



Legal and Democratic Services

Thursday 23 September 2010

Town Centre
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Dear Sir / Madam

Standards Committee

A meeting of the Standards Committee will be held on **Monday 4 October 2010 at 6.00pm** in the **Gordon Room** (accessed via Stoke Abbott Road) to consider the business set out in the following Agenda.

Yours sincerely

Executive Head of Legal and Democratic Services

MEMBERS OF STANDARDS COMMITTEE

Independent Members – Have Full Voting Rights

David Watson (Chairman), Alex Chester, Jane Stirzaker- Evans and One Vacancy

Councillors

Noel Atkins, Joan Bradley, David Chapman, Paul High, Carol Molineaux, James Doyle

Substitute Members

Councillors Christine Brown, Graham Fabes, Norah Fisher and Elizabeth Sparkes

AGENDA

1. **Minutes**

To confirm the minutes of the meeting of the Committee held on 12 July 2010 and the Standards Determination Sub-Committee on the 15 September 2010.

2. **Declarations of Interest**

Members and Officers are invited to make any declarations of personal and/or prejudicial interest they may have in relation to items on this agenda. The declaration should refer both to the nature of the interest as well as its existence.

Members and officers may seek advice upon any relevant interest from a legal officer prior to the meeting.

3. **Public Question Time**

To receive any questions from members of the public.

(Note: Public Question Time will last for a maximum of 15 minutes.)

4. **Applications for Dispensations**

5. **Review of Codes of good Practice on Licensing and Planning**

To receive a verbal update from the Monitoring Officer

6. **Guidance on the Status of Elected Members sitting as a trustee on a Board**

To receive a verbal update from the Monitoring Officer

Ward

N/A

N/A

6. **Broader issues arising from the Standards Determination Sub-Committee meeting on the 15 September 2010**

N/A

On the 15 September 2010 the Standards Determination sub-Committee resolved that

Resolved:

- i) The Sub Committee finds that Councillor Smytherman published an item on the website and which although the picture itself was not offensive, the caption with it was, as it included a vulgar four letter word;
- ii) The Sub-Committee considered that there has been a breach of paragraph 3.5 of the Code in that by publishing the picture and caption on his blog in the public domain Councillor Smytherman has brought his office into disrepute;
- iii) That Councillor Smytherman be censured;
- iv) That a letter of apology be written by Councillor Smytherman to Worthing Borough Council which will be placed on the Worthing Borough Council Website and sent to the press via a "press release". The Subject Member will agree the content of the letter with the Chairman of the Standards Committee within seven days of the Hearing;
- v) That the Standards Committee examine broader issues arising from the case when it next meets in October.

Subsequently the above item has been placed on the agenda for the Committee to discuss the broader issues of the case.

7. **Review of Action Plan**

N/A

To review the action plan, copy attached as item 7

Standards Committee of Worthing Borough Council

**04 October 2010
at 6.00 p.m.**

Present: David Watson (Chairman), Alex Chester (Vice Chairman), Jane Stirzaker-Evans

Councillors: Noel Atkins, Joan Bradley, James Doyle, Paul High, Carol Molineaux,

Apologies for Absence: Councillor David Chapman

Substitutes: Councillor Christine Brown for Councillor David Chapman

Also present: Executive Head of Legal and Democratic Services and Monitoring Officer, Democratic Services Officer (CCD)

S/21/10-11 Minutes

RESOLVED: That the minutes of the 12 July 2010 and 15 September 2010 be confirmed as the correct records and signed by the Chairman

S/22/10-11 Public Question Time

There were no members of the public present.

S/23/10-11 Declarations of Interest

There were no declarations of interest

S/24/10-11 Applications for Dispensations

There were no applications for dispensations

S/25/10-11 Review of Codes of Good Practice on Licensing and Planning

The Executive Head of Legal and Democratic Services and Monitoring Officer gave a verbal update to the Committee. It was imparted that the review of Codes of Good Practice on Licensing and Planning had not been looked at by the Committee due to a delay in advice being issued by the Association of Council Secretaries and Solicitors. In the interim, Members had been issued with guidance from the Local Government Association.

Given the uncertainty regarding the exact nature of Central Government's intentions relating to the Standards Regime, Members accepted the Executive Head's opinion that it would be unwise to issue further advice until a clearer picture had been painted by Central Government.

RESOLVED:

1. that the report be noted;
2. that no further action be taken to review the code of good practice on Licensing and Planning.

S/26/10-11 Guidance on the Status of Elected Members sitting as a trustee on a Board

The Executive Head of Legal and Democratic Services and Monitoring Officer gave a verbal update to the Committee. Members were given an explanation of the position and were provided with practical examples of when a Trusteeship could give rise to a prejudicial interest.

A Member asked if advice on Trusteeships could be included in the 'Members Handbook', the Executive Head stated that he would investigate the possibility and if feasible would ensure its inclusion. Members discussed the role of a Councillor sitting as a trustee on a Board and felt that the Council could benefit from a training session on the issue.

RESOLVED:

1. that the report be noted;
2. that the Executive Head of Legal and Democratic Services and Monitoring Officer give a training session to all Members on Guidance on the Status of Elected Members sitting as a trustee on a Board.

S/27/10-11 Broader Issues arising from the Standards Determination Sub-Committee meeting on the 15 September 2010

A Hearing of the Standards Determination Sub-Committee on the 15 September 2010 had heard evidence from both an accused Subject Member, his representative and the Monitoring Officer. It had decided factual evidence on the balance of probabilities and made a determination, as a result of its decision sanctions had been imposed. The Sub-Committee had resolved that the Standards Committee examine broader issues arising from the case when it met in October.

The Chairman of the Committee stated that concerns had been raised by the Sub-Committee relating to alleged Political motivation surrounding the complaint. It was related that the Committee could discuss the processes or sanctions relating to the complaint but were asked not to re-visit evidence already considered by the Hearing.

The Executive Head of Legal and Democratic Services and Monitoring Officer explained that the complaints procedure was proscribed by law. Motivation for complaints did not factor in cases where there was sufficient evidence of a breach of the Code of Conduct.

Upon discussion the Committee were satisfied that the process and application of sanctions were carried out in a satisfactory manor. It was felt that as an outcome other Council Members would not make the same error of judgement as made by the Subject Member. It was also noted that there was a possibility of delay in instances where the Chairman could be given delegated responsibility to agree the wording of sanctioned

apologies. It was felt that wording of recommendations in the future should be worded to accommodate any delays.

RESOLVED: that the discussion on the broader issues be noted.

S/28/10-11 Review of Action Plan

The Committee had before it a copy of the Action Plan for 2010/11. The Action Plan for 2010/11 was discussed and updates made to the timings for reports coming before the Committee.

The Monitoring Officer went through the Action plan and updated Members on the progress of reports due to come before the Committee. Members were informed that a large proportion of the Action Plan could be considered irrelevant in light of Central Government's announcement that it would be abolishing the Standards Board Regime. Members felt that a Local Code of Conduct would be needed if the planned Localism bill removed the national one. The Monitoring Officer stated that the Standards Committee could recommend a local Code of Conduct to the Governance and Audit Committee and agreed to investigate the issue after the release of the Localism Bill in October 2010.

RESOLVED: that the Action Plan be noted.

The meeting ended at 6.48pm