

STANDARDS COMMITTEE AGENDA



Tuesday 4th October, 2005

at 4 pm

in Committee Room A

MEMBERS: STANDARDS COMMITTEE:

Councillors Ferriday, Griffin, Iseley, J Marshall, Preece, Shaw and Wallace

Co-opted Members: Mr K Fisher, Mr B Gray, Parish Councillor Mrs P Campbell,
1 Vacancy

Parish Councillor Mrs M Pearson (For Information Only)

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

- 3.1 To confirm the minutes of the meetings held on 14th June and 9th August 2005
(attached)

4. ITEMS FOR DISCUSSION/DECISION

- 4.1 Independent Member – Appeal Panels – *Chief Solicitor*
4.2 Ethical Standards National Conference, 24th November 2005 – *Chief Solicitor*

5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

STANDARDS COMMITTEE

MINUTES AND DECISION RECORD

14th June 2005

Present:

Mr Barry Gray (In the Chair)

Councillors Ferriday, Griffin, Marshall, Preece and Shaw

Independent Member: Mr Keith Fisher

Officers: Peter Devlin, Principal Solicitor
Angela Hunter, Principal Democratic Services Officer

1. Vice-Chair, Mrs Enid Tunstall

A tribute was made to Mrs Enid Tunstall who had recently passed away. She served as Vice-Chair to the Standards Committee since April 2000 and had a long and distinguished service as a Magistrate. The thoughts of the Committee were with her family at this sad time.

The Principal Solicitor updated the committee on the advertisement for new lay members, after which appointment, a Vice-Chair would be nominated.

2. Apologies for absence

Apologies for absence were submitted on behalf of Councillor Bill Iseley and Parish Councillor Mrs Pat Campbell.

3. Declarations of interest by members

None

4. Confirmation of the minutes of the meeting held on 8th March 2005

Confirmed.

5. Code of Conduct – A Code For The Future (*Chief Solicitor*)

Purpose of report

To conclude the Committee's consideration of the consultation paper "A Code for the Future".

Issue(s) for consideration by the Committee

As confirmed in the minutes, Members had previously considered the consultation paper issued by the Standards Board for England. This paper had also been discussed by both the Corporate Management Group and the Cabinet. A summary of the views expressed by CMG and endorsed by Cabinet on 5th April 2005 was attached by way of appendix.

Comments from the Group Leaders and independent councillors were still awaited. The consultation paper had been placed in the Members room and could also be viewed on the Standards Board website. All responses to the consultation were required by 17th June.

Decision

The annex, attached by way of appendix to the report, was adopted as the Council's response to the consultation paper.

6. Complaints to Standards Board of England – Monitoring Officer Annual Report 2004/2005 (*Chief Solicitor*)

Purpose of report

To present the Committee with an annual report on the Standards Board's actions in relation to complaints relating to the borough and parish councils from 1st April 2004 to 31st March 2005.

Issue(s) for consideration by the Committee

Information regarding complaints dealt with by the Standard Board for England during the year 2004/2005 was attached by way of appendix.

The bulk of the complaints related to the conduct of parish councillors, which was consistent with the general pattern across the country. The outcome of investigations show that nationally, 20% of cases resulted in finding no breach whilst in 59% of cases, no action was taken. A breakdown of the complaints received about Councillors and Parish/Town Councillors was attached by way

of appendix.

The Council had a target of dealing with 90% of complaints received within six months. A discussion followed where some Members felt that six months was too long a duration for a complaint to be dealt with. It was suggested that it may be useful to split complaints into categories, minor or serious, although it was agreed it may be difficult to categorise some complaints.

Decision

The contents of the report were noted.

7. Any Other Business

The Principal Solicitor informed the Committee that a Standard Boards Roadshow was held on 26th May and the Annual Assembly was to be held on 5th/6th September. The Chair indicated that this was a very good event to attend and included details on the theory, practice and decision-making of standards committees. The necessary approval for the Annual Assembly to be included on the approved list of conferences/seminars would be sought to allow three members to attend.

The importance of training was discussed at length and all Members agreed that training needed to be provided in order to deal with issues in a proper manner. It was also felt appropriate that continuous training should be provided to deal with any changes in membership. One suggestion put forward was that Members could serve a term of office on the Committee to ensure continuity.

Decision

Approval would be sought for three members to attend the Annual Assembly of Standards Committees on 5th and 6th September 2005 in Birmingham.

BARRY GRAY

CHAIRMAN

STANDARDS COMMITTEE

MINUTES AND DECISION RECORD

9th August 2005

Present:

Mr Barry Gray (In the Chair)

Councillors Iseley, Preece

Independent Member: Mr Keith Fisher

Officers: Tony Brown, Chief Solicitor
Joan Wilkins, Principal Democratic Services Officer
Jo Wilson, Democratic Services Officer

8. Apologies for absence

Apologies for absence were submitted on behalf of Councillors Doug Ferriday, Sheila Griffin, John Marshall and Steve Wallace.

9. Declarations of interest by members

None

10. Inquorate meeting

It was noted that the meeting was inquorate. However, in view of the attendance of Mr Bob De'Ath to discuss with the Committee his application to become an independent member on the Authority's Appeal Panels it was agreed that the meeting should proceed, with any decisions to be deferred until the next meeting of the Committee.

11. Confirmation of the minutes of the meeting held on 14th June 2005

Deferred.

12. Interview for the position of Independent Member – Appeal Panels *(Chief Solicitor)*

Purpose of report

To interview an applicant for the position of independent member on the Authority's Appeal Panels.

Issue(s) for consideration by the Committee

Following the delegation by Council on 24th March 2005 of authority to the Standards Committee to advertise, interview and appoint to the role of Independent Members for the Complaints Review Panel an advertisement was placed in the Hartlepool Mail and Northern Echo inviting applications for the following positions:

- Independent Members on the Complaints Review and Education Appeals Panels.
- An Independent Member to serve as Vice-Chair on the Standards Committee. (This position was advertised following the sad death of the current Vice Chair).

Two applications were received, one for the Social Services Complaints Review Panel and one for the Social Services Complaints Review Panel and the Education Appeals Panel. No applications were received for Independent Membership of the Standards Committee. Details of both of the applications received from Mr Bob De'Ath and Mr Andrew Ward, and copies of the information made available to them prior to the submission of their applications, were provided.

Both individuals had been invited to discuss their applications and experience with the Committee; however, Mr Ward had unfortunately been unable to attend but was willing to attend a meeting on a later date. Mr De'Ath attend and was given the opportunity to put forward his views, knowledge and experience. Following completion of the interview the Committee thanked Mr De'Ath for his participation in the process and following his departure gave detailed consideration to the merits of his application.

Members views

- i) Mr De'Ath's appointment to the Social Services Complaints Review Panel and the Education Appeals Panel was supported and referred to the next meeting of the Standards Committee for approval.
- ii) That an additional meeting of the Standards Committee be convened to interview Mr Ward and consider approval of Mr De'Ath's appointment as supported by members at the meeting.

13. Standards Board For England – Bulletin:25

Purpose of report

To update members on that progress of the consultation process on the review of the Code of Conduct.

Issue(s) for consideration by the Committee

The Chief Solicitor updated Members' on the position of the consultation process regarding the review of the Code of Conduct. Particular attention was drawn to the future provision of a DVD to promote best practice in local investigations, and hearings, and issues raised regarding the future training requirements of the Committee. In considering training, Members highlighted the effectiveness of the mock training sessions provided at a training day last year and suggestion that it might be beneficial for similar session in Hartlepool. The Chief Solicitor agreed that this would be useful in anticipation of the adoption of the new Code of Conduct.

Decision

The contents of the bulletin were noted

BARRY GRAY

CHAIRMAN

STANDARDS COMMITTEE

4TH OCTOBER 2005



Report of: Chief Solicitor

Subject: INDEPENDENT MEMBER – APPEAL PANELS

1. BACKGROUND

At the last meeting, on 9th August, the principal business on the agenda was to deal with the appointment of independent members to the Council's social services and education appeals panels, as well as the Standards Committee.

Social Services and Education Appeals Panels

One of the two applicants, Mr. Andrew Ward was unable to attend on 9th August. However, it is anticipated that Mr Ward will attend for the purposes of an interview at this meeting. Accordingly the information by way of "Guidance Notes" appended to the report dated 9th August, 2005 are also included herewith at Appendix 1 and 2 to assist Members in their deliberations.

The other applicant, Mr. Bob De'ath attended in relation to his application for appointment to both appeals panels. However, due to the absence of a quorum, the business of the meeting could not be transacted, but in deference to Mr. De'ath, the members of the committee present undertook an interview, it being made clear to Mr. De'ath that it would be necessary for the matter to be referred for decision of the Standards Committee at their next meeting.

The members present were extremely impressed by Mr De'ath's application, and considered that in respect of experience, knowledge motivation and availability he was an ideal candidate to appointment to the panels. They therefore concluded:- *"Mr De'Ath's appointment to the Social Services Complaints Review Panel and the Education Appeals Panel was supported and referred to the next meeting of the Standards Committee for approval".*

Standards Committee

There having been no applications or nominations in respect of the appointment of an independent person to the Standards Committee, the

committee invited the Chief Solicitor to circulate political groups and other organisations who might be aware of persons interest in serving on the committee. There is attached at appendix 3 , a copy of the Chief Solicitors letter which invited nominations. At the date of preparation of this report, no response has been received to the letter and a reminder is to be circulated inviting a response in time for your meeting.

2. **RECOMMENDATIONS**

Social Services and Education Appeals Panels

That the Committee consider the views of the members present at the meeting on 9th August and the appointment of Mr. De'ath.

That the Committee interview Mr. Ward and determine his suitability for appointment.

Standards Committee

That the committee consider any responses received to the Chief Solicitors letter inviting nominations.

SOCIAL SERVICES COMPLAINT REVIEW PANEL

What sort of appeals will I hear?

The work of the Social Services Complaints Review Panel is concerned with a re-examination of an original investigation undertaken in respect of a complaint and its conclusions. The Panel will need to determine whether or not the investigation was conducted properly and fairly and whether the conclusions reached were logical and fair. The Panel are required to convey its recommendations to the Complainant and the Authority.

How much time will I need to offer?

This will depend on the number of 'complaints' proceedings beyond the informal first stage and the investigatory second stage of a complaint. The Review Panel is the "third stage" in the complaints process.

Do I get paid?

Unfortunately not, but your transport costs will be reimbursed. If appeals go over the lunch period, lunch will be provided. A small financial loss allowance is available for those Panel members who are able to prove loss of earnings as a result of attendance at hearings.

How many others will be on the panel with me?

Panels usually consist of three members. One member by law being an independent member. The independent member will ordinarily act as Chairman.

How will I learn what to do?

Training is provided for all new members. Further training is provided to keep members up to date with developments and any changes in the law.

Each panel also has the benefit of a Clerk to the Panel who can give advice.

What sort of people become Panel members?

People from all walks of life are welcome to serve as Panel members.

Am I eligible to be a Panel member?

It is vital that Review hearings are fair and independent. Panel members must be impartial and have no interest in the outcome of the case.

Consequently, there are some people who are disqualified from membership of a Panel. For example, any elected or co-opted member of the Authority or anyone employed by the Authority.

There are other people who may not be disqualified from sitting on a Panel, but may have an interest in the matter that would make it inappropriate for them to sit on a Panel.

I am still interested in becoming a Panel member, what do I do now?

An application form is provided for you to complete and return to the address shown below. The detailed questions in the form will not only confirm your eligibility to act as a Panel member, but also indicates the interests that you have in connection with the role of a Panel member. This information will help to ensure that you are not asked to sit on Review Panels where you might have an interest in the outcome of the same.

Please send application forms to: Angela Hunter, Principal Democratic Services Officer, Chief Executive's Department, Civic Centre, Hartlepool, TS26 8AY.

Your form will be checked to confirm that you are eligible to become a Panel member and in due course you will be contacted to arrange a mutually convenience time and date for an interview.

EDUCATION ADMISSION/EXCLUSION APPEAL PANEL MEMBERS

What sort of appeals will I hear?

The vast majority of the work of the Appeal Panels is concerned with admissions appeals. Very occasionally Appeal Panels will be called upon to consider appeals against the exclusion of a child from school.

You will generally hear Admission Appeals. You will have responsibility for making decisions in circumstances where a parent wishes their child to go to a particular school and has not been able to obtain a place. This may be for either primary or secondary schools.

How much time will I need to offer?

Admission Appeals are heard across the year. However, the busiest time for appeals is the period April-July. You would be contacted in advance to find out your availability for appeals.

Sometimes there will only be one or two appeals to be heard in a day, sometimes there will be enough appeals for a full day. During the peak period of bulk appeals, Panels may need to sit for several days at a time to hear all the appeals for one school.

If you are only available during certain months or on certain days of the week this is not a problem. Whatever time you can offer will be greatly appreciated.

Do I get paid?

Unfortunately not, but your transport costs will be reimbursed. If appeals go over the lunch period, lunch will be provided. A small financial loss allowance is available for those Panel members who are able to prove loss of earnings as a result of attendance at hearings.

How many others will be on the panel with me?

You will never have to make a decision on your own. Panels usually consist of three members, but sometimes there may be five members.

How will I learn what to do?

Training is provided for all new members. Further regular training is provided to keep members up to date with developments and any changes in the law.

Each panel also has the benefit of a Clerk to the Panel who can give advice.

What sort of people become Panel members?

People from all walks of life are welcome to serve as Panel members.

Both Admission and Exclusion Appeal Panels need Lay Members. Panel Members can be Lay Members if they are without personal experience in the management of any school or the provision of education in any school (disregarding any such experience as a governor or in any other voluntary capacity). At least one Lay Member must be on the Panel.

On Admission Appeal Panels, other members serve who have experience in education, are acquainted with educational conditions in the local education authority's area or are the parent of a registered pupil at a school. At least one member from this category must be on the Panel.

On Exclusion Appeal Panels, a person who is a head teacher of a maintained school (or has been a head teacher within the previous five years) must also serve. In addition, on Exclusion Appeal Panels a person who is or has been a governor of a maintained school (provided they have served as a governor for at least twelve consecutive months within the last six years) must also serve.

Am I eligible to be a Panel member?

It is vital that hearings are fair and independent. Panel members must be impartial and have no interest in the outcome of the case.

Consequently, there are some people who are disqualified from membership of any Appeal Panel. For example, any member of the Local Education Authority or anyone employed by the Local Education Authority.

You may not be generally disqualified but sometimes, you may be disqualified from sitting on a particular appeal panel. For example, a member of the Governing Body of the School in question should not be a member of the Panel.

There are other people who may not be disqualified from sitting on an Appeal Panel, but they have an interest in the matter that would make it inappropriate for them to sit on a panel. For example, a parent with a child at the school in question should not be a member of the Panel.

I am interested in becoming a Panel member, what do I do now?

An application form is provided for you to complete and return to the address shown below. The detailed questions in the form will not only confirm your eligibility to act as a Panel member, but also indicates the interests that you have in connection with specific schools. This information will help to ensure that you

are not asked to sit on appeals where you might have an interest in the outcome of the same.

Please send application forms to: Angela Hunter, Principal Democratic Services Officer, Chief Executive's Department, Civic Centre, Hartlepool, TS24 8AY.

Your form will be checked to confirm that you are eligible to become a Panel member. In due course you will be contacted to arrange a mutually convenient time and date for an interview.

Appendix 3

26th August 2005

Appointment of independent member of Standards Committee

The purpose of this letter is to invite nominations for appointment by the Council of an independent member of the Standards Committee to fill a current vacancy.

The Standards Committee comprises 7 councillors and 3 independent persons; there is also a parish representative. Upon the vacancy recently being advertised, no nomination or application was received, and accordingly, the Standards Committee agreed that an invitation to submit nominations should be circulated to interested groups.

You are therefore invited to let me know if you are aware of anyone who you think might fulfil the criteria for appointment as an independent member of the committee. I propose to write to any persons nominated inviting them to make an application for subsequent consideration by the Standards Committee.

Please note that a person may only be appointed as an independent member of a standards committee of an authority if s/he is -

- a person who has not within the period of five years immediately preceding the date of the appointment been a member or officer of the authority; and
- a person who is not a relative or close friend of a member or officer of the authority.

I enclose information which describes the role of the Standards Committee and the independent members. As the Standards Committee may be called upon to conduct hearings and adjudicate in relations to complaints regarding the conduct of council members, it is helpful but not essential that the independent members have some qualification or experience which would assist them in their involvement in a tribunal setting e.g. as a lawyer, magistrate or other participant in tribunal work.

Yours faithfully

Political Group Leaders, and independent members
Clerk to Justices, Hartlepool Magistrates Court
Chief Clerk Hartlepool County Court
Citizens Advice Bureau
HVDA
ORCA
Chamber of Commerce
West View Advice and Resource Centre
Unison

STANDARDS COMMITTEE
4TH OCTOBER 2005



Report of: Chief Solicitor

Subject: **ETHICAL STANDARDS NATIONAL CONFERENCE**
24th November 2005

The attached details have been received in respect of the Ethical Standards National Conference. Subject to necessary approval it is recommended that the Chief Solicitor (or his representative) and two members of the Standards Committee attend the conference, and the committee are invited to seek nominations.



- Counter Fraud
- Risk Management
- Ethical Standards
- Information Governance

ETHICAL STANDARDS CONFERENCE

NATIONAL RAILWAY MUSEUM, YORK

THURSDAY 24 NOVEMBER 2005

Anne Seex	Local Government Ombudsman
Chris Boothman	Chief Solicitor, Standards Board for England
Professor Conor Gearty	Barrister
Graeme Creer	City Solicitor, Liverpool City Council
Professor Alan Lawton	Teeside University

PROGRAMME

09.30 – 10.00 Arrival and Refreshments

10.00 – 11.15 **THE LATEST LEGAL DEVELOPMENTS**

Chris Boothman, Chief Solicitor at the Standards Board for England

11.00 – 11.15 *Coffee*

11.15 – 12.30 **ETHICS AND HUMAN RIGHTS – WHAT YOU NEED TO KNOW**

Professor Conor Gearty, Barrister at Matrix Chambers and tutor to the Adjudication Panel

12.30 – 13.30 *Lunch*

13.30 – 14.20 **CURRENT AND POTENTIAL ROLES FOR MONITORING OFFICERS – HOW OTHER COUNTRIES REGULATE CONDUCT IN LOCAL GOVERNMENT**

Professor Alan Lawton, Teeside University

14.20 – 15.00 **MALADMINISTRATION AND ETHICAL STANDARDS – THE EFFECTS ON MEMBERS AND OFFICERS**

Anne Seex, Local Government Ombudsman for the North of England



- Counter Fraud
- Risk Management
- Ethical Standards
- Information Governance

15.00 – 15.15

Refreshments

15.15 – 15.55

A VIEW FROM A MONITORING OFFICER

Graeme Creer, City Solicitor of Liverpool City Council

15.55- 1600

FEEDBACK AND FINAL DISCUSSION

**Please note that this workshop qualifies for 5½ CPD hours, for CIPFA accreditation and under Law Society number BDZ/CIPF and ILEX accreditation number 400255*