

Standards Committee

A meeting of Standards Committee was held on Friday, 27th July, 2007.

Present: Mr F W Hayes (Chairman), Cllr Paul Baker, Cllr Ian Dalgarno, Cllr Andrew Sherris, Mrs E Chapman (Independent Member), Mrs F Robinson (Independent Member), Mr T Bowman (Parish Representative), Mr L W Hedley (Parish Representative)

Officers: P McCann (R) D Bond, S Johnson (LD)

Also in attendance: No other persons in attendance

Apologies: Cllr John Fletcher, Cllr Mohammed Javed

S **Declarations of Interest**

13/07

Mr T Bowman and Mr L W Hedley declared a personal/non-prejudicial interest in Attendance at Town/Parish Council Meetings, due to being a Member of Ingleby Barwick and Stillington and Whitton Parish Council respectively.

S **Minutes of the meetings held on 29th March 2007, 26th April 2007, 15th** **14/07** **June 2007 and 22nd June 2007**

The minutes of the meetings held on 29th March 2007, 26th April 2007, 15th June 2007 and 22nd June 2007 were signed by the Chairman as a correct record.

S **A Revised Model Code of Conduct for Local Authority Members**

15/07

Members considered a report that provided an update regarding developments in relation to the new code of conduct and identified the next steps.

It was noted that at its meeting on 15 June 2007 the Committee discussed the main changes in the proposed new Model Code of Conduct and also the parts that remained unchanged. The Committee discussed personal interests and agreed that the provision relating to "close associates" should be highlighted to Cabinet/Council as one area where there might be particular difficulties in terms of definition and application in practice.

The Committee agreed at its meeting on 15 June 2007 that:-

(1) The provision relating to personal interests and "close associates" in the proposed new model Code of Conduct be highlighted specifically to Cabinet/Council.

(2) The suggested amended wording of recommendation 4 (relating to code of conduct training being treated as mandatory) be agreed.

It was explained that the Committee's comments and its recommendations relating to the Council's adoption of the new code of conduct were reported to Cabinet at its meeting on 5 July.

Cabinet noted that the Members' Advisory Panel and Audit Committee had

considered reports on the new model code, which included the recommendations of the Standards Committee. It was noted that the Members' Advisory Panel supported recommendations 1 - 3 of the Standards Committee (as proposed by the Committee at its meeting on 26 April 2007), but considered that in relation to recommendation 4 there should be a strong recommendation to Members to take advantage of training on the new code, rather than treating such training as compulsory. It was explained that the Panel considered that this would be sufficient to emphasise that training on the new code was extremely important and that Members should undertake it. Cabinet supported this view and agreed alternative wording to recommendation 4.

The Committee were informed that Cabinet recommended to Council that:-

(1) at the earliest opportunity, and with immediate effect the Council adopts the code of conduct for members prescribed in the Local Authorities (Model Code of Conduct) Order 2007 ("the 2007 Order") in its entirety, in place of the Council's existing code of conduct for members, together with the general principles of conduct as an unenforceable preamble;

(2) a copy of the adopted code of conduct be provided to every member of the Council;

(3) all Town/Parish Councils be advised to adopt as soon as reasonably possible, the code of conduct for members prescribed in the 2007 Order, but excluding those provisions which are not mandatory for parish councils, save for paragraph 12(2) (in part), in place of their existing codes of conduct for members; and that

(4) as soon as reasonably practicable, training on the code of conduct be provided for the Council's Members and for Town/Parish Council Members, including co-optees, and that it is strongly recommended to all Members that they take full advantage of such training, with the take-up of the training being reported to and monitored by the Council's Standards Committee.

It was explained that bearing in mind Cabinet's views on recommendation 4, at the Council meeting on 11 July, the Chair of the Standards Committee had proposed that the minutes of the Committee's meetings of 26 April and 15 June be amended in order to reflect Cabinet's recommendations. Members of the Committee were provided with details of the amendments which were moved by the Chair, seconded by the Vice-Chair and accepted by Council.

The Council adopted the new code of conduct for members with effect from 11 July 2007.

Members were informed that following Council's decision, the Standards Board had been advised that the Code had been adopted. The following steps had also been taken:-

- a letter had been sent to all co-optees providing a copy of the new code; the Standards Board guide and the register of interests form
- an email had been sent to all Councillors; the Corporate Management Team; Heads of Service; Legal Services and Democratic Services, providing copies of the Code; the Standards Board guide and (for Councillors) the new register of

interests form;

- an email had been sent to all Town/Parish Clerks advising that:-
 - Once their Council had adopted the new code, they would need to let the Standards Board know. They could do this by emailing Kimberley Connell in the Standards Board Policy and Guidance Team at enquiries@standardsboard.gov.uk. They did not need to provide a copy of the Code itself, but they should say if paragraph 12(2) of the model code had been (specifically) adopted.
 - It would be helpful if they could let the Council know when their Authority has adopted the Code, particularly if they would like to be included in the Borough Council's advertisement in the local press (at no cost).
 - Copies of their Council's new code should be made available locally (The Council would need to know where for the Borough Council's press advertisement) and it would be good practice to let their parishioners know about the new code and where it can be seen.
 - Each of their Members (and any voting co-optees) should be given a copy of the new code, and they should be informed where to access the Standards Board guide, if they had not already had a copy.
 - Each of their Members would be required to complete a new register of interests form and to provide this to the Clerk, with a copy via the Clerk to the Borough Monitoring Officer, by no later than 28 days from the date their Council adopted the new code. They should all have had a copy of the new register of interests form from the Council but if they had not got a copy, to say so.
 - They should not forget that if their Council had adopted paragraph 12(2) of the model code, and their members wish to take advantage of it, their Council's Standing Orders would need to provide for the public to have the same rights as members to speak on all open items on their Council meeting agendas.
- Town/Parish Clerks had been advised of the Council's decision regarding adoption of the code of conduct and the strong recommendation about the take up of training.
- Copies of the code had been placed at the Municipal Building reception; copies had been provided, along with copies of the Standards Board guide for each Group Secretary (or Leader if none); each Group room; the Council Chamber and the Members' Library.

It was noted that the deadline for completing, signing and returning new register of interests returns was 8 August 2007.

The Committee were informed that the Members' interests guidance on Cabinet and Committee reports had been revised to take account of the new code's provisions. Members were provided with a copy of the guidance. It was noted that different guidance was required for Council meetings.

Members were advised that specific guidance had been provided for former executive members who were now select committee members, bearing in mind the provisions of paragraph 11 of the new code. A copy of the guidance was provided for Members of the Committee. Also included were details of guidance on this part of the code from the Standards Board.

The Monitoring Officer informed the Committee that the following had still to be done:-

- advertise adoption of the Code in the local press (along with the adoption of

the code by Town/Parish Councils who wish to be included)

- include details of the new code on the website
- amend the Constitution
- publicise the new code in KYIT and Stockton News.

It was noted that training for members, facilitated externally, was also being arranged, and once the Standards Board's DVD was available it would be shown to the Committee and as many members as possible.

The Monitoring Officer informed Members that it was also proposed to provide Members (and Town/Parish Clerks as appropriate) with bite size guidance on specific provisions within the code, in instalments, over the coming months. The first such proposed guidance was presented to the Committee.

RESOLVED that the report be noted.

S Gifts and Hospitality - New Guidance

16/07

Members of the Committee considered a report that presented proposals for a new gifts and hospitality guidance protocol, which had been drafted with the new model code of conduct for Members in mind.

A gifts and hospitality protocol for Councillors and Officers was introduced to the Constitution in January 2007 and was based on the previous code of conduct for Members. Members were presented with a copy of the protocol as a reminder. It was explained that, in light of the new model code of conduct, the protocol would need to be replaced. The new code provided for gifts and hospitality to be registrable along with other forms of interest, as well as being disclosable as an interest.

A revised draft guidance document was presented for the Committee's consideration and for recommending on for approval to full Council.

RECOMMENDED that the new gifts and hospitality protocol be recommended to Council.

S Attendance at Town/Parish Council Meetings

17/07

Members were presented with a report that considered the key action in the Light Touch Health Check Action Plans regarding members of the Standards Committee attending Town/Parish Council meetings.

It was agreed as part of the Ethical Governance Light Touch Health Check Action Plans that Members of the Standards Committee would attend and observe Town/Parish Council meetings, with a view to reporting back to the next following Standards Committee meeting on what they had witnessed. It was considered that attending such meetings would, in particular, have the benefit of raising the Committee's and Committee Member's profile at a parish level, and also provide Committee Members with a greater awareness of, and insight into Town/Parish Councils and Councillors' work.

Members were shown a list of meeting dates for those Town/Parish Councils that had responded so far. The Committee discussed the arrangements for

attending the meetings. It was agreed that the Monitoring Officer would email the list of meeting dates, times and venues to the Committee Members by mid August. The Committee Members would then provide the Monitoring Officer with the dates they could attend. Members agreed that the best format would be to attend the meetings in pairs.

The Monitoring Officer presented Members with a draft guidance document for attendance at Town/Parish Council meetings and a draft assessment sheet for completion following attendance at a meeting. Members agreed to email any comments on the draft documents to the Monitoring Officer.

RESOLVED that the Monitoring Officer would email Members of the Standards Committee the list of meeting dates, times and venues by mid August and that Committee Members then confirm the meeting dates they could attend.

S Observing Council Meetings

18/07

Members were presented with a report that considered the key action in the Light Touch Health Check Action Plan regarding non-councillor members of the Standards Committee observing standards of conduct at Council meetings.

It was agreed as part of the Ethical Governance Light Touch Health Check Action Plan that non-councillor Members of the Standards Committee would observe standards of conduct at full Council meetings and Planning Committee meetings, with a view to reporting back to the next following Standards Committee meeting on what they had witnessed.

Members were shown a list of meeting dates for full Council, Planning Committee, Licensing Committee and Licensing Sub Committee. The non councillor members of the Standards Committee agreed to provide the Monitoring Officer with the dates they could attend.

RESOLVED that the non councillor Members of the Standards Committee would provide the Monitoring Officer with their availability for the meetings shown.

S Constitutional Update

19/07

The Committee considered a report that provided an update regarding the political management and constitutional changes which had taken place since the local government elections on 3 May and the Council's Annual Meeting on 23 May.

It was noted that as a result of the 3 May Elections, the Council's political composition had changed to:-

Labour - 22

Conservative - 13

Liberal Democrats - 8

Thornaby Independent Association - 7

Ingleby Barwick Independent Society - 6

A power sharing arrangement was then agreed between the Labour and

Conservative groups and this was ratified at the Annual Meeting on 23 May. The key outcomes of the meeting were as follows:-

- A Conservative Leader of the Council
- No formal Deputy Leader
- A Cabinet of 8 (reduced from 10), comprising 4 Conservative and 4 Labour Members
- A Labour Councillor as Chair of Executive Scrutiny Committee
- An additional Select Committee to make seven in total (from six) in order to reflect the seven (other than the Leader) Cabinet Member portfolios
- Select Committee Memberships reduced from 13 to 9 elected Members (no effect on co-optees)
- Planning and Licensing Committees' membership reduced to 14
- Employee Appeal Panel membership reduced to 5 and given an improved gender mix (three male and 2 female Councillors)

Members were presented with details of agreed Cabinet, Committees, Panels, Chairs and Vice-Chairs and also the new Cabinet Member portfolios.

The Monitoring Officer advised the Committee that all of the new details were being incorporated into a revised version of the Constitution, and the opportunity was being taken to update other parts of the Constitution, such as the delegation scheme, in order to reflect legislative and organisational changes. Also additions and revisions were being made to more clearly and accurately reflect our partnership working and approach to equality and diversity.

Members were advised that some minor replacement changes were made to Committee memberships at the 11 July Council meeting, the key one of which was to appoint Councillor Rix as Chair of the Employee Appeals Panel and Councillor Mrs Nelson as Vice-Chair.

In addition, notification was received in July of the creation of a new political group, the Billingham Independent Association, comprising three former members of the Liberal Democrats Group (which consequently now comprised 5 Members).

The Monitoring Officer commented that once the revised Constitution was complete, it would replace the current version which had been published and was accessible on the internet and on the intranet.

RESOLVED that the report be noted.

S 20/07 **Members Use of IT - Alleged Breaches of Protocol**

Members considered a report that asked the Committee to consider extending its role in order to determine appeals by Members against decisions made in connection with the Members' Use of IT protocol and the Council's Information Security guidelines.

It was noted that currently, alleged breaches of the Council's protocol regarding Members' Use of IT, and the Authority's Information Security guidelines, were handled and ultimately determined by the Corporate Director of Resources. There was no formal appeal or review mechanism built into this procedure. It

was, therefore, proposed that the Standards Committee, or a panel or sub-committee appointed by it, should take on the role of an appellate or review body in this context.

Members were provided with details of the Members' Use of IT protocol; the Information Security Guidelines and the proposed appeal procedure for the Standards Committee. The Monitoring Officer advised Members that the Members' Use of IT protocol would be revised to reflect the new code of conduct and that this would be brought back to the Committee once completed.

The Committee agreed with the principle of its remit being extended as proposed, and that it would be willing to recommend to Council that the extension of its remit be approved.

RECOMMENDED to Council that the Committee's remit be extended as proposed.

S 21/07 **Commendations and Complaints - Final Quarter of 2006/07**

Members considered a report that provided details of commendations and complaints received during the final quarter of 2006/07 (January to March 2007 inclusively).

It was reported to the Committee, at its meeting on 29 March 2007 that during the third quarter of 2006/07 (October to December 2006 inclusively), the Authority received 205 complaints (compared to 202 in the same period in 2005/06) and 452 commendations (compared to 377 in the same period in 2005/06).

It was noted that during the final quarter of 2006/07 (January to March 2007 inclusively), the Authority received 226 complaints (compared to 192 complaints in the same period in 2005/06) and 372 commendations (compared to 307 in the same period for 2005/06).

The two highest areas of complaints for the final quarter were 16% regarding Children and Adults Social Care Services, and 34% regarding Tristar including procedures and repairs administration. This was consistent with the position in relation to the third quarter's complaints.

The two areas where the highest number of commendations were received were Direct Services, including street cleaning, customer and horticultural services (24%). Direct services were also one of the areas where the highest number of commendations were received during the previous three quarters.

The Monitoring Officer advised that overall, for the whole of 2006/07, when compared to 2005/06, complaints were down (from 920 to 825) and commendations had risen (from 1,574 to 1,749).

It was explained at the 29 March 2007 meeting that the revised Commendations, Comments and Complaints Policy was not yet completed. The Monitoring Officer advised that the review was now complete and the proposed, revised Policy would be reported to the meeting on 16th August 2007.

RESOLVED that the report be noted.

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22/07 **The Standards Committee - Communications Plan**

Members were presented with a report that contained a proposed Communications plan for the Committee's consideration.

As a result of the IDeA light touch health check and report, an action plan was developed. Part of the action plan was concerned with a strategy to raise the profile of the Standards Committee, its work and standards/probity generally. This included the development of a communications plan.

Members were advised that following discussions with the Council's Public Relations Officer, the following had been agreed as an initial communications plan:-

- a brief KYIT item (August edition) confirming the Council's adoption of the new code.
- a more detailed item about the adoption of the code in the September edition of Stockton News.
- an article in Stockton News (date to be agreed) based on a question and answer session about the code; what Members should and should not do as a result of its provisions and the Standards Committee's role in relation to the code.

The Monitoring Officer explained that allied to this, the following would, or would continue to take place:-

- Members; Officers and Town/Parish Clerks would be informed of important items on Standards Committee agendas (both before and after meetings).
- Members and Officers would be provided with regular briefing notes on particular aspects of the new Code, in bite-size pieces. These would be copied to Town/Parish Clerks, as appropriate.
- Standards Committee details would be publicised on the website on pages dedicated to standards and probity.
- as reported elsewhere on the agenda, Standards Committee members would attend Town/Parish Council meetings and would observe Borough Council meetings (full Council, planning and licensing committees).
- the Standards Committee Chair and Monitoring Officer would meet regularly with the Leader; Cabinet Member for Corporate and Social Inclusion and the Chair of Executive Scrutiny; to discuss standards and probity.

The Committee considered the proposals and agreed that they were acceptable.

RESOLVED that the communications plan be agreed.

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23/07 **Information/Discussion Items**

The Committee received and considered the following information:-

1. Local Government Bill - Part 10 - ACSeS Commentary

2. Local Government Bill - Part 10 continued - ACSeS Commentary

3. Standards Board - Annual Review 2006/07

RESOLVED that the information be noted.

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24/07

Standards Committee Forward Plan 2006/2008

The Committee was provided with the Forward Plan for 2006/2008.

RESOLVED that the plan be noted.