

# **STANDARDS COMMITTEE AGENDA**



**Tuesday 15 September 2009**

**at 4.00 p.m.**

**in Committee Room C,  
Civic Centre, Hartlepool**

MEMBERS: STANDARDS COMMITTEE:

Councillors Coward, Fleet, Lauderdale, Preece, Shaw, Simmons and Turner

Co-opted Members: Barry Gray and Ted Jackson.

Parish Councillors: Ray Gilbert (Elwick Parish Council), and Alan Bell (Hart Parish Council).

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **MINUTES**
  - 3.1 To confirm the minutes of the meeting held on 28 July 2009.
4. **ITEMS FOR DECISION**
  - 4.1 Role and Remit – Standards Committee – *Chief Solicitor*
5. **ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

# **STANDARDS COMMITTEE**

## **MINUTES AND DECISION RECORD**

28 July 2009

The meeting commenced at 4.00 p.m. in the Civic Centre, Hartlepool

**Present:**

Mr Barry Gray (In the Chair)

Councillors John Coward, Mary Fleet, John Lauderdale, Arthur Preece,  
Jane Shaw, Chris Simmons and Mike Turner.

Independent member: Mr Ted Jackson.

Parish Councillor: R Gilbert.

Officers: Tony MacNab, Solicitor  
David Cosgrove, Democratic Services Team.

### **1. Apologies for Absence**

Parish Councillor A Bell.

### **2. Declarations of interest by members**

None.

### **3. Confirmation of the minutes of the meeting held on 28 April 2009**

Minutes confirmed.

The Solicitor referred to Minutes 44 'Maintaining Members' Register of Interests Electronically' and 45 'Parish Council Representation – Standards Committee' which were both to be reported to Council on 30 July 2009. In relation to the Parish Council Representation, the Solicitor indicated that in order to increase the parish representation to three councillors, there would need to be a subsequent increase in the number of independent member positions from three to four. Subject to Council approval, this and the current vacancy would be advertised.

### **4. Monitoring Officer Protocol** (*Chief Solicitor*)

The Solicitor reported that since the introduction of the Local Assessment and

Determination Procedures in May, 2008, the Standards Committee had continued to develop its practices and procedures in this area of maintaining high ethical standards within the Authority. Not least, the development of the “Assessment Criteria” as being fundamental in the operation of the Local Assessment Procedure process and how it should operate.

It was now considered appropriate that Members should consider the Assessment Criteria and other applicable guidance as issued through the Standards Committee with a Monitoring Officer Protocol to cover the initial assessment of standards complaints. A ‘Draft Protocol’ for the consideration of the Committee was submitted as an appendix to the report. Members’ attention was drawn to the area of “local resolutions”. Members were asked to consider the submitted “Monitoring Officer Protocol”.

Members welcomed the process that would enable the Chief Solicitor to resolve complaints informally if an apology could be given and accepted thus removing the need for a formal investigation.

#### **Decision**

That the Monitoring Officer Protocol be approved and adopted.

### **4. The Standards Committee (Further Provisions) (England) Regulations 2009** *(Chief Solicitor)*

The detailed report set out the implications and changes contained within the Standards Committee (Further Provisions) (England) Regulations, 2009 that came into force on 15th June, 2009. The regulations made various provisions in relation to intervention by the Standards Board for England, the creation of Joint Standards Committees and clarification upon Members dispensations.

Members discussed the issue of the joint standards committees introduced by the regulations. It was acknowledged that the new regulations in this regard could allow two authorities to work together to seek local resolution to matters without the need to involve the Standards Board for England. However, there was some scepticism that authorities would necessarily always wish to work together on such matters that are referred to Standards Committees. Members welcomed the clarification on Members dispensations.

#### **Decision**

1. That the report and the Standards Committee (Further Provisions) (England) Regulations, 2009 be noted.
2. That the Monitoring Officer advises all Members of the Authority of the new grounds for application for a dispensation and the procedure associated with such an application.

The meeting concluded at 4.25 p.m.

B GRAY

CHAIRMAN

**Report of:** Chief Solicitor

**Subject:** ROLE AND REMIT– STANDARDS COMMITTEE

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## **1. PURPOSE OF THE REPORT**

- 1.1 Part of the work programme for the Constitutional Working Group and Constitution Committee for 2009 – 2010, is a consideration of the reporting mechanisms to Council of the Standards as well as the General Purposes Committees. Presently, the recommendations made by these committees have generally no direct reporting mechanism to Council. This report solely concerns itself with the current remit of the Standards Committee and suggests possible changes to that remit. The views of the Committee are therefore sought and will be reported back to the Constitution Working Group/Committee for further consideration.

## **2. BACKGROUND**

- 2.1 Members will be aware that the Standards Committee comprises both Borough Councillors and Parish Council representatives and the overall membership must have not less than 25% independent membership. Following the local assessment and determination process which became operative from the 8<sup>th</sup> May, 2008, the Committee has formed Sub-Committees to deal with the initial assessment and determination of complaints and also a Review Sub-Committee, to consider requests for a review of a complaint wherein a “no action” decision was given. At the Council meeting on the 30<sup>th</sup> July, 2009, it was recommended that the composition of the Committee should comprise three Parish Council representatives and therefore the number of Independent Members would also increase by one, from three to four Members. The Council also formally adopted a Planning Code of Practice at that meeting. There is also recognition that there should be oversight of the conduct of officers within an authority. Although, a formal Code of Conduct for Employees is still awaited, a majority of public bodies have adopted such ‘codes’ and/or ‘Officer/Member Protocols’. Clearly, the key requirement of the Standards Committee is to “promote and maintain high standards of ethical conduct” within the authority and also a pivotal role in advising the Council on the adoption or revision of the Members’ Code of Conduct. With the onset of increased scrutiny of the conduct of individuals associated with public bodies and to matters alluded to, within the confines of this report, it is opportune for the Committee to consider its present role and remit. The current functions of the Standards Committee under Article 9 of the Council’s Constitution is as follows:-

- i) *promoting and maintaining high standards of conduct by the Mayor, Councillors, co-opted members and church and parent governor representatives;*
- ii) *assisting the Mayor, Councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;*
- iii) *advising the Council on the adoption or revision of the Members' Code of Conduct;*
- iv) *monitoring the operation of the Members' Code of Conduct;*
- v) *advising, training or arranging to train the Mayor, Councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;*
- vi) *granting dispensations to the Mayor, Councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;*
- vii) *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; and*
- viii) *the exercise of (i) to (vii) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils.*

2.2 The Committee has engaged in activities which cover the broad spectrum of the governance of the Council as a public body. By way of example, commentary on the Planning Code of Practice, revisions to the Council's Whistle-blowing Procedure document, adoption of various protocols, responses to government consultations as well as operating the local assessment and determination process. For the purposes of discussion, the following areas of possible additional functionality of Standards Committee are set out below;

- *To recommend changes to full Council in relation to the promotion and maintenance of high ethical standards within the Authority;*
- *Promoting and maintaining high standards of conduct by officers;*
- *Assisting officers to observe a Code of Conduct for Employees and advising the Council on the adoption or revision of such a Code of Conduct for Employees;*
- *Monitoring the operation of a Code of Conduct for Employees;*

- *Dealing with the grant and supervision of exemptions from political restrictions in respect of all relevant Council posts;*
- *To receive and review from the Council's Audit Committee the Council's Annual Governance Statement and to make recommendations for the approval of the Annual Governance Statement to the Audit Committee;*
- *To consider complaints relating to the conduct of Members of the Council under the Member/Employee Protocol and the Planning Code of Practice;*
- *To monitor the operation of the Council's Anti-Fraud and Corruption Policy so far as it relates to the actions of Members of the Council;*
- *And to report on such matters to Council with recommendations thereon and that the Council may from time to time arrange for other functions to be discharged by the Standards Committee;*

### **3. RECOMMENDATION**

1. To note and to make recommendations thereon, for the consideration of the Constitution Working Group and Committee.