

STANDARDS COMMITTEE

Thursday,
5 April 2007
1.00 p.m.

Council Chamber,
Council Offices,
Spennymoor

AGENDA and REPORTS

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যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান অথবা যদি আপনার একজন ইন্টারপ্রেটারের

প্রয়োজন হয়, তাহলে দয়া করে আমাদের সাথে যোগাযোগ করুন।

本文件可以翻譯為另一語文版本，或製作成另一格式，如有此需要，或需要傳譯員的協助，請與我們聯絡。

यह दस्तावेज़ यदि आपको किसी अन्य भाषा या अन्य रूप में चाहिये, या आपको आनुवाद-सेवाओं की आवश्यकता हो तो हमसे संपर्क करें

ਜੇ ਇਹ ਦਸਤਾਵੇਜ਼ ਤੁਹਾਨੂੰ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਵਿਚ ਜਾਂ ਕਿਸੇ ਹੋਰ ਰੂਪ ਵਿਚ ਚਾਹੀਦਾ ਹੈ, ਜਾਂ ਜੇ ਤੁਹਾਨੂੰ ਗੱਲਬਾਤ ਸਮਝਾਉਣ ਲਈ ਕਿਸੇ ਇੰਟਰਪ੍ਰੈਟਰ ਦੀ ਲੋੜ ਹੈ, ਤਾਂ ਤੁਸੀਂ ਸਾਨੂੰ ਦੱਸੋ।

یہ دستاویز اگر آپ کو کسی دیگر زبان یا دیگر شکل میں درکار ہو، یا اگر آپ کو ترجمان کی خدمات چاہئیں تو برائے مہربانی ہم سے رابطہ کیجئے۔

Póngase en contacto con nosotros si desea obtener este documento en otro idioma o formato, o si necesita los servicios de un intérprete.

Democratic Services



01388 816166

AGENDA

1. **APOLOGIES**
2. **MINUTES**
To confirm as a correct record the Minutes of the meeting held on 8th February 2007. (Pages 1 - 6)
3. **SBE: CASE REVIEW: RELATIONSHIP BETWEEN COUNCIL LEADERS, CHIEF EXECUTIVES AND OFFICERS**
To consider the attached report of the Solicitor to the Council and Monitoring Officer. (Pages 7 - 12)
4. **GUIDANCE FROM THE STANDARDS BOARD: IMPLICATIONS OF COLLINS J IN THE LIVINGSTONE CASE**
To consider the attached report of the Solicitor to the Council and Monitoring Officer. (Pages 13 - 16)
5. **SBE CASE REVIEW: BULLYING**
To consider the attached report of the Solicitor to the Council and Monitoring Officer. (Pages 17 - 20)
6. **PROCEDURE FOR APPOINTMENT OF INDEPENDENT MEMBERS**
To consider the attached report of the Solicitor to the Council and Monitoring Officer. (Pages 21 - 32)
7. **SBE CONFERENCE: CONDUCTING AND HOLDING AN EFFECTIVE HEARING**
To consider the attached report of the Solicitor to the Council and Monitoring Officer. (Pages 33 - 38)
8. **INDUCTION PROCEDURE FOR NEWLY ELECTED/CO-OPTED MEMBERS - MAY ELECTIONS 2007**
To consider the attached report of the Solicitor to the Council and Monitoring Officer. (Pages 39 - 68)
9. **ARRANGEMENTS FOR REVIEW OF THE CONSTITUTION**
To consider the attached report of the Chief Executive.
(Pages 69 - 74)
10. **DATE OF NEXT MEETING**
Special Standards Committee: 27th April 2007 at 1.00 p.m. in the Council Chamber. (To consider Annual Council: Additional Item of Business).

11. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

Members are respectfully requested to give the Chief Executive 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.

B. Allen
Chief Executive

Council Offices
SPENNYMOOR

Councillor L. Petterson
Councillors Mrs. B. Graham, A. Gray, Mrs. L. Hovvels, Mrs. C. Sproat 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 S. Billingham, Tel 01388 816166 Ext 4240, sbillingham@sedgefield.gov.uk**

Item 2

SEDGEFIELD BOROUGH COUNCIL

STANDARDS COMMITTEE

Council Chamber,
Council Offices,
Spennymoor

Thursday,
8 February 2007

Time: 1.00 p.m.

Present: Councillor A. Gray (Chairman pro temp) and
Councillors Mrs. B. Graham and Mrs. C. Sproat

Spennymoor Town Council member
Councillor J. Marr

Independent Member
Mr. I. Jamieson

Invited to attend Councillor K. Noble

Apologies: Councillors Mrs. L. Hovvels, L. Petterson and J. Wayman J.P

ST.17/06 DECLARATIONS OF INTEREST
Members had no interests to declare.

ST.18/06 MINUTES
The Minutes of the meeting held on 2nd November 2006 were confirmed as a correct record and signed by the Chairman.

ST.19/06 REVIEW OF CONFIDENTIAL REPORTING POLICY
Consideration was given to a report of the Chief Executive detailing the findings of the review of the Council's Confidential Reporting Policy. (For copy see file of Minutes).

Members were informed of the Policy's current position, the procedure to follow in using the Policy together with the results of the review of the use of the current policy.

Discussion was held as to who was consulted during the review of the policy and whether all staff were involved. It was explained that senior officers within the Service Improvement section were involved in the review. It was suggested that as the policy applied to all employees it would be beneficial to include them within the review.

AGREED: *1. That the findings of the Review of the Confidential Reporting Policy outlined in paragraphs 3.10 and 3.12 be approved.*

2. To note that since the last review of the confidential Reporting Policy on 9th February 2006 there have been no cases raised under the policy.

3. That employees are consulted during the Review of the Confidential Reporting Policy.

ST.20/06

STANDARDS BOARD FOR ENGLAND: LEADER'S ETHICAL PLAN 2007-08

Consideration was given to a report of the Leader of the Council detailing the Leader's mission and objectives for the Council, in terms of policy and approach to issues of member ethics, standards and conduct. (For copy see file of Minutes).

The report informed Members of the challenges ahead of the Council, the mission and objectives for the future, the ethical mission statement, a review of the performance for 2006-2007, together with the guidance and support issued to all Borough Members and Town and Parish Councillors.

It also included the actions and measures of when the Committee meets and what is covered, the provision of authoritative guidance and support via training events, the current partnership arrangements, what new initiatives would be implemented and the work carried out by the Committee when monitoring the Constitution.

Agreed: That Standards Committee notes the report.

ST.21/06

MEMBER TRAINING AND DEVELOPMENT: STANDARDS ATTENDANCE REVIEW 2006

Consideration was given to a report of the Solicitor to the Council and Monitoring Officer detailing Members attendance figures at standards training events during 2006. (For copy see file of Minutes).

It was explained that as from the beginning of 2006 it was deemed necessary for all Members to attend at least one qualifying training event a year, with figures reported to the first Standards Committee of each year.

It was explained that those Members who had not attended any event would be notified in writing and requested to attend a meeting to discuss training requirements.

It was also pointed out that the statistics would be forwarded to the Organisational Development Officer.

Agreed: That the report and the mandatory requirements for all Members be noted.

ST.22/06

STRONG AND PROSPEROUS COMMUNITIES: THE LOCAL GOVERNMENT WHITE PAPER - IMPLICATIONS FOR STANDARDS AND ETHICS

Consideration was given to report of the Solicitor to the Council and Monitoring Officer focusing on the implications for standards and ethics introduced by the Local Government White Paper – “Strong and Prosperous Communities.” (For copy see file of Minutes).

The Committee was informed of the role of Councillors as Democratic Champions and how the conduct regime could be localised and simplified to continue to observe high standards of conduct.

Agreed: That Standards Committee notes the report and any future changes.

ST.23/06

STANDARDS BOARD FOR ENGLAND CONFERENCE: LOCAL INVESTIGATIONS AND APPEALS FROM LOCAL DECISIONS

Consideration was given to a report of the Solicitor to the Council and Monitoring Officer summarising the changing role of the Standards Board, local investigations and appeals from local decisions. (For copy see file of Minutes).

It was explained that the Standards Board now focused less on conducting its own investigations and more on supporting and advising local authorities, based on the principal that local people should make local decisions on local issues.

Agreed: That Standards Committee notes the report and future changes.

ST.24/06

AN ANALYSIS OF THE CURRENT TRENDS IN ALLEGATIONS OF MISCONDUCT AT NATIONAL AND LOCAL LEVEL

Consideration was given to a report of the Solicitor to the Council and Monitoring Officer analysing the current trends in allegations of misconduct submitted to the Standards Board relating to misconduct by elected, co-opted and independent members of local authorities. (For copy see file of Minutes).

It was pointed out that the report considered both National and Local Trends, with the National Trends being broken down into consideration of the following: -

- Number of Allegations
- Source of Allegations
- Type of Authority (Investigations)
- Nature of Investigations
- Final Findings
- Local Investigation Statistics

Members attention was drawn to the 10 complaints that had been submitted to the Standards Board at a local level.

- Agreed:*
- 1. That the general trends in complaints of misconduct investigated at a national and local level be noted.*
 - 2. That Standards Committee notes the report and that further similar reports are made annually.*

ST.25/06

ARRANGEMENTS FOR REVIEW OF THE CONSTITUTION

Consideration was given to a report of the Chief Executive which detailed the need to continually review the Constitution to ensure that it reflected existing law and its operation continued to provide an efficient and effective framework and the delivery of the Council's aims and objectives. (For copy see file of Minutes).

Members attention was drawn to the proposed changes to the Constitution outlined in the report.

- Recommended:*
- 1. That the Constitution be amended accordingly and make all necessary consequential amendments.*
 - 2. That the amended version be published on the Council's website.*

ST.26/06

STANDARDS TRAINING EVENTS: 28TH SEPTEMBER, 9TH OCTOBER AND 23RD OCTOBER 2006: EVALUATION QUESTIONNAIRE FEEDBACK

Consideration was given to a report of the Solicitor to the Council and Monitoring Officer analysing the responses from the training events on standards issues held on 28th September 2006 in the Council Chamber, 9th October 2006 at Great Aycliffe Town Council and on 23rd October 2006 at Sedgefield Town Council. (For copy see file of Minutes).

It was pointed out that although the events were specifically aimed at Members a number of Town Clerks had also attended. The events were very well attended and the results were very positive.

- Agreed:*
- 1. That Standard Committee notes the report*
 - 2. That similar training events be arranged on an annual basis.*

ST.27/06

REVISED MODEL CODE OF CONDUCT FOR MEMBERS

Consideration was given to a report of the Solicitor to the Council and Monitoring Officer providing an explanatory commentary on the new proposals issued by the Government on the new model Code of Conduct for Members. (For copy see file of Minutes).

The proposals included changes to the following: -

- Unlawful discrimination
- Bullying
- Disclosure of Confidential Information
- Behaviour Outside Official Duties

- Using or Seeking to use Improper Influence
- Reporting Breaches of the Code and Proscribing Intimidation
- Gifts and Hospitality
- Interests of Family and Friends, and those with a Close Personal Association
- Definition of Personal Interests
- Disclosure of Personal Interests
- Public Service Interests
- Prejudicial Interests – List of Exemptions
- Sensitive Information

It was explained that the changes, if agreed, be implemented prior to the May 2007 elections, which would not leave a great deal of time.

Agreed: That Standards Committee notes the report and future changes.

ST.28/06

DATE OF NEXT MEETING

5th April 2007 at 1.00 p.m. in the Council Chamber Council Offices, Spennymoor.

ACCESS TO INFORMATION

Any person wishing to exercise the right of inspection, etc., in relation to these Minutes and associated papers should contact Miss S. Billingham, Tel 01388 816166 Ext 4240, sbillingham@sedgefield.gov.uk

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Item 3

REPORT TO STANDARDS COMMITTEE

5th April 2007

REPORT OF SOLICITOR TO THE COUNCIL AND MONITORING OFFICER

SBE: CASE REVIEW: RELATIONSHIP BETWEEN COUNCIL LEADERS, CHIEF EXECUTIVES AND OFFICERS

1. SUMMARY

1.1 This report focuses on a number of cases that have been investigated by the Standards Board for England examining the relationship between Council Leaders, Chief Executives and Officers. The cases focus on several areas including responsible leadership, appointment of a Chief Executive, unauthorised expenditure, abuse of position, criticism of Officers and conflicts of interest.

2. RECOMMENDATIONS

2.2 That Standards Committee be appraised of the report.

3. DETAIL

3.1 *Responsible Leadership:* The need for Leaders to act as an example for others and take ownership of their responsibility to the Code of Conduct is highlighted by the case SBE11213.05. The Leader of a City Council referred himself to the Standards Board for investigation. He asked the Standards Board to look into allegations that he had sent improper emails to a Senior Officer in the Council's media department about the possible early retirement of the Chief Executive.

3.2 After an investigation was carried out, the Ethical Standards Officer considered that the Leader's emails condoned and actively encouraged attempts by the Senior Officer to generate press coverage that would increase pressure on the Chief Executive to take early retirement. The Ethical Standards Officer considered that the Leader had breached the Code by acting in a manner that was likely to compromise the impartiality of the Senior Officer.

3.3 The Leader accepted that he had acted in a misguided and unacceptable way. He issued a statement, which said he was extremely sorry for his actions, and that he now realised that the views expressed in the email exchanges were misguided and totally unacceptable. The Leader said that he would be standing down and would not stand for leadership for the remainder of his term of office. This amounted to a self-imposed removal from office for a period of 18 months. The Ethical Standards Officer regarded this as a significant recognition of the extremely serious nature of the misconduct.

- 3.4 *Appointment of a Chief Executive-implications of the Islington case:* A series of cases were presented before the Standards Board in 2002, all alleging that five Members of Islington Council acted improperly during the appointment of a new Chief Executive. The matter was referred to the Adjudication Panel for investigation, who concluded that the investigation was warranted, but expressed reservations about aspects of the investigation and the length of time it took to complete.
- 3.5 One of the consequences of the long and complex investigation and hearing was the financial cost to the Members involved. The Standards Board has called for a system of indemnity for Local Authorities, allowing them to take out insurance cover against any financial costs incurred by Members who are found not to have breached the Code. This is now in place in the form of the *Local Authorities (Indemnities for Members and Officers) Order 2004 (SI2004/3082)*.
- 3.6 The Standards Board has since reflected on these cases and put in place a number of changes, which have now been implemented. These include a change in the focus of its resources for complex cases, and a presumption that documents will be made available in advance to those being interviewed as part of the investigation, unless there is a specific reason not to. It was evident from these cases the need to collate and present cogent evidence and facts during an investigation. These cases also highlight the importance placed on Local Authorities to conduct themselves and their decision-making processes in an open, fair and transparent manner.
- 3.7 *Unauthorised Expenditure:* In case SBE2870.03, the actions of a Parish Council Chair were called to account when authority procedures were abused and decisions made behind closed doors. The Member authorised a series of building and landscaping works in the local area, without the prior consent or knowledge of the Parish Council, leaving the Council in serious debt. This included one payment of over £40,000. There was no evidence in the minutes of any of the council meetings to show that any of the work had been discussed or approved by the Council before it was undertaken and paid for.
- 3.8 In a bid to repay the overspending, the Member applied to the Public Works Loan Board on behalf of the Council. The loan was requested specifically for the refurbishment of the Parish Hall, and was approved on that basis. However, as the Member was aware, this work had already been completed and full payment had been made before the loan application was submitted.
- 3.9 The tribunal took into account the serious nature of the Member's numerous failures to comply with the Code, which included preventing others from assessing information to which they were legally entitled, bringing her office into disrepute, and improperly securing an advantage for herself. The Member was disqualified for four years.

- 3.10 *Abuse of Position:* There is a general agreement about the importance of good corporate governance. The case SBE7151.04 highlights the consequences when a Leader fails to work with Senior Officers to provide good governance.
- 3.11 In this case the Chief Executive of a County Council alleged that the Leader actively tried to remove him from office through a pattern of undermining, demeaning and demoralising behaviour. This case was referred to the Adjudication Panel who found that a grave misuse of power had taken place and decided that the Leader had brought his office into disrepute and therefore was disqualified for 15 months.
- 3.12 This case emphasises the consequences when Members overstep the limits of their authority. It is considered that the essence of a democratic body such as a Council is that its Members are given the opportunity to be involved in making decisions that affect the local community. To abuse this trust damages an important part of the democratic process.
- 3.13 *Criticising Officers:* It is important that Members feel able to express genuine concerns and opinions about the conduct of Council Officers if they feel it is in the interests of the public, but it is not acceptable for Members to openly criticise an Officer on a personal basis. In 2005, five members of the same authority were alleged to have improperly criticised the authority's Monitoring Officer.
- 3.14 The five members, who included the Leader, expressed serious reservations about the legality of a new independent political group that was formed within the Council, and publicly questioned the advice of the Monitoring Officer on the issue. The Members issued a notice outlining their concerns and circulated it widely to the local media. The Monitoring Officer felt like this notice made her position very difficult if not untenable and it was interpreted by some Members as inappropriate, amounting to bullying, harassment and criticism of a Senior Officer. It was alleged that the Members had failed to treat others with respect and brought their authority into disrepute by failing to follow the correct internal complaint procedures.
- 3.15 The Ethical Standards Officer found no evidence to suggest that the Members had been rude or impolite when questioning the Monitoring Officer's advice and the notice was submitted by the Members to encourage public debate on concerns they held in good faith on a matter of significant public interest, and as a result a breach of the Code did not occur.
- 3.16 This case underlines the importance of drawing a distinction between the requirement for Members to treat others with respect, and the need for Members to have freedom to disagree with the views and opinions of others, including Officers.
- 3.17 The Code of Conduct ensures that integrity of the Council is maintained and does not operate to prevent the expression of fairly held opinions,

restrict freedom to disagree with views of others, or prohibit fair criticism.

3.18 *Conflicts of Interest:* The issue of personal and prejudicial interests continues to cause confusion for some Members. Case SBE10372.05 clarifies Councillors' duties when they have conflicts of interest, in light of human rights legislation. The Councillor, a member of a District Council was found to have taken part in the consideration of his own company's planning application for flats and shop storage at a development control committee meeting. The case tribunal found that the Member had both a personal and prejudicial interest. The tribunal also decided that the Member had brought his office/authority into disrepute, particularly by choosing to ignore the advice of Council Officers before and during the meeting.

3.19 The Member argued that it was unfair in terms of his human rights that he had been denied the right to speak on the application as a result of his holding office. However, the tribunal found that the civil rights being referred to were those of the company, which had the right to a fair and public hearing. The company were free to send anyone to the meeting to make representations except the Member, who was prevented from doing so because of his position within the Council and was regarded as a lawful restriction.

3.20 The issue over the Member's right to freedom of expression was also questionable, however, the tribunal decided that denying him the right to speak on this occasion did not infringe his human rights, as the restriction was in accordance with the law and "necessary in a democratic society for the protection of the rights of others". The tribunal suspended the Member for one year in view of the seriousness of the breach.

3.21 The Standards Board advises that when Members agree to take office, they are agreeing to comply with the Code of Conduct, which might, at times, affect the exercise of their rights as private citizens.

4. RESOURCE IMPLICATIONS

4.1 No specific financial implications have been identified.

5. CONSULTATIONS

5.1 The Council's Management Team considered this report on 12th March 2007.

6. OTHER MATERIAL CONSIDERATIONS

6.1 All material considerations have been taken into account in the contents of this report. In particular, risks may arise unless Members of Council are fully appraised on standards matters.

7. OVERVIEW AND SCRUTINY IMPLICATIONS

7.1 None apply.

8. LIST OF APPENDICES

8.1 None apply.

Contact Officer: Dennis A. Hall/Laura Starrs
Telephone Number: 01388 816166, Ext. 4268
E-mail address: dahall@sedgefield.gov.uk

Wards: N/A

Key Decision Validation: N/A

Background Papers

SBE Case Review: Number 4

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 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 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"/>

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Item 4

REPORT TO STANDARDS COMMITTEE

5th April 2007

REPORT OF SOLICITOR TO THE COUNCIL AND MONITORING OFFICER

GUIDANCE FROM THE STANDARDS BOARD: IMPLICATIONS OF COLLINS J IN THE LIVINGSTONE CASE

1. SUMMARY

- 1.1 This report outlines the guidance offered by the Standards Board relating to the implications of the decision of Collins J in the Livingstone case. This High Court judgement has significant implications for the interpretation of the Code of Conduct.

2. RECOMMENDATIONS

- 2.1 That Standards Committee be appraised of the report and future changes be noted.

3. DETAIL

- 3.1 In 2005 Mr Livingstone allegedly made offensive comments to a journalist. The Standards Board referred this case straight to the Adjudication Panel for England. The Adjudication Panel found that Mr Livingstone had failed to comply with the Code of Conduct by bringing his office into disrepute and was suspended for four weeks. Mr Livingstone appealed to the High Court against the decision of the Adjudication Panel.
- 3.2 Mr Justice Collins, the judge presiding in the case, decided that Mr Livingstone had not been acting in his official capacity when he spoke to the reporter, therefore Paragraph 2(b) of the Code “to treat others with respect” while carrying out official duties did not apply.
- 3.3 Following the High Court’s decision a more restrictive view needs to be taken of when the Code of Conduct can apply to the actions of a Member. There are two provisions of the Code that apply not just when a Member is acting “in his official capacity” but also in “any other circumstances” (Paragraphs 4 and 5a). In past cases the Adjudication Panel has limited the terms “in any other circumstances” but a much stricter interpretation has been applied arising from the decision of Collins J.
- 3.4 Collins J went on to state that if Parliament wished to regulate the activities of Members in their private lives it needed to do so explicitly. He expressed the view that unlawful conduct was not necessarily

covered and that a Councillor convicted of shoplifting or drink driving was not caught by the Code if the offending had nothing to do with their position as a Councillor. Collins J expressed the view that private capacity conduct will rarely be capable of bringing a Member's office or authority into disrepute even if considered inappropriate, outrageous or unlawful. He found that while Ken Livingstone's comments may have tarnished his own reputation they did not tarnish the reputation of his office or authority.

3.5 Since the judgement, the Standards Board has been working with the Government, the Adjudication Panel and ACSeS to clarify the Code and in light of this judgement the Government has included proposals in the current *Local Government and Public Involvement in Health Bill* to make clear that the Code is not limited to actions taken only in an official capacity. However, this law has not been enacted and the law as declared by Mr Justice Collins must be followed.

3.6 The following principles emerged from the Livingstone decision regarding instances where a Member is not acting in an official capacity:

- For the code to apply, it will need to be established that, if the Member was not acting in an official capacity, he or she had nonetheless used or sought to use his or her "status" as a Member of the Council. An example may be where a Councillor, in dispute with a neighbour about their planning application, threatens to speak to colleagues on the planning committee.
- The second principle is that the use of the status must be of a type that is capable of amounting to a failure to comply with the code. An example would be where a Councillor attended a private pre-meeting to discuss a report, which included a proposal to purchase some land for the Council to redevelop new Council Offices, and then, immediately after the meeting, the Member contacted the owner and anonymously agreed to buy the property for the price quoted to the Council.
- The third principle relates to establishing disrepute to his or her office or the authority. Under this test a case tribunal or Standards Committee will need to be persuaded that the misconduct is such as to damage the reputation of the Member's "office or authority" as opposed simply to damaging the reputation of the individual concerned.

3.7 However, Collins J gave no indication of how these principles would be met in practice.

3.8 The Standards Board believes that some of the considerations that might tip the balance in favour of disrepute to the office of Member or to the authority in particular cases are: -

- a. situations where the Member has put his or her private interests over and above the public interest, that is flouting public interest for

private gain, for example by using their position to secure a personal profit

- b. similarly situations where a Member defies important and well established rules of the authority for private gain; also
- c. where a Member engages in conduct, which directly and significantly undermines the authority's reputation as a good employer or responsible service provider.

3.9 It must be reiterated that these examples are not exhaustive and each case will still be treated on its own particular facts.

4. RESOURCE IMPLICATIONS

4.1 No specific financial implications have been identified.

5. CONSULTATIONS

5.1 The Council's Management Team has considered this report on 12th March 2007.

6. OTHER MATERIAL CONSIDERATIONS

6.1 All material considerations have been taken into account in the contents of this report. In particular, risks may arise unless Members of Council are fully appraised on standards matters.

7. OVERVIEW AND SCRUTINY IMPLICATIONS

7.1 None apply.

8. LIST OF APPENDICES

8.1 None apply.

Contact Officer: Dennis A. Hall/Laura Starrs
Telephone Number: 01388 816166, Ext. 4268
E-mail address: dahall@sedgefield.gov.uk

Wards: N/A

Key Decision Validation: N/A

Background Papers

SBE Publication: Case Alert: The Implications of the Decision of Collins J in the Livingstone Case

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 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 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"/>

Item 5

REPORT TO STANDARDS COMMITTEE

5th APRIL 2007

REPORT OF SOLICITOR TO THE COUNCIL AND MONITORING OFFICER

SBE CASE REVIEW: BULLYING

1. SUMMARY

1.1 Bullying is a serious problem affecting some local authorities. Standards Board statistics show that Members in some authorities have abused their position by threatening Officers or colleagues. The Standards Board has investigated a number of cases involving bullying, some of which have resulted in Members being disqualified from office. The Standards Board have dealt with such cases under other parts of the Code of Conduct, such as disrespect, but it has been recommended that the revised Code of Conduct expressly include bullying as a failure to comply with the Code, in order to send a clear message that such behaviour is unacceptable. This report addresses the issues and consequences of bullying.

2. RECOMMENDATIONS

2.1 That the Standards Committee be appraised of the report and future changes be noted.

3. DETAIL

3.1 The Standards Board believe that investigations should be conducted locally, wherever possible, however, sometimes it is necessary to retain cases for investigation by Ethical Standards Officers. This applies where the allegation is so serious that it could warrant the Member's disqualification or there is a possible conflict of interest at the local level. Bullying behaviour is likely to warrant the more severe sanctions available to the Adjudication Panel, which can suspend Members for up to a year or disqualify them for up to five years.

3.2 In 2003 the Standards Board adopted a lower threshold for referring complaints about bullying for investigation, both in response to concerns from stakeholders about bullying and to demonstrate how seriously the issued is viewed.

3.3 However, it is only possible to investigate such complaints if there is clear evidence that bullying may have occurred. It is helpful that if a complainant alleging bullying can provide a detailed record of the incidents. It is also useful if information can be provided on the context in which the incidents occurred. This is because it may be difficult to

prove breaches of the Code based on general remarks. The test for whether conduct is regarded as bullying is likely to be whether a neutral third party, 'a reasonable member of the public' would regard the conduct as bullying if they had all of the relevant facts.

- 3.4 Members are in a position of power and authority, so there is clearly a risk that they could abuse their position. Conduct which is disrespectful, intimidating or demeaning but which is not undertaken from a position of power or authority may not be regarded as bullying conduct, but may still breach the Code of Conduct – for example by failing to treat others with respect.
- 3.5 In case SBE255.02, a Member of a Town Council in the South West of England publicly accused other Councillors and the Clerk of abusing their power and mismanaging finances. The Adjudication Panel found that the accusations made against the Councillors did not constitute disrespectful behaviour, even if some of the remarks were offensive, as they were part of a political debate between Members. However, it was found that the allegations against the Clerk were malicious and disrespectful, as the Clerk was unable to defend himself. The Member was disqualified for 18 months.
- 3.6 Bullying can have a significant effect on its victims and on the authority's ability to provide services. It can affect staff morale, as well as undermine morale in the authority as a whole and the culture of the organisation. It can erode trust within the authority and create a fearful and insecure working environment. Ultimately, this will effect how well Members and Officers are able to perform their duties.
- 3.7 In one case dealt with by the Adjudication Panel, case SBE8157.04, a Member of a Town Council in the East of England conducted a relentless campaign of destructive criticism against the Clerk, Councillors and the Council. This campaign included making unsubstantiated and inappropriate complaints about the Clerk in website postings, newsletters and numerous letters. The Councillor's behaviour placed a significant drain on both Council resources and Member's time, caused staff great stress and ill health, and disrupted the normal running of the Council. The tribunal decided to disqualify the Councillor for three years. In reaching this decision, the tribunal noted the "serious consequences of the misconduct in terms of the health and welfare of a number of individuals, the good governance, use of resources and effectiveness of the Council and the reputation of the Council".
- 3.8 **Bullying and the Code of Conduct:** The current Code does not contain a specific provision on bullying but the Government has proposed to add a specific provision to indicate that Members must not bully any person, i.e. that bullying of other Members, Officers or anyone else is a breach of the Code. It is to be enforced that bullying behaviour should play no part in Member's conduct.

4. RESOURCE IMPLICATIONS

4.1 No specific financial implications have been identified.

5. CONSULTATIONS

5.1 This report was considered by the Council's Management Team on 12 th March 2007.

6. OTHER MATERIAL CONSIDERATIONS

6.1 All material considerations have been taken into account in the contents of this report. In particular, risks may arise unless Members of Council are fully appraised on standards matters.

7. OVERVIEW AND SCRUTINY IMPLICATIONS

7.1 None apply.

8. LIST OF APPENDICES

8.1 None apply.

Contact Officer: Dennis A. Hall/Laura Starrs
Telephone Number: 01388 816166, Ext. 4268
E-mail address: dahall@sedgefield.gov.uk

Wards: N/A

Key Decision Validation: N/A

Background Papers

The Standards Board for England: The Case Review: Number 4
Consultation on Amendments to the Model Code of Conduct for Local Authority
Members

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 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 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"/>

Item 6

REPORT TO STANDARDS COMMITTEE

5th April 2007

REPORT OF SOLICITOR TO THE COUNCIL AND MONITORING OFFICER

PROCEDURE FOR APPOINTMENT OF INDEPENDENT MEMBERS

1. SUMMARY

- 1.1 This report outlines the arrangements for the appointment of two independent members to the Standards Committee for the municipal year commencing May 2007. These vacancies have occurred due to the term of office for the current independent members expiring and therefore appointment is to be made before the May elections.

2. RECOMMENDATIONS

- 2.1 That the Standards Committee consider and agree the recruitment process for two independent members as set out in the report; that one Member be nominated to sit on the interview panel as an observer.
- 2.2 That the committee agrees the documentation on the role of the independent member and the criteria for the appointment process (See appendix 1-5).
- 2.3 That the Council receive recommendations for appointment at the Annual General Meeting to be held on 18th May 2007.

3. DETAIL

- 3.1 Each local authority is required by law to have a Standards Committee as part of the constitutional framework aimed at emphasising the need for elected or appointed members of these authorities to carry out their public duties with the highest degree of integrity. By law, at least 25% of membership of the Standards Committee must consist of people who are not members of the authority.

- 3.2 Independent members are required to attend regularly and participate in meetings of the Standards Committee and any sub-committees, develop and apply knowledge of the Code of Conduct in relation to matters brought before the Standards Committee, including the determination of allegations of member misconduct, and analyse and exercise fair and impartial judgement on conduct issues and to set standards of ethical behaviour. Further information on the role of the independent member is set out in Appendix 3.
- 3.3 The two current members of the Standards Committee, Lawrence Petterson and Ian Jamieson were appointed in 2002, each for a term of four years and due to the expiration of this term, reappointments need to be made. The recruitment process will require an advertisement to be placed in a local newspaper and interested applicants can then obtain an information pack and application form from Legal Services.
- 3.4 The advertisement, as attached at Appendix 5 outlines the role of the Standards Committee and eligibility for appointment. The information pack contains a job description, person specification, role description and notes on eligibility. The closing date for applications will be 6th April 2007.
- 3.5 The arrangements for interview of suitable candidates will be arranged by the Council's Monitoring Officer. It is recommended that one Member of the Committee form part of the interview panel. The Monitoring Officer will make recommendations to the Council AGM in May as to the appointments to be made.

4. RESOURCE IMPLICATIONS

- 4.1 Resource implications flow from the advertisement expenses, which are necessary in order to appoint an independent member.

5. CONSULTATIONS

- 5.1 This report was considered by the Council's Management Team on 12th March 2007.

6. OTHER MATERIAL CONSIDERATIONS

- 6.1 All material considerations have been taken into account in the contents of this report. In particular, risks may arise unless Members of the Council are fully apprised on standards matters.

7. OVERVIEW AND SCRUTINY IMPLICATIONS

7.1 None apply.

8. LIST OF APPENDICES

8.1 Appendix 1 – Job Description

8.2 Appendix 2 – Person Specification

8.3 Appendix 3 – Role Description

8.4 Appendix 4 – Notes on Eligibility

8.5 Appendix 5 – Advertisement

Contact Officer: Dennis A. Hall/Laura Starrs
Telephone Number: 01388 816166, Ext. 4268
E-mail address: dahall@sedgefield.gov.uk

Wards: N/A

Key Decision Validation: N/A

Background Papers

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 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 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"/>

SEDGEFIELD BOROUGH COUNCIL

JOB DESCRIPTION

POST:	Independent Member Standards Committee
GRADE:	Not applicable (on attendance/will be payable expenses)
RESPONSIBLE TO:	The Standards Committee and the Council
JOB PURPOSE:	Independent Member of Standards Committee

PRINCIPAL REQUIREMENTS/DUTIES

- To act as an Independent Member of the Committee.
- To make a contribution on standards and ethics.
- To participate in committee meetings and training events.
- To work actively and constructively with elected members to ensure the development of effective strategies and policies that sustain the overall objectives of the Council on standards and ethical issues and adherence to the Code of Conduct.

Appendix 2

**INDEPENDENT MEMBER OF STANDARDS COMMITTEE
PERSON SPECIFICATION**

	Essential	Desirable
Qualifications: <ul style="list-style-type: none"> Evidence of a good secondary education, e.g. at least 5 GCSEs 	✓	
Knowledge and Skills: <ul style="list-style-type: none"> A good communicator with questioning skills Assertive Inquisitive, open-minded and non-judgemental Perception of the potential contribution of Independent Members appointed to the Committee Understanding of the Standards Committee's main functions General understanding of the principles behind the Members' Code of Conduct Awareness of the background to the introduction of the new ethical framework for local government 	✓ ✓ ✓ ✓ ✓	 ✓ ✓
Experience: <ul style="list-style-type: none"> Previous experience of serving upon a local authority Standards Committee A demonstrable interest in local issues Experience in committee working/weighing evidence and dealing with ethical issues An interest in public service and local government in particular Live and/or work in the area 	 ✓ ✓	 ✓ ✓ ✓

Other requirements:

- To formally agree to observe the Local Code of Conduct for Members including completing a Declaration of Financial and Other Interests. This register is available to be viewed by members of the public on request.
- Able to attend approximately four/five programmed meetings and ad hoc if required, and devote preparation time for each meeting.
- Must not be disqualified from standing for election as a councillor, ie been adjudged bankrupt or been sentenced to a term of imprisonment for a period of not less than three months in the past five years.
- Must not currently have and must not enter into any contractual relations with the council under which he/she will gain personally.
- Will have disclosed to the council any matter in his/her background which, if it became public, might cause the council to reconsider the appointment.
- Will not be an active member of any political party or have a public profile in relation to political activities.
- Will not have been an officer or a member of a principal council (ie a county, district or unitary council) within five years of the date of his/her written application.
- Committed to the (four) year term of office.

INDEPENDENT MEMBER OF STANDARDS COMMITTEE
ROLE DESCRIPTION

Responsible to: The Standards Committee and to the Council

Liaison with: Members of the Standards Committee, Officers and Members of the Council and of the Town and Parish Councils, Independent Members of the other Standards Committees, key stakeholders within the community.

1. To attend regularly and participate in meetings of the Standards Committee and any sub-committees (NOTE: meetings will normally be held during the daytime but may be held during the early evening and may occasionally be called at short notice).
2. To participate in and/or chair hearings in relation to complaints of member misconduct under the Code of Conduct.
3. To actively promote ethics and standards within the Council and within Town and Parish Councils within the area.
4. To develop and apply knowledge of the Code of Conduct in relation to matters brought before the Standards Committee, including the determination of allegations of member misconduct.
5. To analyse and exercise fair and impartial judgement on conduct issues and to set standards of ethical behaviour.
6. To provide a view on the governance of the Council from an external perspective which will better enable the Committee to advise the Council on conduct issues.
7. To develop a sound understanding of the ethical and wider regulatory framework within which the Council operates and to contribute to the overall effectiveness of the full scope of the work of the Committee.
8. To be aware of the views of the local community on ethical standards and to reflect these in the activities of the Committee
9. Be prepared to undertake training and to participate in training events organised by the committee to promote awareness of the Code of Conduct.
10. To attend meetings of the Council and civic and other functions in order to raise the profile of ethics and standards within the authority

11. In the absence of the Chairman, to participate in any forum established for independent Members of the Standards Committee.

**INDEPENDENT MEMBERS OF STANDARDS COMMITTEE
NOTES ON ELIGIBILITY**

By regulations: -

A person may not be appointed as an independent member of a Standards Committee of an authority or sub-committee of the Standards Committee unless the appointment is: -

- (a) approved by a majority of the Members of the authority;
- (b) advertised in one or more newspapers circulating in the area of the authority;
- (c) of a person who has submitted an application to the authority;
- (d) of a person who has not within the period of five years immediately preceding the date of the appointment been a Member or Officer of the authority and;
- (d) of a person who is not a relative or close friend of a Member or Officer of the authority.

[The Relevant Authorities (Standards Committee) Regulations 2001: Statutory Instrument 2001 No. 2812]

By primary legislation: -

A person may not be appointed as an independent member of a Standards Committee if he/she is currently an Officer or Member of any relevant authority (including Town, Parish or District Councils).

[The Local Government Act 2000 Section 53 (4) (b)]

STANDARDS COMMITTEE (2 Vacancies)
Sedgefield Borough Council

Sedgefield Borough Council is seeking to appoint Members of the Council's Standards Committee. The vacancies are for 2 Independent Members.

The Standards Committee oversees ethical standards in the conduct of Council business, its main role and function is to promote and maintain high standards in public office through the Members' Code of Conduct and to advise generally in the implementation of the ethical standards framework as applied to local government. It also has a role in determining complaints of breach of the Code of Conduct, under procedures admitted by the Standards Board for England. The Committee comprises five Borough Councillors, one Parish Council representative and two independent members drawn from the community, one of whom is the chairman.

Not eligible: Persons who have been within the last five years Members or Officers of the Council, Parish or Town Council, or are closely related to or are close personal friends of such a Member or Officer.

Applications are particularly welcomed from those with experience in either the legal, commercial, professional, public or voluntary sectors.

Full training will be given to independent members and they will receive assistance with travelling and subsistence expenses for attendance at meetings.

To discuss the proposed duties of an independent member in more detail contact: *Dennis A. Hall, Monitoring Officer on 01388 816166, ext 4268.*

An information pack and application form can be obtained from **Laura Starrs, Legal Services, Council Offices, Spennymoor, County Durham, DL16 6JQ, 01388 816166, ext. 4243.**

Completed application forms indicating which vacancy you are applying for should be returned on or before 6th April 2007.

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Item 7

REPORT TO STANDARDS COMMITTEE

5th April 2007

REPORT OF SOLICITOR TO THE COUNCIL AND MONITORING OFFICER

SBE CONFERENCE: CONDUCTING AND HOLDING AN EFFECTIVE HEARING

1. SUMMARY

- 1.1 This report addresses how to conduct and hold an effective Standards Committee hearing. The ethical agenda has taken step forward, investigations, hearings and, ultimately, the public's confidence in local democracy, are increasingly in the hands of Local Authorities and their Members.
- 1.2 The Annual Assembly of Standards Committees "Bridging the Gap" Conference concentrated on identifying and then closing the gaps between the resources, knowledge and experience needed for effective regulation of ethical standards at a local level. Standards Committees should work fairly and in a way that encourages the confidence of Members and the public.

2. RECOMMENDATIONS

- 2.1 That the Standards Committee be appraised of the report and future changes be noted.

3. DETAIL

- 3.1 Like all public bodies, each Standards Committee has an obligation to ensure that its proceedings are fair. The Member's right to present evidence and make representations at the hearing go some way to ensuring a fair hearing. Similarly, the important fact that all Members of the Standards Committee (including Independent Members) are themselves subjected to the Code of Conduct and in particular, the rules about personal and prejudicial interests will help to avoid any bias.
- 3.2 For the Standards Board to consider an allegation it must concern an elected, co-opted, or independent Member and the alleged misconduct must be covered by the Code of Conduct. The Standards Board will initially assess the allegation and when considering whether to refer it for local investigation will use their discretion and take into account a number of differing factors including:
 - The apparent degree of seriousness of the allegation;
 - Whether the allegation is of an entirely local nature and does not raise matters of principle;

- Whether an initial investigation by an Ethical Standards Officer highlighted issues that are more to do with the effective governance of the authority than an individual's misconduct;
 - Any evidence that a local investigation would be perceived as unfair or biased;
 - Any relevant local political issues that may have a bearing on the investigation.
- 3.3 If the allegation has been referred for local investigation the Monitoring Officer will conduct an investigation into whether a breach of the Code of Conduct has occurred and produce a final report. The final report will outline the Monitoring Officer's findings and outline whether a breach of the Code occurred.
- 3.4 **The Pre-Hearing Process:** Before a hearing is conducted the Standards Committee will carry out a pre-hearing, which will be used to:
- a) identify whether the Member who the allegation has been made about disagrees with any of the findings of fact in the Monitoring Officer's report;
 - b) decide whether or not those disagreements are significant to the hearing;
 - c) decide whether or not to hear evidence about those disagreements during the hearing;
 - d) decide whether or not there are any parts of the hearing that should be held in private; and
 - e) decide whether or not any parts of the Monitoring Officer's report or other documents should be withheld from the public .
- 3.5 **The Hearing:** There is a three-month time limit for holding hearings and there must be three members for a Standards Committee or sub-committee to be quorate, at least one of whom must be an independent member. An exception applies where an independent member is prevented from participating because of a prejudicial interest. Where a hearing concerns a member of a Parish Council, the Local Government Act 2000 requires that a Parish Council Member be present.
- 3.6 The Standards Committee must come to clear conclusions as to:
- a) the disputed facts
 - b) whether there has been any breach of the Code of Conduct, and if so,
 - c) whether any sanction should be imposed.
- 3.7 **Witnesses:** Although the Member who the allegation has been made about is entitled to call any witnesses, the Standards Committee may choose not to hear from certain witnesses or if a witness will not be

providing evidence that will assist the Standards Committee to reach its decision. The Standards Committee has the right to govern its own procedures as long as it acts fairly.

3.8 **Evidence:** The Standards Committee controls the procedure and evidence presented at a hearing, including the way witnesses are questioned. The Member who the allegation has been made about must be allowed to make representations, either verbally or in writing. If the Member prefers, these representations can be made through his or her nominated representative. The Member who the allegation has been made about must also be given the opportunity to give evidence to the Standards Committee.

3.9 **Sanctions:** This stage is only reached if the Committee finds that there has been a failure to comply with the Code of Conduct. The Committee needs to consider the full range of sanctions available, tailoring any sanction to the facts of the case before them, however, there is no obligation to impose any sanction at all.

3.10 The Standards Committee has the power to impose a range of penalties. They can:

- a) suspend a Member for up to 3 months;
- b) partially suspend a Member for up to 3 months;
- c) restrict a Member's access to the premises and resources of their authority for up to 3 months;
- d) censure Members;

They are also able to require Members to:

- e) take training on the Code of Conduct;
- f) take part in conciliation;
- g) apologise for their behaviour

3.11 The Standards Committee can make these last three sanctions a condition of avoiding a partial or total suspension. Many Standards Committees have used these conditions to try to address the behaviour of Members or resolve the underlying problem that gave rise to the allegation. The use of conditional suspensions can help draw a line under an issue and encourage good conduct in future.

3.12 In 124 cases where Standards Committees found that there had been a breach of the Code of Conduct, almost a third of the decisions resulted in no action being taken against the Member. However, Members were also frequently censured, required to apologise for their behaviour, or required to take training.

- 3.13 Standards Committee's suspended Members in 24 instances, meaning that suspensions made up about a fifth of the sanctions imposed on Members following local investigations.
- 3.14 In a number of cases, the Member concerned was given a sanction of more than one description, for example, a Member was suspended for 2 months and required to undertake training.
- 3.15 **Conclusion:** It is essential that the Standards Committee should not allow itself to be a mere 'rubber stamp' for the final report and should not uncritically accept the findings of fact or the reasoning put forward by the Monitoring Officer. The Committee must consider carefully any evidence or representations put forward by the Member, this includes representations made prior to the hearing and representations made at the hearing. The Committee's reasons should demonstrate that the Member has been given a fair opportunity to put his or her case across.
- 3.16 However, this must be balanced against the need to prevent the Standards Committee's time being wasted on irrelevant matters or witnesses and the primary task is to decide whether or not the Member breached the Code of Conduct. It is unlikely to be a good use of the Committee's time to hear oral evidence that is either disputed or not relevant to the alleged breach of the Code.
- 3.17 The over-arching principle is that the Standards Committee has the right to govern its own procedures as long as it acts fairly and must strive to ensure that it does not lose control of the hearing.

4. RESOURCE IMPLICATIONS

- 4.1 No specific financial implications have been identified.

5. CONSULTATIONS

- 5.1 The Council's Management Team considered this report on 12th March 2007.

6. OTHER MATERIAL CONSIDERATIONS

- 6.1 All material considerations have been taken into account in the contents of this report. In particular, risks may arise unless Members of the Council are fully appraised on standards matters.

7. OVERVIEW AND SCRUTINY IMPLICATIONS

- 7.1 None apply.

8. LIST OF APPENDICES

- 8.1 None apply.

Contact Officer: Dennis A. Hall/Laura Starrs
Telephone Number: 01388 816166, Ext. 4268
E-mail address: dahall@sedgefield.gov.uk

Wards: N/A

Key Decision Validation: N/A

Background Papers

SBE Publication: Local Investigations
SBE Publication: Standards Committee Determinations
SBE Publication: The Case Review, Number 4, 2006

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 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 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"/>

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Item 8

REPORT TO STANDARDS COMMITTEE

5th April 2007

REPORT OF SOLICITOR TO THE COUNCIL AND MONITORING OFFICER

INDUCTION PROCEDURE FOR NEWLY ELECTED/CO-OPTED MEMBERS: MAY ELECTIONS 2007

1. SUMMARY

- 1.1 This report outlines the induction procedure for elected Members after the May elections in relation to Standards and Ethics.
- 1.2 Members will receive a Standards and Ethics Handbook and will be invited to attend a post election training session delivered by the Monitoring Officer. Training on standards will continue throughout the year; there are a further two standards training events planned for 2007.

2. RECOMMENDATIONS

- 2.1 That Standards Committee be appraised of the report.
- 2.2 To note the induction procedure for appointed Members after the May elections.

3. DETAIL

- 3.1 It is important that new Members receive a thorough induction, existing Members may also feel they would like to refresh their knowledge of the organisation and its work given the substantial changes that have occurred in local government over recent years.
- 3.2 In a survey carried out by the Local Government Research Consortium there was strong support for a Member induction with an overwhelming (92%) stating it was very important for newly elected Councillors to be given comprehensive information about their roles and the powers and responsibilities of local government.
- 3.3 The public have a right to expect the highest standards of behaviour from elected Members. Confidence in local democracy is essential to an open and inclusive society. This can only be achieved when those serving their communities adhere to and can be held accountable for the high standards expected of them. The induction process has been designed to focus on the key areas of the ethical environment and regular training events will ensure that Members are updated on the law and procedure.

- 3.4 **Member Handbook:** Members will receive a Standards and Ethics Handbook after appointment (attached at Appendix 1). The Member Handbook contains guidance on standards and ethics and what Members must do to comply with the Code of Conduct. For newly elected Members it gives an insight into the ethical environment. It outlines the key areas that Members should be aware of, for example the role of the Monitoring Officer, local investigations into Member misconduct and training requirements. More importantly, it provides a list of key websites and contact points for advice. A copy of the handbook has been placed on our web site www.sedgefield.gov.uk under the legal services, standards and ethics link.
- 3.5 The Handbook will be distributed to Parish and Town Clerks, who will be asked to make appropriate copies available to their Members. Letters will be sent to Clerks outlining what will be required of them following the elections.
- 3.6 **Post Election Training Session:** The post election training session will be a general introduction to standards and ethics and will introduce new Members to the Code of Conduct and areas of importance concentrating on matters such as the declaration of interests and Member conduct. The training session will be delivered by the Monitoring Officer and held in the Council Chamber on 10th May between 10.00a.m and 11.00a.m.
- 3.7 **Training Events:** A training event on standards issues presented by Peter Keith Lucas of Bevan, Brittan Solicitors is planned to run on 27th June 2007. Peter speaks widely at a national level on standards issues, and is a frequent speaker at the Local Government Group Weekend School.
- 3.8 The event will provide the opportunity for discussion on problem areas of the Code; how complaints arise, how they are dealt with; the pre-hearing process etc. The event is aimed at Members of Local Authority Standards Committees, Monitoring Officers and their Deputies and Town and Parish Clerks and their Members.
- 3.9 In the autumn of 2007, training sessions, delivered by the Council's Monitoring Officer will be held focusing on the ethical environment and the Code of Conduct. Further details to be confirmed.
- 3.10 Following the elections, letters will be sent to Members providing general information on the Member Handbook, what forms to fill out, the post election training session and future training events detailing dates and times.

4. RESOURCE IMPLICATIONS

- 4.1 No specific financial implications have been identified.

5. CONSULTATIONS

5.1 The Council's Management Team has considered this report.

6. OTHER MATERIAL CONSIDERATIONS

6.1 All material considerations have been taken into account in the contents of this report. In particular, risks may arise unless Members of Council are fully appraised on standards matters.

7. OVERVIEW AND SCRUTINY IMPLICATIONS

7.1 None apply.

8. LIST OF APPENDICES

8.1 Appendix 1 – Member Handbook

Contact Officer: Dennis A. Hall/Laura Starrs
Telephone Number: 01388 816166, Ext. 4268
E-mail address: dahall@sedgefield.gov.uk

Wards: N/A

Key Decision Validation: N/A

Background Papers

Standards Board Website

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 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 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"/>



Member Handbook

Guidance on Standards & Ethics

Dennis A Hall LLB LLM LARTPI
Solicitor to the Council
Council Offices
Spennymoor
DL16 6JQ

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Introduction

A message from Dennis Hall, Solicitor and Monitoring Officer, Sedgefield Borough Council: -

“I hope Members will find this Standards and Ethics Handbook useful in assisting them to understand the rules and regulations governing member conduct.

As Monitoring Officer my role is to assist the Standards Committee to carry out its functions, including training and developing a greater awareness of the way in which the standards and ethics regime operates.

The public have a right to expect the highest standards of behaviour from elected representatives. Confidence in local democracy is essential to an open and inclusive society. This can only be achieved when those serving their communities adhere to and can be held accountable for the high standards expected of them. On accepting office, Councillors are required to sign up to the statutory Code of Conduct.

I am responsible for setting up the registers for Members’ interests and gifts and hospitality and advising on what is appropriate to be included within them.

I also provide advice on declarations of interests at Borough Council meetings and provide an important link between Members and the Standards Committee of the Council.

A key part of my work is in connection with Parish and Town Council Members; I will monitor the Code and ensure that appropriate training is made available.

I am confident that this handbook will assist in a number of respects, particularly in offering guidance to Members and providing useful contacts and information supplying Members with an insight into the law and procedure.

Any feedback would be gratefully received!”

Dennis

Dennis A Hall LLB LLM LARTPI
Solicitor to the Council
Council Offices
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Role of the Monitoring Officer

The role of the Monitoring Officer is critical to the maintenance of legality and ethical standards in local government.

Other roles and duties of the Monitoring Officer include:

- to assist the Standards Committee to carry out its functions, including training and developing a greater awareness of the way in which the standards and ethics regime operates.
- the setting up of the registers for Members' interests and gifts and hospitality and advising on what is appropriate to be included within them.
- to provide advice on declarations of interests at Borough Council meetings and provide an important link between Members and the Standards Committee of the Council.
- to work in connection with Parish and Town Council Members.
- to Monitor the Code and ensure that appropriate training is made available.

Elected and Co-opted Members: What You Must Do

A) On election or appointment:

Written Undertaking to Observe the Code of Conduct (see Page 23):

- For each Council to which you have been elected or appointed, you must send to the Monitoring Officer your written undertaking to observe the Code of Conduct within 28 days of becoming elected or appointed. In some cases the written undertaking to comply with the Code of Conduct may be combined with the declaration of acceptance of office.

Registers:

- You must register interests with the Monitoring Officer within 28 days of being elected or appointed.
- If you require your registered details to be made available on the internet you must sign and send to the Monitoring Officer the appropriate letter of consent, (see Page 24).

B) What you must do as a Member:

- You must register with the Monitoring Officer changes in your interests within 28 days of change.
- You must register with the Monitoring Officer any gifts/hospitality over £25 within 28 days of receipt.
- You must declare interests as appropriate at meetings that you attend.
- You should take advice from the Monitoring Officer where necessary.
- You should follow the Standards Board's Guidance on the Code of Conduct for Members.
- You should keep your Registers under review.

C) Parish and Town Councillors

- Parish and Town Council Members should consult their Clerks regarding compliance with these requirements.
- All appropriate forms are available from the Monitoring Officer, (see Page 21).

Role of the Standards Committee

This Committee was specifically established by legislation to consider issues concerning the conduct of Elected Members. Under the Local Government Act 2000, Standards Committees have five 'statutory functions'. They must:

1. give the Council advice on adopting a local Code of Conduct;
2. monitor the effectiveness of the Code;
3. train Members on the Code, or arrange for such training;
4. promote and maintain high standards of conduct for Members; and
5. help Members to follow the Code of Conduct.

Promoting and Maintaining High Standards of Conduct

The aim of setting up a Standards Committee is to create a sense of 'ethical well-being' in the Council, to increase confidence in local democracy, and to improve the public image of local government. The Standards Committee is proactive by introducing change rather than reacting to events and ultimately, aims to create and maintain ethical organisations. Creating and maintaining an ethical organisation is not just about adopting a Code of Conduct for Members but is also about relationships both internally between Members and council staff, and externally with members of the public. It is about how the Council relates to the community and improves the service it provides.

Composition

The Standards Committee composition includes:

- one Cabinet Member, (the Leader cannot be a member of the Standards Committee);
- four non-Cabinet Members of the Council;
- two Independent Members, one of which is the Chairman;
- one member of a Parish or Town Council wholly or mainly in the Council's area.

Independent Representatives

The reason for having independent representatives is to help increase public confidence and provide a clear signal that the Committee is fair. The independent representative also brings a wider perspective from outside experiences. There is no limit to the number of independent representatives you can have on a Standards Committee. The independent member must not be a member or employee of the council or any local authority. The Standards Board recommends that there should be at least two independent representatives, as a single independent representative could become isolated and ineffective. Having two independent representatives would also avoid meetings automatically becoming invalid (inquate) if the independent representative could not attend.

Parish and Town Council Representatives

The role of a Parish or Town Council representative is to make sure that the Parish and Town Councils are represented throughout discussions. A Parish or Town Council representative must sit on the Standards Committee at all times when Parish matters are being discussed.

Roles and Functions

The Standards Committee has the following roles and functions, as set out in the Constitution:

- (a) promoting and maintaining high standards of conduct by Councillors and co-opted Members;
- (b) assisting Councillors and co-opted Members to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising, training or arranging to train Councillors and co-opted Members on matters relating to the Members' Code of Conduct;
- (f) granting dispensations to Councillors and co-opted Members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer to the Monitoring Officer;

- (h) the exercise of (a) to (g) above in relation to the Parish Councils wholly or mainly in its area and the Members of those Parish Councils;
- (i) overview of the whistle blowing policy;
- (j) oversight of the constitution;
- (k) to deal with cases referred to the Standards Committee by the Standards Board and to conduct local determination hearings in accordance with the Model Hearing Procedure at Part 4I;
- (l) to take such other steps as may from time to time be taken in accordance with the powers of the Local Government Act 2000 and any subordinate legislation thereunder.
- (m) to deal with cases referred to the Standards Committee by the Council's Monitoring Officer and to conduct a hearing in accordance with the model hearing procedure in Part 4I, as amended, or substituted, where necessary, for that purpose.

The links below contain copies of the minutes from previous Standards Committee Meetings during 2006:

- [9th February 2006](#)
- [6th April 2006](#)
- [5th May 2006](#)
- [6th July 2006](#)
- [2nd November 2006](#)

The Standards Board for England

The Standards Board is a Public Body charged with the promotion of high standards of conduct within local authorities as part of a range of measures, which, contribute to the ethical framework established by the Local Government Act 2000. This Act places a duty on the Board to promote ethical behaviour, investigate allegations of breaches of the Code of Conduct and issue advice and guidance to both Council Members and Officers. The Standards Board helps build confidence in local democracy by promoting the ethical behaviour of Members and Co-opted Members who serve on a range of authorities through receiving and investigating allegations that Members may have breached the Code of Conduct. The Board's main task is to ensure that standards of ethical conduct are maintained across authorities and to deal with complaints of misconduct against individual members.

Following the publication of the discussion paper "Standards of Conduct in English Local Government: The Future" the Board is committed to transforming the organisation into a more strategic regulatory body. The Board's role will be to champion and promote high standards, ensure that standards and conduct issues are properly integrated into corporate government responsibilities, oversee a locally-based system and ensure that Standards Committees act effectively in a way that commands public confidence, while supporting them with information and guidance.

Under the proposed new framework, it is envisaged that the Board will continue to have a central role in the conduct regime for Local Government. This will include fewer investigations and the development, maintenance and monitoring of a national framework to ensure high standards of conduct.

Local Investigations

Referring Allegations:

The Local Government Act 2000 enables ethical standards officers (ESO) to refer allegations that a Member has breached the Code of Conduct to Monitoring Officers. An ESO may refer an allegation at any point before they complete an investigation into the allegation. When considering whether to refer the allegation, ESO will use their discretion and take into account all relevant circumstances.

The ESO is less likely to refer cases if there is evidence that a local investigation would be perceived as unfair or biased or there are any relevant local political issues that may have a bearing on the investigation.

In 2005/06:

- 3, 836 complaints received
- 687 complaints referred for investigation
- 57 Standards Committee hearings
- 77 cases were presented by the Standards Board to the Adjudication Panel for a hearing

68% of cases are now dealt with at a local level.

The New Ethical Framework:

The Standards Board is increasingly becoming a strategic regulator and investigating only the vital few complaints, ensuring public confidence in the system. Local decisions at a local level will assist in improving local ownership of the ethical framework. The Government's intention is that it will be a Standards Committee decision, not an Officer decision.

Declarations of Interests

The Constitution lays out guidance on when you should declare an interest at a meeting. Interests are determined as being Personal or Prejudicial. As a rule:

A Personal Interest in a matter is one that can be reasonably regarded as affecting the individual, family or friend more than other people in the area. If a Councillor has a personal interest they can stay, take part and vote at the meeting. The Code of Conduct was designed to encourage participation in an open manner, not restrict participation.

A Personal and Prejudicial Interest is if someone who knew all the relevant facts would view a Councillor's personal interest in an issue to be so great that it was likely to prejudice the Councillor's judgement of the public interest. If a Councillor has a prejudicial interest they must leave the meeting. The Councillor must leave the room entirely and not to seek to influence any decision-making.

Gifts and Hospitality: A member must within 28 days of receiving any gift or hospitality over the value of £25, provide written notification to the authority's Monitoring Officer of the existence and nature of that gift or hospitality. A member must provide written notification of gifts and hospitality received on more than one occasion during a twelve-month period from the same person or body, even though each gift or hospitality is of a lesser value than £25, unless the gifts are of nominal value for publicity purposes.

All Members must register their interests on the following forms:

Forms:

- Form LGA1 - Notification by Member of a Local Authority of Financial and Other Interests;
- Form LGA2 – Notification by Member of a Local Authority of Receipt of Gift or hospitality over the value of £25.00;
- LGA3 – Notification by Member of a Local Authority of Change to Registered Financial and Other Interests.

A written undertaking form and data protection form are required to be completed when elected, (see Pages 23 and 24).

All forms can be obtained from Laura Starrs, Standards Committee Support Officer or Julie Johnson, Legal Assistant in Legal Services, (see Page 24 for contact details).

Dispensations

Under the mandatory provisions of the Model Code of Members' Conduct a Member with a prejudicial interest in a matter is precluded from participating in the consideration of that matter. However, in certain circumstances a Member may apply to the Standards Committee for a dispensation enabling him/her to participate. The grant of a dispensation operates so as to prevent the Member's participation from being a breach of the Code.

Dispensations can only be granted in limited circumstances because it would be inappropriate for a Member to apply for a dispensation every time they had a prejudicial interest.

The procedure for granting dispensations is outlined in the following report:

- [Procedure for Granting Dispensations](#)

The Code of Conduct

On accepting office, Councillors are required to sign the statutory Code of Conduct, a set of provisions that guides Councillors towards the standards of behaviour expected of them. All Councillors and Co-opted Members are covered by the Code. The Code covers areas of individual behaviour such as Councillors not abusing their position or not misusing their authority's resources. Under the Code Councillors have a positive obligation to:

- Promote equality by not discriminating unlawfully against any person;
- Treat others with respect;
- Not seek to improperly influence decisions to the advantage or disadvantage of themselves and anyone else;
- Listen to advice from their Monitoring Officers in relation to the legality of decisions;
- Report a breach of the Code of Conduct to the Standards Board if they reasonably believe another Councillor has broken the authority's Code of Conduct;
- Only use the resources of the authority in accordance with its requirements;
- Make sure they don't misuse the authority's resources for political purposes, unless it is part of the functions of either the authority or their elected office.

Councillors have an obligation not to:

- Compromise the impartiality of anyone who works for, or on behalf of, the authority;
- Disclose confidential information without valid consent;
- Prevent anyone getting information they are entitled to;
- Bring their office or authority into disrepute at any time;
- Use their position improperly to the advantage or disadvantage or themselves or anyone else.

Below is a link to the revised Code of Conduct:

- [Members' Code of Conduct](#)

Planning Code of Conduct

The purpose of this Code is to guide the way in which Members and Officers of the Council deal with planning matters and to set the standard of conduct which other parties to the process can expect of them.

The planning system involves making decisions about the use and development of land in the wider public interest. Planning law requires that all planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

A link to the Planning Code of Conduct can be found below:

- [Planning Code of Conduct](#)

Constitution

The Council's Constitution

Sedgefield Borough Council's Constitution sets out how the Council operates, how decisions are made and the procedures, which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others have been chosen by the Council.

The Constitution is divided into 17 Articles, which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

What's in the Constitution?

Article 1 sets out the purpose of the Constitution and commits the Council work to accomplish its statement of purpose:

'Working towards a more healthy, prosperous and attractive Borough with strong communities'

Articles 2 to 17 explain the rights of citizens and how the key parts of the Council operate.

These are:

Article 2 Members of the Council

Article 3 Citizens and the Council

Article 4 The Full Council

Article 5 Chairing the Council

Article 6 Overview and Scrutiny Committees

Article 7 The Cabinet

Article 8 Regulatory and Other Committees

Article 9 The Standards Committee

Article 10 The Audit Committee

Article 11 Area Forums

Article 12 Joint Arrangements

Article 13 Council Employees

Article 14 Decision Making

Article 15 Finance, Contracts and Legal Matters

Article 16 Review and Revision of the Constitution

Article 17 Suspension, Interpretation and Publication of the Constitution

A link to the Constitution can be found below:

[SBC Constitution](#)

Parish and Town Councils

Town and Parish Councils are an essential part of the structure of local democracy and have a vital role in acting on behalf of the communities they represent. They:

- Give views, on behalf of the community, on planning applications and other proposals that affect the Parish;
- Undertake projects and schemes that benefit local residents;
- Work in partnership with other bodies to achieve benefits for the parish;
- Alert relevant authorities to problems that arise or work that needs to be undertaken;
- Help the other tiers of local government keep in touch with their local communities.

Town and Parish Councils have a wide range of legal duties and powers, such as the maintenance of community buildings and land and much more.

Within the Sedgefield area there are 6 Town Councils and 7 Parish Councils:

Council	Clerk	Contact
Ferryhill Town Council	Mr J. Corrigan	Town Hall, Ferryhill, County Durham, DL17 8JL. 01740 652157 Jamiecorrigan@lineone.net
Great Aycliffe Town Council	Mr A. Bailey	Council Offices, School Aycliffe Lane, Newton Aycliffe, County Durham, DL5 6QF. 01325 300700 info@great-aycliffe.gov.uk
Sedgefield Town Council	Mrs L. Swinbank	Council Offices, Advice and Information Centre, Front Street, Sedgefield, TS21 3AJ. 01740 621273 Lesley.Swinbank@sedgefield.net

Shildon Town Council	Mr M. Waterson	Civic Offices, Civic Hall Square, Shildon, County Durham, DL4 1AH. 01388 772563 Council@shildon.gov.uk
Spennymoor Town Council	Mrs P. Wilson	Town Hall, Spennymoor, County Durham, DL4 1AH. 01388 772563 townclerk@spennymoortowncouncil.gov.uk
Chilton Town Council	Mr P. Gray	Hutton House, Durham Road, Chilton, Ferryhill, County Durham, DL17 0EX. 01388 721788 townclerk@chiltondurham-tc.gov.uk
Bishop Middleham Parish Council	Mr K. Pritchard	The Forge, Charles Street, Spennymoor, County Durham, DL16 7LG. 01388 420712 Kpritchard785@btinternet.com
Cornforth Parish Council	Mr E. Hurrell	1 St. Cuthberts Way, West Cornforth, Ferryhill, County Durham, DL17 9ND. 01740 654498 ehurrell.t21@btinternet.com
Eldon Parish Council	Mr G. Wilde	Maisonville, Northside, Middridge, Newton Aycliffe, County Durham, DL5 7JF. 01325 310489 geoffwilde2002@yahoo.co.uk
Fishburn Parish Council	Mr J. Irvine	5 Beveridge Close, Fishburn, Stockton-on-Tees, TS21 4HA. 01740 623712 Jirvine256@btinternet.com

Trimdon Parish Council	Mr L. Oliver	Council Offices, C/o Trimdon Junior School, Elwick, Trimdon Village, Trimdon Station, County Durham, TS29 6JU. 01429 880224 les.oliver@onyxnet.co.uk
Windlestone Parish Council	Mrs V. Horner	31 Westwood Avenue, Heighington, County Durham, DL5 6RZ. 01325 311842
Middridge Parish Council	Mr N. Hart	40 Atkinson Gardens, Aycliffe Village, County Durham, DL5 6LH. 01325 321915 Nigel.Hart@stockton.gov.uk
Bradbury Parish Meeting	Mr K. Pallister	Martindale Cottage, Bradbury, Sedgefield, Stockton-on-Tees, TS21 2ET.
Mordon Parish Meeting	Mr R. Stratford	1 The Old Mill, Mordon, County Durham, TS21 2EY 01740 621319

Monitoring Officer Advice Series

Frequent advice notes to Members and Parish and Town Councillors and their clerks are issued on a range of different topics. To view the complete MO Series, click on the link below:

- [Monitoring Officer Advice Series](#)

Training Requirements

Following Reports to Cabinet on 30th January 2006 and Standards Committee on 9th February 2006, please note the following new arrangements affecting Member training on Standards and ethical issues.

Mandatory Requirement To Attend Training Events During 2007: Borough Council Members

Please be advised that, in accordance with best practice, a mandatory requirement has now been put in place for all Borough Council Members to attend at least one qualifying training event during the year. Henceforward details of member attendance/non attendance will be publicly available.

Details of attendances will be reported to the first meeting of the Standards Committee at the beginning of each calendar year.

Qualifying Training Events

Qualifying training events which will satisfy the mandatory requirement will include the following:-

- Training events conducted or organised by the Council's Monitoring Officer: at least three events will be arranged during the year.
- Conferences training and events involving wholly or mainly standards and ethical issues organised as part of the Council's member development programmes or by local government organisations and similar bodies, full details of which have previously been notified to the Council's Monitoring Officer. Examples would include the Standards Board for England, CIPFA, the LGA and NEREO.

Publication Of Report On Member Attendances

The first Standards Committee of every New Year will receive a report from the Council's Monitoring Officer providing details of attendance/non-attendance of Borough Council Members at qualifying training events throughout the previous year.

Members will be reminded bi-annually in June and December of the need to meet the mandatory requirement.

Details Of Training Events

Further information about training events, which have been organised for Members, will appear in reports from time to time to the Council's Standards

Committee; they will be sent to you by e-mail and by written correspondence as well as being posted to the Council's web site.

Parish & Town Council Members

Parish & Town Council Clerks are advised as follows: -

- To implement similar arrangements to the above for their Members and circulate details to their members accordingly.
- To report these changes to their next Parish & Town Council meeting so that all Members are advised of the new training requirements.
- To maintain records of attendances at qualifying training events and to report attendance/non-attendance annually in a single report to their Council meetings as will be the case for Borough Council Members.

Training Events held during 2006

A range of training events have been organised throughout 2006. A one-day training event was held at Ferryhill Leisure Centre on the 4th April 2006. The issues on standards were presented by Mr Peter Keith Lucas of Bevan, Brittan Solicitors. The training was aimed at Members of Local Authorities Standards Committees', Monitoring Officers and their Deputies, Town and Parish clerks and their Members.

The event covered problem areas of the Code of Conduct, complaints and investigations and the pre-hearing process and also provided the opportunity to take part in a local standards mock event.

Three training events reviewing the new ethical framework took place in the autumn, one at the Council Offices and two at selected Town Councils. The event provided members with an update on standards issues, included the showing of the latest Standards Board DVD on local investigations and provided an opportunity to discuss current issues and receive feedback.

Future Training Events

A one-day training event is planned for Wednesday 27th June to be held at the Council Offices and facilitated by Peter Keith Lucas, details to follow.

Further events will take place in the autumn, details to be announced. Contact Laura Starrs, Standards Committee Support Officer, for further details of all planned training events, (see Page 21).

List of Key Websites

- Sedgefield Borough Council: www.sedgefield.gov.uk (Legal Services link then Standards and Ethics link)
- The Standards Board for England: www.standardsboard.co.uk
- Committee on Standards in Public Life: www.public-standards.gov.uk
- Local Government Association: www.lga.gov.uk
- Communities and Local Government: www.communities.gov.uk

Contact Points for Advice/Information/Registration/Forms

- *Monitoring Officer* : -
Dennis Hall: 01388 816166, Ext. 4268 (for advice)
dahall@sedgefield.gov.uk

- *Deputy Monitoring Officer* : -
David Rackstraw: 01388 816166, Ext. 4535 (for advice)
drackstraw@sedgefield.gov.uk

- *Standards Committee Support Officer* :-
Laura Starrs: 01388 816166, Ext. 4243 (for registers and training information)
lstarrs@sedgefield.gov.uk

- *Legal Assistant*: Julie Johnson:
01388 816166, Ext 4683 (for registers)
jujohnson@sedgefield.gov.uk

Postal Address: Sedgefield Borough Council
Council Offices
Spennymoor
County Durham
DL16 6JQ

Tel: 01388 816166
Fax: 01388 817251

Internet link to Standards and Ethics Homepage:

<http://www.sedgefield.gov.uk/ccm/navigation/legal-services/standards---ethics/>

Standards Board for England Publications

- [*How do I Register and Declare Interests and Register Gifts and Hospitality?*](#)
- [*Lobby Groups, Dual-Hatted Members and the Code of Conduct*](#)
- [*Guide to part III of the Local Government Act 2000*](#)
- [*Guidance on Standards Committees*](#)
- [*Local Investigations*](#)

SEDGEFIELD BOROUGH COUNCIL

**MEMBERS' WRITTEN UNDERTAKING TO OBSERVE A CODE OF CONDUCT
ADOPTED UNDER SECTION 51 OF THE LOCAL GOVERNMENT ACT 2000**

Form of Undertaking

I _____ having become a member of Sedgefield
Borough Council, declare that I will duly and faithfully fulfil the requirements of this role
according to the best of my judgement and ability.

I undertake to observe the code as to the conduct, which is expected of members of
the
said Council.

Signed: _____ Date: _____

This undertaking was made and signed before me,

Signed: _____ Date: _____

Proper Officer of the authority *

* ***Section 83(3) of the Local Government Act 1972 provides that the declaration shall be made before either: -***

- (a) two members of the Council to which the declarant is elected, or
 - (aa) an elected mayor of the Council to which the declarant is elected, or
 - (b) the proper officer of the Council, or
 - (c) a Justice of the Peace or Magistrate in the United Kingdom, the Channel Isles of the Isle of Man.
 - (d) a Commissioner appointed to administer oaths in the Supreme Court.
- Section 270(3) of the Act of 1972 defines "proper officer" as a reference to an officer appointed for that purpose by that body or for that are a as the case may be.

LETTER OF CONSENT

DATA PROTECTION ACT 1998

I (*state full name*) _____ being a member of (*state name of Council*) _____ authorise Sedgefield Borough Council to publish details of my interests, as contained in the Register of Interests of my Council, on their internet website facilities:-

Signed: _____

Date: _____

TO: All members of Sedgefield Borough Council; and to All parish and Town Council Members, via Clerks

Item 9

REPORT TO STANDARDS COMMITTEE

5TH APRIL 2007

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:
 - changes to Overview and Scrutiny Committees proposed by Overview and Scrutiny Committee 1 on 20th February 2007.
 - changes to the Scheme of Delegation to Officers proposed by the Director of Neighbourhood Services to assist in the implementation of the Health Act 2006.

2. RECOMMENDATIONS

- 2.1 That the Council be recommended to approve the amendments set out in the Appendix 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. BACKGROUND

- 3.1 Work is ongoing in reviewing the Constitution. A number of officers have formed a Constitutional Review Group, headed by the Monitoring Officer, and its purpose is to consider proposals for change with a view to reflecting the law and improving the efficiency of decision taking within the authority.

- 3.2 Previous reviews are identified in the list of background papers accompanying this Report.

4. LEGAL IMPLICATIONS

- 4.1 It is intended that these changes shall have immediate effect.
- 4.2 The principal changes are referred to in paragraph 1.3 above.

5. CONSULTATIONS

- 5.1 Management Team has been consulted on this report on and their views taken into consideration. Standards Committee considered this Report on 5th April 2007.
- 5.2 All Departments of the Council have been consulted with regard to the amendments suggested in this report.

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

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 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 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"/>

PROPOSED CHANGES FOR COUNCIL APPROVAL – 20TH APRIL 2007

Page Reference and Proposed Amendment	Basis for Change
<p>Page 11 et seq – Article 6 – Overview and Scrutiny Committees : to rename each of the 3 Committees as follows:-</p> <p>Committee 1: Strategic Leadership Overview and Scrutiny Committee</p> <p>Committee 2: Healthy Borough with Strong Communities Overview and Scrutiny Committee</p> <p>Committee 3: Prosperous and Attractive Borough Overview and Scrutiny Committee</p>	<p>Changes proposed by Overview and Scrutiny Committee 1 on 20th February 2007 – wef 18th May 2007.</p>
<p>Page 93 – Part 3 Responsibility for Functions C – Officer Delegations</p> <p>Further NS delegation [see attached]</p>	<p>Request of Director of Neighbourhood Services.</p>

Further NS Delegation:

No.	Function	Proper/Authorised Officer
NS125	<p>Health Act 2006 The Smoke-Free (Premises and Enforcement) Regulations 2007 The Smoke-Free (Signs) Regulations 2007 The Smoke-Free (Exemptions and Vehicles) Regulations 2007 The Smoke-Free (Penalties and Discounted Amounts) Regulations 2007 The Smoke-Free (Vehicle Operators and Penalty Notices) Regulations 2007</p> <p>Authority to instigate legal proceedings.</p> <p>Authority to:</p> <p>(a) at any reasonable hour, enter any premises (other than premises used only as a private dwelling house not open to the public) considered necessary for the purpose of the proper exercise of functions by virtue of Chapter 1 of Part 1 of the Health Act 2006.</p> <p>(b) to carry out such inspections and examinations as is considered necessary for that purpose.</p> <p>(c) if considered necessary for that purpose, to require the production of any substance or product, and inspect it, and take and retain samples of or extracts from it.</p> <p>(d) to take possession of any substance or product on the premises, and retain it for as long as is considered necessary for that purpose.</p> <p>(e) require any person to give such information or afford such facilities and assistance, as is considered necessary for that purpose. Where necessary, to arrange for any substance, product, sample or extract mentioned in paragraph (c) or (d) to be analysed.</p> <p>(f) To make such purchases and secure the provision of such services as is considered necessary for the purpose of the proper exercise of the functions relating to Chapter 1 of Part 1 of the Health Act 2006.</p> <p>(g) Service of fixed penalty notices.</p>	<p>Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager; Public Health Services Manager.</p> <p>Director of Neighbourhood Services; Head of Environmental Services; Inspection and Licensing Services Manager; Public Health Services Manager; Senior Environmental Health Officers; Principal Licensing Officer; Licensing Enforcement Officer; Environmental Health Officer (Public Health); Environmental Control Officers; Environmental Control Assistant; Environmental Protection Officers; Environmental Protection Assistants</p>

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