

At a meeting of the STANDARDS COMMITTEE held in the CIVIC CENTRE, SUNDERLAND on FRIDAY 31ST JULY, 2015 at 10.30 am.

Present:-

Councillor H. Trueman in the Chair

Councillors Forbes, McKnight, Marshall, Price, Scanlan and A. Wilson together
Councillor Heron (Hetton Town Council) and Mrs S. Joseph (Independent Person).

Part I

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillor Mordey and Councillor Hepple (Hetton Town Council).

Minutes of the Meeting of the Committee held on 7th October, 2014 Part I

The minutes of the last meeting of the Committee held on 7th October, 2014 Part I (copy circulated), was submitted.

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

Declarations of Interest

Item 5 – Update on Complaints

Councillor McKnight made an open declaration in respect of paragraph 2.4, (Complaint 4/14) as she believed she was to act as a witness in respect of this particular case. Councillor McKnight left the Committee Room and took no part in the consideration of the matter.

Complaint Reference 03/14

The Head of Law and Governance and Director of Finance submitted a joint report (copy circulated) which provided an update to the Standards Committee in respect of a complaint regarding former Councillor Padgett which had been previously considered by the Committee on October 7th 2014.

(For copy report – see original minutes).

The Head of Law and Governance, Ms Elaine Waugh presented the report advising that Mr Padgett (who had resigned as a member of the Council since the last

meeting) had agreed to repay the full amount of £9,816.32 to the Council in respect of the overpayment of travel and subsistence expenses for the relevant three financial years as identified in the review undertaken by the Council's Internal Audit Service. As was the case with any significant debt, payment terms had been agreed to the satisfaction of the Director of Finance and these terms would be kept under review.

Given that Mr Padgett was no longer a member of the Council, it was proposed that no further action would be taken by the Council in respect of the matter, subject to the repayment in full by Mr Padgett of the £9,816.32.

Ms Waugh also referred to the request made by members, for further information regarding the procedures and safeguards operated by the Council which sought to prevent the potential overpayment of expenses to members. She advised that the following arrangements had been put in place:

- a) At each financial year end, Payroll would refer any claims over 100% of the average claims to Internal Audit for review.
- b) On an on-going basis:
 - (i) Payroll staff would refer claims back to Members where it was considered that insufficient information had been provided, or where there appeared to be anomalies in the information provided.
 - (ii) Members' claims would be reviewed by a senior officer within Law and Governance Services, who would track the overall level of claim and raise any issues or queries.
- c) On a quarterly basis, the level of claim per Member would be reported to the Director of Finance and Head of Law and Governance.

The Committee was reminded that it remained the responsibility of each individual Member to ensure that the claims they submitted were restricted to what they were entitled to receive under the Members' Allowances Scheme

The Chairman asked if officer claims were subject to similar arrangements. Ms Waugh advised that such claims were required to be scrutinised and counter signed by the officer's line manager prior to submission to payroll. With regard to a further enquiry from the Chairman, Ms Waugh advised that the while the figure that would trigger the referral of claims to Internal Audit appeared high (100% of the average claims), the actual figure of average claims was low. The figure of 100% had been deemed appropriate by the Director of Finance.

In response to an enquiry from Councillor Forbes, Ms Waugh advised that she would check the position in respect of Members attending meetings of wholly owned Council companies as it was possible that different companies could have different expenses schemes. Members would not be entitled to claim for the same expenses from both the Council and the Company concerned.

There being no further questions or comments, it was:-

2. RESOLVED that the report be received and noted.

Progress Report on Complaints

The Head of Law and Governance submitted a report (copy circulated) to inform Members of complaints that had been assessed or concluded since the last meeting of the Committee.

(For copy report – see original minutes).

Councillor Forbes referred to paragraph 2.1 (complaint 3/11) and asked for clarification as to the type of newsletter in which the statements complained of were made. Ms Waugh replied that she understood that it had been a newsletter produced by a political party. Councillor Forbes stated that if that was the case then it would be difficult for anyone to accept that the member concerned had not acted in his capacity as a Councillor. Ms Waugh advised that it was a complex area however it was possible for members to engage in political activity whilst not necessarily doing so in their capacity as a Councillor.

Councillor Forbes referred to paragraph 2.4 (complaint 4/14) regarding an allegation from a former officer of the Council that a member had criticised her inappropriately in front of colleagues.

At this juncture Councillor McKnight declared an interest as she believed she was to be called as a witness in the case. Councillor McKnight left the Committee Room and took no part in any consideration of the matter.

Councillor Forbes stated that clarification was required in respect of what constituted inappropriate criticism as without this Members may become reluctant to speak out for fear of sanction from the Standards Committee.

Ms Waugh replied that what was deemed inappropriate would depend on the facts pertaining to each individual case. There was nothing inappropriate however about Members challenging or disagreeing with officers. What was important was the manner in which this was done. Comment or criticism should always be offered in a courteous and professional manner.

Councillor Price concurred with Councillor Forbes and stated that Members needed to feel comfortable that they had the freedom to act as a critical friend without fear of sanction.

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

3. RESOLVED that the report be received and noted.

Councillor McKnight was readmitted to the meeting.

Training for Committee Members

The Head of Law and Governance submitted a report (copy circulated) which requested Members to consider whether further training on the Code of Conduct and the ethical standards regime under the Localism Act 2011 would be of benefit and if so, the areas that it should cover.

(For copy report – see original minutes)

Consideration having been given to the matter it was:-

4. RESOLVED that arrangements be made to provide a training session for members of the Standards Committee on the procedures followed as part of investigations carried out under the ethical standards regime together with the powers available to the Committee in respect of matters referred to it.

Local Government (Access to Information) (Variation Order) 2006

At the instance of the Chairman it was: -

5. RESOLVED that in accordance with the Local Government (Access to Information) (Variation) Order 2006, the public be excluded during consideration of the remaining business as it contains information relating to individuals and information which is likely to reveal the identity of individuals (Local Government Act 1972, Schedule 12A, Part 1, Paragraphs 1 and 2).

(Signed) H. TRUEMAN,
Chairman.

Note:-

The above minutes comprise only those relating to items during which the meeting was open to members of the public.

Additional minutes in respect of further items are included in Part II.