

At a meeting of the STANDARDS COMMITTEE held in the CIVIC CENTRE, SUNDERLAND on 30TH MAY, 2012 at 2.30 p.m.

Present:-

Mr. G.N. Cook in the Chair

Councillors Forbes and Tate together with Mr. J.P. Paterson and Councillors Hepple and Wilkinson (Hetton Town Council).

Apologies for Absence

Apologies for absence were submitted on behalf of Councillors H. Trueman and Wakefield and Mr C. Stewart.

Minutes of the Last Meeting of the Committee

The minutes of the last meeting of the Committee held on 15th March, 2012 (copy circulated) was submitted.

1. RESOLVED that the minutes be confirmed and signed as a correct record.

Declarations of Interest

There were no interests declared.

The Localism Act 2011 – The Amended Standards Regime

The Head of Law and Governance submitted a report (copy circulated) outlining the changes to the Standards Regime made by the Localism Act 2011 which are expected to come into force with effect from 1st July 2012 and setting out a number of issues that must be determined by the Council regarding the new regime.

(For copy report – see original minutes).

The Head of Law and Governance, Ms. Elaine Waugh briefed the Committee on the report highlighting that the Council would remain under a statutory duty to promote and maintain high standards of conduct for its elected and coopted members and whilst there would be no legal requirement for the Council to have a Standards Committee, there would still be a need for a group of members to deal with Standards issues, consider complaints, decide if there has been a breach and if so, what sanction should be imposed.

The Head of Law and Governance tabled an addendum report at the meeting. She advised that following further discussions among the Monitoring Officers of the Tyne and Wear Authorities, a slight amendment, concerning declarations of gifts or hospitality, had been made to the North East Region Draft Code of Conduct. The version annexed to the addendum was therefore now being recommended as the basis for the Code to be adopted by the Council in place of the version shown as Appendix 3 to the main report, subject to a final draft being put to Council after taking account of the Government regulations on Disclosable Pecuniary Interests (DPIs).

Full consideration having been given to the report and the addendum; it was:-

2. RESOLVED that the Committee makes the following recommendations to Council to take effect from the implementation of the new Standards Regime:-

Terms of Reference of the New Standards Committee

- 1) to agree the proposed terms of reference for the new Standards Committee set out in Appendix 1 of the report;

The Code of Conduct

- 2) (a) that the draft North East Region Code annexed to the addendum report be adopted as the basis of the new Code of Conduct, subject to the Monitoring Officer preparing a final draft to be put to Council after taking into account the Government regulations on Disclosable Pecuniary Interests (DPIs) and that if it is not possible to bring in the new Code by 1st July, 2012 that the Council considers extending the operation of the existing Code of Conduct until such time as the new Code is available; and
- (b) that the Protocols listed in Annex 3 of the draft Code of Conduct (as amended from time to time) be incorporated in the Code.

Arrangements for Dealing with Complaints

- 3) (a) That the Monitoring Officer be appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct;

- (b) That the Monitoring Officer be given delegated power, after consultation with the Independent Person(s), to determine whether a complaint merits formal investigation and to arrange such investigation. She be instructed to seek resolution of complaints without formal investigation wherever practicable, and that she be given discretion to refer decisions on investigation to the Standards Committee where she feels that it is inappropriate for her to take the decision, and to report regularly to Standards Committee on the discharge of this function;
- (c) That in deciding whether a complaint should be investigated, the Monitoring Officer or Standards Committee as appropriate, take into account the criteria at Appendix 4 and that the Standards Committee be given delegated power to amend those criteria from time to time as it thinks appropriate.
- (d) Where an investigation finds no evidence of failure to comply with the Code of Conduct, the Monitoring Officer be authorised to close the matter (unless she considers it appropriate after consulting the Independent Person(s) to refer the findings to the Standards Committee to decide if a hearing is nevertheless called for), providing a copy of the report and findings of the investigation to the complainant and to the member concerned, and to the Independent Person(s), and reporting the findings to the Standards Committee for information;
- (e) Where an investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer, in consultation with the Independent Person, be authorised to seek local resolution to the satisfaction of the complainant in appropriate cases, with a summary report for information to the Standards Committee. Where such local resolution is not appropriate or not possible, she is to report the investigation findings to the Standards Committee for local hearing;
- (f) The Standards Committee be delegated such of its powers as can be delegated to take decisions in respect of a member who is found on hearing to have failed to comply with the Code of Conduct, such actions to include –
- Issuing a formal censure by the Committee;
 - Recommending to full Council, or to Hetton Town Council, the issue of a formal censure by the Council or by the Town Council;
 - Referral of its findings to full Council, or to Hetton Town Council, for information;
 - Publication of its findings by such means as the Committee thinks fit;

- Recommending to the Council, or to Hetton Town Council, that the member be removed from any or all Committees or Sub-Committees (subject to the approval of the member's Group if applicable);
 - Recommending to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
 - Recommending to the Council, or to Hetton Town Council, that the member be removed from all outside appointments to which she/he has been appointed or nominated by the Council or by Hetton Town Council;
 - Instructing the Monitoring Officer to, or recommending that Hetton Town Council, offer training to the member; or
 - Recommending to the Council, or to Hetton Town Council, that it exclude the member from the Council's offices or other premises or facilities, to the extent desirable and so as not to interfere with the democratic process, in particular the member's ability to carry out his or her role as an elected member;
 - Such other recommendations as the Committee may think appropriate.
- (g) That the arrangements for dealing with complaints include provision for a right of review in respect of any finding of a breach of the Code or of a decision to impose any of the sanctions referred to above for a member who is aggrieved by such a finding or decision of the Standards Committee by allowing the member to request a review by an Independent Person of another local authority whose views, if critical of the original finding or sanction imposed, will result in the Standards Committee being required to reconsider its original decision. The Monitoring Officer be authorised to arrange with one of the Council's neighbouring authorities that one of its Independent Persons be made available for this purpose.
- (h) That the Monitoring Officer in due course prepare a written version of the agreed Arrangements for publication, to include a template Form of Complaint and procedures to be followed for any investigation or local determination of a complaint and that the new Standards Committee be given delegated power to adopt and amend those procedures from time to time as it thinks appropriate.

Preparation of the Registers

- 4) (a) That the Monitoring Officer prepares and maintains a new register of members' interests to comply with the Act and the Council's Code of Conduct, once adopted, and ensure that it is available for inspection as required by the Act;

- (b) That the Monitoring Officer ensures that all members are informed of their duty to register interests;
- (c) That the Monitoring Officer prepares and maintains a new register of members' interests for Hetton Town Council to comply with the Act and any Code of Conduct adopted by Hetton Town Council and ensure that it is available for inspection as required by the Act.

Standing Orders

- 5) That a Standing Order be adopted which equates to the current Code of Conduct requirement that a member must withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of business in which he or she has a DPI, except where permitted to remain as a result of a dispensation as set out below;-
 - (i) An additional Rule of Procedure be inserted after Council Rule of Procedure 20 as follows:

“21. A member must withdraw from the meeting room (including from the public gallery) during the whole of the consideration of any item of business in which he or she has a Disclosable Pecuniary Interest, except where permitted to remain as a result of a dispensation” and
 - (ii) Rule of Procedure 21 be renumbered to 22 and amended to reflect that the new Rule of Procedure 21 applies to meetings of the Council and committees.
 - (iii) Rule 1.5 of the Executive Procedure Rules be renamed *“Conflicts and Declarations of Interest and Withdrawal From Meetings”* and an additional paragraph (d) be added to 1.5 in the same terms as the Rule of Procedure referred to in paragraph (i) above.

Arrangements for Granting Dispensations

- 6) That the power to grant dispensations be delegated
 - (a) on the Grounds set out in paragraphs 9.3.1 and 9.3.4 of the report to the Monitoring Officer with an appeal to Standards Committee, and
 - (b) on Grounds 9.3.2, 9.3.3 and 9.3.5 to the Standards Committee.

The Chairman thanked Members for their attendance at the meeting that day. He added that this may be his last meeting as the Chairman of the Council's Standards Committee after nine years and that he had thoroughly enjoyed working with everyone and wished them well for the future.

Councillor Wilkinson thanked the three Independent Members for their loyal service to the Council on behalf of the other Members of the Standards Committee.

The Chairman then closed the meeting.

(Signed) G.N. COOK,
Chairman.