

Standards Committee

A meeting of Standards Committee was held on Thursday, 29th November, 2007.

Present: Mr F W Hayes (Chairman) Cllr Paul Baker, Mr T Bowman, Mrs E Chapman, Cllr Ian Dalgarno, Cllr John Fletcher, Mr L W Hedley, Mrs F Robinson and Cllr Andrew Sherris

Officers: D. Bond, M. Henderson (LD)

Also in attendance: Councillor Terry Laing

Apologies: Councillor Mohammed Javed

S 61/07 **Declarations of Interest**

Councillor Fletcher declared a personal, non prejudicial interest in item 5 entitled 'Attendance at Town/Parish Council Meetings' as he was a Member of Eaglescliffe and Egglecliffe Council.

Mr T. Bowman declared a personal, non prejudicial interest in item 5 entitled 'Attendance at Town/Parish Council Meetings' as he was a Member of Ingleby Barwick Town Council.

Mr L.W. Hedeley declared a personal, non prejudicial interest in item 5 entitled 'Attendance at Town/Parish Council Meetings' as he was a Member of Stillington and Whitton Parish Council.

S 62/07 **Minutes**

The minutes of the meetings held on 20th September 2007, 11th October 2007 and 18 October 2007 were signed by the Chairman as a correct record.

S 63/07 **Observing Council Meetings**

The Committee received feedback from Standards Committee Members who had observed the following meetings: -

- Council – 17 October 2007
- Planning - 31 October 2007
- Planning - 21 November 2007

Observers reported that they had no major concerns relating to the conduct of the meetings. However, some indicated that they considered that the acoustics in the Council Chamber were poor and that it was particularly difficult to hear proceedings in the Public Gallery. It was suggested that an audio speaker be sited in the gallery.

The Committee noted that the Council Chamber was fitted with microphones and an amplification system to assist hearing. An Observer, at a previous meeting, had expressed concern about acoustics, particularly when the amplification system was turned off during private sessions. The system allowed debate to be heard in an anteroom and there were difficulties and concerns associated with isolating the system to the Council Chamber only.

Officers indicated that they would investigate this issue in further detail.

RESOLVED that the information be noted.

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64/07** **Attendance at Town/Parish Council Meetings**

The Committee received feedback from Members who had attended the following meetings of Town and Parish Councils: -

Grindon Parish Council – 9 October 2007
Billingham Town Council – 16 October 2007
Egglecliffe and Eaglescliffe Council – 18 October 2007
Stillington and Whitton Parish Council – 6 November 2007

Copies of assessment sheets completed as a result of attendance at the meetings were circulated.

Following discussion Members indicated what feedback they wished to provide to each Council. Feedback would cover the following areas: -

- Procedure for resolving to exclude the press.
- Declarations of Interest/Introduction of Standards Committee

The Introduction of Standards Committee Members attending meetings would be raised with Council's when arranging attendance at future meetings.

RESOLVED that the feedback be noted and relevant issues be raised/highlighted with the appropriate Town /Parish Council.

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65/07** **Members' and Officers' Interests**

Members considered a report that provided information relating to Members' and Officers' Interests. Information provided covered the following areas: -

- An update on the Members' Register of Interests forms returned following the adoption of the new code.
- A flowchart providing advice to Members on declarations of interest.
- Audit Commission data matching exercise.
- Advice issued to Members.
- An inspection of the Officers' Register of Interests.
- Officers' registration of interests and a flowchart providing advice on disclosure.
- Schools' Register of Employees.

Members considered the information provided and requested that the flowcharts discussed be circulated to Members and Officers as appropriate.

RESOLVED that: -

1. the information be noted.

2. the Members' declaration of Interest flowchart and the Officers disclosure of interests flowcharts be circulated to Members and Officers as appropriate.

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66/07 **Revised Code of Conduct - Standards Board Guidance**

The Committee considered a report that provided details of new guidance recently issued by the Standards Board in relation to the revised Code of Conduct.

It was explained that the Standards Board had produced a range of online Code of Conduct fact sheets, providing guidance and information on topics identified as receiving the most interest from people working with, and applying the Revised Code. The fact sheets could be accessed on the Standards Board website.

The Committee noted that copies of the fact sheets relating to gifts and hospitality and personal and prejudicial interests had been circulated to all Members, Heads of Service, the Corporate Management Team, Principal Solicitors and Democratic Services Team Leaders. Officers were asked if they could, as appropriate, circulate the information to others within their service areas.

Town/Parish Clerks were sent copies of the fact sheets regarding the ethical framework and personal and prejudicial interests, and were asked if they could bring them to their Council's/Councillors' attention.

Attached for the Committee's consideration were the following fact sheets: -

- Bullying
- Disclosing Confidential Information
- Gifts and Hospitality
- Lobby groups and declarations of interest
- Personal and prejudicial interests
- The ethical framework for local government.

The Committee agreed that details of this information be placed on the Council's website; the report and guidance would again be drawn to the attention of all Members (including Co-opted Members), appropriate Officers, and Town/Parish Clerks. Copies of the fact sheets would also be provided for the political groups and placed in the Members' Library.

RESOLVED that: -

1. the new guidance be noted.
2. details of the guidance be placed on the Council's website.
3. the report and guidance be drawn to the attention of all Members, co-opted Members, appropriate Officers and Town/Parish Clerks.
4. copies of the guidance be provided for the political groups and Members' Library.

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67/07 **Revised Code of Conduct - Prejudicial Interests - Proposed Guide for Members**

The Committee considered a report that provided details of a proposed guide regarding the application of paragraph 12 (2) of the revised Code of Conduct.

Members were reminded that the paragraph 12(2) provided that a Member with a prejudicial interest may attend a meeting, but only for the purpose of making representations, giving evidence or answering questions and only if the public had the same rights.

The provision did not allow a Member with a prejudicial interest to participate in the debate on the matter to which the interest related.

Once the Member had made representations, answered questions or given evidence, prior to any debate, they had to then leave the meeting room, and not seek improperly to influence the decision on the matter.

In order to assist Members and Officers (particularly Members with prejudicial interests wishing to use paragraph 12(2), Chairs and Officer advisors), a guide to applying the paragraph had been drafted and was provided to the Committee.

A copy had been circulated to Members and Officers for comments.

The Committee considered that the guide would be extremely helpful to Members and Officers and agreed that it should be re-circulated and drawn to the attention of those Members and Officers detailed above and Town and Parish Councils.

It was explained that once paragraph 12(2) had been used by a Member with a prejudicial interest, at a meeting, it was essential that this was evidenced appropriately in the minutes of the meeting. The Committee agreed that the following form of wording should be brought to the attention of Democratic Services Officers and they be asked to consider using it in relevant minutes: -

‘that Councillor ... declared a personal and prejudicial interest in this matter/item ...,due to... (description of nature of interest), but made representations/gave evidence/answered questions under paragraph 12(2) of the Code of Conduct, and then left the meeting room’.

RESOLVED that

1. the proposed guide be agreed.
2. the guide be specifically drawn to the attention of all relevant Members and Officers.
3. Democratic Services be asked to note the particular requirement to evidence the use of paragraph 12 (2) in the minutes of a meeting.
4. the report and guide be drawn to the attention of all Town/Parish Clerks, for circulation to their Members.

The Committee considered a report that provided details from the local filter pilots, which had been presented to the recent Annual Assembly of Standards Committees.

At the Assembly a representative from South Cambridgeshire District Council presented details of their local filter pilot, which was carried out under the provisions in the then Local Government Bill.

The Committee considered copies of a flow chart used in the pilot, together with case examples explaining how South Cambridgeshire applied the process in practice.

The Committee also considered a report from the Hampshire and Isle of Wight local filter pilot, which involved a joint committee arrangement.

It was explained that the reports and the information they provided built on the training provided on 25 October 2007 which was facilitated by Peter Keith Lucas and contained an afternoon session of practical consideration of the local filter process.

Further role specific training would be required once the Council had established the panels which would be necessary to consider complaints at first instance; to conduct reviews and to investigate/determine allegations.

It was explained that the Bill had become law, and regulations and guidance would, in due course, be consulted on and introduced to assist Councils to take on the new local filter process.

RESOLVED that the information be noted.

S 69/07 **Comments, Commendations and Complaints - Second Quarter of 2007/08**

Consideration was given to a report that provided details of commendations and complaints received during the second quarter of 2007/08 (July to September 2007 inclusively).

During the second quarter the Authority had received 228 complaints (compared to 203 in the same period in 2006/07) and 424 commendations (compared to 419 in the same period in 2006/07).

Members were provided with a breakdown of complaints and commendations by Service area and noted some of the main messages from the second quarter information.

RESOLVED that the report be noted.

S 70/07 **Information/Discussion Items**

The Committee received and considered the following information: -

1. Weightmans – Ethical Standards Clinic – September and October 2007
2. Standards Committees' Annual Assembly: -

- Striking a balance: Disclosure and public interest
- The daily detail – issues one, two and three

3. Communication, Engagement and Consultation Strategy
4. Weightmans – Local Government and Public Involvement in Health Act – Conduct in private capacity
5. Weightmans – Adjudication Panel Case Summaries

RESOLVED that the information be noted.

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71/07 **Standards Committee Forward Plan 2006/2008**

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

RESOLVED that the plan be noted.

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72/07 **The Code Uncovered DVD***
(*For Members not in attendance at the last meeting)

Members of the Committee were provided with another opportunity to view a DVD produced by the Standards Board for England which used a fictional planning application dispute to illustrate the key changes to the revised Model Code of Conduct.

The DVD examined the rules about declaring interests, disclosing confidential information and bullying.

RESOLVED that the information be noted.