

Standards Committee

28 March 2001

Present: Councillor B Gilfoyle (Chair)
Councillor R G Paterson (Vice-Chair)

Councillors S E Kelly
W D Nock

Deputies: Councillors M J Green (for Cllr PJ Corcoran)
GCJ Watt (for Cllr DM Elderton)

Co-opted
Members: Mr J P Haywood
Mrs V G Robertson

15. MINUTES

Resolved - That the minutes of the meeting held on 7 February 2001, having been approved by the Council on 12 February, be received.

16. LOCAL GOVERNMENT ACT 2000 - GENERAL PRINCIPLES OF CONDUCT AND MODEL CODE OF CONDUCT

The Borough Solicitor and Secretary submitted and reported upon two Government publications: the first embodied the Government's considered views on the General Principles of Conduct in Local Government in light of the response to the consultation paper issued in July 2000; the second was a draft Model Code of Conduct for Members, upon which views were requested by 27 April.

Apart from minor drafting amendments to avoid ambiguity and aid clarity, the draft General Principles had been accepted by the majority of respondees. However, some concerns were expressed as regards the absence of any specific requirement for members to respect confidentiality (which the Government believed to be more a matter for the Code of Conduct than the General Principles); the wording of some of the principles, which appeared to suggest that they would apply to elected members only (rather than all members - elected, nominated or appointed - as was the Government's clear intention), and the absence of any express requirement for members to act in a non-discriminatory way (which the Government had accepted and drafted a new principle, "Respect for Others"). Consequently, in the measure to be laid before Parliament for affirmative approval in the spring, there would be ten General Principles of Conduct - Selflessness, Honesty and Integrity, Objectivity, Accountability, Openness, Personal Judgement, Respect for Others, Duty to Uphold the Law, Stewardship and Leadership.

The consultation paper on the Model Code of Conduct for Members established the links between the General Principles and the Code of Conduct, and

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outlined the scope of the Code and the obligations it placed on members in relation to the declaration and registration of interests, the rules governing acceptance of gifts and hospitality, and the process for securing dispensations. The Borough Solicitor and Secretary commented upon the various aspects of the Code, and suggested that the Committee might attempt to formulate a response on behalf of the Council (though this would not preclude responses being made by party groups or individual members to a document that would have a significant impact on all local authority members).

The Model Code would govern the conduct of all local authority members as regards their conduct in relation to the business of the authority, any office to which the member was elected or appointed, or duties undertaken in any representative capacity, but some aspects of private behaviour would come within the scope of the code.

Members expressed the view that the code was not entirely clear as regards the balance between a member's public duties and private life, and failed to take account of penalties imposed for actions undertaken on grounds of conscience; nor did it acknowledge the possibility that confidentiality might, in some cases, be secondary to the public interest.

As regards declaration and registration of interests, the Borough Solicitor and Secretary explained that the current exemptions would be continued and membership of all bodies would have to be declared at meetings where members or officers of the authority were present; both the existence and nature of the interest would need to be disclosed and members would be required to withdraw from meetings during consideration of those matters in which they had a "prejudicial" interest. However, the Standards Committee would be able to grant dispensations in certain limited circumstances.

On balance, the Committee felt that the disclosure and registration requirements of the Code should only apply to members' official duties, that the obligation to disclose the nature of the interest could constitute a breach of the member's right to reasonable privacy, and that the "significance" test was subjective and confusing. A member also pointed out that it appeared the scope of the Code was to be expanded in that there might be no geographical limitation on the ownership of property, and "nominal" shareholdings were no longer to be disregarded.

One of the co-opted members of the Committee suggested that the obligations on disclosure should be extended to include certain past as well as current interests (e.g. employment) which might influence on a member's view of a matter under consideration.

As regards gifts and hospitality, the new Code would relieve members of the duty to disclose gifts or hospitality offered but not accepted. The Committee was unable to reach a view as to a threshold value, but one of the co-opted members was of the opinion that all gifts and hospitality accepted should be declared, irrespective

of their value.

RECOMMENDED -

(1) That the Government's final proposals relating to the General Principles of Conduct in Local Government be noted.

(2) That, as regards the consultation paper on the Model Code of Conduct -

(a) the Borough Solicitor and Secretary draft a response based upon members' comments;

(b) in view of the importance of the Code, political groups and individual members be encouraged to submit their own comments provided they make it clear that they are made on a group or individual basis.

17. **REPORTING OF COMPLAINTS**

Further to minute 4 (18/9/00), the Chief Executive reported upon suggested a process for monitoring complaints submitted to the Local Government Ombudsman, and those investigated under the Council's complaints procedure.

He reminded members of the arrangements that had operated before the implementation of the Local Democracy pilot scheme; Ombudsman complaints which had resulted in findings of maladministration had been reported to service committees, and they had also received six-monthly reports on complaints processed through the Council's internal procedure. He suggested that, in future, Ombudsman complaints (whether or not resulting in findings of maladministration) should be reported to the relevant Select Committee along with six-monthly reports on complaints investigated through the Councils internal procedure. The Standards Committee would receive details of complaints relating to standards or issues of impropriety, together with an annual summary of all complaints reported to Select Committees.

RECOMMENDED - That the complaints monitoring procedure suggested by the Chief Executive be agreed, subject to summary reports being submitted to this Committee every six months rather than annually.

18. **MR J C LEWIS**

The Chair referred to the imminent retirement of Mr John Lewis, a long-serving Senior Committee Officer, who had latterly provided a highly professional and efficient service to the Standards Committee. He extended, on behalf of the Committee, thanks to Mr Lewis for his support, and best wishes for his retirement.