

**STANDARDS COMMITTEE**

**22 September 2003**

Attendance:

Councillors:

Sutton (Chairman) (P)

Fothergill  
Hammerton (P)  
McKay (P)

Macmillan (P)  
Quar (P)  
Rees (P)

Others in attendance:

Mr D Makewell (Parish Member)  
Mr P Gwynn (Parish Member)  
Prof. R Johns (Independent Member)  
Dr B Spender (Independent Member)  
Mr J Spokes (Independent Member)

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415. **MINUTES**

RESOLVED:

That the minutes of the meeting held 20 January 2003 be approved and adopted.

416. **APPOINTMENT OF VICE-CHAIRMAN**

RESOLVED:

That Councillor Fothergill be appointed as Vice-Chairman for the 2003/04 Municipal Year.

417. **CODE OF CONDUCT – COMPLIANCE WITH PROCEDURES AND RELATED ISSUES**

(Report ST32 refers)

Members noted that parish councillors in five parishes had yet to return their Register of Interest forms. Following discussion, it was agreed that the City Secretary and Solicitor contact these parish councils again to encourage them to complete the forms. If forms were still outstanding by the next meeting, it might be appropriate for more pressure to be applied.

With regard to the external training course being held for Councillors and Independent Members of the Standards Committee on 28 October 2003 (Appendix A of the report refers), it was agreed that Councillor Macmillan, Councillor Sutton and Professor Johns would attend.

The Committee agreed that it would be useful for the monitoring of committee proceedings by Independent Members to take place again, as suggested in the report. Following questions, the City Secretary and Solicitor confirmed that it was possible for the Parish Members to take part in this process. It was therefore agreed that both Parish Members and the Independent Members be involved in the monitoring.

RESOLVED:

1. That compliance with the Code and the training undertaken to date be noted.
2. That two Code of Conduct training evenings continue to be held each year, one for City Councillors and one for Parish Councillors/Clerks.
3. That the Independent Members and Parish Members undertake further evaluation of committee meetings to ascertain the level of compliance with the Code of Conduct.
4. That the proposals for raising staff awareness be endorsed.

418. **THE LOCAL AUTHORITIES (CODE OF CONDUCT) REGULATIONS 2003 – GUIDANCE FROM THE STANDARDS BOARD**  
(Report ST33 refers)

The Committee discussed the constitution of the Committee when a complaint about an individual Councillor was being considered (paragraph 4.5 of the report refers). It was agreed that in this situation, the Committee should be chaired by an Independent Member, as suggested by the Standards Board, and the Chairman should be selected in rotation on an alphabetical basis (subject to availability).

One Member considered that the Committee should contain representatives from all political parties in the interests of fairness and to indicate cross party co-operation. However, the majority of the Committee believed that the size of the Committee should be limited to three in most cases, with the two Members being selected from the Councillor representatives on the Standards Committee in alphabetical rotation, with the proviso that the two Councillors be from different political parties.

Members noted that when the Committee was considering a complaint against a Parish Councillor, it was a legal requirement that one Parish Member should be present. It was therefore decided in these instances that the Committee consist of five Members, namely an Independent Chairman (selected as before), one Parish Member and three Councillors (from more than one political party).

**RECOMMENDED:**

1. **THAT THE STANDARDS BOARD GUIDANCE THAT AN INDEPENDENT MEMBER SHOULD CHAIR THE COMMITTEE WHEN A COMPLAINT ABOUT AN INDIVIDUAL COUNCILLOR IS BEING CONSIDERED BE SUPPORTED.**

**CONTINUED...**

**2. THAT GUIDELINES FOR THE SELECTION OF THE CHAIRMAN AND OTHER MEMBERS OF SUCH HEARINGS BE APPROVED AS FOLLOWS:**

- A) THE CHAIRMAN SHOULD BE SELECTED IN ALPHABETICAL ROTATION FROM THE INDEPENDENT MEMBERS (SUBJECT TO AVAILABILITY);**
- B) WHEN THE HEARING IS CONSIDERING A COMPLAINT AGAINST A CITY COUNCILLOR, MEMBERSHIP SHOULD CONSIST OF THE CHAIRMAN AND TWO COUNCILLORS (FROM DIFFERENT POLITICAL PARTIES SELECTED IN ALPHABETICAL ROTATION FROM THE MEMBERSHIP OF THE COMMITTEE);**
- C) WHEN THE HEARING IS CONSIDERING A COMPLAINT AGAINST A PARISH COUNCILLOR, MEMBERSHIP SHOULD CONSIST OF THE CHAIRMAN, PARISH MEMBER (SELECTED IN ROTATION), AND THREE COUNCILLORS (FROM MORE THAN ONE POLITICAL PARTY SELECTED IN ALPHABETICAL ROTATION FROM THE MEMBERSHIP OF THE COMMITTEE).**
- D) NO COMMITTEE MEMBER SHOULD BE PRESENT IF THE COMPLAINT IS AGAINST A MEMBER OF THE SAME PARISH, OR DISTRICT WARD, AS THE COMMITTEE MEMBER.**
- E) IT SHOULD BE NOTED THAT THE ATTENDANCE GUIDANCE DOES NOT HAVE STATUTORY EFFECT AND CANNOT PREVENT OTHER MEMBERS OF THE COMMITTEE FROM ATTENDING. HOWEVER, STANDARDS COMMITTEE GUIDANCE RECOMMENDS THAT GUIDELINES OF THIS NATURE BE ADOPTED AS IT IS FAIRER AND MORE EFFICIENT TO HOLD A HEARING BEFORE A SMALL GROUP. IT IS ANTICIPATED THAT WHEN ENACTED THE CURRENT LOCAL GOVERNMENT BILL WILL INCLUDE A CHANGE IN THE LAW ALLOWING SUB-COMMITTEES TO BE ESTABLISHED TO DEAL WITH DISTRICT COUNCILLOR CASES. AT THAT TIME, IT IS ENVISAGED THAT THESE GUIDELINES WILL BE AMENDED AND FORMALLY INCLUDED IN THE CONSTITUTION.**

**3. THAT COUNCIL PROCEDURE RULE 24(4) BE REVISED AS FOLLOWS:**

**“THE QUORUM FOR THE STANDARDS COMMITTEE SHALL NORMALLY BE THREE COUNCILLORS PLUS ONE INDEPENDENT MEMBER AND, WHERE PARISH ISSUES ARE DISCUSSED, ONE PARISH MEMBER MUST ALSO BE PRESENT.**

**WHEN THE COMMITTEE IS HEARING A COMPLAINT ABOUT AN INDIVIDUAL MEMBER THE QUORUM SHALL BE THREE MEMBERS OF THE COMMITTEE TO INCLUDE AN INDEPENDENT MEMBER, AND WHERE A PARISH MATTER IS BEING CONSIDERED, A PARISH MEMBER.”**

**CONTINUED...**

**4. THAT THE CATEGORIES OF EXEMPT INFORMATION SET OUT IN ACCESS TO INFORMATION PROCEDURE RULE 10.4 BE EXTENDED TO INCLUDE THE ADDITIONAL CATEGORIES 16 TO 19 CONTAINED IN THE NEW REGULATIONS (PARA 3.1.1 OF REPORT ST33 REFERS).**

RESOLVED:

1. That the use of the Standards Board Guidance, as updated from time to time, be approved for use in any cases referred to the Committee by the Standards Board.

2. That such Guidance also be used by the Committee, as far as relevant and practicable, in dealing with any complaints that relate to alleged breaches of local protocols, where reference to the Standards Board is not required.

The meeting commenced at 6.00pm and concluded at 6.45pm

Chairman