

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

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