

Time Commenced - 2pm
Time Finished - 4.20pm

STANDARDS COMMITTEE 26 SEPTEMBER 2003

Present: Reverend Canon R B Blowers – Chair
Mrs C McDowall and Mr G Bagga
Councillors Brown, Baxter and Skelton

Officers In Attendance: Michael Foote - Director of Corporate Services
Steve Dunning - Assistant Director – Democratic Services

Apologies for Absence

There were no apologies for absence.

Declarations of Interest

There were no declarations of interest.

01/03 Minutes

The minutes of the meeting held on 9 January 2002 were approved as a correct record.

02/03 Local Determination

The Committee considered a report from the Director of Corporate Services and Monitoring Officer, setting out details of the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003, which came into force on 30 June 2003. Under the regulations, Ethical Standards Officers could refer to Monitoring Officers investigation reports they had completed into misconduct allegations made by the Standards Board for England. Once referred, Monitoring Officers were to arrange for their Standards Committees to determine whether or not a member had failed to follow the Code of Conduct and if so, what, if any, penalties should be applied. The Standards Board for England had produced guidance for Monitoring Officers and Standards Committees. A copy of the guidance was attached to the report. The guidance included practical procedural information on how to hold hearings. It was noted that carrying out investigations at a local level was still not possible. This would have to wait until the Office of the Deputy Prime Minister had issued another set of regulations to enable Ethical Standards Officers to refer allegations to Monitoring Officers for investigation.

Resolved

- 1 To note the position on local determination and the guidance from the Standards Board for England.**

- 2 To request the Director of Corporate Services and Monitoring Officer to draw up a simplified procedure for Derby which would include a flow chart for each step of the procedure for the next meeting.**

03/03 Draft Protocol on Gifts and Hospitality

The Committee considered a report from the Director of Corporate Services and Monitoring Officer, which stated that the Council had adopted a model code of conduct for members and some limited guidance on the acceptance of gifts and hospitality was included within the code. However, it specified only the requirement to register any gift or hospitality with the value of more than £25. There were many situations in which a gift or hospitality of a lesser value may be significant, or in which further guidance may be helpful to members. A more detailed set of guidance for members was therefore desirable.

Resolved

- 1 To recommend Council to adopt the draft Protocol on Gifts and Hospitality for Members.**
- 2 To recommend Council to review the current guidelines for employees on hospitality with a view to bring them into line with the proposed Members' protocol.**

04/03 Providing Indemnities to Relevant Authority Officers and Members

The Committee considered a report from the Director of Corporate Services and Monitoring Officer, which set out a briefing note produced by the Association for Public Service Excellence on a consultation paper produced by the Office of the Deputy Prime Minister. The consultation papers put forward proposals to bring in powers contained within the Local Government Act 2000 allowing local authorities to provide indemnities for their members and officers. The need for action in this area had been recognised for some time, in particular following a number of cases arising where local authorities were not able to indemnify their members and officers for the personal liabilities they incurred, arising from the activities of bodies operating outside their respective authorities, but to which they had been appointed by their authorities and for which they received no remuneration. The report also highlighted the issue of whether authorities should be able to indemnify Members who were alleged to have breached the Code of Conduct. The consultation document asked a number of specific questions. These along with the Committee's answers to them were as follows:

- a) The government proposed that all relevant authorities in England and police authorities in Wales, should be provided with the power to indemnify their members and officers. Do you agree? – yes.

- b) Do you agree that authorities should be able to indemnify all or such of their members or officers as they determine for liabilities incurred when they are acting by virtue of their membership of or employment by the relevant authority and for the purpose of that authority? – yes
- c) Are there circumstances other than those listed in the consultation paper, in which authorities would want to provide indemnities and which we will need to ensure will be covered by the section 101 order? – no
- d) Are the restrictions on authorities' power to provide indemnities proposed above appropriate? – yes
- e) Do you agree that the Government is right to limit indemnities from authority reserves to situations where individuals have acted honestly and in good faith, to permit authorities to insure against the risk that indemnities might be called upon, and to prohibit authorities from providing indemnities either directly or through insurance, for the cost of starting proceedings for defamation? – yes
- f) Are there other expressed prohibitions that should be attached to the power to give indemnities? – no
- g) The Government seeks the views to this approach to indemnify members of officers who provide guarantees, opinions letters or letters of comfort to third parties or become liable through activities that are subsequently found to be ultra vires? - yes
- h) The Government seeks views on whether indemnities for allegations of a breach of code of conduct should be permitted and if so, should they be provided only where a member is subsequently found not to have breached the code? – yes
- i) Should an authority be able to apply its own policy in circumstances where breach of the code has occurred but that no action is deemed necessary? – yes
- j) Whether authorities should be allowed to only purchase insurance to cover individuals costs in the same circumstances as an indemnity would be permitted? – yes
- k) What safeguard may be needed to prevent over reliance on legal representation? – safeguards would be needed for example, only reasonable costs awarded.

Resolved to request the Director of Corporate Services and Monitoring Officer to respond to the consultation document based on the answers given to questions above and to report back on the outcome of the consultation to a future meeting.

05/03 Annual Report May 2002 – May 2003

The Committee considered a report from the Director of Corporate Services and Monitoring Officer, which stated that the Committee had met on four occasions during the municipal year 2002/03. During the course of the year the Committee made recommendations to Council on the adoption of two new protocols for:

- a) the use of facilities, services and equipment by Councillors and
- b) the Adoption Panel.

Both protocols were accepted by Council without amendment. Dispensations were granted to 8 Councillors to enable them to vote as members of the Planning Control Committee on the making of a tree preservation order. Consideration had been given on several occasions to the draft Section 66 regulations and the impact on the role of the Standards Committee. Details of complaints submitted to the Standards Board for England concerning Derby members were set out in the report. The Committee was also appointed by the Council to act as a final determining stage of its complaints procedure.

Resolved to note the annual report for 2002/03.

06/03 Ethical Standards Training

The Committee considered a report of the Director of Corporate Services and Monitoring Officer, which stated that the Committee had a responsibility to advise Council on member training and matters relating to the members code of conduct. The Committee had previously recommended that training of members of the Planning Control Committee should be provided before the first meeting of the Committee in each municipal year and that the undertaking of such training should be compulsory for each member. Training was given in May to all members new to the Council following the May elections on the code of conduct. Consideration was given to providing a training session to all members of the Council on

- revisiting of the code of conduct
- decisions taken by the Standards Board
- Section 66 of the regulations and how the Committee would hear matters referred to it
- the Standards Board training video, and
- the protocols on use of equipment and receipt of hospitality and gifts.

Training could also be given to Members of the Council's Licensing and Appeals Committee who act in a quasi judicial capacity when they determine taxi / private hire and public entertainment licence applications.

Resolved

- 1. To hold a training session on 7 January 2004 to include the code of conduct and the local determination arrangements.**

- 2. To support compulsory ethical and procedural training to members of the Licensing and Appeals Committee.**

07/03 Standards Board Video – the Code of Practice

The Committee watched a video from the Standards Board for England on the Code of Practice.

Resolved to note the contents of the video.

08/03 Date of Next Meeting

Resolved to hold the next meeting of the Committee at 10am on 28 November 2003.

MINUTES END