



Standards Committee

Agenda and Reports

For consideration on

Thursday, 5th June 2008

In the Council Chamber, Town Hall, Chorley

At 2.00 pm



www.chorley.gov.uk

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27 May 2008

Dear Councillor/Colleague,

STANDARDS COMMITTEE - THURSDAY, 5TH JUNE 2008

You are invited to attend a meeting of the Standards Committee to be held in the Council Chamber, Town Hall, Chorley on Thursday, 5th June 2008 commencing at 2.00 pm.

AGENDA

1. **Apologies for absence**

2. **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.

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

To confirm as a correct record the minutes of the meeting of the Standards Committee held on 28th March 2008 (enclosed).

4. **Update from the Lancashire Standards Conference (Pages 5 - 6)**

Members of the Committee and officers will report back from the Lancashire Standards Conference held in March. A report from the Monitoring Officer is enclosed.

5. **News from the Standards Board/Adjudication Panel (Pages 7 - 18)**

The report of the Monitoring Officer on the impact of the new Regulations is enclosed. The Committee will discuss the procedures and publicity requirements under the new regulations. The notice published on the Council's website is enclosed for information.

6. **Recruitment of additional Standards Committee members (Pages 19 - 20)**

An update report from the Monitoring Officer is enclosed.

7. **Reporting mechanism to the Standards Board for England**

To consider the information the Committee will have to submit to the Standards Board for England in a quarterly return. Officers will give a verbal update.

8. **Arrangements for the training exercise from the Standards Board for England on local assessment**

The Committee will undertake the Standards Board for England training exercise on local assessment on Monday, 9 June at 2.00pm in Committee Room 1. The session will last around three hours.

9. **Update on the Parish Council mentoring scheme**

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

The Committee will consider the allocation of new Standards Committee members to parishes.

10. **Work undertaken to promote the Code of Conduct**

The Monitoring Officer will present a verbal update.

11. **To establish a Parish Hearing Sub-Committee**

To establish a Parish Hearing Sub-Committee to consider a local investigation report.

12. **Members Mini websites (Pages 21 - 28)**

To consider the acceptable user policy for members mini websites.

13. **Standards Committee Work Programme (Pages 29 - 30)**

The Committee will consider the Work Programme for 2008 (enclosed).

14. **Exclusion of the Public and Press**

To consider the exclusion of the press and public for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

15. **Local investigation report (Pages 31 - 36)**

To consider the local investigation report SBE 20374.07 and determine action required.

16. **Any other item(s) that the Chair decides is/are urgent**

Yours sincerely

Donna Hall

Donna Hall
Chief Executive

Ruth Hawes
Assistant Democratic Services Officer
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Distribution

1. Agenda and reports to all Members of the Standards Committee (Mr Ellwood (Chair), Councillor Keith Iddon (Vice-Chair) and Councillors Judith Boothman, Thomas McGowan, Debra Platt, Mrs 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 and Licensing Services) and Ruth Hawes (Assistant Democratic 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.

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

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Standards Committee

Friday, 28 March 2008

Present: Mr Ellwood (Independent Chair), Councillor Alan Cain (Vice-Chair) and Councillors Judith Boothman, Thomas McGowan, 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: Councillors Alan Cornwell (Reserve Parish Council Member)

08.S.15 APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillor Keith Iddon.

08.S.16 DECLARATIONS OF ANY INTERESTS

No members declared any interests in matters under consideration on the agenda.

08.S.17 MINUTES

RESOLVED – That the minutes of the meeting of the Standards Committee held on 8 February 2008 be confirmed as a correct record and signed by the Chair.

On behalf of the Committee the Chair welcomed Reverend Cree back to the Committee.

08.S.18 UPDATE ON THE PROGRESS OF THE REGULATIONS IN RELATION TO THE LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

The Monitoring Officer advised that the Regulations had not yet been issued. At the Independent Members Forum it had been suggested by policy advisors at the Standards Board that the Regulations would come into force in May.

The Chair advised that there would be a recommendation from the Standards Board to have three independent members and three parish council representatives on the Committee. Steps were being taken to increase these numbers on the Chorley Committee.

Other issues were discussed, including the 20 days time limit to determine action to be taken on the receipt of a complaint. It is anticipated that the Monitoring Officer will be asked to submit a quarterly return and the Standards Committee an annual return covering a range of topics.

The Regulations covering joint working would not be introduced until after the local filtering Regulations, meaning a delay in confirming any joint working agreements.

The Committee discussed the pros and cons of the same members taking part in the filter and determination stages. It was noted that the same member could not take part in the filter and review stages.

It was **AGREED** that the membership of the sub-committees would be allocated on a case-by-case basis. This would allow for if a member was conflicted out and would allow experience of the different stages.

The Committee expressed concerns over the potential requirement to publicise the new requirements. It was important to make it clear to the public that complaints regarding procedural issues would go to the Ombudsman whilst code of conduct issues would go to the Monitoring Officer.

The Committee supported the principle of mediation and hoped that there will be the opportunity for the Monitoring Officer to mediate before a formal complaint is made.

RESOLVED – That the update be noted.

08.S.19 UPDATE - INDEPENDENT MEMBERS FORUM

This item was taken as part of the previous item.

08.S.20 FEEDBACK FROM VISITS TO PARISH COUNCILS

Members reported back from their visits to parish councils. A number of members were due to visit their allocated parishes before May.

The common issue raised was declarations of interests. Generally Parishes were appreciative of the visit.

A situation had arisen where a parish councillor should have declared an interest in relation to a planning issue. The mentor had taken the issue up with the clerk after the meeting. The Committee discussed methods of dealing with similar situations and agreed that this was a matter for each person to decide. Advice could be sought from the Monitoring Officer before action was taken.

Several parish councils did not have a standard item for declaration of interests on the agenda. Part of the role of Committee is to promote high standards of conduct and give advice to parishes accordingly.

It was noted that the Monitoring Officer and Standards Committee was not responsible for the processes followed by parish councils in the production and publication of agendas or for general legal advice.

RESOLVED

- 1. The feedback is noted.**
- 2. A letter is sent to all parishes thanking them for their participation and to advise the mentoring scheme will continue, as it has been helpful both for the parish councils and the Standards Committee. The wording of the standard declarations item used by the Council will be included for use by parishes.**

08.S.21 WORK UNDERTAKEN TO PROMOTE THE CODE OF CONDUCT

Officers advised that all Parish Council's have adopted the revised code of conduct. There were two sets of forms for the register of financial and other interests yet to be received. The forms would be examined at the next meeting of the Standards Sub-Committee.

There have been queries from parish council clerks, relating to declaring interests in particular.

RESOLVED – That the update be noted.

08.S.22 STANDARDS SUB-COMMITTEE**RESOLVED**

1. That the Standards Sub-Committee be held on Tuesday, 1 April 2008 commencing at 2pm.
2. The membership of the Sub-Committee to be Mr Ellwood (Chair), Councillors Judith Boothman and Thomas McGowan.

08.S.23 GUIDANCE ON CONFIDENTIAL INFORMATION

The Committee considered the enclosed fact sheet published by the Standards Board for England and discussed that the essential elements were covered within the fact sheet.

The Committee considered whether further guidance should be produced on information accessible by members and disclosed by members. The rules around information are complex. Councillors are entitled to information members of the public can see and can make Freedom of Information requests. There are occasions when members do not have access to confidential information.

RESOLVED

1. The fact sheet be noted.
2. To produce a guidance note on information accessible by Members after the Annual Meeting.

08.S.24 ARRANGEMENTS FOR NEWLY ELECTED BOROUGH AND PARISH COUNCILLORS

The Committee discussed the arrangements the newly elected Councillors.

The register of financial and other interest form would be reviewed and reissued to all Borough and Parish Councillors. A section within the Induction Day for Borough Councillors included an introduction to the Code of Conduct, in addition a training session would be held in June specifically on standards issues. Members of the Committee would be notified of this training.

RESOLVED – That the arrangements be noted.

08.S.25 TRAINING EXERCISE FROM THE STANDARDS BOARD FOR ENGLAND

Members considered a training exercise for standards committees on local assessment from the Standards Board for England.

RESOLVED –That an afternoon training session be held, as a one off session, once the regulations are published.

08.S.26 THE NUMBER OF ANY ALLEGATIONS REFERRED TO THE STANDARDS BOARD SINCE THE LAST MEETING

One.

08.S.27 THE NUMBER OF ANY ALLEGATIONS REFERRED BACK TO THE MONITORING OFFICER WHERE THERE IS NO FURTHER ACTION TO BE TAKEN

One.

08.S.28 BRIEF RESUME OF DETAILS REGARDING ANY ALLEGATIONS REFERRED BACK TO THE MONITORING OFFICER WHERE ACTION IS TO BE TAKEN EITHER BY THE COMMITTEE OR MATTERS BEING REFERRED TO THE ADJUDICATION PANEL

Two.

08.S.29 NEWS FROM THE STANDARDS BOARD/ADJUDICATION PANEL

This item was discussed at a previous item.

08.S.30 STANDARDS COMMITTEE WORK PROGRAMME

The Committee considered the work programme for 2008 and the suggested topics of training on local assessment.

RESOLVED – That the work programme be noted.

Chair

Report of	Meeting	Date
Monitoring Officer	Standards Committee	5 June 2008

UPDATE FROM THE LANCASHIRE STANDARDS CONFERENCE

PURPOSE OF REPORT

- To update the Standards Committee on the Lancashire Standards Conference held in March 2008.

RECOMMENDATION(S)

- To note the report.

EXECUTIVE SUMMARY OF REPORT

- During the morning session Paul Hoey from the Standards Board for England gave a presentation on the local filter - new Regulations and guidance and answered questions from those Councils in attendance. This was followed by a group discussion and workshops, lead by Lancashire County Council, on possible models for joint working.

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

- This was the second Lancashire Standards Conference event held at Woodlands hosted by Lancashire County Council. Representatives of the majority of authorities in Lancashire attended the event.

SESSION WITH PAUL HOEY

- Paul advised that the new Regulations were expected to come into force on 1 May 2008, followed by Regulations regarding joint working arrangements in June.
- Those authorities that had taken part in the pilot scheme had referred a higher percentage of allegations for investigation in comparison to the Standards Board for England, although it was noted that this was consistent across the pilot authorities. There would be provision in the Regulations for informal mediation by the Monitoring Officer.

8. Paul outlined the process and highlighted that Standards Committees would determine their own criteria against which it assesses new complaints and decides what action, if any, to take.
9. There would be sub-committees to: i, assess new complaints, ii, review decisions to take no action over a complaint and iii, consider determination hearings. Guidance from the Standards Board was that Standards Committee members could assess new complaints and then consider determination hearings.
10. The Standards Board would have the role to define and monitor the framework. This would ensure public confidence that complaints against Councillors were being dealt with fairly and consistently. Each authority would be required to complete a return to the Standards Board on a quarterly basis. Benchmarking information and best practice would be available from this.
11. Paul advised that guidance would be produced on all aspects of the new Regulations as soon as practicable. There were several areas where further guidance was needed, including, cases where a Councillor was a member on more than one authority.

DISCUSSION ON JOINT WORKING

12. Options for joint working were highlighted in a presentation from Lancashire County Council. This was followed by group workshop sessions to discuss the options.
13. There was support, in principle, for Independent Members to sit on Committees for more than one authority. It was agreed that officers across the County would consider the criteria for referral.
14. Further options for joint working would be considered at a later time.

IMPLICATIONS OF REPORT

15. This report has implications in the following areas and the relevant Corporate Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	✓	No significant implications in this area	

ANDREW DOCHERTY
CORPORATE DIRECTOR OF GOVERNANCE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Ruth Hawes	515118	27 March 2008	LancsStandardsConfUpdateJune08

Report of	Meeting	Date
Monitoring Officer	Standards Committee	5 June 2008

THE STANDARDS COMMITTEE (ENGLAND) REGULATIONS 2008

PURPOSE OF REPORT

1. To update the Standards Committee on the impact of the Standards Committee (England) Regulations 2008.

RECOMMENDATION(S)

2. That the following recommendations be adopted:
 - a. The Guidance from the Standards Board be noted and adopted.
 - b. That the Committee considers its arrangements for publicizing the new arrangements.
 - c. That the Committee authorise the Monitoring Officer, in consultation with the Chairman to finalize the format of the complaints form.
 - d. That the Committee's Assessment Criteria be considered for approval, and in particular that the Committee consider whether or not it wishes the Monitoring Officer to notify a subject member of a complaint prior to the meeting of the Assessment Sub-Committee, and whether the Review Sub-Committee should consider a complaint afresh, substituting its own view for that of the Assessment Sub-Committee
 - e. That the Chief Executive, or her representative, be authorized to convene ad hoc Assessment and Review Sub-committees, each of three members to deal with the initial assessment of allegations and subsequent requests for review.

EXECUTIVE SUMMARY OF REPORT

3. The long awaited changes to the arrangements for dealing with complaints that Members have breached the Code of Conduct are now in force. The Standards Committee (England) Regulations 2008 have been implemented with effect from the 8th May 2008. From that date any complaint that a member has breached the Code of Conduct must be referred in the first instance to the local Standards Committee.
4. The Regulations require local authorities to have regard to guidance issued by the Standards Board. Copies of the guidance on the role and make-up of standards committees and local assessment of complaints are attached separately to the agenda package. There are a number of issues, arising from the Regulations and guidance, on which the Committee is required to make decisions or establish procedures, and these are set out in the report below.

CORPORATE PRIORITIES

5. 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	

PUBLICITY

- 6. The Standards Committee is required to publish details of the address to which allegations of failure to comply with the Code of Conduct are to be sent. This is to ensure that members of the public are aware of the change of responsibility for handling Code of Conduct complaints.
- 7. These details have been published on the Council’s website and the notice is enclosed for information. Experience suggests that placing notices in newspapers etc. attracts limited attention and is not a cost effective means of promotion. In due course the Committee may wish to consider how best to promote the new arrangements.

COMPLAINTS FORMS AND PROCEDURES

- 8. The guidance suggests that there are two main ways in which authorities can set up procedures for the submission of complaints that a member may have breached the Code of Conduct. Authorities may choose to integrate the making of Code complaints into the existing complaints framework, so that when a complaint is received it can be analysed to decide which of the complaints processes is most appropriate, and the authority can then advise the complainant accordingly.
- 9. Alternatively, authorities may choose to develop a separate process for Code complaints so that the process is distinct from other complaints. At least until the new arrangements bed in the Monitoring Officer’s preference would be to develop a separate process and it is proposed that arrangements should be made which will enable both online and paper based complaints to be submitted.
- 10. It is of course possible that complaints about Members conduct will be submitted through other routes and arrangements will be put in place to ensure that these are handled appropriately. A copy of the proposed complaints form, which is based on the Standards Board’s template is appended to this report for the Committee’s approval. The Committee may wish to authorize the Monitoring Officer, in consultation with the Chair, to finalize the form.

ASSESSMENT PROCEDURES AND CRITERIA

- 11. The Committee is also required to publish details of the procedures it will follow in relation to any written allegation received. In complying with these requirements, the Committee must take account of the guidance issued by the Standards Board. In addition to taking account of that guidance Monitoring Officers from across Lancashire have met on two occasions to discuss possible criteria and the draft criteria which are attached reflect the those discussions.
- 12. There are a number of issues that require the Committee’s specific consideration, and these are set out below.

13. The Regulations require the Committee to appoint sub-committees to deal with the initial assessment of allegations of breach of the Code of Conduct, and with any subsequent request for review of the initial assessment. Such Assessment and Review sub-committees must be chaired by an independent member, and no member who has taken part in the initial assessment of an allegation may participate in a review in respect of that allegation.
14. A sub-committee shall not be quorate unless at least three members are present. One member of the Borough Council must always be present, and, if the allegation relates to a parish councillor, a parish representative must also be present. The Regulations do not prescribe the size of the sub-committees but sub-committees of three would seem appropriate given the need to have at least two separate sub-committees available to deal with each case.
15. Rather than establishing fixed sub-committees with named members, it is recommended that the Committee authorize the Chief Executive or her representative to convene ad hoc sub-committees of three.
16. An Assessment or Review Sub-committee meeting is not required to be open to the public, and the normal rules about publication of agendas and minutes do not apply. However, the sub-committee must produce a summary of its consideration, which must be prepared having regard to guidance issued by the Standards Board. The summary will be open to public inspection for a period of six years.
17. The issue of whether or not a subject member should be notified of a complaint before the Assessment Sub-Committee meets is a difficult one. The guidance states that the Monitoring Officer has the discretion to take the administrative step of acknowledging receipt of a complaint and telling the subject member that a complaint has been made about them. The notification could say that a complaint has been made, and state the name of the complainant (unless the complainant has requested confidentiality – a request that would be considered by the Assessment Sub-Committee), the relevant paragraphs of the Code that may have been breached and the date of the Assessment Sub-Committee meeting.
18. A written summary of the allegation can only be provided to a subject member once the Assessment Sub-Committee has met. Because of this, and the fact that the Assessment Sub-Committee meeting is held in private, there seems to the Monitoring Officer to be little to be gained from telling the subject member about the existence of the complaint at that stage, and indeed it seems that this would only cause anxiety to the subject member. All the Monitoring Officers present at their most recent meeting supported this view. However, the Committee's views on this are sought.
19. When an Assessment Sub-Committee considers an allegation, it may refer the allegation to the Monitoring Officer, refer the allegation to the Standards Board, or decide that no action should be taken in respect of the allegation. In referring an allegation to the Monitoring Officer, this may be for investigation, or with a direction to take other steps.
20. These steps are arranging for the member who is the subject of the allegation to attend a training course, arranging for the member and the complainant to engage in a process of conciliation or such other steps (apart from investigation) as appear appropriate to the sub-committee. The Standards Board has advised that Standards Committees should establish criteria for the assessment process, and a draft for the Committee's consideration is later in the report.

21. When an Assessment Sub-Committee decides that no action should be taken in respect of an allegation, the person who made the complaint may make a request for that decision to be reviewed, and a differently constituted sub-committee must consider this request. The legislation does not indicate whether the review should be by way of re-consideration, with the sub-committee considering the allegation afresh and substituting its own decision for that of the Assessment Sub-Committee, or whether it should only change the previous decision if it was unreasonable in law or the correct procedures were not followed or if the complainant has provided compelling new information in their review request.
22. The guidance from the Standards Board states that the Review Sub-Committee should apply the same criteria used for initial assessment. This suggests that the Review Sub-Committee is in effect considering the matter afresh, and the Monitoring Officer would suggest that this might be a simpler approach to adopt, rather than confining the review to the more difficult concept of whether the decision of the Assessment Sub-Committee was unreasonable in law. However, the Committee's views are sought on this.

ASSESSMENT CRITERIA

23. A. Circumstances where the Assessment Sub-Committee may decide that no action should be taken in respect of the allegation:

A1: Where the complaint is about someone who is no longer a member of the borough council or a parish council.

A2: Where the information provided by the complainant is not sufficient to enable the sub-committee to make a decision as to whether the complaint should be referred for investigation or other action. However, the complainant will be advised that it is possible to resubmit the complaint with further information.

A3: Where a substantially similar allegation has previously been made by the complainant to the Standards Board or the Standards Committee, or the complaint has been the subject of an investigation by another regulatory authority (except where a Review Sub-Committee has taken the view that a request for review contains new information and should be considered by an Assessment Sub-Committee rather than the Review Sub-Committee). The sub-committee will only refer the complaint for investigation or other action if it considers that there is a compelling reason to do so.

A4: Where the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now. It is acknowledged, however, that where a delay has arisen as a result of criminal or other legal proceedings, it may be appropriate to refer the complaint for investigation or other action.

A5: Where the allegation is anonymous, unless it includes documentary or photographic evidence indicating an exceptionally serious or significant matter.

A6: Where the allegation discloses a potential breach of the Code of Conduct, but the Committee considers that the complaint is not serious enough to warrant further action.

A7: Where the complaint appears to be malicious, politically motivated or tit-for-tat.

24. B. Circumstances where the Standards Committee may decide to refer the allegation to the Monitoring Officer for investigation

B1: Where the allegation discloses a potential breach of the Code of Conduct that the Committee considers sufficiently serious to justify the cost of an investigation.

25. C. Circumstances where the Standards Committee may decide to refer the allegation to the Monitoring Officer for training, conciliation or other steps as appear appropriate to the Standards Committee

Note: This approach may be appropriate where the Sub-Committee believes that the conduct, if proven, may amount to a failure to comply with the Code, and that some action should be taken in response to the complaint. If this approach is taken, the purpose of the action is NOT to find out whether the subject member breached the Code, and no conclusion will have been reached on whether the subject member failed to comply with the Code. It should be noted that this approach may only be taken after consultation with the Monitoring Officer

C1: Where the complaint suggests that there is a wider problem throughout the authority and it is appropriate to extend the action to other members who are not the subject of the complaint.

C2: Where it is apparent that the subject of the allegation is relatively inexperienced as a Member, or has admitted making an error and the matter would not warrant a more serious sanction.

C3: Where it appears that even if the allegation was fully investigated, and a breach of the Code of Conduct upheld, training or conciliation would be the appropriate remedy.

26. D. Circumstances where the Standards Committee may decide to refer an allegation to the Standards Board

D1: Where the Assessment Sub-Committee believes that the status of the member or members, or the number of members about whom the complaint is made, would make it difficult for the Standards Committee to deal with the complaint. For example, if the complaint is about the Leader of the Council or a Group Leader, or a member of the Cabinet or Standards Committee.

D2: Where the Assessment Sub-Committee believes that the status of the complainant(s) would make it difficult for the Standards Committee to deal with the complaint. For example, if the complainant is a group leader, member of Cabinet or the Standards Committee, or the Chief Executive or a statutory officer.

D3: Where the Assessment Sub-Committee considers that there is a potential conflict of interest of so many members of the Standards Committee that it could not properly deal with the matter itself.

D4: Where the Assessment Sub-Committee believes that that there is a potential conflict of interest of the Monitoring Officer or other officers, and that suitable alternative arrangements cannot be put in place to address the conflict.

D5: Where the case is so serious or complex that it cannot be handled locally.

D6: Where the complaint will require substantial amounts of evidence beyond that available from the authority's documents, its members or officers.

D7: Where the complaint relates to long-term or systematic member/officer bullying which someone outside the Council could more effectively investigate.

D8: Where the allegation raises significant or unresolved legal issues on which a national ruling would be helpful.

D9: Where the public might perceive the Council to have an interest in the outcome of a case. For example, if the authority could be liable to be judicially reviewed if the complaint were upheld.

IMPLICATIONS OF REPORT

27. This report has implications in the following areas and the relevant Corporate Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	✓	No significant implications in this area	

ANDREW DOCHERTY
CORPORATE DIRECTOR OF GOVERNANCE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Ruth Hawes	515118	27 March 2008	LocalAssessmentCriteriaJune08

LOCAL CODE OF CONDUCT COMPLAINTS PROCESS

Changes to the complaints procedure

From 8 May 2008 the responsibility for considering complaints that a member may have breached the Code of Conduct moved to the standards committees of local authorities.

What this means to you

After 8 May 2008 if you want to complain about the conduct of a member of Chorley Council or a member of one of our parish or town councils, you must submit your complaint to:

The Chair of the Standards Committee,
C/o Andrew Docherty, Monitoring Officer
Town Hall,
Market Street
Chorley

Tel: 01257 515102

Email: andrew.docherty@chorley.gov.uk

Complaints will generally be referred to an assessments sub-committee to determine whether action or an investigation is required.

The assessment sub-committee can only deal with complaints about the behaviour of a member. It will not deal with complaints about things that are not covered by the members' Code of Conduct. If you make a complaint to the assessment sub-committee it must be about why you think a member has not followed the Code of Conduct.

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COMPLAINT FORM

Your details

1. Please provide us with your name and contact details

Title:

First name:

Last name:

Address:

Daytime telephone:

Evening telephone:

Mobile telephone:

Email address:

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the following people that you have made this complaint:

- the member(s) you are complaining about
- the monitoring officer of the authority
- the parish or town clerk (if applicable)

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete section 6 of this form.

2. Please tell us which complainant type best describes you:
 - a. Member of the public
 - b. An elected or co-opted member of an authority
 - c. An independent member of the standards committee
 - d. Member of Parliament
 - e. Local authority monitoring officer
 - f. Other council officer or authority employee
 - g. Other

*Equality monitoring questions required***Making your complaint***Preamble including the process that will be followed.*

This may include factors such as:

- the timeframe and process for considering their complaint
- a synopsis of (or direction to) your authority's referral criteria
- explanation of the decisions the sub-committee can reach
- when and how they and others will be notified of the decision
- details of where to direct any queries]

3. Please provide us with the name of the member(s) you believe have breached the Code of Conduct and the name of their authority:

Title	First name	Last name	Council or authority name
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4. Please explain in this section (or on separate sheets) what the member has done that you believe breaches the Code of Conduct. If you are complaining about more than one member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the assessment sub-committee when it decides whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

Only complete this next section if you are requesting that your identity is kept confidential

5. In the interests of fairness and natural justice, we believe members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless you have good reason to believe that:

Insert the criteria for considering requests for withholding a complainant's details

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The assessment sub-committee will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

Additional Help

6. Complaints must be submitted in writing. This includes fax and electronic submissions. However, in line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible.

Contact details here and the support the authority can offer to complainants with a disability that prevents them from making a written complaint, or where English is not their first language.

Report of	Meeting	Date
Monitoring Officer	Standards Committee	5 June 2008

UPDATE ON RECRUITMENT OF ADDITIONAL STANDARDS COMMITTEE MEMBERS

PURPOSE OF REPORT

- To update the Standards Committee on the recruitment of additional members.

RECOMMENDATION(S)

- To note the report.

EXECUTIVE SUMMARY OF REPORT

- The new Regulations and local assessment of complaints against Councillors requires three sub-committees for each stage of the process. Each sub-committee will need to consist of no less than three members of the standards committee, including an independent member and a parish council representative if the matter under consideration relates to parish issues.
- At the Annual Meeting the membership of the Committee was increased to take account of this to ensure that there is an independent member and parish council representative available without a conflict of interest for both the assessment and review sub-committees.

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	

INDEPENDENT MEMBERS

- A job description and person specification have been drawn up. Applicants will be requested to apply by letter. Advertisements will be placed in a local paper, in Chorley Borough News and on the Council's website.
- Interviews will be held with the Chair and Monitoring Officer later in the summer. There are two positions to fill.

PARISH COUNCIL REPRESENTATIVES

- 8. The Committee must consult parish and town councils within its area on Parish Council issues. A letter will be sent to the Lancashire Association of Parish and Town Councils requesting them to nominate a total of three representatives. A copy of the job description and person specification prepared for the recruitment of independent members will be enclosed for information.

IMPLICATIONS OF REPORT

- 9. This report has implications in the following areas and the relevant Corporate Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	✓	No significant implications in this area	

ANDREW DOCHERTY
CORPORATE DIRECTOR OF GOVERNANCE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Ruth Hawes	515118	27 March 2008	RecruitingUpdateJune08

ACCEPTABLE USE POLICY MEMBERS MINI-WEBSITES



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PURPOSE OF THE POLICY

As a Councillor you are provided with a mini website to help you to promote your work as a Councillor and to communicate with your Constituents on matters affecting them. Websites can be a very effective tool but you can encounter problems.

This policy aims to set out some simple rules which will help you to use your mini website effectively and avoid you incurring any personal liability.

MINI WEBSITES SOME KEY DO'S AND DON'TS

Do's

- 4 You must comply with the Members' Code of Conduct
- 4 You should avoid putting material on your web pages which could lead to an allegation of predetermination or bias being made
- 4 You must comply with your responsibilities under the Data Protection Act
- 4 You should be aware that most of your web pages will be frozen at election times
- 4 You can use your web pages to tell Constituents how they can contact you and to tell them about your work on behalf of the Council
- 4 If you want to refer to decisions that have been made by the Council you must provide an accurate and even handed account of discussions or processes that lead to the decisions being taken
- 4 You may include links to political websites on your mini website but

Don'ts

- X You must not use your web pages for party political publicity or for campaigning and
 - X You must not provide links to sites that may incite racial hatred or are unlawfully discriminatory
 - X **You must not publish material that could be considered offensive, incite racial hatred or is unlawfully discriminatory.**
 - X You should not use your web pages to attack any individuals or to comment on any politically controversial issues.
 - X You must not place confidential or exempt information on your web pages
 - X You must not use your web pages for any commercial activity
 - X You must not use material from other websites or publications unless you have the permission of the copyright holder
-

CODE OF CONDUCT

When you add material to your website you will clearly be doing so in your official capacity as a Councillor and so the Members' Code of Conduct will apply.

By following the dos and don't set out above and by using commonsense you should keep on the right side of the Code - in particular in relation to the requirements that:

- You must not do anything which may cause your authority to breach any of the equality enactments
- You must not disclose confidential information except as permitted by the Code
- You must act in accordance with your authority's reasonable requirements relating to use of resources

- You must ensure that such resources are not used improperly for political purposes (including party political purposes); and
- You must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986. (More information about this appears in the next section.)
- You must treat others with respect
- You must not bring your office or the Authority into disrepute

POLITICAL PUBLICITY

Member websites come within the definition of publicity.

The Council is prohibited by law from funding any publicity which appears to be designed to affect support for a political party.

The Council is also obliged to have regard to the Government's Code of Practice when considering any publicity. That Code can be found at:

<http://www.communities.gov.uk/publications/localgovernment/coderecommended>

Unfortunately the Code of Practice is quite poor when it comes to individual member publicity and, since it has not been updated since 2001, it has not kept pace with technological change. However, there are some key principles to follow which will keep you on the right side of the law:

- You must not expressly advocate the policies of one political party
- You must not directly attack the policies or opinions of other parties, groups or individuals
- You must not use the website for campaigning or to promote or oppose a view on a question of political controversy
- You should be careful that the language you use is not open to being misconstrued. Political slogans may not be used.
- You may use your website to publicise information about your proposals, decisions and recommendations where these are relevant to your position and responsibilities within the Council. That could include your position as a Ward Councillor. Personalisation of issues and personal image making should be avoided though.

Members may use the "My Politics" section of their website to link to external websites of a political nature e.g. national or local political party sites, including their own personal website, providing that the links do not otherwise contravene the User Agreement. For example, links should not be provided to sites that promote racism.

Because the election period is a particularly sensitive time only basic information about a Councillor will be displayed on websites during the period after the notice of election has been published. The Democratic Services team will take responsibility for ensuring that this happens.

TAINTING OF DECISION MAKING THROUGH BIAS

If you are going to make a decision on behalf of the Council it is important that you do not give an impression that you have made up your mind before you have heard all the arguments.

The use of your web pages to set out a clear position on a particular issue could well provide enough evidence of bias which could then lead to a decision of the Council being challenged through the Courts e.g. stating your opposition to a particular site for wind turbines when you sit on Development Control Committee

DEFAMATION

Defamation is the publication of a statement that damages the reputation of an individual in the eyes of “right thinking people.” Defamatory statements on a website will amount to libel because the internet is considered to be a permanent form of communication. Spoken defamatory words on the other hand come within the definition of slander.

You are responsible for the contents of your web pages and anyone who believes that you have defamed them will be able to take legal action directly against you. They may also take action against the Council and the Council’s Internet Service Provider.

DATA PROTECTION

In order to protect you from any claims that you have breached the requirements of the Data Protection Act you must not normally place any information on the site which relates to an identifiable living individual. This includes images of a person.

You can however do so if:

- You have that person’s express consent.
- The information is sufficiently anonymised to prevent identification
- The information is already legitimately in the public domain

If you use your website to gather personal information from others such as e-mail contact details from people who contact you through the site, details of casework issues which relate to individuals etc. you must be careful to keep that information safely, to use only for the purposes for which it was given and to destroy it when it is no longer required.

For more information generally about mini websites and this policy please contact the Democratic Services team.

For more information about the Data Protection Act please contact Alison Brandwood.

MONITORING

The responsibility for the content of a mini website lies with the individual Member and the websites will not be routinely monitored by Officers. However, because the Council retains legal liabilities in respect of the websites, the Democratic Services team retain the right to remove any content which breaches this policy.



Declaration

I, Councillor, have read and understood the Acceptable Use Policy as set out above and hereby agree to operate my Members' mini website in accordance with its requirements.

Signed.....

Date.....

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Standards Committee Work Programme 2008

Jun-08

Update from the Lancashire Standards Conference
News from the Standards Board/Adjudication Panel
Recruitment of additional Standards Committee members
Reporting mechanism to the Standards Board for England
Arrangements for the training exercise from the Standards Board for England on local assessment
Update on the Parish Council mentoring scheme
Work undertaken to promote the Code of Conduct
Members Mini websites
Standards Committee Work Programme
To establish a Parish Hearing Sub-Committee
Local investigation report

Other topics

Consideration of the current Member Officer Protocol
Guidance for dual hatted members on codes of conduct
Guidance for members on publicity
Consideration of the current Local Code of Conduct on Planning issues
Development of a Licensing Code of Conduct
Consideration of the Officer code of conduct (good governance / whistle blowing).

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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