

STANDARDS COMMITTEE

Thursday, 21 October 2004

2.00 p.m.

Council Chamber,
Council Offices, Spennymoor

AGENDA and REPORTS

AGENDA

1. APOLOGIES

2. DECLARATIONS OF INTEREST

To notify the Chairman of any items that appear later in the agenda in which you may have an interest.

3. MINUTES

To confirm as a correct record the Minutes of the meeting held on 17th May 2004.
(Pages 1 - 4)

4. STANDARDS TRAINING UPDATE

A verbal presentation will be given at the meeting by the Monitoring Officer.

5. REVIEW OF CONFIDENTIAL REPORTING POLICY

To consider a report of the Director of Resources. (Pages 5 - 8)

6. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

Members are respectfully requested to give the Chief Executive Officer notice of items they would wish to raise under the heading not later than 12 noon on the day preceding the meeting, in order that consultation may take place with the Chairman who will determine whether the item will be accepted.

N. Vaulks
Chief Executive Officer

Council Offices
SPENNYMOOR
13th October 2004

L. Petterson (Chairman)

Councillors Mrs. B. Graham, A. Gray, Mrs. L. Hovvels, G.M.R. Howe and J. Wayman J.P

Councillor J. Marr (Spennymoor Town Council)
Mr. I. Jamieson (Independent Member)

ACCESS TO INFORMATION

Any person wishing to exercise the right of inspection in relation to this Agenda and associated papers should contact
Miss. Sarah Billingham, Spennymoor 816166, Ext 4240

Item 3

SEDGEFIELD BOROUGH COUNCIL

STANDARDS COMMITTEE

Conference Room 1,
Council Offices,
Spennymoor.

Monday,
17th May, 2004

Time : 11.00 a.m.

Present: Mr. L. Petterson (Chairman and Independent Member) and
Councillors Mrs. B. Graham and A. Gray

Parish/Town Council Member
Councillor J. Marr

Independent Member
Mr. I. Jamieson

Apologies: Councillors Mrs. L. Hovvels, G.M.R. Howe and J. Wayman, J.P.

ST.8/03 MINUTES

The Minutes of the meeting held on 4th November, 2003 were confirmed as a correct record and signed by the Chairman. (For copy see file of Minutes).

ST.9/03 MONITORING OFFICER'S UPDATE REPORT

(a) Update Report 1

The Monitoring Officer reported that training events had been held at the Parish Hall, Sedgefield on the 18th September 2003, Newton Aycliffe Leisure Centre on the 29th October, 2003 and at the Council Chamber, Sedgefield Borough Council on the 17th November, 2003.

The courses had covered topics including Review of the Standards and Ethics Framework under Part II of the Local Government Act, 1972, the examination of the role of the Monitoring Officer and the Standards Committee and its new powers in respect of determination, the examination of key points of the Code of Conduct for Members and the position of dual hatted planning Members. A presentation of the Standards Board's latest video had also been made.

It was noted that a further feedback training session had taken place at the Council offices, Sedgefield Borough Council on the 20th February 2004.

Reference was made to a series of case studies that had been used to assist with training. It was noted that this had been useful and it was suggested that case studies be used at future training events.

Members questioned what training the new Licensing Committees would receive. It was pointed out that all Licensing Committees should receive the same training as a result of cross-cutting roles.

Reference was made to the production of a website based register. It was noted that recent work had been carried out and it was anticipated that a Standards and Ethics link to the Council's website and intranet would go live in the near future.

Members were informed that since the last meeting of the Standards Committee held on 4th November 2003 the Monitoring Officer had issued all Councillors with copies of the Standards Board bulletins.

It was noted that the Monitoring Officer was to write to Members of the Council on 1st June 2004 reminding them to review their register of interests and gifts and hospitality.

The Committee noted that at the Annual Council held on 21st May 2004, reference was to be made to the term of office for independent members. The tenure of independent members would subsist until May 2007 unless vacated prior to that.

RECOMMENDED : That the information be noted.

ST.10/03 MONITORING OFFICER'S UPDATE REPORT 2 - SECTION 66 REGULATIONS

Consideration was given to a report of the Monitoring Officer setting out the key issues in the consultation of Section 66 Regulations and proposed responses. (For copy see file of Minutes).

It was explained that the Office of the Deputy Prime Minister and the Standards Board for England were consulting on proposed regulations and guidance, which would enable the Standards Board to refer complaints of Member misconduct to the Local Authority's Monitoring Officer prior to investigation. The Monitoring Officer would therefore be responsible to arrange a local investigation of the complaint and for the matter to be reported to the Standards Committee for determination.

It was noted that once the proposed regulations and guidance were in place, it was anticipated that the Standards Board for England would refer for local investigation the majority of cases which appeared to be appropriate for local determination.

RECOMMENDED : That the proposed response be approved and the Monitoring Officer be instructed to notify the Office of the Deputy Prime Minister and the Standards Board for England of its views.

**ST.11/03 CONSULTATION UPON CONSTITUTIONAL CHANGES –
REVISIONS TO THE COUNCIL’S CONSTITUTION – PART 3 –
RESPONSIBILITY FOR FUNCTIONS – C. OFFICER DELEGATIONS**

Consideration was given to a joint report of the Chief Executive Officer and Solicitor and Monitoring Officer setting out proposed revisions to the Council’s Constitution. (For copy see file of Minutes).

It was noted that the Constitutional Review Group had resolved that work would begin immediately to review Officer Delegations as a result of the Council’s restructure approved by Council on 15th August 2003 and by Cabinet on 18th December 2003.

Management Team had considered the revised scheme of delegations on 26th April 2004.

It was recognised that consequential amendments and modifications would be necessary and the Councils Solicitor sought authority to make such amendments.

It was noted that this opportunity would also be taken to amend Article 15 to explain that updates would be published by the Council Solicitor and the Internet and Intranet version of the Constitution would be kept up to date.

- RECOMMENDED :*
- 1. That the proposed changes to Part 3C of the Constitution be submitted for approval to the Council’s Annual Meeting on 21st May 2004*
 - 2. That consequential amendments be made to officer designations and references in other relevant parts of the Constitution.*
 - 3. That it be noted that the Council’s Solicitor will seek authority to make consequential changes to other parts of the Constitution to give effect to the decisions in the report.*

**ST.12/03 LICENSING ACT 2003 : CONSTITUTIONAL CHANGES : REVISIONS
TO LICENSING COMMITTEE ARRANGEMENTS**

Consideration was given to a joint report of Chief Executive Officer and Solicitor to the Council setting out proposed changes to the Council’s Constitution to implement the Licensing Act 2003. (For copy see file of Minutes).

It was explained that the Licensing Act 2003 introduced wide-ranging changes to the regulation of licensing for liquor, entertainment and late night refreshments. These changes included transferring the entire role of the administration of licensing for such matters from the Licensing Justices and Magistrates Courts to Local Authorities. Sedgefield Borough Council would become the Licensing Authority.

It was therefore necessary for arrangements to be established to deal with the new licensing functions, including appointing a new Licensing Committee.

A series of amendments to the Constitution were also required to allocate duties and powers between full Council, the new and existing Licensing Committees, and to review the delegation of powers to Officers.

It was proposed that a new committee, known as Licensing Committee 2, be established to cover liquor licence functions and associated licensing.

It was noted that although the Act had not been fully implemented, it was considered appropriate to put the arrangements in place in order to be prepared for the substantial workload, which was anticipated.

RECOMMENDED: That Council be recommended to:

- a) rename the existing Licensing Committee as 'Licensing Committee 1' whose remit shall be miscellaneous licensing including taxis and street trading.
- b) establish a new Licensing Committee comprising of 15 members to undertake the statutory functions of the Licensing

ACCESS TO INFORMATION

Any person wishing to exercise the right of inspection, etc., in relation to these Minutes and associated papers should contact Lynsey Moore, Spennymoor (01388) 816166, Ext. 4240.

Item 5

REPORT TO STANDARDS COMMITTEE

21 OCTOBER 2004

REPORT OF DIRECTOR OF RESOURCES

All Portfolios

REVIEW OF CONFIDENTIAL REPORTING POLICY

1 SUMMARY

- 1.1 This report provides details of the findings of a review of the Council's Confidential Reporting Policy.

2. RECOMMENDATIONS

It is recommended that the Standards Committee:

- 2.1 Notes the findings of the review of the Confidential Reporting Policy outlined at paragraphs 3.10 to 3.12.

3. DETAIL

Background Information

- 3.1 It is a constitutional obligation upon the Standards Committee to annually review the Council's policy in respect of confidential reporting arrangements.
- 3.2 An important element in the maintenance of probity in Local Government is the ability for individuals to be able to raise concerns where they perceive malpractice. The Employers Organisation published a Model Code on Whistleblowing (Confidential Reporting Code) shortly after the enactment of the Public Interest Disclosure Act 1998. The Act seeks to protect staff from being penalized by employers for raising concerns about serious misconduct or malpractice that threatens the public interest.
- 3.3 The Council is committed to the highest possible standards of openness, probity and accountability. Section 7 of the staff Code of Conduct outlines the Council's commitment to encourage and protect staff who disclose information in relation to matters which they feel breach the high standards expected within the Council. The Confidential Reporting Policy at Appendix 1 was introduced in April 2001 in accordance with the Employers Organisation model code and builds on the commitment and intention to encourage and enable concerns to be raised within the Council rather than overlooking a problem or "blowing the whistle" outside.

Current Position

- 3.4 The Confidential Reporting Policy applies to all employees, contractors working for the Council on Council premises, suppliers and those providing services under a

contract with the Council. The procedures are in addition to the Council's complaints procedure and other statutory reporting procedures applying to some departments.

3.5 There are other policies and procedures in place to enable employees to lodge a grievance relating to their employment. The Confidential Reporting Policy is intended to cover major concerns that fall outside of the scope of other procedures. Examples of such concerns include:

- ❑ Conduct which is an offence or a breach of law
- ❑ Disclosures relating to miscarriages of justice
- ❑ Health and Safety risks
- ❑ Damage to the environment
- ❑ The unauthorised use of public funds
- ❑ Possible fraud and corruption
- ❑ Sexual or physical abuse, or
- ❑ Other unethical conduct

3.6 In addition, serious concerns about any aspect of service provision or the conduct of officers or members of the Council can be reported under the Confidential Reporting Policy.

Confidential Reporting Procedure

3.7 In accordance with the procedure, minor issues are dealt with by an immediate manager or supervisor, and more serious issues are reported to the Chief Executive Officer, Director of Resources or Monitoring Officer.

3.8 The Chief Executive Officer has overall responsibility for the maintenance and operation of the policy.

3.9 In the event that an employee is dissatisfied with action taken they have a right to refer the matter elsewhere, for example: to an external auditor, trade union, Citizens Advice Bureau, the Police, the Standards Board for England or the Audit Commission.

Review of Current Policy

3.10 The policy has only been invoked on one occasion to deal with a major issue since its introduction in April 2001. In this case the policy operated effectively and the stages within it were found to be appropriate. A number of minor confidential reporting issues have been dealt with at a supervisory/managerial level.

3.11 Minor amendments have recently been made to the policy to reflect changes in the Council's organisation structure and the constitutional requirement that the Standards Committee reviews the policy on an annual basis.

3.12 Following comparisons of the policy with other partner organisations and with best practice guidance it is concluded that the policy remains appropriate and relevant and does not require amendment at this point in time.

4. RESOURCE IMPLICATIONS

None

5. OTHER MATERIAL CONSIDERATIONS

None

6. CONSULTATION

None

7. OVERVIEW AND SCRUTINY IMPLICATIONS

Not Applicable

8. LIST OF APPENDICES

Appendix 1 - Sedgefield Borough Council - Confidential Reporting Policy

Contact Officer: Helen Darby
Telephone Number: (01388) 816166 Ext. 4282
Email address: hdarby@sedgefield.gov.uk

Ward(s) Contents are not ward specific.

Key Decision Validation Will not involve expenditure which exceeds current budget.
Will not directly impact on more than two wards in the Borough.

Background Papers

Employers Organisation – Model Code on Whistleblowing (Confidential Reporting Code)
Public Interest Disclosure Act 1998
Sedgefield Borough Council – Code of Conduct for Employees

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 type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Councils S.151 Officer or his representative	<input type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council’s Monitoring Officer or his representative	<input type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input type="checkbox"/>	<input type="checkbox"/>

