

SEDGEFIELD BOROUGH COUNCIL

STANDARDS COMMITTEE

Council Chamber,
Council Offices,
Spennymoor

Thursday,
5 April 2007

Time: 1.00 p.m.

Present: L. Petterson (Chairman) and
Councillors A. Gray, Mrs. L. Hovvels and J. Wayman J.P

Spennymoor Town Council member
Councillor J. Marr

Independent Member
Mr. I. Jamieson

Apologies: Councillors Mrs. B. Graham and Mrs. C. Sproat

ST.29/06 **DECLARATIONS OF INTEREST**

The following Members declared an interest in Item 6 – Procedure for Appointment of Independent Members :-

L. Petersen	-	Prejudicial – Independent Member
I. Jamieson	-	Prejudicial – Independent Member

ST.30/06 **MINUTES**

The Minutes of the meeting held on 8th February, 2007 were confirmed as a correct record and signed by the Chairman.

ST.31/06 **SBE: CASE REVIEW: RELATIONSHIP BETWEEN COUNCIL LEADERS, CHIEF EXECUTIVES AND OFFICERS**

Consideration was given to a report of the Solicitor to the Council and Monitoring Officer, which outlined a number of cases that had been investigated by the Standards Board for England examining the relationship between Council Leaders, Chief Executives and officers. (For copy see file of Minutes).

Reference was made to a number of cases, which focused on responsible leadership, senior appointments, specifically that of a Chief Executive, unauthorised expenditure, abuse of position, criticism of officers and conflicts of interest.

Discussion was held regarding the process and stages of an investigation.

AGREED : *That the report be noted.*

ST.32/06

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

Consideration was given to a report of the Solicitor to the Council and Monitoring Officer outlining the guidance offered by the Standards Board relating to the implications of the decision of Collins J in the Livingstone case. (For copy see file of Minutes).

It was explained that the High Court Judgement had significant implications for the interpretation of the Code of Conduct.

Reference was made to a number of principles that had emerged from the case regarding instances where a Member had not acted in an official capacity.

The Committee pointed out that the Code of Conduct should be followed at all times by those in the public eye.

AGREED : That the report and future changes be noted.

ST.33/06

SBE CASE REVIEW: BULLYING

Consideration was given to a report of the Solicitor to the Council and Monitoring Officer, which addressed the issue and consequences of bullying. (For copy see file of Minutes).

Members of the Committee were informed that the Standards Board had investigated a number of cases involving bullying and that statistics showed that Members in some authorities had abused their position.

It was explained that such cases were dealt with under parts of the Code of Conduct such as disrespect, however, it had 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 was unacceptable.

Discussion was held regarding the difficulty of defining bullying and how it would be dealt with at a local level.

AGREED : That the report and future changes be noted.

ST.34/06

SBE CONFERENCE: CONDUCTING AND HOLDING AN EFFECTIVE HEARING

Consideration was given to a report of the Solicitor to the Council and Monitoring Officer, which addressed how to conduct and hold an effective Standards Committee. (For copy see file of Minutes).

It was explained that the Standards Board would initially assess the allegation before considering whether to refer it for local investigation.

The report then detailed the process if the allegation was referred for local investigation including outlining the pre-hearing, the hearing itself, issues regarding witnesses and the controls regarding evidence that could be

presented. It also outlined what sanctions would be available if the Committee found the Member to have breached the code.

Concerns were raised regarding issues involving witnesses and the fact the Standards Committee could choose not to hear from certain ones. The Solicitor to the Council and Monitoring Officer pointed out that it would not be the intention to ignore a relevant witness as all facts would need to be considered in case an appeal was submitted.

AGREED : That the report and future changes be noted.

ST.35/06

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

The Committee considered a report of the Solicitor to the Council and Monitoring Officer the outlining induction procedure for newly elected Members at the May 2007 elections in relation to standards and ethics. (For copy see file of Minutes).

It was explained that all Members, including Town and Parish Councils would receive a Member Handbook, with training sessions and events being organised after appointment.

A general induction for all Members would be held on the 10th May, 2007 and training on Standards issues, presented by P.K. Lucas of Bevan, Brittan Solicitors on 27th June, 2007.

Discussion was held regarding the need to keep Members of Town and Parish Councils and their Clerks informed of all changes and training available.

AGREED :

- 1. That the report be noted.*
- 2. That the induction procedure for appointed Members after the May elections be noted.*

ST.36/06

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 on the delivery of the Council's aims and objectives. (For copy see file of Minutes).

Member's 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 and consequential amendments.*
- 2. That the amended version be published on the Council's website.*

ST.37/06 ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

Introduction of the new Code of Conduct

The Solicitor to the Council and Monitoring Officer informed the Committee that an e-mail had been received from the Standards Board for England detailing that the new Code of Conduct would be submitted to Parliament and would come into force on 3rd May, 2007.

It was explained that local authorities would have six months to adopt the new Code. The Solicitor to the Council and Monitoring Officer informed the Committee that training would be provided on the new Code.

ST.38/06 PROCEDURE FOR APPOINTMENT OF INDEPENDENT MEMBERS

NB : In accordance with Section 81 of the Local Government Act 2000 and the Member's Code of Practice of Conduct, L. Petterson and I. Jamieson declared a prejudicial interest in the above item and left the meeting.

Consideration was given to a report of the Solicitor to the Council and Monitoring Officer outlining the arrangements for the appointment of two Independent Members to the Standards Committee for the municipal year commencing 2007/2008. (For copy see file of Minutes).

The Committee was reminded that by law, each local authority needed to have a Standards Committee as part of the Constitutional framework and that at least 25% of the membership had to consist of people who were not Members of the authority.

It was pointed out the two current Members of the Standards Committee had been in term for four years, therefore re-appointments needed to be made as the term was due to expire.

The recruitment process was then outlined with a request for the nomination of one Member of the Committee to form the interview panel. It was suggested that Councillor J. Wayman form the interview panel.

- AGREED :**
- 1. That Councillor J. Wayman sit on the interview panel as an observer.*
 - 2. That the documentation on the role of Independent Member and the criteria for the appointment process be agreed.*
 - 3. That the Council receive recommendations for appointment at the Annual General Meeting to be held on 18th May, 2007.*

ST.39/06 DATE OF NEXT MEETING

27th April, 2007 at 1.00 p.m. in the Council Chamber.

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