

NORTHAMPTON BOROUGH COUNCIL

STANDARDS COMMITTEE

Tuesday, 9 March 2004

PRESENT: Mrs Roberts (Chair); Councillor Flavell (Deputy Chair); Councillors Allen, Lane, Pritchard Mr. Romose and Mr. Hughes

2. MINUTES

The minutes of the meeting of the Committee held on 9 September 2003 were signed by the Chair.

1. APOLOGIES

Apologies were received from Councillor B Hoare.

3. DEPUTATIONS / PUBLIC ADDRESSES

None.

4. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED

None.

5. REPORT ON INITIAL OPERATION

The Borough Solicitor submitted a report commenting upon the achievements of the Committee since its inception and the appendices to the report. He further commented that the ODPM were undertaking a review of the Members Code of Conduct to assess its operation in practice. He also commented that District Audit were to conduct an audit into Probity in Local Government which would include the operation of the Standards Committee.

Mr Hughes commented that he was aware of an issue concerning a Parish Councillor that might be referred to the Standards Board and the Borough Solicitor under took to confirm Mr Hughes position should the issue be referred to the Standards Committee at some point in the future.

RESOLVED: That the report be noted.

6. PROTOCOL: MEMBER/ OFFICER RELATIONS

The Borough Solicitor submitted a report and commented that the updated version of the Protocol appended to the Report was based on a model used by Birmingham City Council.

RESOLVED: That subject to any comments of the Chairs and Deputy's of Overview and Scrutiny Committee's and the Executive would wish to make the Protocol for Member Officer Relations be approved.

7. LOCAL DETERMINATION- DRAFT FURTHER REGULATIONS

The Borough Solicitor submitted a report, commenting that the Draft Regulations referred to a situation where an Ethical Standards Officer appointed by the Standards Board had referred an issue back to the Monitoring Officer for investigation. Appended to the report was the consultation document issued by the ODPM together with a consultation on Draft Guidance to Monitoring Officers issued by the Standards Board. The draft regulations included a power to allow, in the absence of the Monitoring Officer, for another Monitoring Officer or other person to be called in to conduct an investigation. The Borough Solicitor then referred to the proposal that an investigation be held and the Standards Committee meet within three months. It was noted that there was no sanction if the three months was exceeded as long as the Committee had acted reasonably, however if a delay were unreasonable then there was a possibility of Judicial Review. Some concern was expressed at the appropriateness of the proposed three month period whilst accepting the need for issue to be dealt with expeditiously.

The Borough Solicitor referred to the five questions posed by the consultation document.

RESOLVED: That the Borough Solicitor respond to the ODPM consultation paper indicating the Committee's support for all such investigations to be referred to the Standards Committee for decision; the ability of Monitoring Officers to be able to refer serious cases back to the Ethical Standards Officer; and to comment that the balance between the actions required of Monitoring Officers under the proposed amendment regulations and the Standards Board proposed guidance to Monitoring Officers could only be judged after they had been in operation for a period of time.

8. STANDARDS BOARD- UPDATE

The Borough Solicitor submitted a report commenting that the Standards Boards Complaints leaflet had now been simplified and that they were to issue some Good Practice guidelines. He noted that their latest advice showed that membership of Freemasons should be declared in the Register of Interests.

The Chair referred to a newsletter to Standards Committee's issued by the Standards Board which was agreed would be circulated to members of the Committee.

RESOLVED: That the report be noted.

9. ON- GOING TRAINING/ NEWSHEET

The Borough Solicitor submitted a report and referred to the appended specimen newsletter. It was commented that where possible suitable graphics should be used.

The Borough Solicitor referred to an invitation received from Wellingborough and Kettering Borough Councils to join in a Training Session on the Conduct of a Standards Committee Hearing. The charge would be in the region of £40-50 per head.

The Borough Solicitor also referred to recently received information in respect of the Annual Assembly in Birmingham in September.

RESOLVED:

- (1) That the report be received and a fully worked up example of the newsletter be considered by Members.
- (2) That in respect of the training offered by Wellingborough and Kettering Borough Council's that members contact the Borough Solicitor in respect of

- their interest by 10 March 2004.
- (3) That attendance at the Annual Assembly in Birmingham in September by the Chair and the relevant officers be confirmed.

10. CONFIDENTIALITY

The Borough Solicitor submitted a report as a result of recent press reports to remind Councillors of their obligations under the Code of Conduct in respect of confidential information.

RESOLVED: That the report be circulated to all members of the Council for information and that a copy be sent NALC for circulation to Parish Councillors.

<TRAILER_SECTION>

The meeting concluded at 18.36 hours

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