

Standards Committee

A meeting of Standards Committee was held on Thursday, 24th January, 2008.

Present: Mr F W Hayes (Chairman), Cllr John Fletcher, Cllr Andrew Sherris, Mr T Bowman (Parish Representative), Mr C V Algie (Parish Representative), Mrs E Chapman (Independent), Mrs F Robinson (Independent)

Officers: D E Bond, J McGeeney, S Johnson (LD)

Also in attendance: No other persons in attendance

Apologies: Cllr Paul Baker, Cllr Ian Dalgarno, Cllr Mohammed Javed

S **Declarations of Interest**

84/07

Mr T Bowman declared a personal/non-prejudicial interest in Attendance at Town/Parish Council Meetings, due to being a Member of Ingleby Barwick Parish Council.

S **Minutes of the meetings held on 29th November 2007 and 13th December 2007 - for signature**

85/07

The minutes of the meetings held on 29th November 2007 and 13th December 2007 were signed by the Chairman as a correct record.

S **Learning and Development Strategy for Members**

86/07

Members considered a report that advised of notification received from the North East Improvement Partnership that the Council's commitment to Learning and Development for Elected Members had been assessed as meeting the best practice standards required by the North East Charter for Member Development; and was therefore regarded as meeting the necessary requirements in order to be awarded Charter Status.

The Development Officer for Elected Members was in attendance at the meeting and summarised some of the main content of the Assessors report; as well as the suggestions for further development to ensure that the Authority continued to build upon its initial successful approach to Member Development.

The Committee was also provided with an update of progress made with regard to meeting Members own personal development needs and preferred learning styles, as specified within one to one Personal Support Plan interviews. It was noted that invitations for Personal Support Plan interviews had been extended to the Standards Committee's independent and parish representatives. This was highlighted as being particularly important in the context of the proposed new local assessment framework e.g. in terms of chairing skills for those independent members who would be required to chair Standards sub-committees/panels. Members were also provided with details of the Authority's investment in regional Member Development provided by the Improvement Partnership.

The report also provided clarification of the flexibility allowed within the programme of mandatory training for Planning and Licensing; as well as the

specification being discussed by officers for the development of an in house database allowing the recording and sharing of learning information obtained by members and detailing future learning and development opportunities.

RESOLVED that:-

1. The notification received confirming that the Council's commitment to Learning and Development for Elected Members has been assessed as meeting the best practice standards required of Charter Status from the North East Charter for Member Development, be noted.
2. The suggestions received from the assessors regarding possible future improvement for Member Development Support; as identified at paragraph 6 of the report, be noted and be the subject of future reports to the Members Advisory Panel; and to the Standards Committee as appropriate.
3. The update position regarding the delivery of support resources to members arising from their PSP be noted; along with the invitation for independent and parish members of the Standards Committee to partake; and efforts continue to be made to source the remaining required support with regular update reports provided to both the Members Advisory Panel, the Member Development Champion and the Standards Committee, as appropriate.
4. The development of a Learning and Development Database for Members be noted.
5. The proposed delivery of annual mandatory training for members serving on the Planning and Licensing Committees, as identified at paragraphs 20-21 of the report, be noted.

S Attendance at Town/Parish Council Meetings

87/07

Members considered a report 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. Attending such meetings would, in particular, have the benefit of raising the Committee's and Committee Members' profile at a parish level, and also provide Committee Members with a greater awareness of, and insight into Town/Parish Councils and Councillors' work.

Previously, Committee Members had attended meetings at nine of the sixteen Town/Parish Councils in the Stockton area. The Monitoring Officer advised that details were being received from the other Town/Parish Councils of meetings which Committee members would also be able to attend.

The details of potential meetings for Standards Committee Members to attend that had been received so far were provided to Members.

The Committee agreed to provide the Monitoring Officer with the meeting dates

that they could attend.

RESOLVED that Committee members provide the Monitoring Officer with the meeting dates that they could attend and that, subject to this, arrangements be made for such attendance to take place.

**S
88/07** **Constitutional Update**

Members considered a report that provided details of revisions that had been made to the Council's constitutional framework.

It was indicated that revisions to the Constitution had been finalised and published at the end of November and that the updated version had been made available on the internet (<http://sbcinternet/yourcouncil/constitution/>).

Amendments of note included the following:-

- additional information regarding partnerships - Part 2 - Article 10A
- new details relating to diversity eg amendments to the Member/Officer protocol about Members and Officers expectations and a change to the principles of decision-making to include respect for human rights and equality of opportunity
- new Cabinet Member portfolios - Part 8
- inclusion of revised Code of Conduct for Members - Part 5
- the updated gifts and hospitality protocol - Part 8
- general guidance on the revised Code of Conduct - Part 8
- the revised Members' Use of IT Equipment protocol, including guidance on data protection issues - Part 8.

It was advised that further changes to the newly published version of the Constitution would be required in due course. These were:-

- incorporating the Communication, Consultation and Engagement Framework
- adding reference to the new Sustainable Community Strategy
- revising the delegation scheme to include:
 - o Gambling Act powers (agreed at Council on 28 November 2007)
 - o Stockton/Darlington Partnership functions
 - o new Planning delegations
- changes arising from users consideration of the new version.

RESOLVED that:-

1. The report be noted.
2. It be brought to the attention of all Members and relevant Officers.

**S
89/07** **Summary of Allegations of misconduct determined by the Standards Board for England and cases referred for local investigation**

Members considered a report that provided details of misconduct allegations regarding Members of Councils within the Stockton Borough area, which had been dealt with by the Standards Board and the Standards Committee during the third quarter of 2007/08.

During the period 1 October 2007 to 31 December 2007 one allegation against a Councillor had been determined by the Standards Board. No breach of the code had been found.

A further allegation had been determined locally by the Standards Committee. Again, no breach of the Code had been found.

It was indicated that there were currently no allegations referred for local investigation outstanding. It was noted, however, that there were two complaints currently being investigated by Ethical Standards Officers.

RESOLVED that the information be noted.

**S
90/07** **Member Conduct – Officer Protocol**

Consideration was given to a report that recommended a protocol for addressing Officers' concerns about the conduct or behaviour of a Member.

It was noted that the Council's Code of Conduct required Members to treat others with respect and not to bully anyone.

Guidance relating to these provisions of the Code indicated that Members may properly:-

- seek to discredit opponents' policies and actions
- criticise ideas and opinions
- challenge and scrutinise policy and performance
- request explanations about such matters; and may
- do this robustly

It was made explicitly clear however that Members must do this in a correct way and in a proper forum; and that they must not:-

- be unreasonable or make personal attacks, which are excessive or offensive;
- or
- be rude, abusive or disorderly.

It was noted that bullying was expressed to be behaviour which was:-

- offensive, intimidating, malicious, insulting or humiliating;
- directed at a weaker person or persons over whom someone has actual or perceived influence;
- an attempt to undermine an individual or a group;
- detrimental to confidence and capability;
- either a one off incident or part of a pattern of behaviour; and which may adversely affect an individual's health.

It was advised that the conduct expected of Members was highlighted throughout the Council's constitutional and governance framework and Members were provided with specific examples of this.

It was explained that where these high standards and expectations were not met and Officers had concerns about Members' conduct, the protocol on

Member/Officer relations envisaged an initial, informal approach to resolving such concerns, prior to recourse to more formal procedures, such as the grievance process.

Members were provided with a copy of the protocol which developed this approach and aimed to provide Officers with an opportunity to raise and resolve concerns about Member conduct within the Council.

The protocol had been endorsed by the Members Advisory Panel at its meeting on 17 December 2007.

Members of the Committee requested that the protocol be drawn to the attention of the Council's Human Resources department and also to Union Representatives for consideration.

RESOLVED that:-

1. The protocol be agreed.
2. The protocol be drawn to the attention of Human Resources and Union Representatives for consideration, and that,
3. Subject to this, the protocol be publicised.

**S
91/07**

Work Programme – 2007/08 – Monitoring Officer

Members considered a report that provided a position statement regarding the progress in fulfilling the Monitoring Officer work programme for 2007/08.

Members were reminded that the Monitoring Officer's Annual Report for 2006/07, as reported to 16 August 2007 meeting, included a work programme for 2007/08.

Members were provided with a copy of the schedule containing details of the work programme. The schedule set out the seven improvement areas, key actions for each, the target dates for completion, progress, any comments, any necessary remedial action and, where appropriate, revised target dates.

It was advised that a final year end outcome would be reported to a future meeting of the Committee in the new municipal year.

The Monitoring Officer's Annual Report for 2007/08 would reflect this and include a work programme for 2008/09.

RESOLVED that progress against the work programme be noted.

**S
92/07**

Ethical Governance – Audit/Light Touch Health Check

Members considered a report that provided details of current progress against the ethical governance audit and IDeA light touch health check action plans.

As previously reported to Committee, progress against the ethical governance audit and IDeA light touch health check action plans was continuing to be

monitored.

Members were provided with a copy of a schedule that incorporated all of the key targets from the audit and health check action plans, and outlined the progress against each target.

It was advised that the final year end outcome would be reported to a future meeting of the Committee in the new financial year.

RESOLVED that progress against the action plan be noted.

**S
93/07**

Local Assessment Framework – Consultation Paper

Consideration was given to a report that provided the Committee with an opportunity to consider and provide comments on a consultation paper relating to the proposed new local assessment framework, which was published on 3 January 2008 by the Department for Communities and Local Government (“CLG”).

As previously reported to the Committee, the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) amended the ethical conduct regime established by the Local Government Act 2000.

The 2007 Act proposed the establishment of a local assessment framework within which misconduct allegations against Members would be referred to and considered by local standards committees, rather than the Standards Board as at present. It was explained that in the new framework, the Standards Board would provide support and guidance to standards committees in their decision-making role.

It was advised that prior to putting these new arrangements into place, CLG had published a consultation paper seeking views on the proposed arrangements.

Members of the Committee were provided with a copy of the press release, a letter to local authorities and the consultation paper.

The consultation paper sought views on the arrangements for:-

- the operation of standards committees’ powers to make initial assessments of misconduct allegations;
- the operation of other functions by standards committees and the Adjudication Panel in issuing penalties and sanctions;
- the operation of the Standards Board’s revised strategic role to provide supervision, support and guidance for the regime;
- other matters, ie the rules on the issue of dispensations, the issue of exemptions of posts from political restrictions and the pay of local authority political assistants.

It was explained that the paper then set out for each of these issues in turn, the specific purpose of the provisions, the proposals for how the rules should operate via appropriate regulations and orders under the 2007 Act, and sought views on the proposals, including highlighting particular questions on which consultees’ comments would be welcome.

Members of the Committee were provided with a copy of the questions and discussed all of the related issues. In particular, the Committee made comments relating to:-

- Independent Chairs. The Committee queried whether Parish Representatives could chair meetings where non parish councillor complaints were involved.
- Referring cases back to the Standards Committee. The Committee discussed whether in circumstances where the Monitoring Officer became aware of a further potential misconduct allegation relating to the matter currently under investigation, this should be the subject of another complaint.
- Joint arrangements. The Committee agreed that this was an option but that the provisions would need to be as flexible as possible in order to be effective.
- Implementation. Members of the Committee raised concerns in relation to a proposed 1 April 2008 commencement, as it was considered that this would leave insufficient time for arrangements to be put into place and the required training to be delivered. A later date was considered preferable.

The Monitoring Officer advised that the comments made by the Committee would be reported to the meeting of the Members Advisory Panel on 29th January. It was noted that the CLG consultation period ended on 15 February 2008.

It was indicated that CLG aimed to undertake a separate consultation on amendments to the instruments setting out the general principles that governed the conduct of local councillors and the model code of conduct which members were required to follow.

RESOLVED that:-

1. The Committees comments be formulated into a response to the specific consultation issues and that this be finalised in consultation with the Chair; and that
2. Subject to any comments from the Members Advisory Panel, the agreed response be submitted to CLG.

**S
94/07**

Local Assessment – Stockton’s Arrangements

Members of the Committee considered a report that outlined what was happening to the national standards framework and put forward proposals for dealing with the framework more effectively at a local level.

The key changes to the national standards framework were as follows:-

- Standards Committees (as opposed to the Standards Board) would be responsible for receiving allegations and deciding whether any action needed to be taken (referred to as “local assessment”);
- Standards Committees would probably have to be chaired by independent members;
- Standards Committees would report periodically to the Standards Board on their performance;
- Standards Committees would be allowed to enter into joint working

arrangements with other standards committees; and

- The Standards Board would be responsible for monitoring and ensuring the effectiveness of local arrangements, including supporting authorities which were experienced difficulties and driving up their performance.

It was explained that regulations would need to be drafted and guidance provided to prescribe how some of these provisions would work in practice, not least local assessment and monitoring arrangements. Local assessment was on course to come into effect in April 2008 and the Standards Board was conscious of the need to have the legislation and the guidance in place before then.

It was explained that to support local authorities, the Standards Board would be producing a range of comprehensive guidance on the framework. Although the Board was currently preparing the guidance based on what they anticipated the regulations would contain, the final regulations would need to be in place before they could finish and publish it.

The Committee were advised that the guidance to be published by the Board would focus on five areas:-

- the role and make-up of standards committees
- local assessment and how it would operate
- local investigations
- local determinations
- monitoring and audit arrangements

It was explained that in the meantime, the Board had issued a checklist of issues for local authorities to consider in the run-up to the implementation of the locally managed framework. The checklist covered issues relating to the following:-

- Size of standards committee
- Structure of standards committees
- Training
- Local Assessment Criteria
- Role of the Monitoring Officer in the new framework
- Completing existing investigations
- Local Assessment and the corporate complaints process
- Future monitoring by the Standards Board
- Local assessment guidance

The Committee were provided with views on the issues raised in the checklist from Stockton's perspective and Members discussed each of them, and agreed a suggested response, where possible at this point in time. The aim of this being to begin developing Stockton's approach to the new framework.

It was indicated that Council had already agreed to increase the number of substitute parish representatives on the Standards Committee from one to two.

Recommended that Council approve the following:-

- 1. The appointment of a substitute Independent Member to the Committee.**

- 2. The establishment of a panel of five named substitute elected Members (comprising 1 Labour, 1 Conservative, 1 Liberal Democrat Member and 2 Members from two of the TIA/IBIS/BIA groups).**
- 3. That all substitute Members, as well as full Standards Committee Members, be trained in relation to the Code of Conduct and the local assessment framework (regulations, guidance and procedures).**
- 4. That the size of the Standards Committee be retained at 10 Members (5 elected Members; 3 Independent Members, with one as the Chair and 2 Parish representatives), but that the position be kept under review in light of the forthcoming regulations, the proposed guidance from the Standards Board and the experience of operating the local assessment arrangements.**
- 5. That the Standards Committee members and substitute members of the Committee, together operate as a pool of members to deal with the different roles inherent in the new local assessment framework.**
- 6. That two separate Standards Committee Panels of three members each, be established. One panel to take initial assessment decisions and one to take decisions on reviews, with their respective terms of reference to be agreed following the issue of the relevant regulations and related guidance.**
- 7. The retention of the present Standards Committee hearing panel, as previously agreed, but that the position be kept under review in light of the forthcoming regulations; the proposed Standards Board guidance and the experience of operating the local assessment arrangements.**
- 8. That the existing Standards (parish) Sub-Committee be dissolved.**
- 9. Training in chairing meetings to be provided for Independent Chairs and Vice Chairs of the proposed/existing Standards Committee panels together with any other Committee members or substitutes who would be able under the proposed regulations to chair meetings/hearings.**
- 10. Further consideration be given at a future Committee meeting to the details of the required local assessment criteria, taking into account the guidance proposed by the Standards Board.**
- 11. Further consideration be given to the issues raised at paragraph 7(e) of the report (role of the Monitoring Officer in the new framework), taking into account the forthcoming regulations, proposed guidance and the Council's decision regarding resources.**
- 12. Proposals for publicising, both internally and externally, the new local assessment arrangements be the subject of a report to a future Committee meeting, and that**
- 13. At a future meeting the Committee considers:-**
 - the Standards Board's proposed on line monitoring procedure; and**

- the Board's proposed local assessment guidance and toolkit.

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95/07 **Information/Discussion Items**

The Committee received and considered the following information:-

1. Standards Board Bulletin 36
2. Standards Board Case Summaries
3. Weightmans - Ethical Standards Clinic - November 2007

RESOLVED that the information be noted.

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96/07 **Standards Committee Forward Plan 2006/08**

The Committee was provided with the Forward Plan for 2006/2008 and the provisional dates for Standards Committee meetings 2008/2009.

RESOLVED that the information be noted.