



Standards Committee

Agenda and Reports

For consideration on

Thursday, 5th March 2009

In Committee Room 1, Town Hall, Chorley

At 2.00 pm



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24 February 2009

Dear Councillor/Colleague,

STANDARDS COMMITTEE - THURSDAY, 5TH MARCH 2009

You are invited to attend a meeting of the Standards Committee to be held in Committee Room 1, Town Hall, Chorley on Thursday, 5th March 2009 commencing at 2.00 pm.

Please note that a Assessment Sub-Committee will be held on the rising of the Committee. The proposed membership is Tony Ellwood (Independent Member), Alan Cornwell (Parish Council representative) and Stella Walsh (Borough Councillor). This membership will be considered at Item 10 on the agenda below.

AGENDA

1. **Apologies for absence**

2. **Minutes (Pages 1 - 4)**

To confirm as a correct record the minutes of the meeting of the Standards Committee held on 11 December 2008 (enclosed).

3. **Declarations of Any Interests**

Members are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda. If the interest arises **only** as result of your membership of another public body or one to which you have been appointed by the Council then you only need to declare it if you intend to speak.

If the personal interest is a prejudicial interest, you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

4. **News from the Standards Board**

The Monitoring Officer will present a verbal update.

5. **Cases considered by the Adjudication Panel for England (Pages 5 - 18)**

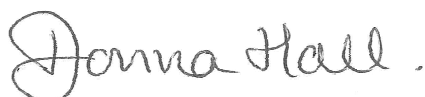
To receive and consider the report of the Monitoring Officer.

6. **Feedback from visits to Parish Councils (Pages 19 - 20)**

Members of the Committee will give feedback on their visits to Parish Councils.

7. **Work undertaken to promote the Code of Conduct**
The Monitoring Officer will present a verbal update.
8. **Update on the recruitment of additional members of the Standards Committee**
The Monitoring Officer will present a verbal update.
9. **Draft Protocol on Parish Member-Employee Relations (Pages 21 - 26)**
To receive and consider the draft protocol
10. **Appointment of Sub-Committees**
To appoint any required Sub-Committees.
11. **Use of resources**
The Monitoring Officer will give a presentation on use of resources.
12. **Standards Committee draft Annual Report (Pages 27 - 32)**
To receive and consider the draft Annual Report for the Standards Committee and to determine it's publication date.
13. **Standards Committee Work Programme (Pages 33 - 34)**
The Committee will consider the Work Programme for 2008 (enclosed).
14. **Any other item(s) that the Chair decides is/are urgent**

Yours sincerely



Donna Hall
Chief Executive

Ruth Hawes
Democratic and Member Services Officer
E-mail: ruth.hawes@chorley.gov.uk
Tel: (01257) 515118
Fax: (01257) 515150

Distribution

1. Agenda and reports to all Members of the Standards Committee (Mr Ellwood (Chair), Councillor Keith Iddon and Councillors Judith Boothman, Thomas McGowan, Debra Platt, Stella Walsh, Rev John Cree (Independent Member) and Mrs Joan Geddes (Parish Council Member) for attendance.

2. Agenda and reports to Andrew Docherty (Director of Governance - Monitoring Officer), Carol Russell (Head of Democratic Services) and Ruth Hawes (Democratic and Member Services Officer) for attendance.
3. Agenda and reports to Alan Cornwell (Reserve Parish Council Member) for attendance.

This information can be made available to you in larger print or on audio tape, or translated into your own language. Please telephone 01257 515118 to access this service.

આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپکی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون

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Standards Committee

Thursday, 11 December 2008

Present: Mr Ellwood (Independent Chair), Councillor (Vice-Chair) and Councillors Thomas McGowan, Debra Platt, Rev John Cree (Independent Member) and Mrs Joan Geddes (Parish Council Member)

Officers in attendance: Andrew Docherty (Director of Governance - Monitoring Officer) and Ruth Hawes (Assistant Democratic Services Officer)

Also in attendance: Alan Cornwell (Reserve Parish Council Member)

09.S.57 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Judith Boothman and Stella Walsh.

09.S.58 DECLARATIONS OF ANY INTERESTS

In accordance with the provisions of the Local Government Act 2000, the Council's Constitution and the Members Code of Conduct, Joan Geddes declared a personal interest in relation to Item 8 "Update on the recruitment of additional members of the Standards Committee".

09.S.59 MINUTES

RESOLVED – That the minutes of the meeting of the Standards Committee held on 18 September 2008 be confirmed as a correct record and signed by the Chair.

09.S.60 NEWS FROM THE STANDARDS BOARD

The Committee considered a briefing note from the Chair on the Annual Assembly. It was noted that when filtering allegations "alternative action" should be used carefully.

RESOLVED

- 1. The report be noted.**
- 2. The Council's website pages related to standards be reviewed.**

09.S.61 CASES CONSIDERED BY THE ADJUDICATION PANEL FOR ENGLAND

The Monitoring Officer presented a report advising Members of recent cases which have been considered nationally and to provide a general update on national developments.

The Committee discussed the cases and queried several points with the Monitoring Officer.

RESOLVED – That the report be noted.

09.S.62 FEEDBACK FROM VISITS TO PARISH COUNCILS

Committee Members discussed their visits to Parish Councils since the last meeting. The feedback was generally positive with visits achieving the aim of raising awareness of the Committee and its' role.

RESOLVED – That the schedule recording visits to Parish Councils be updated, including visits made by Committee Members who were not present at the meeting.

09.S.63 WORK UNDERTAKEN TO PROMOTE THE CODE OF CONDUCT

The Monitoring Officer advised that, following the recent Standards Sub-Committee letters with guidance and queries on register of interest forms were being sent to Parish Council clerks. An article would be featured on “intheknow” with guidance for Borough Councillors.

The Committee discussed methods of ensuring the register of interest forms are kept up to date. It was AGREED that when a Standards report is presented to Council a reminder be included, to have the registers available prior to meetings generally and to request Members to review their forms in May.

RESOLVED – That the update be noted.

09.S.64 UPDATE ON THE RECRUITMENT OF ADDITIONAL MEMBERS OF THE STANDARDS COMMITTEE

The Committee discussed the report of the Monitoring Officer. It was noted that the Council had, last week, approved the appointment of the new independent member Chris Sewell. Chris had sent his apologies for the meeting as he was in London on business.

Members were advised that the guidance from the Standards Board for England recommends that there are three representatives from Parish Councils. This would ensure that sufficient Members are available to deal with local filtering decisions and reviews against those decisions and to provide some capacity in the event of Members being unavailable.

The Committee discussed the recruitment pack and noted that, in addition to Mrs Geddes, five other nominations have been made and a recruitment process therefore needed to be agreed. Consideration was given to criteria upon which to base the appointment recommendation, some suggested criteria were contained in the recruitment pack enclosed in the agenda papers and two amendments were made.

The importance of maintaining continuity with respect to terms of office was highlighted.

RESOLVED –

- 1. Each of the nominated Councillors should be invited to submit a written application setting out how they consider they meet the criteria and that this should be explored further during an interview.**
- 2. An appointment panel of three Members with a reserve be established from within the membership of the Committee to make the appointment recommendation to Council.**
- 3. That Council be recommended to increase the number of Parish Council representatives on the Standards Committee to three.**
- 4. Parish Council representatives to serve the same term of office on the Standards Committee as their term of office on the Parish Council.**
- 5. Independent members to serve a four year term of office, on a staggered basis.**

09.S.65 REAL PEOPLE, REAL POWER CODES OF CONDUCT FOR LOCAL AUTHORITY MEMBERS AND EMPLOYEES

The Committee received and considered the report of the Monitoring Officer regarding the Consultation Paper Communities in Control: Real People, Real Power Codes of Conduct for Local Authority Members and Employees received from the Department for Communities and Local Government.

RESOLVED – That the proposed responses to the consultation questions and agreed a response be submitted, with two additional points. The criteria to be a Parish Councillor should be the same as for Borough Councillors regarding the registration of their address. Beneficial interests would benefit from clarified.

09.S.66 PROTOCOL ON MEMBER-OFFICER RELATIONS

The Monitoring Officer presented the current Member-Officer relations protocol and Members discussed Councillors rights of access to information, the issue of staff lobbying members and officers attending political group meetings.

The Committee debated the potential need for a Parish Council protocol for Member-Officer relations.

RESOLVED –

- 1. A revised protocol be presented to a future meeting.**
- 2. A Parish Council protocol for Member-Officer relations be given further consideration.**

09.S.67 STANDARDS COMMITTEE WORK PROGRAMME

The Committee discussed the work programme and AGREED to consider a draft an annual report of the Committee at the next meeting.

Chair

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Report of	Meeting	Date
Monitoring Officer	Standards Committee	05 March 2009

CASE UPDATE

PURPOSE OF REPORT

- To advise Members of recent cases which have been considered nationally.

RECOMMENDATION(S)

- That the report be noted.

CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	
Involving people in their communities		Ensure Chorley Borough Council is a performing organisation	✓

ADJUDICATION PANEL DECISIONS

- Only one decision of the Adjudication Panel has been published since the last meeting of the Standards Committee. The decision related to an appeal against a Standards Committee decision in respect of a Parish Councillor and a copy of the decision is annexed to this report. Perhaps the most interesting part of the decision is the Appeal Tribunal's support for the Standards Committees decision to hold their hearing in private. That decision was made because of concern that the Councillor's defence might stray into wide ranging criticism of the Town Clerk.

STANDARDS BOARD CASES

- The Standards Board continues to supply reports of the outcome of Ethical Standards Officers' investigations. Since the last Committee meeting, eight reports have been published relating to cases where either no breach of the code has been found or no further action has needed to be taken.
- Amongst the cases reported are the first submitted after the arrangements for local assessment came into force and, although the reports do not make it clear, presumably these are cases which have been referred by local Standards Committees. The cases include cases which relate to allegations involving Leaders, an Independent Member of a Standards Committee and a case which related to inappropriate comments made about

the Council's Chief Executive. These perhaps provide some steer on the kinds of cases which the Standards Board will be willing to accept on referral from a Standards Committee.

7. Perhaps the most interesting of the cases reported though, pre-dated local assessment and is the case concerning Liverpool City Councillor Steve Hurst. Councillor Hurst was convicted of an offence under the Representation of the People Act for distributing election leaflets purporting to be on behalf of a different political party and which contained a number of abusive comments about another Councillor and her family. The Ethical Standards Officer considered that electioneering and canvassing were activities that Members undertook in their roles as party activists and that Councillor Hurst was therefore not acting in his official capacity when he committed the offence. In the Ethical Standards Officer's view therefore the behaviour was not covered by the Code of Conduct.

CASES BEFORE THE COURTS

8. There have been two recent Court cases relating to Standards which are of interest. In a case relating to Harrogate Borough Council a planning application by a Councillor Atkinson was passed on the casting vote of the Chair, Councillor Simms. The application had been strongly recommended for refusal by Officers because of it being contrary to planning policy. This resulted in complaints to the Ombudsman and to the Standards Board.
9. The Standards Board found no breach of the Code. The two Councillors were members of the same political group, shared a car to Council meetings and had social contact a dozen times a year. However, they had rarely been in each others' houses and Councillor Simms had not been invited to a recent event to celebrate Councillor Atkinson's anniversary attended by 120 people. The ESO concluded that they did not meet the Code's definition of friends and hence there could be no personal let alone prejudicial interest.
10. The Ombudsman however found apparent bias and the Court subsequently agreed. The Court noted in particular:
 - The contact between the Councillors went further than what would normally be expected of fellow members of a political party –they were “friendly acquaintances”.
 - It was a planning application in which Councillor Atkinson had a very obvious personal interest
 - Councillor Simms was not merely a member of the Committee. He was its Chair.
 - His vote was not an ordinary vote. It was a casting vote exercised against a strong officer recommendation.

Although no on factor was decisive the overall picture was one of apparent bias. As in some previous cases the fact that an independent investigator (in this case the Ombudsman) had reached a view, was relied upon by the Court in support of its own decision.

11. The second very recently reported case concerns a Birmingham City Councillor. The Councillor was concerned about the condition of a listed building which was being developed. With the owner of a neighbouring building he entered the site of the listed building and began to shoot a video. In the video he introduced himself as 'Councillor...'.
12. The owner of the listed building arrived and there was a scuffle. Later the video was placed on the Youtube website.
13. The listed building owner brought a complaint to the Standards Committee alleging that the Councillor had not treated him with respect by: (i) trespassing on his land and (ii) filming

him and the building and making it available on the internet. done and that he had been exercising his right to freedom of expression. He also said that he had not been acting in his 'official capacity'. The Standards Committee found that he had been acting in his official capacity and that he had breached the Code

14. The Councillor then appealed to the Adjudication panel who upheld the decision and rejected the argument that the Councillor had been acting as campaigner or politician outside his official capacity. The Panel confirmed the Committees decision that there had been a breach of the Code. This decision was then challenged through the Courts
15. The Court said that the Code itself defined 'official capacity'. In this case the most relevant part of the definition was: 'conducts the business of the office to which s/he has been elected or appointed'. Those were ordinary descriptive English words. Different tribunals may take a different view on the same set of facts but this Committee and Tribunal had reached a conclusion within the range of reasonable conclusions.
16. In relation to the public interests and human rights argument the Court said that there had to be a balance struck between the various relevant aspects of the public interest in all the relevant circumstances of the case. The concept of 'treating others with respect' was one that allowed the balance to be struck. Similarly although political expression attracted a high degree of protection under the freedom of expression that was something which could be and was considered in determining whether there had been a breach of the Code.

ANDREW DOCHERTY
CORPORATE DIRECTOR OF GOVERNANCE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Andrew Docherty	5102	12 February 2009	REPORTS/1202

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THE
ADJUDICATION PANEL
 FOR ENGLAND

23 Victoria Avenue, Harrogate HG1 5RD Tel: 01423 538783: www.adjudicationpanel.co.uk

Appeals Tribunal Decision

Case Ref:	APE 0413
Appeals Tribunal Date:	23 January 2009
Relevant Standards Committee:	North Wiltshire District Council
Date of Standards Committee Decision:	14 November 2008
Name of member concerned: <i>(Appellant & his authority)</i>	Mr John Ireland formerly of Calne Town Council
Ethical Standards Officer (ESO):	Ms Hazel Salisbury
Monitoring Officer:	Mr Peter Jeremiah
Investigating Officer:	Mr Felix Hetherington
<u>Appeals Tribunal Members</u>	
Chairwoman:	Ms Melanie Carter
Member:	Mr Chris Perrett
Member:	Mr Neil Pardoe

1. The Adjudication Panel for England received an appeal from Mr John Ireland, formerly of Calne Town Council, following a determination by the Standards Committee of North Wiltshire District Council ("the Standards Committee") that he had breached paragraphs 3(1) and 3(2)(b) the Members' Code of Conduct and to suspend Mr Ireland for a period of one month from 1 December 2008, unless he gave a written apology to the complainant before that date. The complainant, who is the Town Clerk of the Town Council, had alleged that Mr Ireland had failed to treat her with respect and had bullied her. The Appellant has appealed both the decision that he had breached the Code and the action taken.
2. The Appellant did not appear and had not sought an adjournment. The Appeals Tribunal decided to proceed in his absence.
3. The Appeals Tribunal considered oral submissions from Mr Jeremiah, the Monitoring Officer of the District Council, on behalf of the Standards Committee and written submissions from the Standard Committee and the Appellant. There was no oral evidence heard.

The Code

4. Paragraph 3(1) of the Code provides:

"You must treat others with respect"

5. Paragraph 3(2)(b) of the Code provides:

"You must not..... bully any person."

Findings of Fact

Background

6. Mr Ireland had been a member of the Town Council since 2002. Between 2003 to 2007 he was also a member of North Wiltshire District Council and served on its Standards Committee throughout his time on that Council.
7. Mr Ireland was last elected to office on 7 May 2007. He served on the Amenities Committee, the One Council and the Traffic Calming Working Groups. In the previous municipal year he was Chair of Development Control and was a member of the Policy and Resources Committee.
8. Mr Ireland gave a written undertaking to observe the Code of Conduct on 8 May 2007. Mr Ireland has attended no formal training session since re-election in May 2007 on the Code of Conduct but says that he has kept up to date by reading any material sent to him.
9. Mr Ireland has resigned from Calne Town Council since making his application to appeal.
10. The complainant, Mrs Linda Roberts is a long standing employee of Calne Town Council and was promoted from Deputy Town Clerk to Town Clerk of the Council in January 2008.
11. Both Mrs Roberts and Mr Ireland agreed that there was no cause for concern in their working relationship prior to February 2008.

Emails relating to the flying of the union flag

12. In the autumn of 2007 the government changed the rules relating to the flying of the union flag from public buildings. Mr Ireland, who has a military and police service background, is strongly in favour of the flag being flown from Calne Town Hall on a daily basis.
13. On 13 November 2007 by email to the then Town Clerk, Ann Kingdom, he put down a notice of motion to this effect for debate at the next full council meeting. Subsequently that motion was not passed. Mr Ireland recognised that, pursuant to standing orders, he would have to wait 6 months before the motion could be re-submitted to the council.
14. At the Annual Parish Meeting held on 14 April 2008 a proposal was discussed 'to fly the flag' and a vote by those present at the meeting was in favour of the proposal. There was a Town Council meeting immediately following this parish meeting, but this proposal was not debated. In fact, it would not have been lawful for the proposal to have been discussed on account of the 6 month rule mentioned above and also that it was not an item on the agenda. The Town Council's standing orders provide that only agenda items may be discussed unless the Chairman decides the matter is one of urgency or standing orders are suspended. Neither course of action would have been appropriate here such that the vote in favour of flying the flag could not be considered at the Town Council on 14 April. There was no obligation on the Town Council to fly the flag in the absence of a resolution of the council to that effect.

15. Whilst the Town Clerk was away on a day's leave following the parish meeting, Mr Ireland requested that her Deputy fly the flag from the town hall for a short while. On the Town Clerk's return, she asked for it to be taken down as a formal decision of the Town was required as to whether it should be flown.
16. On 16 April 2008 Mr Ireland phoned Mrs Roberts to discuss the flag having been taken down. Mrs Roberts told the Investigating Officer that during their conversation Mr Ireland had commented first that *"you are going to be in for a very rough ride, this is war"* and second that *"your attitude stinks"*. Whilst Mr Ireland cannot remember clearly what was said, he disputes that he referred to her attitude in this way. He accepted however that something along the lines of *"I don't like your attitude"* may have been said. The Appeals Tribunal noted that Mrs Roberts had not initially, in her complaint form to the Standards Board and accompanying statement, used the words *"your attitude stinks"*, referring rather to Mr Ireland not liking her attitude, in accordance with Mr Ireland's recollection. The words *"your attitude stinks"* do not appear until Mrs Roberts is interviewed by the Investigating Officer on 23 June 2008.
17. The Appeals Tribunal noted that the Standards Committee had simply decided to adopt the Investigating Officer's findings of fact and had not, where there was a dispute of fact, as here, given any specific reasons for that finding. As neither the Appellant nor Mrs Roberts had chosen to attend, the Appeals Tribunal was in some difficulty determining this issue of fact. It would ordinarily have placed some weight upon the Standards Committee's findings on a point of evidence, as it had had the benefit of oral testimony. In this circumstance however, the Appeals Tribunal noted that the Standards Committee decision had stated that Mrs Roberts had not answered many questions on account of being upset and the Standards Committee decision did not refer to any inquiry relating to the telephone conversation. The Appeals Tribunal was of the view therefore that this point may not have been dealt with in cross examination of Mrs Roberts.
18. In these circumstances, the Appeal Tribunal concluded that the only fair way to proceed was to accept Mr Ireland's version of the telephone conversation.
19. Following this telephone conversation, an email timed at 13:10 was sent by Mr Ireland to a number of addressees - including the press and Mrs Robert's PA - but not to Mrs Roberts herself. The email stated:

"Dear all, I am sorry to have to inform you that the flag has now been removed from the town hall on the instructions of the town clerk, it seems that, and I quote, "the town council is under no obligation to take any notice of the Parish meeting" her words to me this morning.

I have informed her that if she and the council do not have to take any notice then she will find herself with a virtual war on her hands. I am sorry to relay this to you as I know it meant so much to all of you but we do have a copy of the standing orders and we will challenge this decision if necessary through the courts. In the mean time I suggest that the survey continues and now goes town wide. It seems that they only "have to take note and put it up for further discussion at the next full town council meeting". I am also informed that Councillor Hill has already spoken to the Gazette & Herald and said that if they print the story of the Parish Meeting it will be factually wrong. He is a Conservative and a retired RAF Sqn. Ldr. And brings nothing but shame to the Conservative Party over this issue and his dogmatic approach to it.

The legality of the vote is not in doubt but Page 94 of the standing orders is quite clear in that it says, if a motion put before the parish meeting is not accepted the electors may cause an extra ordinary meeting of the parish to be

held, at the cost to the council, to debate the issue. It is therefore clear that when interpreting the rules, the gathered public were misled in order to obviate the necessity of facing this obligation. It also says that certain decisions do have legal standing and theirs to accept the majority vote to fly the flag must surely be in that league! The next step is Parish Poll.

This was not a political issue but now I am afraid it has become one."

20. Mrs Roberts was sent a copy of the email and she responded to Mr Ireland denying that she had said there was 'no obligation' upon the Town Council to consider the matter. This email said that the council "*had a duty to consider the proposal*". Mrs Roberts received a further email on the same subject at 14:38 on 16 April. This stated:

"You forgot yourself Town Clerk you DID say exactly what I quoted and I stand by that. I made a note of it at the time.

I agree that you said that you had a duty to consider the proposal but that is not in my original e-mail. The fact of the matter is that the proposal on the night was 'to fly the flag' not to 'reconsider and revisit at the next meeting. The proposal was as written on the head of the survey and was read out as the active proposal therefore you and the council are in breach of your legal responsibilities. I suggest you read Charles Arnold Baker Local Government Policy Page 94 Chapter 10 para H. You failed to convey that this would be then placed on another town council agenda for further debate and therefore prevented the public from exercising their right to call for a Parish Poll on the matter.

May I politely remind you that Mr. Mayo informed you that if this matter was not resolved at the meeting we would be demanding a parish Poll. In effect we had exercised our right during the meeting therefore to go to a poll if necessary. Page 93 refers."

21. The next email in the series which caused Mrs Roberts concern is again dated 16 April and timed at 16:01 from Mr Ireland to Mrs Roberts. This email further argued that the Town Clerk had been under a duty in law to inform those present at the Annual Parish meeting of the legal effect of their resolution. Mr Ireland suggested that she might want to take legal advice as "*I am afraid that we will not let the matter rest.*"
22. Councillor David Bland has confirmed that the Clerk was silent at the Annual Parish meeting about the status of the vote.

Expenses claim

23. The incident in question arose from a meeting of the full Calne Town Council on 14 April 2008 (in fact the meeting following the Annual Parish meeting). Under agenda item 11 in the open part of the meeting Mr Ireland queried a petty cash claim for £20 that Mrs Roberts had made for a working lunch, in connection with an establishment review, for four people including external consultants. Mr Ireland said that as she was on an extremely high salary, much more than councillors, she should be paying for working lunches out of her own pocket, as did the previous Town Clerk.
24. Mrs Roberts said there were no members of the public present at this part of the meeting but added that two external consultants were present whom she had asked to attend to do a presentation to the council.

25. Mr Ireland responded to the complaint by saying that initially he had been led to believe that the refreshments were for staff training and that the complaint paints entirely the wrong picture of his intentions and actions. He said further that he had merely asked why there was a claim for *"breakfast rolls for staff meetings"* and the conversation deteriorated from that point. He said his aside about the previous Town Clerk paying for them out of her own pocket was in response to Mrs Roberts saying *"why should I pay for them"* or words to that effect. He says also that the 'Accounts' item on the agenda was in the public part of the meeting and therefore open to public inspection and questioning. As to the consultants he believes they stayed on into at least part of the confidential part of the meeting.
26. Councillor Alan Hill's recollection was that the reaction of most councillors was that there had been a collective *"intake of breath"* and of disapproval and dismay at the comments by Mr Ireland. This latter point was disputed by Mr Ireland. Again, in order to ensure fairness and given the lack of oral evidence, the Appeals Tribunal accepted Mr Ireland's testimony and proceeded on the basis that councillors, other than Councillor Ansell and Councillor Hill, had not reacted in this way.
27. Councillor Glenis Ansell, who had been elected to the council on 31 January 2008, stated that she was shocked by what had taken place and remembers saying that *"it wasn't for the council to decide what the Clerk paid for out of her salary. If we did enter into that territory that would be a dangerous precedent."*
28. Councillor David Bland recalled the incident and said this was the first time he can recall a claim for refreshments and that the previous Town Clerk spent her own money on refreshments for ground staff and council workers.

Standard Committee's Decision

29. The Standards Committee made the following findings:

"In respect of the first incident the Hearing Sub-Committee found no breach of the Member's Code of Conduct.

In respect of the second incident [the emails relating to the flying of the Union flag] there was a finding of a breach of paragraph 3(2)(b) of the Code "you must not bully any person."

In respect of the third incident [the expenses claim allegation] there was a finding of a breach of paragraph 3(1) of the Code "You must treat others with respect."

Considering all three incidents together, there was a pattern of behaviour which under the code amounts to a failure by Mr John Ireland to treat the Town Clerk with respect and amounts to bullying."

Appellant's Grounds of Appeal

30. The Appellant refuted the Town Clerk's allegation of bullying. He stated that he had never threatened her and would not ever do so. She had, in the Appellant's opinion, deliberately chosen to accuse him of such for malicious reasons and the accusation is false. The Appellant, in his exchanges with the Town Clerk in relation to the expenses incident had not intended to treat her with disrespect. It was argued that the Town Clerk had *"indulged in debating across the floor of the chamber"* with the Appellant and was therefore as guilty as he of what transpired.

31. The Appellant raised various arguments that his human rights under Article 6 and the Human Rights Act 1998 had been breached in the way in which the proceedings before the Standards Committee had been conducted. The Appeals Tribunal noted his claim that the Standards Committee had acted with bias in favour of the Town Clerk. The Appeals Tribunal considered how best to deal with the various claims, whether to consider these in substance, or whether to in effect rehear the case, thereby curing any breach.
32. The Appellant's arguments in this respect were:
 - 32.1. Prior to the hearing the Appellant was given a copy of the Town Clerk's statement in which she shows that district councillors had informed her about conversations with officers in regard to this allegation thereby showing that confidentiality had been breached.
 - 32.2. The Appellant was refused several witnesses at the hearing and despite his appeals that those witnesses would allow him to refute the allegations the Monitoring Officer would not allow them.
 - 32.3. The Monitoring Officer also refused to allow the hearing to be heard in public.
 - 32.4. The Appellant's legal representative was out of the country at the time of the hearing and the Monitoring Officer refused to allow an adjournment until his return.
 - 32.5. At the hearing the Monitoring Officer allowed the Town Clerk to introduce a new statement which contained facts and allegations that had previously not been seen by the Appellant.
 - 32.6. The panel chairman referred to the Investigating Officer and having agreed with his findings he asked him if he would indicate to them what a suitable punishment would be. This led the Appellant to believe that the question of guilt or innocence had been decided prior to the hearing.

Standards Committee's representations

33. The Standard's Committee's representations were all with regard to the alleged human rights and procedural breaches. As the Appeal Tribunal did not need to determine these (see below), the Standards Committee's representations are not set out in full here.
34. The Standards Committee did note however that the issue concerning witnesses was dealt with as part of the pre-hearing process. The Appellant had not indicated the nature of the evidence to be given by his nominated witnesses, and, consequently, it was difficult for the Standards Committee to assess its relevance.
35. The issue of privacy had been dealt with under the Local government Act 1972 as amended. The minutes of the Standards Committee referred to paragraph 7C of Schedule 12A of the Act, whereby a council is entitled to hold a private hearing of a case referred to a local authority by the Standards Board, as here.

Appeals Tribunal's view on human rights arguments

36. The Appeals Tribunal considered that, without making any findings in relation to the above claims, the best way forward would be to rehear the matter and to make up its own mind whether there had been a breach of the Code. This way, any breach of the Human Rights Act which may have occurred would be cured by the Appeals Tribunal.

37. It did note however with regard to the witnesses question, that the Standards Committee were entitled to decide which witnesses if any may attend the hearing on 7 November 2008. As Mr Ireland had not indicated the outline content of his proposed witnesses' testimony and given the detailed nature of the Investigating Officer's investigation and report, the Standards Committee had acted reasonably in refusing to allow witnesses other than Councillor Bland. In this regard, the Appeals Tribunal further noted that the Adjudication Panel President had also disallowed the Appellant witnesses other than Councillor Bland on the basis that, having been told of the outline content of the testimony of the other witnesses, that this was not relevant to the issues before the Appeals Tribunal. The Appeals Tribunal agreed with this conclusion and was of the view that the Appellant had not been disadvantaged and that there had not been a breach of his Article 6 rights.
38. The Appeals Tribunal heard from the Monitoring Officer, on behalf of the Standards Committee, that the decision to hear the case in private was based primarily on the understandable fear, given the nature of Mr Ireland's defence, that the hearing would stray into wide ranging criticism of the Town Clerk, matters which went well beyond the scope of the complaint. Thus, the Appeals Tribunal accepted that the Standards Committee had properly exercised its discretion in deciding to proceed in private.

The Decision on breach of the Code

Emails relating to the flying of the flag

39. The Appeals Tribunal considered first the Standards Committee finding that in relation to this matter there had been a breach of paragraph 3(2)(b) such that Mr Ireland had bullied the Town Clerk.
40. The Appeals Tribunal accepted that there was genuine confusion on the part of Mr Ireland as to the legal effect of the resolution at the parish meeting. It noted further that it would have been helpful if the Town Clerk had clarified this at the meeting itself. As matters stood, the Appeals Tribunal could understand why Mr Ireland might have been aggrieved that the flag had been taken down on the order of the Town Clerk.
41. On the basis of the findings of fact above, the Appeals Tribunal found itself unable to hold that the terms of the telephone conversation were anything other than a direct and robust challenge of an officer's decision by a councillor. Whilst, no doubt, the forceful nature of that call would have been difficult for Mrs Roberts, the Appeals Tribunal did not consider that this amounted to disrespect or bullying.
42. When Mrs Roberts saw a copy of the first email dated 16 April 2008, She said in respect of the wording "*she will find herself with a virtual war on her hands*" that she took the word "*her*" to be a personal reference rather than the council and she felt threatened by the phrase used. This was the same phrase used in the telephone conversation. In response, Mr Ireland explained that his intention in respect of this phrase was to reflect how strongly feelings were running about the issue and warn her that things could get out of control – which he said had subsequently happened. He did not intend that the words should be taken literally. The Appeals Tribunal accepted this account and in so doing had regard to the terms of the subsequent emails which were predominantly concerning a legal issue and possible next steps by the group campaigning in favour of flying the flags. The next steps concerned possible legal action, a survey and the taking of a parish poll. This would all have been action taken against the Town Council, not Mrs Roberts personally.
43. With regard to the email on 16 April timed at 14.38, Mr Ireland says that it was not his intention to imply that the Clerk was in breach of her responsibilities but rather that

he understood that the Clerk had a legal duty to advise the Mayor of matters of procedure. He said that if he had wanted to cast aspersions about her professional competence he would tell her directly.

44. In relation to the third email of that day, Mrs Roberts said that she felt uncomfortable with a reference to taking legal advice and *"not letting the matter rest"*. Mr Ireland says that Mrs Roberts was the instigator of the exchange and that it was she who had first used the phrase about legal advice to which he replied *"you do that and so will I"*. Mrs Roberts was concerned furthermore to read the words *"you and the council are in breach of your legal responsibilities"* which she said called into question her position as Town Clerk.
45. The Appeals Tribunal was of the view that all of the above, the telephone conversation and the subsequent emails, were forceful, challenging and would have been uncomfortable for the Town Clerk to deal with. That said, she was the most senior officer at the Town Council and could be expected to handle robust and direct challenges by councillors. Given Mrs Roberts' instruction to take down the flag, some type of reaction from Mr Ireland could be guaranteed and would not be unexpected. The tone used by Mr Ireland was unfortunate at times, but did not amount to either disrespect or bullying.
46. The Appeals Tribunal concluded, in the light of the above, that there had not been a breach of paragraph 3(1) or 3(2)(b) of the Code. Thus it rejected the finding of the Standards Committee on this point. The Appeals Tribunal did note moreover that, in making its finding on bullying, it appeared to have taken into account the first incident in Mrs Robert's complaint which was, in the event, dismissed by the Standards Committee itself. This may have been an error in the record of decision but, on appeal, was something which the Appeals Tribunal felt should be pointed out.

Expenses

47. Mrs Roberts said that she felt humiliated and uncomfortable as a result of this incident. She pointed out that paragraph 9.2 of the Town Council's Member and Officer Protocol says that *"Members must not raise matters relating to the conduct or capability of individual Officers or employees (either individually or collectively) at a meeting which is open to the press and public in accordance with Standing Order Number 37.1, 37.2 and 37.3"* Her submission appeared to be that, if Mr Ireland had had concerns over the propriety of her actions, he ought to have raised these privately and not in a public forum.
48. Mr Ireland has stated that he felt totally within his rights to raise his query on the accounts item. It involved public money and the Clerk had not sought authorisation for the expenditure. With regard to the matter being raised in the open part of the meeting, Mr Ireland regarded the external consultants as officers. Mr Ireland stated that he had no intention of harassing or humiliating the Town Clerk and he saw nothing wrong with his conduct in this incident.
49. The Appeals Tribunal was told and accepted that Mrs Roberts did have authorisation for expenditure under powers delegated to her by the council. It further accepted however that Mr Ireland was entitled to query any item of account at the meeting. The Appeals Tribunal was of the view that it was not reasonable of him to have viewed the consultants as officers and therefore to have considered the meeting as, in effect, in private. Mr Ireland was an experienced councillor who would have understood that in the absence of a resolution to go into private session, council meetings remain in public.

50. It was unconscionable that Mr Ireland should have suggested that the Town Clerk pay for council expenses from her own pocket, regardless of what the previous Town Clerk had done. It was moreover deeply disrespectful to have referred to her salary level, in a public meeting, in the way that he did. This was a breach of paragraph 3(1) of the Code in that Mr Ireland had failed to treat Mrs Roberts with respect.
51. The Appeals Tribunal decided, in the light of the above, to uphold the finding of breach of the Code by the Standards Committee.
52. Finally, the Appeals Tribunal considered the Standards Committee overall finding that Mr Ireland had bullied the Town Clerk. The Standards Committee had been considering a series of incidences (the flying the flag and the expenses incidences). The Appeals Tribunal had however concluded that the matters relating to the flying of the flag had not amounted to a breach of the Code. As such, in considering whether there had been bullying, it was only looking at the one incidence at the Town Council meeting on 14 April 2008. The Appeals Tribunal took into account the Standards Board guidance on bullying and its suggestion that a one off incident could give rise to bullying. The Appeals Tribunal considered that, whilst this could arise, there would more normally be a pattern of conduct giving rise to a finding of bullying. For a one-off incident to amount to bullying, as opposed to disrespect, it would need to be of a serious nature and characterised by an abuse of power, something over and above just the fact that the matter involved an officer and councillor. An example of this might be a threat of dismissal by a senior councillor or one with direct involvement in the officer's area of responsibility. Whilst the Appeals Tribunal was very critical of Mr Ireland for the way he had behaved at the council meeting on 14 April 2008, it did not consider that this was sufficient to warrant a finding of bullying.

Decision on sanction

53. The Appeals Tribunal considered next whether the action taken by the Standards Committee was appropriate. Albeit the Appeals Tribunal had not agreed with the Standards Committee's findings on the flying of the flag incident, it did consider that the breach arising from the expenses incident was sufficiently serious to warrant the sanction imposed. Mr Ireland could have mitigated the length of suspension by providing an apology, which he failed to do. Without the period of suspension, there would be no effective sanction for failing to provide the apology. The Appeals Tribunal considered that one month's suspension was an appropriate period for the disrespect shown in the way in which Mr Ireland had addressed the Town Clerk at the council meeting on 14 April 2008. These were matters which ought to have been raised in a measured way, outside of the meeting and certainly not in a public forum.

Conclusion

54. The Appeals Tribunal has upheld the finding of the Standards Committee that Mr Ireland breached the Code of Conduct and the sanction imposed.
55. A copy of this determination is being given to the Appellant, the Standards Board, the Standards Committee, the Town Council and the Town Clerk.
56. This decision will be published on the Adjudication Panel's website at www.adjudicationpanel.co.uk.

Melanie Carter
Chairwoman of the Appeals Tribunal

27 January 2009

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Parish Councils divided between Standards Committee Members

Parish Council	Standards Member	Visited
Adlington	Cllr Stella Walsh	
Anderton	Cllr Judith Boothman	
Astley Village	Cllr Stella Walsh	
Bretherton	Rev John Cree	Yes
Brindle	Cllr Debra Platt	Yes
Charnock Richard	Cllr Debra Platt	Yes
Clayton-Le-Woods	Cllr Judith Boothman	
Coppull	Cllr Thomas McGowan	Yes
Croston	Cllr Judith Boothman	
Cuerden	Tony Ellwood	Yes
Eccleston	Cllr Keith Iddon	
Euxton	Joan Geddes	
Heapey	Rev John Cree	Yes
Heath Charnock	Tony Ellwood	
Heskin	Joan Geddes	Yes
Hoghton	Cllr Thomas McGowan	Yes
Mawdesley	Cllr Keith Iddon	
Rivington	Tony Ellwood	
Ulnes Walton	Joan Geddes	Yes
Wheelton	Stella Walsh	
Whittle-Le-Woods	Cllr Keith Iddon	
Withnell	Rev John Cree	Yes

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Report of	Meeting	Date
Monitoring Officer	Standards Committee	5 March 2009

DRAFT PROTOCOL: PARISH MEMBER/EMPLOYEE RELATIONS

PURPOSE OF REPORT

1. To seek Members comments on the enclosed draft protocol and to determine the next steps.

RECOMMENDATION(S)

2. That the draft protocol be approved, subject to any amendments requested by the Committee, and distributed to Parishes for adoption if they so wish.

CORPORATE PRIORITIES

3. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	
Involving people in their communities	√	Ensure Chorley Borough Council is a performing organization	

BACKGROUND

4. Following discussion at the last meeting a draft protocol has been drawn up for consideration. Effective working relationships between elected Parish Councillors and employees of the Parish Council are key if the Parish Council is to work effectively. They are also critical in maintaining public confidence in the workings of the Council.
5. The protocol is intended to guide Members and employees of the Parish Council in their relationships with one another. Is it not intended to be prescriptive or comprehensive and simply seeks to offer guidance on some of the issues which can arise. It does not in anyway replace the Code of Conduct by which Councillors are legally bound nor does it replace any employee Code of Conduct which the Parish Council may put in place. However the protocol may assist in interpreting what is required under either Code.



ANDREW DOCHERTY
CORPORATE DIRECTOR (GOVERNANCE)

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Ruth Hawes	5118	18 February 2009	ReportParishProtocolMarch09

DRAFT PROTOCOL: PARISH MEMBER/EMPLOYEE RELATIONS

Introduction

Effective working relationships between elected Parish Councillors and employees of the Parish Council are key if the Parish Council is to work effectively. There are also critical in maintaining public confidence in the workings of the Council.

This protocol is intended to guide Members and employees of the Parish Council in their relationships with one another. It is not intended to be prescriptive or comprehensive and simply seeks to offer guidance on some of the issues which can arise. It does not in anyway replace the Code of Conduct by which Councillors are legally bound nor does it replace any employee Code of Conduct which the Parish Council may put in place. However the protocol may assist in interpreting what is required under either Code.

Status of the protocol

This protocol has been endorsed by the Standards Committee of Chorley Council and approved by [] Parish Council.

Roles and responsibilities

Understanding the different roles and responsibilities of Councillors and employees is key to maintaining good relations.

Parish Councillors decide on the priorities for the Parish Council, set the budget, represent their constituents (including those who have not voted for them) and collectively make decisions on behalf of the Parish Council.

Parish Councillors are responsible to the electorate and serve only so long as their term of office lasts. A Parish Councillor can only serve for a maximum of 4 years before submitting themselves to the electoral process.

Employees of the Council implement the decisions made by Members. They can only make decisions themselves on behalf of the Council if the Council has decided to delegate a decision making responsibility to the employee. Employees give information and advice to the Council and support Parish Councillors.

Parish Council employees are employed and are responsible to the whole Council and not to any individual Councillor. Employees of the Council are managed by the Parish Clerk in accordance with Council procedures. The Parish Clerk is responsible to the whole Council.

Reasonable expectations of employees

It is reasonable for a Parish Councillor to expect the Parish Council employees:

- To do their job effectively and efficiently;
- To behave in a manner which does not bring the Council in to disrepute;
- To be helpful, respectful and courteous;
- To provide assistance to Members in carrying out their role;
- To deal with Members enquiries fairly and efficiently;
- To be open and honest with Members;
- To work with all Members equally and fairly;
- To remain confidentiality where it proper to do so;

- To be sensible about contacting Members at potentially inconvenient times unless in an emergency or otherwise agreed;
- To remember that they are employed by the whole Council and not by any individual Member.

Reasonable expectations of Parish Councillors

Employees can reasonably expect the Parish Councillors:

- To accept that the Councils employees are managed by the Parish Clerk;
- To be helpful, respectful and courteous;
- Not to ask employees to breach Council policy or procedure or to act unlawfully;
- Not exert, influence or pressure or to request special treatment;
- Not to raise concerns about an employee in a public setting and to raise such concerns in an appropriate manner in accordance with Council policy;
- To respect that employees have a right to a private life and be sensible about making contact at potentially inconvenient times unless in an emergency or otherwise agreed

Specific issues

Personal relationships

Good working relationships are critical between Members and employee but close familiarities could prove embarrassing to other Councillors and employees and give rise to potential conflicts of interest. Such close familiarities should therefore be avoided *'wherever possible'*.

Giving instructions to employees

Only the Parish Clerk can give instructions to employees of the Council and only the Full Council or a properly constituted committee can give instructions to the Parish Clerk. Individual Parish Councillors should not therefore attempt to direct the work of employees.

Chairs and Vice Chairs

Chairs and Vice Chairs of the Parish Council have additional responsibilities. Because of those responsibilities, their relationships with employees may differ from, and be more complex than those of Councillors without those responsibilities, and this is recognised in the expectations they are entitled to have. However, such Councillors must still respect the impartiality of officers, must not ask them to undertake work of a party political nature, or to do anything which would put them in difficulty in the event of a change in the composition of the authority.

Complaints about employees or services

Parish Councillors have a right to criticise the report, advice or action of employees. However it has to be recognised that employees will find it difficult to answer back to such criticism and therefore any criticism must not be in the form of a personal attack and must be constructive and well founded.

Parish Councillors must avoid undermining public respect for employees and should therefore avoid making any criticism of an employee at a public meeting, in the press or by way of any other public statement. Making such criticisms would be damaging to the public image of the Parish Council. It would also undermine the mutual trust and courtesy which underpins effective working relationships. If a Parish Councillor

wishes to raise an issue about an employee they should use any established channels in place or, direct their concerns through the Chair/Vice Chair.

Information sharing

All Parish Councillors have a right to expect to be kept informed about matters on which they maybe required to make decisions or which affect the Parish. The Clerk should aim to ensure that all Members are kept fully informed in relation to important issues.

If the Parish Council organises a meeting to consider a local issue then all Parish Councillors must be invited to attend that meeting.

So far as documents and other information held by the Parish Councillor concerned much of it will be in the public domain and Parish Councillors have the same right as any member of the public to see that information. So Parish Councillors have the same right as the public to have access to agendas, reports and minutes of meetings which are held in public and have the right to access information given by the Freedom of Information Act. Parish Councillors have additional rights to access information as well. Clearly they are entitled to have access to reports of matters which are to be considered at Council meetings in a private session. In addition Parish Councillors have the right to access any other Parish Council information where they can show they have a 'need to know'. Any request to access Parish information should be made to the Parish Clerk. If the Parish Clerk is uncertain as to whether the Councillor is entitled to access that information then they should refer the question to the Council for a decision.

The process of gathering information to respond to Members requests can be time consuming and expensive for the Parish Council so Members should consider before they make an information request whether they really need the information and should be prepared to discuss with the Parish Clerk whether less, more easily obtained information would be sufficient.

Correspondence

Correspondence between Members and employees should not normally be copied to any other party. In particular, when using email, the use of blind copies should be avoided. There are exceptions to this general rule. If the original correspondence was copied to other parties then it is legitimate to send a response to those parties. There may also be occasions where the correspondent gives rise to concern for the employee for example in relation to possible breaches of the Code of Conduct or that the Council may be brought into disrepute by the actions of the Councillor. In such cases it is legitimate for the employee to share correspondence with the chair of the Parish Council or, were appropriate, the Monitoring Officer of Chorley Council.

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Report of	Meeting	Date
Monitoring Officer	Standards Committee	05 March 2009

STANDARDS COMMITTEE ANNUAL REPORT

PURPOSE OF REPORT

- To seek Members approval to the submission of the annual report to each of the Council’s within the remit of the Standards Committee.

RECOMMENDATION(S)

- That the draft report appended here to be adopted as the basis of the annual report subject to such amendments as Members may consider necessary and subject to such updates on matters of detail as can be made prior to its submission to Chorley Council.

CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	✓

BACKGROUND

- At their last meeting Members agreed that it would be useful to prepare an annual report setting out the work undertaken by the Committee during the year. It was felt that such a report could usefully be submitted to each Council within the remit of the Committee as one means of maintaining its profile and also generally to promote the ethical framework.
- The report has been drafted on the assumption that it will be submitted to the final Borough Council meeting of the municipal year in April. One practical point arising from that is that report has had to be drafted in early February even though the municipal year does not end until May. Although the draft report can be revised following the meeting of the Standards Committee, it will need to be finalised before the last week in March.
- An alternative would be to submit the report to the first ordinary meeting of the Borough Council in July. However, that is not recommended as it could result in the annual report would be approved by a Standards Committee which may not necessarily have the same membership as the Committee whose work is being reported on.



ANDREW DOCHERTY
CORPORATE DIRECTOR OF GOVERNANCE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Andrew Docherty	5102	11 February 2009	REPORT/1102A

ANNUAL REPORT OF CHORLEY COUNCIL'S STANDARDS COMMITTEE

INTRODUCTION

1. This annual report provides a summary of the work undertaken by Chorley Council's Standards Committee during the Municipal Year 2008/09 to promote and ensure compliance with the Member's Code of Conduct and generally to ensure good standards of ethical governance within the Borough Council and the Parish Council's covered by the Committee.
2. This has been a particularly busy year in the Standard's world. In May new arrangements were implemented which transferred the responsibility for receiving and assessing complaints from the Standards Board for England to local Standards Committees. This may be seen to have been the logical next step following a general move over the last few years towards cases being investigated and heard locally. Much of the Committee's work during the last year has focused on implementing these new arrangements and to deal with some of the challenges which will undoubtedly emerge.

MEMBERSHIP

3. The current membership of the Committee is as follows:
 - Independent Members
 - Mr. Tony Ellwood (Chair)
 - Reverend John Cree
 - Parish Members
 - Councillor Joan Geddes
 - Councillor Alan Cornwell (substitute Parish Member)
 - Borough Council Members
 - Councillor Keith Iddon (Vice-Chair)
 - Councillor Judith Boothman
 - Councillor Thomas McGowan
 - Councillor Debra Platt
 - Councillor Stella Walsh
4. In order to ensure that the Committee is able to establish the Sub Committees required for local assessment, the Committee requested the Borough Council earlier in the year to increase the numbers of Independent and Parish Members. That request was accepted and recruitment exercises have been conducted. The Committee was pleased that the exercise lead to significant interest within the Parishes [update to be provided about the results of the recruitment exercise].
5. So far as recruitment of an additional Independent Member was concerned a press advert did result in some interest and potentially suitable candidates came forward. Unfortunately those suitable were unable to take up the position and [update to be provided].

COMMITTEE MEETINGS AND BUSINESS

6. The full Committee has met five times during the year and has been successful in following the work programme approach adopted during the preceding year. At each meeting the Committee considers work undertaken to promote the code and receives any updates from the Standards Board or the Adjudication Panel. Under the latter heading the Committee now receives a report at each of its meetings regarding cases which have been referred by Committees to the Standards Board for investigation and in relation to Adjudication Panel decisions. In addition to its routine business the Committee has considered and made recommendations in relation to the following matters:

- A user policy on Members mini-websites;
- A review of Chorley Council's Whistleblowing Policy;
- A review of Chorley Council's protocol on Member/Officers Relations; and
- A response to the Department for Communities and Local Governments consultation paper on revisions to the Code of Conduct for Members and for the introduction of a Code of Conduct for Officers.

[update required following March Committee]

TRAINING AND INFORMATION PROVISION

7. The Standards Committee has continued to regard the provision of training and information as a key function. Members of the Committee have undertaken a variety of training themselves including:

- Attending the Lancashire Standards Conference in March and then feeding back to those Members who were unable to attend at the first Committee meeting of the Municipal Year;
- Undertaking a training exercise in conducting local assessment hearings following a Standards Board training package;
- Independent Members have attended the meetings and training offered by the North West Independent Members Forum;
- The Chair of the Committee has attended the Standards Board National Conference.

8. In addition each Member of the Committee has been supplied with updated Standards Board guidance as it has been produced.

9. In terms of training for other Members, an introduction to the Code was offered as part of the induction programme for new Councillors and a training session was offered to all Borough and Parish Councillors in July 2008.

10. In addition to formal training the Committee has continued to promote general awareness raising. All the Parish Clerks have been supplied with information relating to the new assessment processes and they have also been supplied with all the new guidance coming from the Standards Board. In addition information has been added to Chorley Council's website covering the complaints process.

PARISH MENTORING

11. The Committee is now into the second year of its Parish mentoring programme which is another important aspect of its awareness raising programme. Parish mentoring involves each Member of the Standards Committee being allocated a number of Parish Councils and committing to attend at least one Parish Council meeting during the year. At those meetings the Standards Committee member is prepared to give a brief overview of the work

of the Committee and pass on news about important developments. It is anticipated that by the end of the year each Parish Council will have had a visit in accordance with the plan.

HEARINGS

- 12. The number of complaints being dealt with by the Committee continues to be at a relatively low level. However, in June the Committee considered two complaints against Parish Councillors which had been referred by the Standards Board in accordance with the old procedures. In one of those cases the Committee accepted the Investigating Officer’s conclusion that there was no breach of the Code of Conduct. In the other case the Committee agreed with the Investigating Officer’s conclusion that there was a breach. In that case a local hearing led to the Councillor receiving a three-month suspension from office. If the Parish Councillor had attended training his suspension period would have been reduced to a month. The Parish Councillor chose not to take up the training and served his full period of suspension.
- 13. Under the new arrangements the Local Assessment Sub-Committee has only met on one occasion to consider two related complaints relating to Borough Councillors. Those complaints have been referred for investigation [update required]

STANDARDS SUB COMMITTEE

- 14. For some years the Committee has operated a Standards Sub-Committee which meets with the purpose of carrying out a review and audit in relation to the maintenance of records of interest and hospitality provided by both Borough Council and Parish members. This Sub-Committee provides guidance and recommendations in regard to compliance of these records. The Sub Committee was pleased this year to note that the quality of register entries showed clear signs of improvement.

USE OF RESOURCES

- 15. The work of the Committee forms a small part of the work considered by the Audit Commission when undertaking the annual “use of resources assessment” of Chorley Council. Ethical governance arrangements feature as an element within the “internal control” judgement made by the Commission. This year Chorley maintained its overall maximum “4” rating. However, within that score the Council also secured an improvement in the internal control element which moved from “3” to “4”. The Committee hopes to be able to continue to support the Council to maintain this level of standing when it is next assessed under a new use of resources framework.

ANDREW DOCHERTY
CORPORATE DIRECTOR OF GOVERNANCE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Andrew Docherty	5102	11 February 2009	REPORTS/1102

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Standards Committee Work Programme 2008

5 March 2009

News from the Standards Board for England

Cases considered by the Adjudication Panel for England

Feedback from visits to Parish Councils

Work undertaken to promote the Code of Conduct

Update on the recruitment of additional members of the Standards Committee

Draft Protocol on Parish-Employee Relations

Appointment of Sub-Committees

Use of Resources

Standards Committee draft Annual Report

Standards Committee Work Programme

Other topics

ICT Acceptable user policy

Consideration of the Officer code of conduct (good governance)

Guidance on information accessible by members and disclosed by members

Consideration of the current Local Code of Conduct on Planning issues

Consider the need for a Licensing Code of Conduct

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