

At a meeting of the STANDARDS COMMITTEE held in the CIVIC CENTRE, SUNDERLAND on FRIDAY, 11TH FEBRUARY, 2011 at 1.00 p.m.

Present:-

Mr G.N. Cook in the Chair

Councillors M. Forbes, Tate, Wakefield together with Mr. J.P. Paterson, Mr. C. Stewart and Councillors Hepple and Wilkinson (Hetton Town Council).

Welcome

The Chairman welcomed everyone to the meeting.

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors Charlton and Shattock.

Minutes of the Meeting of the Committee held on 30th September, 2010

The minutes of the meeting of the Committee held on 30th September, 2010 (copy circulated) were submitted.

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

Declarations of Interest

Item 4 – Protocol for Local Authority Partnership Working
Councillor Tate declared a personal interest as Chair of Hetton Home Care.

Protocol for Local Authority Partnership Working

The Executive Director of Commercial and Corporate Services submitted a report (copy circulated) informing the Committee of a Partnership Behaviour Protocol which had been developed by Standards for England.

(For copy report – see original minutes).

Ms. Elaine Waugh, Monitoring Officer, highlighted the aims of the Partnership Behaviour Protocol and the suggestion that it could be used to assess the compatibility of partners by asking them to sign up to some common values and behaviours.

Ms. Waugh advised that the Council had already recognised the importance of partnerships and the need for good governance arrangements and that it had developed a Code of Practice for Partnerships. However it was considered that the Protocol and the principles contained therein produced by Standards for England would form a valuable supplement to this Code.

Consideration having been given to the report, it was:-

2. RESOLVED that the Partnership Behaviour Protocol be commended to the Council as a supplement to the Council's Code of Practice on Partnerships and that as part of the process of inviting tenders and/or developing future partnership arrangements, in each case consideration be given to the option of incorporation of the Protocol, adapted as appropriate to fit the circumstances.

Review of the Standards Regime

The Executive Director of Commercial and Corporate Services submitted a report (copy circulated) informing the Committee of the provision included in the Localism Bill to abolish Standards for England, the requirement for authorities to have Standards Committees and the National Code of Conduct.

(For copy report – see original minutes).

Ms. Elaine Waugh, Monitoring Officer, advised that the Bill as currently drafted, in place of the Standards Board Regime, provided for Authorities to have a duty to promote and maintain high standards of conduct by Members and to be able to establish their own voluntary Codes of Conduct.

Ms. Waugh stated that further guidance and detail on the proposed regulations was awaited and that Members would be advised of developments as the Bill progressed through Parliament.

The Chairman commented that it was his view that the Council should clarify the declaration of interest procedures and make them easier to understand and therefore for Members to comply with. He suggested that the Council may like to consult the Standards Committee on any future proposed arrangements it was considering in order to continue to carry out the Authority's duty to promote and maintain high standards of conduct by Elected Members in view of the changes anticipated under the provisions of the Localism Bill. In addition, to take into consideration the work the Standards Committee had undertaken over the years to assist the Council in this, prior to making any decision as to whether to abolish the Committee.

Members of the Committee concurred with the Chairman in respect of the valuable role the Standards Committee had played in helping to promote and maintain high standards of conduct in the Authority; this being due to the knowledge and understanding the Members of the Committee had on how the Council operated and the role of Elected Members.

In response to Councillor M. Forbes, Ms. Waugh advised that the review of the legislation did not include Council partners. However, the Council did have a Partnership Code of Practice and some partners had also adopted a Code of Conduct for themselves as they had recognised this as being important.

Full discussion having taken place, it was:-

3. RESOLVED that the report be noted and that the Committee be advised of further developments as the Localism Bill progresses through Parliament.

The Chairman thanked everyone for their attendance and closed the meeting.

(Signed) Mr G. N. COOK,
Chairman.

Dates of Meetings of the Standards Committee 2011/12

Report of the Executive Director of Commercial and Corporate Services

1. Purpose of Report

- 1.1 To advise Members of the Committee of the dates of the Standards Committee meetings for the Municipal Year 2011/2012.

2.0 Background

- 2.1 The dates for the Standards Committee meetings were approved at the Annual Meeting of the Council held on 18th May, 2011 and have been diaried to take place at 1.00 p.m. as follows:-

Thursday, 30th June, 2011
Friday, 30th September, 2011
Friday, 25th November, 2011
Friday, 10th February, 2012
Friday, 23rd March, 2012

- 2.2 Meetings of the Audit and Governance Committee will take place on the same dates with a start time of 1.30 p.m.
- 2.3 Ad hoc meetings will be arranged should they be needed in addition to the above dates.

3.0 Recommendation

- 3.1 The Committee is asked to note the dates of the Standards Committee meetings for the Municipal Year 2011/2012.

4.0 Background Papers

- 4.1 Council Diary of meetings.

ANNUAL REPORT ON THE WORK OF THE STANDARDS COMMITTEE 2010-2011**REPORT OF THE EXECUTIVE DIRECTOR OF COMMERCIAL AND CORPORATE SERVICES****1. INTRODUCTION**

This is the third annual report to have been prepared on the work of the Standards Committee, for consideration initially by the Committee and then by Council.

2. MEMBERSHIP

The Committee is comprised as follows:-

- 5 City Council Members (Councillors Charlton, Forbes, Shattock, Tate and Wakefield).
- 3 Independent Members (Mr. G. N. Cook - Chairman, Mr. J. P. Paterson - Vice Chairman and Mr. C. Stewart).
- 2 Members of Hetton Town Council (Councillors Hepple and Wilkinson).

3. THE ROLE OF THE STANDARDS COMMITTEE

The main purpose of the Committee is to promote and maintain high standards of conduct by Members, including co-optees. Detailed terms of reference are set out in Article 9 of the Constitution.

4. MEETINGS

The full Committee held 3 meetings during the course of the year.

5. MATTERS CONSIDERED

- 5.1** In May 2010, the Committee considered recommendations issued by Standards for England following its review of the Local Standards Framework, some of which required legislative and regulatory change. However, these proposals were subsequently overtaken by the Government's proposal in the Localism Bill to abolish Standards for England, the requirement for authorities to have a Standards Committee and the National Code of Conduct, regarding which the Committee received updates at its meetings in September 2010 and February 2011. The Committee noted that details of proposed regulations regarding members' interests was awaited and that it would receive further information as the legislation progressed through Parliament. The Committee suggested that the Council may like to consult it on any future proposed arrangements it may wish to put in place in order to promote and maintain high standards of conduct and that it may wish to take into consideration the work of the Committee, prior to making any decision as to whether or not to continue with it.

5.2 PROTOCOL ON MEMBERS' BUSINESS DEALINGS

The protocol requires that Members notify the Chief Executive of any proposed business dealings with the Council and that such notifications are reported to the Standards Committee.

The Committee received a report on a notification given by Councillor Graeme Miller, who is the Chief Executive and Managing Director of Tyne and Wear Education Business Link Organisation (TWEBLO), which is a charity with 'not-for-profit' status and a company limited by guarantee. The business interest related to services provided in respect of health and safety assessments for work experience placements and a potential transfer to the Council of certain members of staff under the regulations relating to the transfer of undertakings (TUPE).

The Committee noted that it was considered acceptable for Councillor Miller to be involved in negotiations and be present at meetings between the Council and TWEBLO, given his senior position in the Company, on condition that such discussions and negotiations were conducted through Solicitors on both sides.

The Committee also considered notifications received from Councillors Barbara McClennan and Iain Kay. Councillor McClennan is the Chief Executive of Education Business Connections Limited (EBC), a Sunderland based charity. Councillor Kay also undertakes work for the Company on an ad hoc basis. The Committee noted the arrangements that had been put in place to ensure probity and transparency in respect of tender processes and grant applications by EBC to the Council and to minimise contact between Cllr McClennan in her private business capacity and Council officers. These arrangements included Cllr McClennan stating that she is a councillor in all tender documents and grant applications, the management of Sunderland grants and contracts being undertaken by the company's Assistant Chief Executive, rather than by Cllr McClennan herself and in those circumstances where Cllr McClennan did have meetings with officers in her private business capacity, the making of a note of such meetings.

5.3 PARTNERSHIP BEHAVIOUR PROTOCOL

The Committee also considered and commended to the Council a Partnership Behaviour Protocol to supplement the Council's Code of Practice on Partnerships. The recommendation of the Committee was approved by the Council at its meeting on 23rd March 2011.

5.4 TRAINING

Refresher training on the Code of Conduct was provided to Members in November 2010.

6. STANDARDS COMMITTEE HEARINGS AND LOCAL ASSESSMENTS

In respect of Complaint Reference 1/10, a Consideration and Hearing Sub-Committee was held in December 2010. The Sub-Committee determined that the Councillor concerned had breached paragraph 5 of the Code of Conduct by making certain statements without adequate qualification to indicate that they were based on hearsay or assumption. The Sub-Committee

had considerable sympathy for the Member concerned, who had become embroiled in a very difficult situation. It directed that training should be provided.

In respect of case reference 2/10, the Assessment Sub-Committee did not make any finding or decision regarding whether or not the member concerned had failed to comply with the Code of Conduct and was satisfied that, even if the allegation had occurred as alleged, it would not be behaviour which would necessarily require the Member to face one of the sanctions available to it, other than training. The Assessment Sub-Committee directed the provision of refresher training on the Code of Conduct.

In respect of Complaints Reference 03/10 and 4/10, the Assessment Sub-Committee referred the allegations to the Standards Board for England, however, the Standards Board for England took no action, as it considered that the Members concerned were not acting in their official capacity.

7. RELATIONSHIPS

Members

Advice and guidance is given to Members regularly by the Head of Law and Governance and colleagues in Law and Governance Services on queries regarding declarations of interest and other aspects of the Code of Conduct and other relevant codes and protocols

Public

Forms for making complaints about Councillors and guidance notes can be downloaded from the Council's website. Forms may also be obtained from Civic Centre reception points.

8. REGISTER OF INTERESTS

In the interests of transparency, the Register of Interests continues to be available to be accessed electronically on the Council's website. Members are sent a copy of their interests during the course of the year to check that their entries are up-to-date.

9. CONCLUSION

The Committee is requested to note the Report and recommend it to be reported to Council with any additional comments that Members consider appropriate.