

**STANDARDS COMMITTEE
15 FEBRUARY 2005**

Present: Independent members: -
Mr V Kempner (in the Chair)
Ms S Fellows

Councillors Bigg, Bird, Hancock, Lock and Webb

1. MINUTES

RESOLVED – that the minutes of the meeting held on 27 April 2004 be approved and signed by the chair as a correct record.

2. LOCAL INVESTIGATION OF STANDARDS COMPLAINTS

The Borough Solicitor and Monitoring Officer submitted a report informing members of the implications for the Committee of the regulations governing the local investigation of complaints. She recommended adoption of the procedures set out in appendices to the report.

RESOLVED – that: -

- (1) the Council be requested to make contingency provision for the cost of appointing external investigators and legal advisers for individual case hearings as required in the current year, and that formal provision for such costs be made in the Committee's Budget for future years;**
- (2) the Council provide an indemnity to Investigating Officers acting in good faith against any claims for defamation, and that the Council insure such risk;**
- (3) the Committee approve the Procedure for Local Investigations set out at Appendix 1 to the report;**
- (4) the amended Procedure for local hearings set out in Appendix 2 be adopted by the Committee;**
- (5) the same procedures for local investigation and local hearings be applied for the enforcement by the Standards Committee of complaints of breaches of local protocols; and**
- (6) the matter be reviewed in 12 months time.**

3. MODEL PROTOCOL FOR RELATIONSHIPS BETWEEN MEMBERS AND OFFICERS OF A LOCAL AUTHORITY

The Borough Solicitor reported that The Staff and Management Forum were currently considering a model Protocol for Member and Officer Relationships. This report was the first stage in the consideration of a protocol by members. It would eventually be a matter for Council decision. Appended to the report was a model protocol drawn up by the Association of Council Secretaries and Solicitors. Members' comments on the suitability of the provisions of the Model Protocol were sought and they were

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asked to give consideration to the role of the Committee in complaints of breach of the Protocol by members

RESOLVED – that: -

- (1) the model Protocol for Member and Officer Relationships drawn up by the Association of Council Secretaries and Solicitors be accepted subject to it being tailored to fit local circumstances;**
- (2) this committee is considered the appropriate body to deal with complaints of breach of the Protocol by Members; and**
- (3) members of this committee be notified of any significant changes made to the Protocol when it is adopted by the Council.**

4. INDEMNITIES FOR MEMBERS AND OFFICERS

The Borough Solicitor and Monitoring Officer submitted a report advising the Committee of the new powers for the Council to provide indemnity for members and officers.

It had been recognised that the extent of local authorities' existing powers to grant such indemnities needed clarification. Additionally the potential liability of members and officers, particularly when acting on outside bodies at the request of the authority, could act as a serious deterrent to such participation. The Government had now introduced new regulations, which gave a specific power for authorities to grant indemnities, and/or to take out insurance, to cover the potential liability of members and officers in a wide range of circumstances. It was up to each authority to decide whether to grant such indemnities, or take out such insurance, and to decide the extent of such indemnities and insurance. The report set out the range of powers now available to the authority and recommended the terms of such indemnities and insurance.

RESOLVED – that the Standards Committee recommend to Cabinet and the Council that: -

- (1) the authority grant an indemnity to members and to officers of the authority in the terms set out in the Appendix to the report of the Borough Solicitor and Monitoring Officer and instruct the Director of Finance to secure insurance to cover the authority's liability under this indemnity, in so far as he is of the opinion that such insurance would be financially prudent; and**
- (2) appointment to a position with an outside organisation which comes within these indemnities shall be treated as appointment as a representative of the authority for the purposes of the Code of Conduct for members.**

(The Chair declared the meeting closed at 7.27 pm)