

At a meeting of the STANDARDS COMMITTEE held in the CIVIC CENTRE, SUNDERLAND on MONDAY, 18th FEBRUARY, 2013 at 4.00 p.m.

Present:-

Councillor Trueman in the Chair

Councillors M. Forbes, Macknight, Marshall, Mordey, Price, Richardson and Shattock.

Welcome

The Chairman welcomed everyone to the meeting.

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors Hepple and Wilkinson.

Declarations of Interest

There were no declarations of interest made.

Procedures for Dealing with Code of Conduct Complaints

The Head of Law and Governance submitted a report (copy circulated) detailing proposals for new written procedures to deal with complaints alleging breaches of the Members' Code of Conduct, together with a revised protocol for dealing with the media in relation to such complaints.

(For copy report – see original minutes).

Elaine Waugh, Head of Law and Governance presented the report outlining the key features and requesting the Committee to consider approving and adopting the new procedures and media protocol subject to any revision it required to be made.

1. RESOLVED that:-

- i) the new written procedures for dealing with complaints regarding alleged breaches of the Members' Code of Conduct as detailed in annex 2 of the report, be approved and adopted, and

- ii) approval be given to the new Media Protocol as detailed in annex 3 of the report.

Update on Assessment of Complaints

The Head of Law and Governance submitted a report (copy circulated) in respect of the above matter.

(For copy report – see original minutes).

Elaine Waugh, Head of Law and Governance presented the report advising the Committee that a complaint had been received from a member of the public to the effect that in a public forum, a Councillor had accused them of harassment. In consultation with the Independent Persons, the Head of Law and Governance had decided that no further action should be taken. It was not considered that the conduct complained about, if proven, would amount to a breach of the Code of Conduct. The Independent Persons were also of the view that the matter did not warrant investigation.

- 2. RESOLVED that the report be received and noted.

Amendment of Members' Code of Conduct / Recording of Gifts and Hospitality.

The Executive Director of Commercial and Corporate Services and Head of Law and Governance submitted a report (copy circulated) on proposed amendments to the Member's Code of Conduct in respect of the recording of gifts and hospitality.

(For copy report – see original minutes).

- 3. RESOLVED that Council be recommended to
 - i) amend the Member's Code of Conduct as set out in the Appendix to the report in order to include a requirement, to take effect from the date of amendment, for members and co-opted members to register in the Council's Register of Members' Interests, any offer of gift or hospitality with an estimated value of £50 and over and to clarify that the reference in the Code to Co-opted members is to members who are not elected members but are members of a committee or sub committee with a right to vote and;
 - ii) the Head of Law and Governance be authorised to publicise the amendment to the Code of Conduct on the Council's website

Update on the new Standards Regime and Disclosure and Registration of Interests

The Head of Law and Governance submitted a report (copy circulated) in respect of the disclosure and registration of interests under the new Standards Regime.

(For copy report – see original minutes).

Elaine Waugh, Head of Law and Governance presented the report informing Members that it had been hoped that the Department for Communities and Local Government (DCLG) would issue guidance regarding both the individual categories of interest and also the circumstances in which a member may not take part in a meeting, due to them having a disclosable pecuniary interest (DPI) in a matter under discussion.

The Committee was informed that whilst guidance had been issued by DCLG in relation to the Standards Regime it did not clearly address these matters. In the absence of further guidance it was recommended that members continue to apply the test of considering whether a reasonable member of the public, knowing the relevant facts, would consider that the member's interest is such that it could prejudice their judgement of the public interest.

In addition it was recommended that unless there was further clarity, either by way of case law or due to a change in legislation, the Council continued to apply the principle that any member with a DPI should not participate in a meeting in any capacity.

In response to an enquiry from Councillor Price, Ms Waugh stated that she would issue advice to Members regarding the implications in relation to attendance at Development Control Site Visits and lobbying by ward residents

4. RESOLVED that the report be received and noted.

Applications for Dispensations

The Head of Law and Governance submitted a report (copy circulated) in respect of the granting of dispensations to allow members to participate in any discussion or vote on a matter at a meeting where they had a disclosable pecuniary interest.

(For copy report – see original minutes).

5. RESOLVED that:-

- i) dispensations be granted to all elected members of the Council, for a period of four years from the date of this decision, to enable them to participate in any meeting of the Council, Cabinet, Committees, Sub Committees, Panels and Boards, in any of the business referred to in paragraph 8 (a) to (g) of the report, including speaking and voting, providing that where the interest of the member is such that it gives rise to any issue of bias or predetermination in respect of the business being considered, the member shall not participate in the consideration of the business; and

- ii) the Head of Law and Governance be authorised to grant dispensations in similar terms to any individual who subsequently becomes a member of the Council and who submits a written application for such a dispensation.

The Chairman thanked everyone for their attendance and contribution to the meeting.

(Signed) H. TRUEMAN
Chairman.