

Town Hall
Worthing

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Dear Councillor

Standards Committee

A meeting of the Standards Committee will be held in the Committee Suite, **at 6 pm on Wednesday 26 November 2008**, to consider the business set out in the following Agenda.

Yours sincerely



Chief Executive

STANDARDS COMMITTEE

Independent Members – having full voting rights

Jane Stirzaker-Evans (Chairman), Dr. David Wiggins and John Evans

Councillors

Michael Donin, Vacancy, Heather Mercer, Keith Sunderland, Steve Waight and Tom Wye

Substitute Members

Councillors Ann Barlow, James Doyle, Elizabeth Sparkes and Hazel Thorpe

A G E N D A

1. **Minutes**

To confirm the minutes of the meeting of the Standards Committee held on 8 September 2008.

(Copy attached. These minutes were approved by Council at its meeting on 14 October 2008)

2. **Public Question Time**

To receive any questions from members of the public.

(Note: Public Question Time will operate for up to 15 minutes).

3. **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 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.

4. **Consultation on Amendments to the Code of Conduct**

To consider a report of the Executive Head of Legal and Democratic Services outlining the Consultation on Amendments to the Code of Conduct.

(Report attached.)

5. **Members Code of Conduct - Bullying Protocol**

To consider a report of the Executive Head of Legal and Democratic Services concerning the Members Code of Conduct – Bullying Protocol.

(Report attached.)

6. **Equality Monitoring and Complaints**

To consider a report of the Executive Head of Legal and Democratic Services regarding Equality Monitoring and Complaints.

(Report attached.)

7. **Monitoring Report**

The Monitoring Officer to report no complaints were received during the quarter ended 30 September 2008.

8 **Action Plan**

To consider the latest version of the Action Plan.

(Report attached.)

9. **Independent Members Forum**

The Committee will be provided with an Oral Update from the Chairman.

(Report attached.)

10. **Seventh Annual Assembly of the Standards Board for England**

To notify the Committee of the issues raised at the Association of Independent Members of Standards Committees meeting held on 23 October 2008.

(Report attached.)

STANDARDS COMMITTEE

**26 November 2008
at 6.00 p.m.**

Present: Jane Stirzaker-Evans (Chairman);
John Evans and David Wiggins

Councillors Michael Donin, Heather Mercer, Keith Sunderland and
Tom Wye

Also present: Executive Head of Legal and Democratic Services and
Democratic Services Officer

Apologies for Absence: Councillor Steve Waight

1. MINUTES

The minutes of the meeting of the Committee held on 8 September 2008 were confirmed as a correct record, subject to an amendment to paragraph 16 to indicate that no meeting was held and there was nothing to report back.

2. PUBLIC QUESTIONS

None.

3. DECLARATIONS OF INTEREST

None.

4. Consultation on Amendments to the Code of Conduct

The Executive Head of Legal and Democratic Services and Monitoring Officer submitted a report outlining the department for Communities and Local Government consultation paper proposals for revising the Local Authority's Model Code of Conduct Order 2007 and the Relevant Authorities (General Principles) Order 2001.

It was noted that Councillors could bring the Council into disrepute if they were convicted of a criminal offence. If they were suspended for a professional investigation it could not bring the Council into disrepute.

Concern was expressed about the impact on Councillors who were members of professional bodies which would suspend them if they were subject to a complaint to the Standards Committee, particularly if there could be complaints about minor fixed penalty offences such as speeding.

The Committee felt that it was important to respect the laws of other countries and therefore did not agree with the proposal that the offence abroad had to be an offence in England as well, however they did believe that the Assessment Sub-Committee should have the discretion to refuse to investigate circumstances where the offence was held to be unlikely to be within the reasonable knowledge of the Member.

The Committee considered each of the consultation responses and;

RESOLVED,

- a) that the Committee agree the response to Consultation Question 1 in general, but amend paragraph 2(b) to say:

‘That the Council accepts in general, offences for which a fixed penalty is offered, but these should not include offences for dishonesty’.

- b) that the Committee agree the response to Consultation Question 2 incorporating a paragraph noting:

‘professional bodies have a different approach to dealing with convictions and due to the wide range of offences covered by fixed penalties, public perception of fixed penalties can be varied’;

- c) that the Committee agree the response to Consultation Question 3;

- d) that the Committee agree the following amended response to Consultation Question 4 ‘The Council is of the opinion that the Members’ Code should engage with Conduct committed in a foreign country where that conduct constitutes a criminal offence in that country’;

- e) that the Committee agree the response to Consultation Question 5;

- f) that the Committee agree the response to Consultation Question 6;

- g) that the Committee agree the response to Consultation Question 7;

- h) that the Committee suggested an additional paragraph be added to the response to Consultation Question 8:

‘The Code needs to provide for the position where a Councillor is a member of Councils, more than one tier of local government, and a complaint is found proved’;

- i) that the Committee agree the response to Consultation Question 9 with paragraph 24(b) of the response reworded to say ‘The Council is of the opinion that two months is adequate’;

- j) that the Committee agree the response to Consultation Question 10;
- k) that the Committee agree the response to Consultation Question 11;
- l) that the Committee agree the response to Consultation Question 12;

5. Members Code of Conduct - Bullying Protocol

The Executive Head of Legal and Democratic Services and Monitoring Officer introduced a report outlining a protocol for Members on Bullying and Harassment.

Consideration was given to the Advisory Conciliation and Arbitration Service (ACAS) definitions of harassment and bullying and to their suggested examples of bullying / harassment behaviour.

The Committee were informed about an ACAS advice leaflet 'Bullying and Harassment at Work: A Guide for Managers and Employers' which suggests a check list of items that could be included within a policy on bullying and harassment. It was noted that some of the items are relevant to a policy for members and others are not, examples were detailed in the report.

RESOLVED,

- (i) that the Committee agree the protocol set out in Annex 1 of the report;
- (ii) the word Officers in paragraph 2 of Annex 1 be replaced by 'all employees of the Council';
- (iii) the Committee noted that the items in 2.10 of the report do not apply to the protocol as they relate to employee / employer relations and not directly to Members;

RECOMMEND,

- (iv) to full Council that the protocol be adopted as part of the Code of Conduct.

6. Equality Monitoring and Complaints

The Executive Head of Legal and Democratic Services and Monitoring Officer presented a report setting out an equalities monitoring form to be included in the complaints form.

RESOLVED,

- (a) that the equalities monitoring form be included in the complaints form;
- (b) that the information received should be presented annually to the Overview & Scrutiny Committee.

7. Monitoring Report

The Monitoring Officer reported that no complaints were received during the quarter ended 30 September 2008.

8. Action Plan

The Committee considered the Action Plan for 2008/09 which incorporated amendments from the Executive Head of Legal and Democratic Services.

RESOLVED,

- (1) that the amended format of the action plan be noted and endorsed;
- (2) that the progress column be completed to show the current status of agreed actions.

9. Independent Members Forum

The Committee received an Oral report from the Chairman regarding the Independent Members Forum.

RESOLVED, that the report be noted.

10. 2009 Seventh Annual Assembly of the Standards Board for England

The Chairman introduced a report notifying the Committee of the issues raised at the Association of Independent Members of Standards Committees meeting held on 23 October 2008.

The Committee were informed that the following appendix, 'David Bassons' summary of events at the Birmingham Conference' should have been circulated with the report.

RESOLVED, that the Committee;

- (i) note the contents of the report;
- (ii) receive copies of David Bassons Birmingham Conference summary.

The meeting ended at 7.45 pm