

Standards Committee

Friday, 9 February 2007

Present: Mr Ellwood (Chair), Councillor Thomas Bedford (Vice-Chair), Councillor Keith Iddon and Rev John Cree

Officers in attendance: Andrew Docherty (Director of Customer, Democratic and Legal Services and Monitoring Officer) and Ruth Hawes (Assistant Democratic Services Officer)

07.S.01 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Alan Cain and Thomas McGowan and Parish Councillor Mrs Joan Geddes.

07.S.02 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest by Members relating to the items on the agenda.

07.S.03 MINUTES

RESOLVED - That the minutes of the meeting of the Standards Committee held on 23 October 2006 be confirmed as a correct record and signed by the Chair.

07.S.04 REVISED MODEL CODE OF CONDUCT FOR LOCAL AUTHORITY MEMBERS

The Monitoring Officer gave a brief presentation on the Revised Model Code of Conduct for Local Authority Members. The document was received towards the end of January and responses would be sent to the Department for Communities and Local Government by 9 March.

The Committee noted that the aim was to adopt the Code locally before the elections in May and considered the points highlighted by the commentary on the detailed amendments proposed. All Members of the Council have received an electronic briefing note from the Monitoring Officer highlighting the issues and this has been forwarded to all Parish Council Clerks.

The Committee gave the following answers to the questions set out in the Consultation document.

Question 1

Does the proposed text on the disclosure of confidential information strike an appropriate balance between the need to treat certain information as confidential, but to allow some information to be made public in defined circumstances when to do so would be in the public interest?

The text is acceptable but Guidance is needed here in order to provide certainty as to whether a disclosure will be within the exception.

Question 2

Subject to powers being available to us to refer in the code to actions by Members in their private capacity beyond actions which are directly relevant to the office of the member, is the proposed text which limits the prescription of activities in a member's private capacity to those activities which have already found to be unlawful by the courts, appropriate?

Yes, this is supported.

Question 3

Is the Code of Recommended Practice on Local Authority Publicity serving a useful purpose? If the Publicity Code is abolished, do consultees think some or all of its provisions should be promulgated in a different way, e.g. via guidance issued by local government representative bodies, or should authorities be left to make their own decisions in this area without any central guidance? Should authorities not currently subject to the Publicity Code be required to follow it, or should the current position with regard to them be maintained?

The suggested requirement that Members should have regard to the Publicity Code is believed to be unnecessary.

However, if it is to remain and Members are to have regard to it then it needs to be rewritten in a way that is easily understood and does not have the effect of stifling legitimate publicity.

Question 4

Does the proposed text with regard to gifts and hospitality adequately combine the need for transparency as well as proportionality in making public information with regard to personal interests?

It is suggested that gifts worth over £50, rather than £25, should be declared. Also, that gifts received within a 1-year period be declared at meetings rather than 5 years as suggested. The record of the declaration should be kept indefinitely.

Question 5

Does the proposed text relating to friends, family and those with a close personal association adequately cover the breadth of relationships which ought to be covered, to identify the most likely people who might benefit from decisions made by a member, including family, friends, business associates and personal acquaintances?

Guidance is needed here as to the definition of "personal acquaintances". A particular difficulty is anticipated for members when dealing with matters affecting another member of their political group.

Question 6

Would it be appropriate for new exceptions to be included in the text as additions to the list of items, which are not to be regarded as prejudicial?

Yes.

Question 7

Is the proposed text relaxing the rules to allow increased representation at meetings, including where members attend to make representations, answer questions, or give evidence, appropriate?

The principle is fully supported. However, the confusion arising from having two different definitions of "public service interests" needs to be resolved.

Question 8

Is there a better, more user-friendly way of ensuring the text is gender-neutral, for example, would consultees consider that amending the wording to say "you" instead of "he or she" or "him or her" would result in a clearer and more accessible code for members?

The use of "you" would be welcomed.

The Committee made the following additional comments. Generally it felt that the draft code was an improvement on the current version albeit with some flaws remaining. It welcomed the removal of the duty to report and the new provision prohibiting the intimidation of witnesses. In cases of the registration of an interest of a sensitive nature the proposal that Monitoring Officers may agree that the Interest does not need to appear in the Register is supported.

07.S.05 THE NUMBER OF ANY ALLEGATIONS REFERRED TO THE STANDARDS BOARD SINCE THE LAST MEETING

None.

07.S.06 THE NUMBER OF ANY ALLEGATIONS REFERRED BACK TO THE MONITORING OFFICER WHERE THERE IS NO FURTHER ACTION TO BE TAKEN.

None.

07.S.07 BRIEF RESUME OF DETAILS REGARDING ANY ALLEGATIONS REFERRED BACK TO THE MONITORING OFFICER WHERE ACTION IS TO BE TAKEN EITHER BY THE COMMITTEE OR MATTERS BEING REFERRED TO THE ADJUDICATION PANEL.

The Monitoring Officer outlined an allegation that had been referred to the Committee for a Local Hearing.

07.S.08 LOCAL HEARING SUB-COMMITTEE

The Monitoring Officer explained that a meeting of the Standards Committee would be convened to appoint the Local Hearing Sub-Committee as a Parish Council representative needed to be present.

The Democratic Services Officer would inform Committee Members of the meeting date.

Chair