

Public Document Pack

09 September 2008

Dear Councillor

A meeting of the Standards Committee will be held in the **Conference Room 3, Civic Centre, Newcastle Road, Chester-le-Street, Co Durham, DH3 3UT on Thursday, 18th September, 2008 at 4.00 pm**

Yours sincerely

A handwritten signature in black ink, appearing to read 'Roy Templeman', written over a light grey rectangular background.

R TEMPLEMAN

Chief Executive

AGENDA:

1. Apologies for Absence
2. Minutes of Meeting Held 26 June 2008 (Pages 1 - 8)
3. Declarations of Interest from Members
4. Code of Conduct
5. Register of Members' Interests
6. Training
7. Constitution and Functions of the Standards Committee and Local Referral Procedure
8. Hearings and Investigations

9. Public Awareness

10. Date and Time of Next Meeting

THE DISTRICT COUNCIL OF CHESTER-LE-STREET

Report of the meeting of Standards Committee held in the Conference Room 3, Civic Centre, Newcastle Road, Chester-le-Street, Co Durham, DH3 3UT on Thursday, 26 June 2008 at 4.00 pm

PRESENT:

Miss Vera G McEwan, Mr Malcolm Graham, Mr James Armstrong, Councillor Martin James Gollan, Mr Angus Graver, Mr Niels Hartman-Andersen, Ms Leigh Henderson, Councillor William Laverick, Mrs Isabel Simpson Smith and Mrs Gill Stephenson

Officers: C Potter (Head of Legal and Democratic Services) and M Fell (Democratic Services Assistant)

Also in attendance: Councillor Allan Bainbridge (Durham County Councillor for Chester-le-Street South Division and a non-member of Standards Committee).

1. APPOINTMENT OF CHAIRMAN

Nominations were invited for the appointment of Chairman. It was proposed by Mr Armstrong and seconded by Mrs Smith that Miss Vera G McEwan be appointed as Chairman of Standards Committee.

Miss. McEwan thanked Members for this appointment and welcomed the new Members of the Committee to their first Meeting of the Standards Committee.

RESOLVED: "That Miss V G McEwan be appointed as Chairman for the ensuing year."

2. APPOINTMENT OF VICE-CHAIRMAN

Nominations were invited for the appointment of Vice-Chairman. It was proposed by the Chair and seconded by Mrs Smith that Mr Malcolm Graham be appointed as Vice-Chairman of Standards Committee.

RESOLVED: "That Mr M Graham be appointed as Vice-Chairman for the ensuing year."

Prior to commencement of the meeting, the Chair welcomed the new Parish Council Representatives to the meeting and around the table introductions took place.

3. APOLOGIES FOR ABSENCE

Apologies for Absence were received on behalf of I Clarkson.

4. MINUTES OF PREVIOUS MEETING HELD 8TH MAY 2008

RESOLVED: "That the minutes of the meeting held 21 February 2008, copies of which had previously been circulated to each member, be confirmed as being a correct record, subject to the sixth word on page 5 of the minutes being amended to read 'liaise'."

The Vice-Chairman proceeded to sign the minutes.

5. DECLARATIONS OF INTEREST FROM MEMBERS

There were no declarations of interest from Members.

6. ESTABLISHMENT OF ASSESSMENT SUB-COMMITTEE, REVIEW SUB-COMMITTEE AND HEARINGS SUB-COMMITTEE

The Monitoring Officer advised that as agreed at the Annual Council Meeting, the capacity of the Standards Committee would increase from two to four Parish Council Representatives, and that these representatives had been appointed and were in attendance at this meeting (except Cllr I Clarkson who had put in his apologies). He also provided an update on the new regulations and guidance, issued by the Standards Board, for the benefit of the new Members of Standards Committee.

In relation to the current vacancy for an Independent Member of Standards Committee, the Chair queried whether it would be appropriate to advertise this post due to the demise of the Council the following year.

Discussion ensued on the cost of recruiting an Independent Member to the Committee and the recruitment process involved in advertising, interviewing and training a new Independent Member for the Committee, in relation to the remaining time the Council has left.

Following a query raised by Mr Graham, the Monitoring Officer advised that a Member could be recruited from another Council, if required, however there were no regulations in place for this method of recruitment.

Discussion ensued in relation to the type of media used to advertise the vacancy, and suggestions included using both the internet and the District News as alternative methods of advertising. The Monitoring Officer advised that although the suggestions would be a cheaper alternative, the guidance from the Standards Board does require the vacancy to be advertised in a local newspaper.

The Chair suggested that until the Committee required an additional Independent Member, in order for it to function correctly, the recruitment of the vacancy should be postponed. The Chair also suggested that enquires should be made with neighbouring Councils about the possibility of working together on a number of issues in relation to the Standards Committee.

Ms Henderson entered the Meeting at this point.

The Monitoring Officer advised that under regulation 6 of The Standards Committee (England) Regulations 2008 provided for the establishment of an Assessment Sub-Committee, a Review Sub-Committee and a Hearing Sub-Committee by the Standards Committee. There was no need for membership to be fixed. He recommended that such Sub-Committees be duly established.

Councillor Gollan entered the Meeting at this point.

Mr Graham stated that the Members needed to formalise the structures for the Sub-Committees in case they were required to investigate a complaint.

The Chair suggested that the Monitoring Officer be given delegated powers in relation to fixing the membership of the particular Sub-Committees so that relevant members in any particular case can be called upon from the available pool of members.

RESOLVED: "That an Assessment Sub-Committee, a Review Sub-Committee and a Hearing Sub-Committee (each of at least three members from the Standards Committee) be established pursuant to regulation 6 of The Standards Committee (England) Regulations 2008 and that the Monitoring Officer be given delegated power to determine which particular members should be called upon to sit from time to time on any such Sub-Committees."

7. CODE OF CONDUCT

The Monitoring Officer gave an overview of the Code of Conduct for the benefit of the new Members present. He advised Members that during his attendance at a Governance Forum in York, some issues were raised in relation to the current legislation for the Code of Conduct and that a detailed awareness of the Code is important for Members.

The Chair requested that the Monitoring Officer provide a training session on the Code of Conduct for Members to improve their awareness and advised new Members that a DVD explaining the Code of Conduct was available to them, if required.

RESOLVED: "That the comments made be noted".

8. REGISTER OF MEMBERS' INTERESTS

The Chair requested feedback on a comment made in the minutes of the previous meeting in relation to the annual reminders.

The Monitoring Officer informed Members that a yearly reminder was sent as a matter of good practice to Councillors' inviting them to notify the Monitoring Officer of any changes to the register and that the obligation to notify fell on the members themselves. He advised Members that the registers for the

eleven Parish Councils should be held in an electronic format, as this would assist in making the information more readily available and assist the transition to the Unitary Authority.

In relation to a query raised by Mrs Stephenson, the Monitoring Officer advised that a number of registers were available electronically, while others were not. He further informed Members that it was intended that all registers would be available to be transferred over to the new authority in electronic format.

Following a query raised by the Chair, the Monitoring Officer confirmed that the new Members had been provided with forms to record their interests on the register, before the meeting had begun.

RESOLVED: "That the comments made be noted".

9. TRAINING FOR NEW MEMBERS AND EXPERIENCED MEMBERS

The Monitoring Officer stated that training would be provided for both the new and experienced Members of the Committee. He advised that he would be providing various training sessions for Members during the day, as well as an evening session with the possibility of a one-to-one for those who could not attend either training sessions.

Discussion ensued in relation to the planned training sessions and whether the training could be delivered in different forms and styles, in order to assist the new members learning.

The Chair queried whether the experienced Members of the Committee and the Parish Councils would also benefit from taking part in refresher training.

The Monitoring Officer advised that a training programme would be made available to the Parish Councils in the Autumn should they wish to attend.

In relation to a comment made by Mr Graham, The Monitoring Officer agreed to enquire whether the County Monitoring Officers' Meeting had taken place this month and to obtain any information that maybe useful to the Committee.

Councillor Gollan queried whether Members who had not attended training would be able to take part in a hearing, if a case arose.

The Monitoring Officer confirmed that Members would need to be trained if they were to take part in the process; however additional guidance and support from officers would be made available throughout the process.

RESOLVED: "That the Monitoring Officer provide a list of dates available to Members for Standard Committee training. "

10. CONSTITUTION AND FUNCTIONS OF THE STANDARDS COMMITTEE

The Chair advised the committee that she would like to discuss the following agenda item in two parts, the first in relation to the committee continuing to function as a Council and the second in relation to the Council's position as a result of the Local Government Review.

The Monitoring Officer updated Members in relation to the procedural guidance documents on the local referral system, which had been created and needed to be agreed once members had time to consider and make any amendments. He advised that the shortened version of the procedural document would be made available to the public, in both paper format and via the Internet.

The Chair suggested that Members should discuss and approve the documents at the next meeting, prior to the guidance been made available to the public.

In relation to a query raised by Mr Graham, the Monitoring Officer advised that once Members were in agreement that the annual reports were finalised, they would be submitted to full Council.

Discussion ensued in relation to the Seventh Annual Assembly for Standards Committees and whether any Members wish to attend the conference.

Both the Chair and Mr Graham expressed an interest in attending the annual assembly.

The Monitoring Officer advised that he would look into whether they have access to a budget in order to cover the cost of accommodation and travel for the conference.

Mrs Stephenson felt two Members should attend the conference and report back to the Committee at the next meeting.

In relation to a query raised by Councillor Gollan, the Monitoring Officer advised that one Standards Committee would cover the whole area, which would be overseen by the new authority.

County Councillor Bainbridge, who was attending as a member of the public, was invited to address the Committee and informed Members that he had been appointed as a Member of the Standards Committee for the new Unitary Authority. He advised that any relevant information would be reported back to this committee after their first meeting.

The Monitoring Officer advised that he would liaise with Durham County Council in relation to how they will increase the capacity of their Standards Committee following the demise of the District Councils next April.

The Chair continued to discuss the agenda item in relation to the demise of the Council and enquired as to whether the transitional arrangements had been addressed by the Standards Board and the new authority.

Discussion ensued in relation to the transition period between the Councils and whether any guidance would be issued, to assist Members in dealing with any outstanding business. The Monitoring Officer advised that he would contact the Standards Board regarding this issue and report back to the Committee.

Mrs Smith left the Meeting at 5.20pm.

RESOLVED: "That the Chair and Vice-Chair attend the Seventh Annual Assembly of Standards Committees subject to the necessary funding being in place and that the Monitoring Officer clarify any transition arrangements with the Standards Board and Durham County Council."

11. HEARINGS AND INVESTIGATIONS

There were no hearings or investigations to be considered by Members.

12. PUBLIC AWARENESS

The Chair enquired whether the notice of local referrals had been circulated as agreed at the previous meeting.

The Monitoring Officer advised that notices had been placed around the Civic Centre and that the intention would be to forward a copy of the notice to the eleven Parish Councils, once the forms have been agreed.

The Monitoring Officer also commented that agendas and reports for the Standards Committee, must be circulated by law to the eleven Parish Councils since 8th May 2008 and that this would result in further expense for the Council.

Ms Henderson suggested that an article could be placed in the District News to raise awareness, as they have done in the past.

The Monitoring Officer advised that the Standards Board had issued a template for a complaint form, which included a section for equalities and diversity information to be requested and collected. It was suggested that the Committee use the District Council's current equalities and diversity form.

Discussion ensued in relation to whether it would be necessary for a complainant to be sent an equalities and diversity form, and whether the form would have an effect on the public's decision to make a complaint. Members also felt that the Committee investigating a complaint maybe perceived to be influenced by the information held on the complainant's equalities and diversity form.

Ms Henderson suggested that the equalities and diversity form could be issued once the complaint had been dealt with, removing any affect it may

have on the investigation and allowing the Monitoring Officer to obtain feedback from the complainant.

In relation to a query raised by Mrs Stephenson, the Monitoring Officer advised that he would contact the Standards Board with regards to establishing whether the name and address of the complainant would be required to produce reporting statistics.

RESOLVED: "That the comments made be noted, that the Monitoring Officer establish the deadline and publication dates of the District News and that the Monitoring Officer contact the Standards Board regarding the publication of statistics."

13. DATE AND TIME OF NEXT MEETING

RESOLVED: "That the next meeting of the Committee be held on Thursday 24th July 2008 at 4.00pm."

The meeting terminated at 5.50 pm

This page is intentionally left blank