

STANDARDS COMMITTEE

11 March 2002
(6.00pm –7.25pm)

PRESENT: Councillors Smart (Chair), Dryden, C. Rosenstiel, Stuart and Taylor.
External Members Dr Clark and Ms Hobbs.

FOR ADOPTION BY THE COUNCIL

02/S/01 **CODE OF CONDUCT FOR MEMBERS**

There will be a briefing for Members of the Council on the new Code of Conduct immediately before consideration of this adoption minute at Council on 25 April.

See also information minutes from 02/s/02.

The Committee considered a report from the Director of Central Services regarding the requirement for all local authorities to adopt a new Code of Conduct under the provisions of the Local Government Act 2000. The Government has made Regulations which include a 'Model Code' (in substantially the form set out in appendix 1). The Council must adopt its own Code of Conduct by 5 May and that Code must incorporate all the provisions of the 'Model Code'.

The 'Model Code' is derived from ten general principles specified by Government which articulate the fundamental values of public service that underpin the conduct of members. These are appended for the information of members (appendix 2). The 'Model Code' "...aims to be preventative, rather than promotional and to lay down a set of enforceable minimum standards for the way members should conduct themselves."

The 'Model Code' is divided into three parts: General Provisions, Interests and Register of Interests.

Enforcement of the Code of Conduct is primarily the responsibility of the Standards Board for England. However, the Standards Committee has the responsibility for ensuring that members understand the Code of Conduct and are properly trained and briefed.

The Standards Committee was advised by officers that the Council should adopt the 'Model Code' without alteration at least initially, based on the advice from the Standards Board for England. The Committee did not feel that the Model Code was written in a way to suit the particular conventions, practices and language of this Council, but was mindful of the clear advice from both officers and the Standards Board for England. However, the Committee agreed that the Code should be kept under review, with local additions or supplementary guidance to be added if the Committee feels any are appropriate in the light of experience in operating the Model Code (e.g a Code covering Members and Planning matters). The Committee also agreed to minor textual changes by adding 'of the Council' after 'member' in two places in paragraph 7.

The Standards Committee also raised a number of other matters:

1. Training on the Code must be looked at regularly as case studies and on-going guidance from the Standards Board for England is received and the Committee will need to consider this matter further (two members of the Committee and the Head of Legal & Democratic Services would be attending in May the first national conference of the Standards Board for England at which common issues will be debated).
2. Officers should consider whether the Code, once adopted, could include footnotes to highlight what is not relevant to this Council and if it could be written in plain English as the Committee felt the Code should be easy to understand and relevant to this Council.
3. The Model Code suggests that a member must register gifts and hospitality with a value greater than £25. The Standards Committee was of the view that the current Register of Hospitality & Gifts, which has no minimum value, should continue as a local protocol and be regulated by the Standards Committee.
4. That the officers investigate and report back to the Committee on the issue of support and assistance to members who become the subject of an investigation following a complaint referred to the Standards Board for England.

Council is recommended –

To adopt the Code of Conduct as set out in Appendix 1.

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FOR THE INFORMATION OF THE COUNCIL

02/s/02 **ELECTION OF CHAIR AND VICE-CHAIR**

Councillor Rosenstiel nominated Councillor Smart for Chair. There being no other nominations, the Committee agreed that Councillor Smart be Chair for the remainder of the municipal year.

The Chair nominated Ms Hobbs for Vice-Chair. There being no other nominations, the Committee agreed that Ms Hobbs be Vice Chair for the remainder of the municipal year.

02/s/03 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Reed and Mr Staveley.

02/s/04 **DECLARATIONS OF INTEREST**

There were none.

02/s/05 **PUBLIC QUESTION TIME**

There were no questions from the public.

02/s/06 **TITLE FOR NON-COUNCIL MEMBERS OF THE COMMITTEE**

The Committee agreed that the title External Member be used.

02/s/07 **TERMS OF REFERENCE**

In discussing the Terms of Reference as previously agreed at Council on 17 May 2001, Councillor Rosenstiel suggested that granting dispensations should be delegated to a sub-group of the Committee as they could be required within a very short timescale. Dr Clark stated that he would wish to see beforehand any request for dispensation which would not come before the Committee for determination. The Committee agreed that if the matter could be delegated to a sub-group, that it be made up of the Chair and the two External Members. The Director of Central Services undertook to seek advice from the Standards Board for England on whether the granting of dispensations could be delegated to a sub-group.

Resolved –

That the terms of reference of the Standards Committee be noted as detailed in the agenda.

02/s/08 **MEMBER/OFFICER PROTOCOL**

The Committee was advised that the draft Protocol had been compiled by drawing from existing Council documents (Code of Official Conduct, Council Conventions) and from other local authorities' protocols.

The Committee agreed that the Joint Staff Employer Forum should have the opportunity to comment on this draft.

The Committee made the following points:

Paragraph 29 – required clarification over 'normal hours' and should be split into two sentences.

Paragraph 41 – the Committee was advised that this implied that the decision rested with the officer and the paragraph would be re-worded.

Resolved –

That the comments of the Committee be incorporated into the draft Protocol.

02/s/09 **STANDARDS BOARD CONFERENCE**

The Committee agreed that the Chair, Vice-Chair and Head of Legal & Democratic Services should represent the Council at this conference.

The meeting ended at 7.25pm

CHAIR