

# NORTHAMPTON BOROUGH COUNCIL

## STANDARDS COMMITTEE

Tuesday, 31 October 2006

**PRESENT:** Mrs Roberts (Chair); Mr Romose (Deputy Chair); Mr Hughes, Councillors Allen, Crake, Duncan, Edwards and Pritchard

### 1. APOLOGIES

None.

### 2. MINUTES

That, subject to the correction of the spelling of Mr Romose's name in the list of attendees, the minutes of the meeting held on 11 July 2006 were signed by the Chair.

### 3. DEPUTATIONS / PUBLIC ADDRESSES

None.

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

The Chair was of the opinion that the following item be discussed as a Matter of Urgency due to the undue delay of it if consideration were deferred:

#### BEHAVIOUR OF A COUNCILLOR

**RESOLVED:** That the Matter of Urgency in respect of the behaviour of a Councillor be discussed on the private agenda by virtue of paragraph 5 of Schedule 12A of the Local Government Act 1972 (as amended).

### 5. ANNUAL STANDARDS BOARD CONFERENCE 2006

The Chair commented that she, Mr Romose and the Monitoring Officer had attended the Fifth Annual Assembly at Birmingham on 16 & 17 October 2006. This year's conference marked a period of change and Phil Woollas, the Minister, had indicated that the new Code of Conduct would be in place ahead of the Elections in 3 May 2007. A White Paper that would move the ethical agenda locally, giving more responsibilities to local Standards Committees, was also promised. The theme of the conference was to help authorities to deliver this revised framework.

Delegates could choose sessions to attend and there were a wide range of people present; Monitoring Officers, Councillors, Chief Executives and Independent Members. It had been helpful to speak to other people and to hear their problems and how they had dealt with them. The Chair's particular interest lay with ethical governance and how it might be

monitored and working pro-actively to introduce it. One main concern appeared to be how the new framework would be resourced and the Minister had not provided an answer for this. Clearly there would be a significant increase in the role of Monitoring Officers and for Standards Committees and this had a training implication.

Mr Romose concurred with the comments made by the Chair and added that a particular session run by Pauline Dixon from South Gloucestershire on the introduction of the ethical framework had been particularly interesting.

The Solicitor to the Council commented that once the new regulations were issued the role of the Committee would be greatly enhanced as it would become the first part of the process. There were concerns, however, at the amount of training and support that would be required for Standards Committees and the need to raise the profile of Standards within authorities. The consensus view of Monitoring Officers had been concerns over resources to implement the new framework and the lack of detail to follow the statements that had been made.

In answer to a question the Solicitor to the Council commented that there was no conflict in his role if advising at Council and then subsequently a complaint was made. There would be an issue of conflict if advice had been given to an individual Councillor and then a complaint made.

**RESOLVED:** That the report be noted.

## **6. CONTRACT COMPLIANCE**

The Solicitor to the Council commented that this was a standing item on the Committee's agenda to report on how the informal "Contract" was working in terms of cross-party working. The Contract had previously been agreed by Council and the Committee were charged with monitoring its operation. He further commented that there was nothing in particular to report at the present time, although given the narrow nature of the Contract this did not mean that there were not issues of concern with some councillors.

**RESOLVED:** That the report be noted.

## **7. WORK PLAN ISSUES**

### **(A) Sixfields**

The Solicitor to the Council submitted a report which comprised a briefing note issued to all Councillors on 6 September 2006 in respect of Sixfields and the Football Club and proposals for a district centre. Fans had been writing to Councillors inviting them to express a view upon the district centre. If Councillors had expressed a view this could amount to pre-determination and could make any subsequent decision (in which those councillors took part) made by Planning Committee, Cabinet and Full Council open to challenge. It was intended that following the Committee's endorsement of the briefing note that it would be reissued to Councillors and any subsequent breaches would lead to action being taken.

StoC to

**RESOLVED:** That the advice given by the Monitoring Officer to Councillors in respect of Sixfields be endorsed.

reissue  
briefing note

NB: Councillor Edwards declared a personal non prejudicial interest as a member of the Planning Committee.

(B) Draft Protocol for Councillors on Outside Bodies

The Solicitor to the Council submitted a report that set out a draft Protocol clarifying members' position when they were appointed to Outside Bodies. The intention was to circulate the draft Protocol for Councillors comments and for the Committee to reconsider it at its January meeting. The draft Protocol was welcomed and it was noted that some training for Councillors on this subject would be useful after the Elections in May 2007.

StoC to  
circulate draft  
for comments

**RESOLVED:** (1) That the draft Protocol for Councillors on Outside Bodies be approved for consultation and the comments received brought back to the next meeting of the Committee.

(2) That the work plan agreed by the Committee at its last meeting be re-circulated to members.

## 8. ETHICAL GOVERNANCE TOOLKIT

The Solicitor to the Council submitted a report which set out a number of options for how the Committee could begin to measure the Council's position against the Ethical Governance Framework. The Audit Commission/ IDeA Toolkit was designed to help to show how Councils were meeting Standards requirements however there were various diagnostic tools available. The issue was to choose the right tool for the Council's needs and within the financial resources available. It had been previously reported that the funding was not available but it had been accepted that something needed to be done. Other Councils still appeared to be considering how best to approach the issue. Care needed to be taken that it did not just become a tick box exercise; whatever was done needed to give a position statement and a lead on how any improvements could be made. A degree of external challenge would also be useful to the process. The proposal was to carry out a review of the current position against the framework set out in Appendices 1 and 2 and make judgements accordingly. It was suggested to use a basket of key elements from those set out in the Appendices to arrive at a workable framework. The framework would be drafted by officers and members of the Committee would be consulted. It was intended that this would be put in place as soon as practicable.

It was noted that there was no budget at all available for this and the IDeA light touch approach would cost £1,500 per day for an estimated two days; the Audit Commission self-assessment costs would also be £1,500. It was queried whether the Council's internal auditors could help with this.

The Solicitor to the Council commented that as part of the budget discussions a bid would be made to finance acquisition of the toolkit and to adequately finance the work of the Committee in the new financial year.

StoC to make

This proposal would be an incremental step. The Chair commented that at the conference recurring comments had been made about the need to assess the ethical temperature of authorities and how this might best be achieved. Apart from the lack of funding she had concerns about the staff resources being available to do this. The Solicitor to the Council commented that there was managerial support from SCMT for this. Research showed that authorities with strong ethical frameworks had better inspection ratings. Mr Romose observed that Kingston Upon Hull had developed their own questionnaire and queried whether that might be available. It was noted that most self-assessments were conducted with small audiences i.e. Standards Committee members and senior management. Mr Romose indicated his willingness to help with developing the framework.

bid in Budget  
process for  
work of c'ttee

- RESOLVED:** (1) That a proposed framework and questions be presented as a draft to the next meeting of the Committee.
- (2) That the Solicitor to the Council's action to seek adequate funding for the Committee's work through the current budget processes be noted.

## 9. TRAINING

### (A) Training for Committee Members

The Solicitor to the Council reported that Councillor training had been held on two sessions on 9 October 2006. Some 70% of Borough Councillors had attended and the course material would be sent to those had not attended. Specific training for Committee members on Hearings would be held on 9 January 2007 and would be conducted by Philip Mears. An Induction Programme for Councillors after the May Elections had also been put together but no date as yet had been set for this.

StoC to make  
arrangements

### (B) Training for Planning Committee

The Solicitor to the Council circulated an indicative plan of training for Planning Committee members. The training plan had followed the poor assessment of the planning service by the Audit Commission. The Inspectors' report had made recommendations about the behaviour of members of the Planning Committee. He had met with the Corporate Manager and the Training Section to discuss the training of councillors. A job specification for the Chair of Planning would be drawn up and a training plan for Planning Committee members devised; there would be coaching sessions undertaken by consultants and strategic planning and other elements such as probity in planning would also be covered. In his capacity as Monitoring Officer he had attended Planning Committee recently and had some concerns about behaviour; the intention was to help Councillors avoid the pitfalls. The Solicitor to the Council was of a view that the Chair should be involved in developing the training programme and the Committee should review and monitor the training.

The training for Planning Committee members was welcomed given the complicated nature of the subject area. The Planning Committee training would be backed up by a protocol requiring Councillors to attend a basic

level of training and this would be part of the constitutional changes to be agreed by Council on 27 November 2006. It was noted that the West Northamptonshire Development Corporation would need to train their Planning Committee members and Borough Councillors sitting on the WNDC's Planning Committee could also be included in the training. It was noted that Planning Committee members had recently undergone some training but the importance of planning decisions and its quasi-judicial nature should not be underestimated. The training programme was designed to support and assist Councillors in their role.

Mr Hughes requested a copy of the Powerpoint presentation used for the training on 9 October 2006 as he intended to adapt it for the purposes of NALC.

StoC to send presentation

**RESOLVED:** That the report be noted.

## **10. UPDATE ON COUNCILLOR STEWART**

The Solicitor to the Council reminded the Committee that a local Hearing had been held on 21 December 2005 following a reference by the Standards Board of England to the Council. Councillor Stewart had been convicted of a drink driving offence on 31 May 2005 at which time he had been a member of the Council's Licensing Committee. He had been subsequently referred to the Standards Board of England by a Monitoring Officer from another local authority. The Hearing of the Council's Standards Committee had required Councillor Stewart to e-mail an apology to Councillors which he had done, and required him to attend a course on Standards which he had done. A letter of censure from the Chair of the Committee had been sent to him and he had been asked to make an apology at a full meeting of Council. This latter aspect had not been complied with. It was understood that Councillor Stewart had lodged an appeal with the Adjudication Panel but they had now confirmed that an Appeal was not extant and was now, in any case, out of date. The Monitoring Officer had continued discussions with Councillor Stewart. There appeared to be two options available to the Committee. The Committee could report Councillor Stewart to the Standards Board of England for bringing his role as a Councillor into disrepute by not complying with the requirement of the local Standards Committee to make an apology at a full Council meeting or the Chair could prepare a report for Council deploring the fact that Councillor Stewart had not complied with this part of the decision against him and thus closing the matter.

A discussion ensued.

**RESOLVED:** That the Solicitor to the Council write to Councillor Stewart giving him one last opportunity to apologise to full Council at the meeting on 27 November 2006 following which failure to do so would be followed by an automatic referral to the Standards Board of England.

NB: Councillor Edwards declared a personal prejudicial interest in this matter and left the room during discussion of it.

## **11. INDEPENDENT AND PARISH COUNCIL REPRESENTATIVES**

The Solicitor to the Council commented that at the last meeting a decision had been made to increase the number of independent members on the Committee by one to three and to increase the number of Parish Councils' representatives from one to two. Packs had been prepared and adverts would be placed in the Chronicle and Echo and Herald and Post on 2 November 2006 with a closing date of 17 November 2006. A letter had been sent to the Clerks of the Parish Councils and so far only confirmations of Mr Hughes' and Mrs Edwards' position as substitute had been received. It was assumed that Mrs Edwards would now become the second Parish Council member and she had been written to on this basis. It was hoped that it would be possible to create a reserve list of independent members from the interest received from the advert.

The Solicitor to the Council commented that it was hoped in the longer term to have a majority of independent members on the Committee. This was regarded as good practice. He also supported the idea that existing independent members should be involved in the interviewing process for new independent members.

StoC to make arrangements

**RESOLVED:** That the position be noted.

## **12. EXCLUSION OF PUBLIC AND PRESS**

The Chair moved that the Public and Press be excluded from the remainder of the meeting on the grounds that there was likely to be disclosure to them of such categories of exempt information as defined by Section 100(1) of the Local Government Act 1972 as listed against such items of business by reference to the appropriate paragraph of Schedule 12A to such Act.

The Motion was Carried.

## **BEHAVIOUR OF A COUNCILLOR (5)**

The Solicitor to the Council reported on a number of matters that had been raised by Councillor X that had been lodged as complaints and that had been followed up with investigations and reports. It was noted that a guide for Councillors on processes consequent to the Code of Conduct and any breaches of it could be prepared, although such guidance could not be made comprehensive because of the complicated nature of the subject area. Presently advice was provided through the Committee's newsletter and Monitoring Officer's briefing notes.

**RESOLVED:** That the Chair of the Committee seek to mediate with Councillor X and that should this process fail the Solicitor to the Council proceed as reported to the meeting.

The meeting concluded at 18.50 hours.

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