor who remains a Councillor at the date of the meeting

Any one, or a combination, of the following:

1. Censure of the Councillor.
2. Restriction for a maximum period of six months of that Member's access to the premises of the Authority and that Member's use of the resources of the Authority, provided that any such restrictions imposed upon the Member:-
 - (a) are reasonable and proportionate to the nature of the breach; and
 - (b) do not unduly restrict the Member's ability to perform his functions and duties as a Member.
3. Partial suspension of that Member for a maximum period of six months.
4. Partial suspension of that Member for a maximum period of six months or until such time as he submits a written apology or undertakes any training or conciliation specified by the Standards Committee.

5. Suspension of that Member for a maximum period of six months.
6. Suspension of that Member for a maximum period of six months or until such time as he submits a written apology or undertakes any training or conciliation specified by the Standards Committee or Sub-Committee.

Any sanction imposed shall commence immediately upon the determination of the Committee or Sub-Committee, unless the Committee or Sub-Committee determine that a sanction comprised within paragraphs 2 to 6 above shall commence on such date as they may determine, being no later than 6 months after the date of the determination.

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Item 8

REPORT TO ANNUAL COUNCIL

16th MAY 2008

REPORT OF CHIEF EXECUTIVE

LOCAL GOVERNMENT AND HOUSING ACT 1989
THE LOCAL GOVERNMENT (COMMITTEES AND POLITICAL GROUPS)
REGULATIONS 1990

Summary

The purpose of this report is to consider the allocation of seats on Committees to Political Groups in accordance with the Local Government (Committees and Political Groups) Regulations 1990.

Recommended:

That the allocation of seats to political groups be in accordance with the attached Schedule (Appendix A)

Background

1. In order to comply with the Local Government (Committees and Political Groups) Regulations 1990 a review of the allocation of seats on Committees to political groups should be undertaken:-
 - (a) At the Annual Meeting of the Council
 - (b) Upon receipt of a request from a political group, given that one month has expired since the previous review.
 - (c) Upon the election of a Member following a by-election.
 - (d) At any other such time as the Secretary of State may specify.
2. Under the political management arrangements embodied in the Constitution and in order to comply with the Regulations, political balance must be applied to the following bodies of the Council:-

Overview & Scrutiny Committees
Audit Committee
Development Control Committee,
Licensing Committee 1 and 2
Standards Committee
Appeals/Review Panel
Chief Officers Appointments Panel

Employment Issues Panel
Personnel Appeals Panel.

The Cabinet and the Area Forums are excluded from the scope of the political balance regulations.

3. The allocation of seats on Committees and Panels in accordance with political balance is set out in Appendix A

Contact Officer:- John Turnbull – Head of Democratic Services

Telephone No:- (01388) 816166 ext 4392

Email Address:- jturnbull@sedgefield.gov.uk

Ward(s) Not ward specific

Background Papers

1. Local Government Act 1989.
2. The Local Government (Committees and Political Groups) Regulations 1990.
3. The Local Government (Committees and Political Groups) Amendment Regulations 1991

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Councils Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Councils S.151 Officer or his representative	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. The report has been approved by Management Team	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ALLOCATION OF SEATS ON COMMITTEES/PANELS**Strategic Leadership****Overview & Scrutiny Committee**

Labour	5
Alliance 2003	4
Liberal Democrat	1
Independent	<u>1</u>
	11

Healthy Borough with Strong Communities**Overview & Scrutiny Committee**

Labour	5
Alliance 2003	4
Liberal Democrat	2
Vacancy	<u>1</u>
	12

Plus 2 Co-opted Members (non-voting)

Prosperous and Attractive**Overview & Scrutiny Committee**

Labour	5
Alliance 2003	4
Liberal Democrat	2
Independent	<u>1</u>
	12

Audit Committee

Labour	4
Alliance 2003	1
Liberal Democrat	1
Co-opted Member	<u>1</u>
	7

Development Control Committee

Labour	28
Alliance 2003	13
Liberal Democrat	6
Independent	2
Vacancy	<u>1</u>
	50

Licensing Committee 1

Labour	11
Alliance 2003	5
Liberal Democrat	2
Independent	<u>1</u>
	19

Licensing Committee 2

Labour	8
Alliance 2003	4
Liberal Democrat	2
Independent	<u>1</u>
	15

Standards Committee

Labour	2
Alliance 2003	1
Liberal Democrat	1
Vacancy	1
Co-opted Members	3
Parish	<u>2</u>
	10

Appeals/Review Panel

Labour	11
Alliance 2003	5
Liberal Democrat	2
Vacancy	<u>1</u>
	19

Chief Officers Appointments Panel

Labour	4
Alliance 2003	1
Liberal Democrat	1
Independent	<u>1</u>
	7

Employment Issues

Labour	4
Alliance 2003	1
Liberal Democrat	1
Independent	<u>1</u>
	7

Personnel Appeals Panel

Labour	7
Alliance 2003	3
Liberal Democrat	1
Vacancy	<u>1</u>
	12

Item 9

REPORT TO ANNUAL COUNCIL

16th May 2008

REPORT OF CHIEF EXECUTIVE

CABINET, COMMITTEES, PANELS, FORUMS, WORKING PARTIES AND GROUPS MEMBERSHIP 2007/8

Summary

The purpose of this report is to consider Membership of Cabinet, Committees, Forums and Working Parties for the 2008/9 Municipal Year

Recommended:-

That nominations be sought for the membership of the bodies detailed in the report for the 2008/9 Municipal Year.

Detail

Members are requested to appoint the appropriate number of members, together with a Chairman and Vice Chairman where appropriate, to the bodies detailed on Appendix A.

Contact Officer:- John Turnbull – Head of Democratic Services

Telephone No:- (01388) 816166 ext 4392

Email Address:- jturnbull@sedgefield.gov.uk

Ward(s) Not ward specific

Background Papers

None

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Councils Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Councils S.151 Officer or his representative	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. The report has been approved by Management Team	<input type="checkbox"/>	<input checked="" type="checkbox"/>

CABINET

Strategic Leadership
Community Health
Leisure & Culture
Housing
Safer Communities
Social Regeneration &
Partnership
Learning & Employment
Environment
Planning & Development

STRATEGIC LEADERSHIP OVERVIEW & SCRUTINY COMMITTEE

11 Non Cabinet Members (5 Labour, 4 Alliance 2003, 1 Liberal Democrat, 1 Independent)

HEALTHY BOROUGH WITH STRONG COMMUNITIES OVERVIEW & SCRUTINY COMMITTEE

12 Non Cabinet Members (5 Labour, 4 Alliance 2003, 2 Liberal Democrat, 1 vacancy)
Plus 2 Co-optees (non-voting)

PROSPEROUS AND ATTRACTIVE BOROUGH OVERVIEW & SCRUTINY COMMITTEE

12 Non Cabinet Members (5 Labour, 4 Alliance 2003, 2 Liberal Democrat, 1 Independent)

AUDIT COMMITTEE

7 Members (4 Labour, 1 Alliance 2003, 1 Liberal Democrat)
Plus 1 Co-Opted Member (Non Voting)

DEVELOPMENT CONTROL COMMITTEE

All Members of the Council

LICENSING COMMITTEE 1

19 Members (11 Labour, 5 Alliance 2003, 2 Liberal Democrat, 1 Independent)

LICENSING COMMITTEE 2

15 Members (8 Labour, 4 Alliance 2003, 2 Liberal Democrat, 1 Independent)

STANDARDS COMMITTEE

8 Members including 1 Cabinet Member, 4 Non-Cabinet Members (1 Labour, 1 Alliance 2003 , 1 Liberal Democrat, 1 vacancy) and 3 Co-opted Members and 2 Parish Representative.

APPEALS/REVIEW PANEL

Housing Matters

Pool of 19 Members, (11 Labour, 5 Alliance 2003, 2 Liberal Democrat, 1 vacancy)

A Panel of 3 Members, will be selected as and when required by the Chief Executive

CHIEF OFFICER APPOINTMENTS PANEL

7 Members - (4 Labour, 1 Alliance 2003, 1 Liberal Democrat, 1 Independent)

EMPLOYMENT ISSUES PANEL

7 Members (4 Labour, 1 Alliance 2003, 1 Liberal Democrat, 1 Independent)

PERSONNEL APPEALS PANEL

12 Members - 3 Cabinet Members and 9 Non Cabinet Members (7 Labour, 3 Alliance 2003, 1 Liberal Democrat, 1 vacancy)

AREA 1 FORUM

(All Members representing the Spennymoor, Low Spennymoor and Tudhoe Grange, Middlestone and Tudhoe Wards, together with representatives from Town and Parish Councils and other organisations as appropriate)

AREA 2 FORUM

(All Members representing the Bishop Middleham and Cornforth, Broom, Chilton, and Ferryhill Wards, together with representatives from Town and Parish Councils and other organisations as appropriate).

AREA 3 FORUM

(All Members representing the Fishburn and Old Trimdon, Sedgfield, New Trimdon and Trimdon Grange Wards, together with representatives from Town and Parish Councils and other organisations as appropriate)

AREA 4 FORUM

(All Members representing the Byerley, Sunnydale and Thickley Wards, together with representatives from Town and Parish Councils and other organisations as appropriate)

AREA 5 FORUM

(All Members representing the Greenfield Middridge, Neville Simpasture, Shafto St. Mary, West and Woodham Wards, together with representatives from Town and Parish Councils and other organisations as appropriate)

BOROUGH/PARISH RELATIONS WORKING PARTY

14 Members of Sedgefield Borough Council (9 Cabinet Members, Mayor and Deputy Mayor, 1 Labour, 1 Alliance 2003, 1 Liberal Democrat) plus representatives of all Parish and Town Councils.

N.B. The Chairman and Vice Chairman will be appointed at the first meeting of the Working Party

Item 10

REPORT TO ANNUAL COUNCIL

16th MAY 2008

REPORT OF CHIEF EXECUTIVE

REPRESENTATION ON OUTSIDE ORGANISATIONS - 2008/2009

SUMMARY

The purpose of this report is to seek representation on various outside organisations/bodies for 2008/9.

RECOMMENDED:

That nominations to the outside bodies detailed in the report be sought for 2008/09 Municipal Year

DETAIL

Members are requested to appoint the appropriate number of members to the outside bodies detailed below.

Strategic Leadership

Organisation	Additional Membership/Substitution/Notes
Association of Councillors (Northern Branch)	
Association of North East Councils	Deputy Leader acting as substitute
Association of Public Service Excellence.	
County Durham Association of Local Authorities	Together with the Deputy Leader
Local Government Association (Assembly)	
Local Government Association (Rural Commission)	
Local Government Association Special Interest Group (New Towns)	
North East Regional Assembly	
North East Regional Assembly – Regional Development Forum	

Community Health Portfolio

Organisation	Additional Membership/Substitution/Notes
Council for Age Concern (Durham County)	
North Regional Home Safety Council	
Sedgefield Partnership Board for Services to Vulnerable Adults	
Supporting People Cross Authority Members' Group	Together with Cabinet Members for Safer Communities and Housing

Leisure & Culture Portfolio

Organisation	Additional Membership/Substitution/Notes
Durham County Sports Association for the Disabled	
MLA North East (Formerly North of England Museums Service)	
National Playing Fields Association (Northern Steering Committee)	
North East Sport	
Northern Arts Local Authority Forum	
Northumbria Tourist Board (Local Authority Meeting)	
Sedgefield Arts and Recreation Community Association (Ceddesfeld Hall).	
The Hackworth Society	DISBANDED

Housing Portfolio

Organisation	Additional Membership/Substitution/Notes
National Housing and Town Planning Council (Regional Executive Committee)	Together with Cabinet Member for Social Regeneration & Partnership
Northern Consortium of Housing Authorities	

Safer Communities Portfolio

Organisation	Additional Membership/Substitution/Notes
Local Police/Public Consultative Committee	

Learning & Employment Portfolio

Organisation	Additional Membership/Substitution/Notes
Aycliffe Learning Town Partnership	
County Durham Life Long Learning Partnership	
ITeC North East Limited	
Newton Aycliffe Town Centre Forum	
Shildon and Sedgfield Development Agency - Board (SASDA) Term of Office to September 2006	No nominations required at this time. Brian Allen only Board Member.
Spennymoor Town Centre Forum	
Be enterprising Franchising Company	

Social Regeneration & Partnership Portfolio

Organisation	Additional Membership/Substitution/Notes
Coalfield Communities Campaign	
Cornforth Partnership (Management Committee)	
County Durham and Darlington SRB Programme Partnership Board	
County Durham Compact Implementation Group	
County Durham Strategic Partnership	
Fishburn Community Skill Centre Project	
Groundwork East Durham (Board)	
LGA Member Task Group – Gypsies and Travellers	DISBANDED
Local Area Agreement Interim Board	
Sedgefield and District Advice and Information Service (Management Committee)	
Sedgefield Borough Local Strategic Partnership	
Trimdon 2000 Partnership Steering Group	

Environment Portfolio

Organisation	Additional Membership/Substitution/Notes
Institute of Solid Wastes Management	
Investigation of Air Pollution (Standing Conference)	
ENCAMS (Formerly Keep Britain Tidy Group)	Together with Cabinet Member for Social Regeneration & Partnership
National Society for Clean Air	Together with Cabinet Member for Social Regeneration & Partnership
Sustainable Waste Management Strategy for County Durham Joint Steering Group	

Additional Representation

Organisation	Membership
Chilton Community College Association (Management Committee)	Councillors for the Chilton Ward
County Durham and Tees Valley Strategic Health Authority (Strategic Alliances Group)	Cabinet Member for Community Health Cabinet Member for Environment acting as substitute as and when necessary.
County Durham E-Government Partnership Joint Committee	
Durham County Councils Health Scrutiny Committee	
Durham Rural Community Council	
Durham Tees Valley Airport Consultative Committee	
Environmental Services Joint Committee	Cabinet Member for Environment Cabinet Member for Social Regeneration and Partnership
Housing, Regeneration and Development Company – Shadow Board	2 Members
Joint Overview and Scrutiny Working Group (NEETS)	
Greenfield School (Newton Aycliffe) Shared Use Scheme (Management Committee)	
Jubilee Fields Community Association	
Koolkash Management Board	Leader of the Council Cabinet Member for Leisure & Culture Plus 1
Locomotion Management Board	Cabinet Member for Leisure & Culture Cabinet Member for Social Regeneration & Partnership Director of Leisure Services Plus 3 Representatives of the National Railway Museum
Middlestone Moor Youth Centre Committee	
Nature Reserve Management Committee - Cow Plantation, Spennymoor	
Newton Aycliffe Youth Centre (Management Committee)	
North East Region Employers' Organisation	

North East Regional Employers Organisation – Member Development Forum	
Northern Regional Brass Band Trust	
Sedgefield Borough Twinning Association	Mayor (President of the Association) Plus 6 Members.
Spennymoor Youth and Community Association (Management Committee)	
Trimdon Community College Association (Management Committee)	
Joint Durham Councils Transport Scrutiny Review Group	

Item 11

REPORT TO ANNUAL COUNCIL

16th MAY 2008

REPORT OF CHIEF EXECUTIVE

FREQUENCY OF MEETINGS 2008/2009

SUMMARY

The purpose of the report is to consider the schedule of meetings of Council, Cabinet, Committees Panels etc for 2008/9.

RECOMMENDED

That consideration be given to the programme of meetings set out in the report.

DETAIL

A programme of meetings of Cabinet, Committees, Panels etc., for 2008/2009 is set out in the attached schedule for consideration on the following basis:-

<u>Body :</u>	<u>Frequency of Meetings :</u>
Council	6 meetings per year
Cabinet	Every 2 weeks
Strategic Leadership Overview and Scrutiny Committee	Every 6 weeks
Healthy Borough with Strong Communities Overview and Scrutiny Committee	Every 6 weeks
Prosperous and Attractive Borough Overview and Scrutiny Committee	Every 6 weeks
Audit Committee	4 meetings per year
Development Control Committee	Every 4 weeks
Area 1 Forum	Every 8 weeks
Area 2 Forum	Every 8 weeks
Area 3 Forum	Every 8 weeks
Area 4 Forum	Every 8 weeks
Area 5 Forum	Every 8 weeks
Borough/Parish Relations Working Party	Twice per year – July and January

The following Committees, Panels etc. will meet as and when required

Licensing Committees 1 & 2
Standards Committee
Appeals/Review Panel
Chief Officers Appointments Panel
Employment Issues Panel
Personnel Appeals Panel

Contact Officer:- John Turnbull – Head of Democratic Services
Telephone No:- (01388) 816166 ext 4392
Email Address:- jturnbull@sedgefield.gov.uk

Ward(s) Not ward specific

Background Papers - None

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Council's Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Council's S.151 Officer or his representative	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. The report has been approved by Management Team	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Item 12

REPORT TO ANNUAL COUNCIL

16TH MAY 2008

REPORT OF CHIEF EXECUTIVE AND SOLICITOR TO THE COUNCIL

PORTFOLIO: STRATEGIC LEADERSHIP

LOCAL GOVERNMENT REVIEW PROPOSALS – IMPLICATIONS – PROPOSED SINGLE TIER AREAS: PROTECTION OF HISTORIC TRADITIONS AND CEREMONIAL ARRANGEMENTS – UPDATE

1. SUMMARY

- 1.1 This report updates the Council following the release by the Department of Communities and Local Government (DCLG) of a Discussion Paper containing proposals for the protection of ceremonial rights and privileges in areas affected by Local Government Review.
- 1.2 DCLG have announced their intention to prepare secondary legislation and regulations to protect those rights and privileges. The Cabinet has already approved a decision, in response to a Consultation Paper released in August 2007 ,to inform DCLG and the County Council that Sedgefield Borough Council will seek to protect the existing privileges and rights belonging to the Council arising from the grant of a Royal Charter on the 24th October, 1996.

2. RECOMMENDATIONS

- 2.1 It is recommended that the Council resolve as follows: -
 - (i) To inform the Executive of the Durham County Council, (in its capacity as transitional authority) that Sedgefield Borough Council wishes to retain the privileges and rights belonging to the Council arising from the grant of the Royal Charter on the 24th October, 1996.
 - (ii) That the Council approves the suggestion made by DCLG, following consultation with Sedgefield Town Council, that the privileges and rights be transferred to the Sedgefield Town Council and requests that DCLG makes appropriate regulations under the Local Government and Public Involvement in Health Act 2007 accordingly.
 - (iii) That DCLG be informed of the Council's wishes.

3. KEY CONTENT

- 3.1 DCLG has issued a Discussion Paper which was presented to Joint Implementation Teams of affected authorities on the 13th March, 2008 regarding the next steps to be taken to protect ceremonial rights and privileges of authorities affected by Local Government Review. Secondary legislation and general regulations are considered necessary to protect those rights and privileges in some cases and DCLG emphasise that it is important that these rights need to be “actively protected” if a Local Authority wishes to preserve them.
- 3.2 Both the Government and the Executive of Durham County Council will need to take action to ensure retention of these rights and privileges. DCLG has identified two alternative approaches for preservation, viz: the creation of Charter Trustees, or direct transfer to an existing parish.
- 3.3 Powers exist in the Local Government and Public Involvement in Health Act 2007 to enable the Government to make regulations, similar to those that were put in place during the reorganisation in the 1990’s. In particular, the DCLG Discussion Paper comments that where parishes exist at present, regulations could provide for the transfer of rights and privileges to an appropriate parish. However, DCLG emphasises that the preservation of ceremonial traditions or status is reliant on the relevant Local Authority informing the Secretary of State of its intentions for a particular area and/or making the appropriate application. In County Durham, this should be done through the Executive of Durham County Council.
- 3.4 The Discussion Paper mentions a number of suggested proposals as to how best to deal with particular local circumstances. For County Durham, the Paper notes that there are two District Councils that enjoy ceremonial rights and privileges – Durham City and Sedgefield Borough. In relation to Sedgefield Borough, the Paper states: *“subject to the views of the County Durham Implementation Executive, [DCLG] presume [that] Sedgefield Town Council [would] be a suitable candidate to take over any Charters etc. We [DCLG] will need advice as to local wishes”*.

4. RESOURCE IMPLICATIONS

- 4.1 No immediate resource implications arise from this report. However, the Discussion Paper gives further guidance regarding precept arrangements to cover expenses arising from those cases where Charter Trustees are established.
- 4.2 The concept of transfer of rights and privileges to an existing parish is an alternative to the proposal originally canvassed, namely the establishment of Charter Trustees but may also have financial implications for the parish involved.

5. CONSULTATION

- 5.1 Consultations have taken place with Town Council’s within the Borough regarding the proposals set out in this report. The following responses have been received:-

- Great Aycliffe Town Council wish to put in an application for the retention of the ceremonial regalia following the abolition of the Borough Council.
- Sedgefield Town Council have expressed a willingness to accept the responsibility for the retention of the Charter Rights as part of their local heritage and cultural initiatives.
- Shildon Town Council's preferred option would be for the retention of the civic regalia etc. of Sedgefield Borough Council, together with the equivalent regalia for all borough and districts within Durham County, by the new unitary authority for public display to commemorate the history of local government in County Durham.
- Spennymoor Town Council 'wish to apply for the transfer and retention of the Charter Rights currently vested upon Sedgefield Borough Council'.

I have discussed the views expressed by these Town Councils informally with Cabinet Members. Their favoured option is for the privileges and rights to be transferred to Sedgefield Town Council as suggested by the DCLG.

- 5.2 Following the consideration of this report, a copy will be passed to the Executive of Durham County Council in its role as transitional authority in order that appropriate steps can be taken to give effect to the Council's intentions and wishes.

Contact Officer: D.A. Hall, Solicitor and Monitoring Officer
Telephone No: (01388) 816166, Ext. 4268
Email Address: dahall@sedgefield.gov.uk

Ward(s) Not ward specific

Background Papers

1. Report to Cabinet 27th September, 2007.
2. DCLG Discussion Paper "Ceremonial Rights and Privileges: Borough and City Status, Charter Trustees and Parishes" JIT Meeting 13th March, 2008.
3. Local Government (Parishes & Parish Councils) (England) Regulations 2008 (S.I.2008/625).
4. The Charter Trustees Regulations 1996.
5. The Charter Trustees (Amendment) Regulations 1996.
6. Department for Communities and Local Government "Councils' Proposals for Unitary Local Government : An Approach to Implementation" – August 2007.
7. Local Government (Public Involvement in Health) Bill (House of Lords Committee Stage : 27th July 2007 version refers).
8. Sedgefield Borough Council Inaugural Meeting : 24th October, 1996 (Minutes).
9. Sedgefield District Council – Policy and Resources Committee : 12th September, 1996 : Report of Management Team on Proposal for Borough Status.

10. Sedgefield District Council – Policy and Resources Committee : 18th April, 1996 : Report of Chief Executive Officer on Proposal for Borough Status.
11. Sedgefield District Council – Special Council Meeting – 29th September, 1995 : Report of Management Team on Proposal for Borough Status.
12. Sedgefield District Council – Policy and Resources Committee – 21st September, 1995 : Report of Management Team Proposal for Borough Status.

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Councils Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Councils S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input type="checkbox"/>	<input checked="" type="checkbox"/>