

STANDARDS COMMITTEE

10.00 A.M.

21st NOVEMBER, 2003

PRESENT:- Independent Membership

Mr. S. Lamley (Chairman)
Brigadier J. Dennis
Mr. S. Clarke

Council Membership

Councillors J. Ravetz (Vice-Chairman), K. W. Budden (substitute for Councillor D. Kerr), P. Gardner, E. Heath, J. E. Kirkman and J. R. Mace.

Officers in attendance:

Corporate Director (Central Services)/Monitoring Officer
Head of Legal Services
S. Metcalfe – Senior Democratic Support Officer

Apologies for absence:-

Councillors E. Archer and D. Kerr, and Mrs. F. Humphreys. It was noted that Councillor E. Heath would be late to the meeting.

10 MINUTES

The Minutes of the meeting held on the 27th June, 2003 were signed by the Chairman as a correct record.

11 LOCAL DETERMINATION HEARING PROCEDURES (SECTION 66)

The Corporate Director (Central Services) presented a report, which updated the Committee on the latest position regarding the Section 66 Regulations and sought the Committee's adoption of a recommended procedure for dealing with referrals from an Ethical Standards Officer for local determination.

Members were advised that, at the previous Standards Committee meeting, it had been reported that the first instalment of the Section 66 Regulations that would allow the local determination of referred allegations from an Ethical Standards Officer, would come into effect on 30th June. The Committee had also agreed to the development of an Action Plan, and, subject to the coming in force of the Local Government Act 2003, the establishment of Sub-Committees of the Standards Committee to deal with local referrals.

Proposed Hearing Procedures were submitted as Appendices to the report and Members' attention was drawn also to a proposed pre-hearing procedure and standard forms, a proposed procedure for selecting a sub-committee, and proposed constitutional amendments, which had been circulated prior to the meeting. The meeting approved the documentation, with the exception of Form C, which Members felt to be unnecessary, subject to the following amendments to the Procedure for Selecting a Sub-Committee: -

- An amendment to clarify that, when the Chairman of the Standards Committee was not able to be a member of a Sub-Committee, the Chairmanship be rotated between the other two independent members, but not to include the parish member;

- That the words “wherever possible” be included in the preamble to the guidelines for selection of elected members for the Sub-Committee.

Members were also advised of a Government Consultation Paper with regard to indemnities and of possible amendments to the legislation, which might enable local authorities to consider indemnifying the costs of Members appearing before the Standards Committee. It was agreed that a report be submitted upon this matter at a future meeting of the Committee.

Members were also advised that it was hoped to arrange a training session on local determinations for Members of the Standards Committee in Penrith in January 2004.

Resolved:-

- (1) That the current position with regard to referrals for local determination be noted.
- (2) That the Hearing Procedure, set out in Appendix A to the report, the Pre-Hearing Procedure and Standard Forms (with the exception of Form C), the proposed amendment to the Constitution and the Procedure for Selecting a Sub-Committee of the Standards Committee, circulated prior to the meeting, be approved, subject to the following amendments to the Procedure for Selecting a Sub-Committee: -
 - An amendment to clarify that, when the Chairman of the Standards Committee was not able to be a member of a Sub-Committee, the Chairmanship be rotated between the other two independent members, but not to include the parish member;
 - That the words “wherever possible” be included in the preamble to the guidelines for selection of elected members for the Sub-Committee.
- (3) That, with regard to the Government Consultation Paper upon indemnities, a report be submitted to a future meeting of the Committee once Government proposals are published.

12 LOCAL PROTOCOLS

The Corporate Director (Central Services) presented a report, which sought Members' consideration of two draft local protocols that Officers had been asked to prepare in accordance with Minute 5(3) as detailed below: -

- Protocol on publicity for allegations of breach of Code of Conduct made to the Standards Board;
- Language and Behaviour.

Copies of the draft protocols were appended to the report for Members' consideration.

Members were advised that breaches of local protocols included in the Council's Constitution were not for consideration by the Standards Board for England, but for determination by this Committee.

A number of amendments proposed by Councillor E. Heath were circulated at the meeting for Members' consideration.

It was moved by Councillor J. R. Mace and seconded by Councillor J. Ravetz: -

“That Appendix A to the report be approved, subject to the deletion of the words “The Member should make no” and insertion of the words “No Member should make any” in the last sentence of the first paragraph under the heading Guidance to Members.

Upon being put to the vote 6 Members voted in favour and 1 against, whereupon the Chairman declared the proposition carried.

Members then considered Appendix B to the report, a draft Protocol on Language and Behaviour. It was agreed that the Protocol be converted to a Guidance Note for the Council’s Chairmen and that the list of unacceptable and acceptable words be deleted and that the Guidance Note refer more generally to “insulting and defamatory” words.

Resolved:-

- (1) That the draft Protocol on Publicity for Allegations of Breach of Code of Conduct, submitted at Appendix A to the report, be approved, subject to the following: -
 - The deletion of the words “The Member should make no” and insertion of the words “No Member should make any” in the last sentence of the first paragraph under the heading Guidance to Members.
- (2) That the draft Protocol on Language and Behaviour, submitted at Appendix B to the report, be converted to a Guidance Note for the Council’s Chairmen and that the list of unacceptable and acceptable words be deleted and that the Guidance Note refer more generally to “insulting and defamatory” words.
- (3) That the adoption of the Protocol, referred to at (1) above, be recommended to full Council for inclusion in the Constitution.

13 STANDARDS BOARD CASE REFERRALS 2003/04

The Corporate Director (Central Services) submitted a report that updated the Committee on both the national and local position of the Standards Board workload. With regard to the national position, the statistics of the Standards Board’s caseload for the first 18 months were available and were detailed within the report for Members’ consideration. Of the completed investigations to date, only 15% or 161 cases had been referred to the Adjudication Panel for determination. Of these, 82 cases had resulted in disqualification. The Board expected the speed of processing allegations to improve with the introduction of the Government’s Section 66 Regulations permitting local determination in some circumstances.

With regard to the local position, the Standards Board had received a total of 27 allegations of misconduct in respect of City and Parish Councillors. A summary of the position was set out in the report. The one local case that had been referred to the Adjudication Panel for determination resulted in the suspension of Councillor G. Dowding for a period of three months.

Members were asked to consider if there were any issues arising from that case that would necessitate additional training for Members, or procedural and constitutional clarification, to promote improvements in Members’ behaviour.

The Corporate Director (Central Services) advised of procedures for dealing with Declarations of Interests and with confidential and exempt reports, which were noted.

An amendment to the Council's Code of Conduct proposed by Councillor E. Heath was circulated at the meeting for Members' consideration.

It was moved by Councillor E. Heath and seconded by Councillor J. Ravetz: -

"That a new Section (d) be added under Part 1 Section 2 (General Obligations):

A Member must -

(d) have regard to the interests of the whole community."

A lengthy debate ensued and a number of Members raised concern with regard to the above wording and, therefore, the proposer, with the agreement of the seconder, agreed to withdraw the motion, on the understanding that the Chairman would discuss further with Councillor Heath the possibility of such a provision being included as a preamble to the Code of Conduct or elsewhere in the Constitution, and that this would be considered by the Committee at a future meeting.

Resolved:-

- (1) That the report and procedures for dealing with Declarations of Interests and confidential and exempt reports be noted.
- (2) That it be noted that the Chairman will discuss further with Councillor Heath the possibility of a new provision regarding the interests of the whole local community being included as a preamble to the Code of Conduct, or elsewhere within the Constitution, and that this would be considered by the Committee at a future meeting.

14 2004 ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

The Corporate Director (Central Services) presented a report which gave early notice of the dates for the 2004 Annual Assembly of Standards Committees.

The report advised that the third Annual Assembly of Standards Committees would take place on the 13th and 14th September, 2004 at the International Conference Centre in Birmingham. The Assembly was a forum for those in local government to exchange ideas and build relationships with others. The Assembly was designed to be of benefit to Monitoring Officers, Standards Committee Members and Parish Clerks.

A Programme and booking details would be available in the New Year, but Members were asked to note the date and, if they were minded to do so, give consideration to who might represent the Council.

Members noted who had attended in the previous year and requested a further report to the next meeting of the Committee in order to consider this matter further.

Resolved:-

That the date of the 2004 Annual Assembly of Standards Committees be noted and that a further report be brought to the Committee when full details are known.

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Chairman

(The meeting closed at 12.09 p.m.)

**Any queries regarding these Minutes, please contact
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on Lancaster 582073, or alternatively e-mail
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