

Standards Committee

Agenda and Reports

For consideration on

**Thursday, 10th December
2009**

In Committee Room 1, Town Hall, Chorley

At 2.00 pm



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1 December 2009

Dear Councillor/Colleague,

STANDARDS COMMITTEE - THURSDAY, 10TH DECEMBER 2009

You are invited to attend a meeting of the Standards Committee to be held in Committee Room 1, Town Hall, Chorley on Thursday, 10th December 2009 commencing at 2.00 pm.

AGENDA

1. **Apologies for absence**

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

To confirm as a correct record the enclosed minutes of the meeting of the Standards Committee held on 17 September 2009.

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. **DVD regarding Local Assessment of complaints and discussion regarding training**

Standards for England have produced an new training DVD regarding Local Assessment of Complaints. The Committee will watch the DVD as useful training for those Members who have not yet taken part in an Assessment Sub-Committee.

The Committee will also discuss training provision.

5. **News from Standards for England**

The Monitoring Officer will present a verbal update on any items of interest.

6. **Cases update (Pages 5 - 6)**

To receive the report of the Monitoring Officer and a verbal update on current local cases, if any.

7. **Feedback from visits to Parish Councils (Pages 7 - 8)**

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

8. **Bringing Standards into Focus 2009 Annual Assembly of Standards Committees (Pages 9 - 16)**

To consider the enclosed report of the Chair and Democratic and Member Services Officer.

To undertake the enclosed quiz "Putting the public in the picture - what does your authority's website say about standards?"

9. **Discussions regarding public awareness of the Standards Committee**

The Monitoring Officer will lead a discussion on public awareness of the Standards Committee.

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

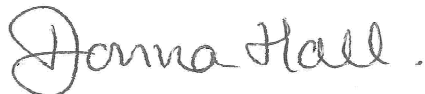
The Monitoring Officer will present a verbal update.

11. **Standards Committee Work Programme (Pages 17 - 18)**

The Committee will consider the Work Programme for 2009 / 10 (enclosed).

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

Yours sincerely



Donna Hall
Chief Executive

Ruth Rimmington
Democratic and Member Services Officer
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Distribution

1. Agenda and reports to all Members of the Standards Committee (Tony Ellwood (Chair), Councillor Mike Devaney and Councillors Judith Boothman, Catherine Hoyle, Debra Platt, Stella Walsh, Hugh Evans (Independent Member), Gwynne Furlong (Independent Member), Joan Geddes (Parish Council representative), Bill Mason (Parish Council representative) and Alan Platt (Parish Council representative) for attendance.
2. Agenda and reports to Andrew Docherty (Director of Governance - Monitoring Officer) and Ruth Rimmington (Democratic and Member Services Officer) for attendance.

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આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા
માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822 01257 515823

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

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Standards Committee**Thursday, 17 September 2009**

Present: Tony Ellwood (Independent Chair), Councillor Mike Devaney (Vice-Chair) and Councillors Judith Boothman, Catherine Hoyle, Debra Platt, Stella Walsh, Hugh Evans (Independent Member), Gwynne Furlong (Independent Member), Joan Geddes (Parish Council representative), Bill Mason (Parish Council representative) and Alan Platt (Parish Council representative)

Officers in attendance: Andrew Docherty (Director of Governance / Monitoring Officer) and Ruth Rimmington (Democratic and Member Services Officer)

09.S.94 WELCOME AND INTRODUCTIONS

The Chair welcomed the two new Independent Members Hugh Evans and Gwynne Furlong.

09.S.95 APOLOGIES FOR ABSENCE

No apologies for absence were submitted.

09.S.96 MINUTES

RESOLVED – That the minutes of the meeting of the Standards Committee held on 18 June 2009 be confirmed as a correct record and signed by the Chair.

09.S.97 DECLARATIONS OF ANY INTERESTS

No interests were declared by Committee Members in respect of items on the agenda.

09.S.98 NEWS FROM STANDARDS FOR ENGLAND

The Monitoring Officer reported that the Bulletin from Standards for England had recently been published. This had been the subject of an “intheknow” article and had also been emailed to Parish Council clerks.

The Committee noted that the department for Communities and Local Government were responsible for dealing with the revisions and current advice was that a revised code would be ready in late autumn 2009. There were not many changes anticipated to the Code, with the main change being to allow the Code to cover Members in their non-official capacity, where that conduct would be a criminal offence.

RESOLVED – The update be noted.

09.S.99 CASES UPDATE

The Monitoring Officer presented a report outlining recent cases which had been considered nationally.

Members noted in one instance the reputation of the Standards Committee had been drawn into question by the local media and agreed it would be useful for the Committee to have a discussion this issue at a future meeting.

Members noted the quarterly return to Standards for England and commented how useful this information was. The Monitoring Officer updated the Committee on current local cases.

RESOLVED – The report, quarterly return and cases update be noted.

09.S.100 BRINGING STANDARDS INTO FOCUS 2009 ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

The Committee considered issues that could be raised at the Annual Assembly in October and noted this would be a good opportunity to discuss experiences with other delegates.

RESOLVED – The comments of the Committee be raised by the Chair at the Assembly.

09.S.101 GRANTING OF DISPENSATIONS: THE NEW GUIDANCE

The Committee received the report of the Monitoring Officer outlining new regulations on granting dispensations and recently issued Standards for England guidance.

The new Regulations clarified the grounds on which Standards Committees could grant dispensations to local authority Members. The new Regulations amended the wording of the “political balance” criterion and specifically exclude earlier granted dispensations from consideration ie the Committee should consider the position as if there were no dispensations granted.

Members noted that very few requests for dispensations were received.

RESOLVED – The report and Standards for England guidance be noted.

09.S.102 PROBITY IN PLANNING

The Committee received the report of the Monitoring Officer which notified the Standards Committee of a recently published Local Government Association document entitled “Probity in planning: the role of Councillors and officers – revised guidance note on good planning practice for Councillors and officers dealing with planning matters”.

As suggested within the Guidance seminars and training sessions were held regularly on the planning process and the Code of Conduct. In addition, pre-application discussions have been held on occasion for major applications.

It was noted that the Guidance advised that public speaking rules should grant each speaker the same length of time, including ward Councillors. A report was scheduled to be presented to Council to bring the Chorley policy in line with this.

RESOLVED

- 1. The report be noted.**
- 2. A further report be presented following the completion of the review of the planning code by ACSES.**

09.S.103 FEEDBACK FROM VISITS TO PARISH COUNCILS

The Chair outlined the background to the mentoring scheme, with the main aim being to promote awareness of the Code of Conduct and the Chorley Standards Committee.

The mentors attend meetings of the Parish Council at least once a year. It was noted that advice on specific cases should be referred to the Monitoring Officer. Copies of the personal interest flow charts would be made available for mentors to distribute.

RESOLVED – The update be noted.

09.S.104 NOTIFICATIONS TO PARISH COUNCILS CONCERNING COMPLAINTS

The Committee discussed the Parish Council notification procedures highlighted in the latest version of the Town and Parish Standard.

When an allegation goes through the Standards sub-Committee (Assessment) relating to a Parish Councillor the Parish Council clerk received a copy of the decision notice, in addition to the subject of the complaint and the complainant. There was no Standards for England guidance on what action the clerk should take with this information and research has revealed only one Parish Council which had developed such guidance.

Committee Members expressed their view that the arrangements for Parish Councillors should reflect those for Borough Councillors. In addition, in cases where the decision on the allegation was to take no action Committee Members felt the Parish Council clerk should not be sent the decision notice.

RESOLVED

- 1. A letter be sent to Standards for England expressing the concerns of the Committee.**
- 2. A report be presented to a future meeting on how the Committee could support Parishes on this.**

09.S.105 WORK UNDERTAKEN TO PROMOTE THE CODE OF CONDUCT

The Monitoring Officer presented an update on the work undertaken to promote the Code of Conduct this quarter.

A few meetings ago a Parish Member-Employee Relations policy had been considered and some positive feedback and additions had been received from one of the Parish Councils. The majority of the mentoring information had been distributed, both to Parish Council clerks and Committee members.

A letter had been sent to the Parish Council clerks offering training to new Parish Councillors, highlighting that there were ongoing revisions to the Code of Conduct and enclosing a Governance Toolkit for Parish and Town Councils revised, updated and produced as a partnership between the National Association of Local Councils, the Society of Local Council Clerks, the Standards Board for England and the Association of Council Secretaries and Solicitors and endorsed by the Local Government Association. The annual report of the Committee had also been enclosed.

RESOLVED – The update be noted.

09.S.106 STANDARDS SUB-COMMITTEE

The Chair advised that the purpose of Sub-Committee was to review the financial and other interests register for Borough Councillors and Parish Councillors.

The quality of the registers considered had improved significantly since the creation of the Sub-Committee. Members noted it would be impossible to identify if all of the registers had been completed correctly and several registers had raised queries resulting in a letter being sent to the Parish Council clerks highlighting common errors, including the registration of a Councillors home.

RESOLVED

1. The update be noted.
2. The membership of the Standards Sub-Committee for the ensuing Municipal Year be Tony Ellwood (Independent Member), Mike Devaney (Borough Councillor) and Joan Geddes (Parish Council representative).

09.S.107 STANDARDS COMMITTEE WORK PROGRAMME

The Committee considered the Work Programme and noted that as the revised Code of Conduct had been expected the work programme had been constrained. However, following the earlier item on cases the Committee had agreed to consider reputation issues at a future meeting.

The Committee discussed methods for educating Members on the process and timescales involved in receiving allegations of a breach of the code, through the assessment, then potentially an investigation. This would be considered at a future meeting.

RESOLVED – The Work Programme be noted.

Chair

Report of	Meeting	Date
Monitoring Officer	Standards Committee	10 th December 2009

CASE UPDATE

PURPOSE OF REPORT

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

RECOMMENDATION(S)

2. That the report be noted.

DETAILS OF CASES

2. Ten Adjudication panel decisions have been reported since the last meeting of the Committee. In view of the volume of cases and the length of some of them they have not on this occasion been attached as an appendix to this report but they are freely available to view on the website of the Adjudication Panel.
3. There was some interesting learning in case number APE 0439 involving former Cllr. Hore of Suffolk County Council. Cllr Hore was disqualified from office for one year for having voted twice on a matter in a Council meeting using the Council's electronic voting system. The original allegation had been investigated by an Ethical Standards Officer who had referred his report to the Council's Monitoring Officer rather than the Adjudication Panel. Having received that report the Monitoring Officer was obliged to place it before the Standards Committee. Had the Committee kept the case then the maximum sanction normally would have been a six-month suspension but as Councillor Hore had lost her seat by the time the case came before the Committee, even that sanction would not have been available. The Standards Committee referred the case to the Adjudication Panel. This was the first time that this had happened and the Panel had to consider whether it had the legal powers to take the case. It decided that it did and the Standards Committee's decision to refer the matter was clearly vindicated by the eventual outcome.
4. Case APE448 involved Cllr. Brewer from Crossways Parish Council in West Dorset. He had a longstanding personal association with the Scout Association and declared a personal interest when the Council considered an application for remission of charges by the Scouts. However, he remained in the meeting. The interest was clearly prejudicial meaning he ought to have withdrawn. The Standards Committee imposed a three-month suspension. In light of findings that the offence was committed by a mistaken interpretation of advice received rather than disregard for it, the fact that Cllr. Brewer had not sought to improperly influence the meeting and that he had subsequently taken up training, the Panel reduced the penalty to one of censure.
5. A Town Councillor from Pendle appealed to the Adjudication Panel in case APE441. Councillor Whipp of Barnoldswick Town Council had been required to submit a letter of apology when the Standards Committee found that he had failed to treat others with respect. Two Councillors complained that Councillor Whipp had breached the Code when he responded to a question from a member of the public at a Council meeting by saying: 'It



is you who owe the apology as you are the liars. The CPS got it wrong. You are the guilty ones.'

6. The background to this was that the complainants and the person who had asked the question had been the subject of a police investigation having produced an election leaflet which had contained inaccurate information about a candidate. The CPS had considered the evidence and chosen not to prosecute – a decision which the Panel questioned.
7. The Panel said that there were aspects of the evidence which suggested that Councillor Whipp might have been justified. They said that the investigating officer's and the Committee's approach had been flawed as they considered simply whether or not the word 'liar' 'went beyond political expression, was rude and offensive and amounted to an expression of anger and personal abuse. They did not appear to have considered whether or not the Appellant was justified in using the word on the basis that it might be true. In fact, they specifically determined that such possibility did not concern them.
8. Unfortunately it is somewhat difficult to reconcile the approach of the Panel in this case with that take in the Needham Market case which I reported to the last Standards Committee where a Councillor called the incoming Mayor and an officer "proven liars". In that case the Panel did not think it was necessary to judge the truth of the allegation.
9. It would clearly be helpful to have more guidance on this issue although it may well not be forthcoming given that Tribunal decisions do not technically set a precedent.

**ANDREW DOCHERTY
MONITORING OFFICER**

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
A.Docherty	5102	25/11/09	

Tony Ellwood (Independent Chair)	Astley Village	Cuerden
Cllr Mike Devaney	Heapey	Withnell
Cllr Judith Boothman	Clayton-Le-Woods	Euxton
Cllr Cath Hoyle	Hoghton	Ulnes Walton
Cllr Debra Platt	Brindle	Heskin
Cllr Stella Walsh	Adlington	Heath Charnock
P Cllr Joan Geddes	Anderton	Mawdesley
P Cllr Alan Platt	Wheelton	Rivington
P Cllr Bill Mason	Bretherton	Coppull
Gwynne Furlong	Charnock Richard	Eccleston
Hugh Evans	Croston	Whittle-Le-Woods

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Report of	Meeting	Date
Corporate Director (Governance)	Standards Committee	10 December 2009

ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

PURPOSE OF REPORT

1. To update the Committee on the recent Annual Assembly of Standards Committees attended by the Chair and Democratic and Member Services Officer.

RECOMMENDATION(S)

2. The report be noted.

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	Y

BACKGROUND

4. Standards for England host the Annual Assembly of Standards Committees in Birmingham.

KEY MESSAGES

5. The Standards Committee at Chorley has well established practices and procedures and is way ahead many others, with the Parish mentoring scheme and experience of dealing with local assessment and hearings.
6. The revised Code is now expected in November / December 2009 for adoption in May 2010.
7. The result of the next general election may have implications for the standards regime.
8. A new training DVD has been launched on the Local Assessment process and will be viewed prior to the meeting of this Committee.
9. The Annual Review 2008 2009 has been published and makes interesting reading.



- 74% of stakeholders agree that the local standards framework is now successfully bedded in.
 - Standards committees take an average of 20 working days to make initial assessment decisions about complaints.
 - 2863 complaints were received.
 - 53% of all complaints dealt with at initial assessment were recorded as 'no further action'
10. In the autumn Standards for England will be undertaking a review of the proportionality of the local assessment process. 50% of local investigations determine that there had been no breach of the Code of Conduct.

OTHER ACTION

11. We worked through several case studies discussing which would be appropriate for other action and noted that mediation works well where people's ongoing relationships are important, those involved want to retain control of the outcome, not dealing with the dispute is unacceptable, people are participating voluntarily and the issues are specific and can be resolved by those involved. It is of note that if the sanction is serious – this is not a case for other action.
12. Mediation works less well or not at all where the people involved are not willing or competent to negotiate, legal or other formal action is being carried out and a higher authority judgement is required and positions on both sides are extreme.
13. We noted that Cambridge have a process for information mediation prior to a formal complaint being made as part of their member/officer protocol. They also publish a quarterly newsletter for Parishes.

STANDARDS AND PARTNERSHIPS

14. A protocol has been developed in partnership with Manchester City Council. The key aim was to develop a shared set of values and behaviours to underpin partnership work. It is intended that this will encourage high standards in partnership working by creating a level playing field for partners by agreeing what good behaviour looks like at the outset. It will enable partners to agree what behaviour they can expect from each other and give them a means by which to hold each other to account.
15. The protocol has been passed to the Assistant Chief Executive (Policy and Performance) who has responsibility for partnerships.

DISCUSSION FORUM

16. Some future development suggestions were made at the discussion forum session, including:
- review the complaint form a year in,
 - Committee to visit schools and community groups/ speak to the Citizens Panel to promote standards,
 - utilize members of the Committee to deliver training to Parish and Borough Councillors,
 - raise awareness with Council staff,
 - offer training to the Police and Fire Authority Standards Committees,
 - train new independent and Parish Council committee members on how the Council works,
 - invite the Chief Executive to attend a meeting of the Committee,
 - for standards to be specifically part of an Executive portfolio.

- 17. The Chair received clarification from Paul Hoey, Standards for England, that the anomaly of Parish Council clerks receiving notification of the decision of Assessment Sub-Committees, but not district officers, as the notification would be received by the Monitoring Officer – who would already be aware. Also, the Parish Council clerk did not need to take any action with the notification letter.

THE PARISH COUNCIL TOOLKIT

- 18. A governance toolkit has been developed for use by Parish Councils. The aim is to outline the basics and to sign post to other information.
- 19. The toolkit has been promoted with the Parish Council clerks already, but it could be worth highlighting it to Borough Councillors who may also be Parish Councillors, perhaps via an “intheknow” article.

PUTTING THE PUBLIC IN THE PICTURE

- 20. Although this session wasn’t attended by us we heard good reports about it and thought the exercise, appended to this report, might be worth undertaking by the Committee.

IMPLICATIONS OF REPORT

- 21. 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	Y	No significant implications in this area	

ANDREW DOCHERTY
CORPORATE DIRECTOR (GOVERNANCE) / MONITORING OFFICER

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Ruth Rimmington / Tony Ellwood	5118	15 October 2009	ReportFromAssembly

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Putting the public in the picture

What does your authority's website say about standards?

Take this short quiz and see how your authority scores.

1. **How easy is it to find anything to do with the standards committee on your website?**

Score 15 for a mention of the standards committee or standards and ethics on your home page.

Score 10 for a link to a page dealing with the standards committee or standards and ethics on a page you reach by following a link from the home page.

Score 5 if, when you search for 'standards' or 'ethics', the top result takes you to a page about the standards committee. (Note: standards committee papers which are published online without any additional information don't count.)

2. **Does the standards committee have its own page or section on the website?**

Score 10 for yes.

3. **Is there a clear explanation of what the standards committee does on the website? Is it up to date?**

Score 15 for a good explanation (between 50 and 150 words) of the role of the committee.

Score 10 if the explanation is longer or shorter than that.

But **subtract 5** from that score if it's out of date – for example, if it has the wrong person named as chair, or hasn't been updated to reflect the work the committee has been doing since May 2008.

Score 2 bonus points for including frequently asked questions or something similar.

4. Can you find the names of standards committee members?

Score 15 for all members' names

Score 10 for the chair only

Score 5 for local authority committee members only

5. Does the website feature information about any proactive work the committee has done to raise the profile of standards, or any information about the standards committee's work programme?

Score 15 for articles and online access to committee papers

Score 10 for an annual report

Score 5 for online access to committee papers only

6. Does the website include decision notices and other information to publicise how your authority has handled complaints?

Score 15 for stories and/or press releases about serious cases, published decision notices, and information about the assessment process and decisions.

Score 10 for decision notices and information about assessment decisions only.

Score 5 for decision notices only.

Subtract 10 from your score if your authority has heard cases, but no information is available.

7. Is the Code of Conduct for your authority published on the website?

Score 15 for a page devoted to the Code of Conduct, including an explanation about what it is and how it works.

Score 10 if the Code is published online, but without further information.

8. Is it possible to find out how to complain about an elected member on your website?

Score 15 for a specific reference to how to complain about a member, and the ability to submit complaints online.

Score 10 for a specific reference to how to complain about a member, giving full details of how to phone or write in with a complaint.

Subtract 15 from your score if your website still gives Standards for England as the first port of call for complaints.

Subtract 5 if a web user cannot find information on how to complain by typing 'complaints' into the site's search function.

9. Is there a link to the Standards for England website?

Score 15 for yes, providing it works.

Score 10 for an explanation of Standards for England's role, but no link.

Score 1 for a link that doesn't work.

10. Does your website promote the value of high standards in public behaviour?

Score 15 for articles, statements from the leader or chief executive, or other materials linking the authority to a culture of high ethical and behavioural standards.

Score an additional 10 points for publishing other ethical governance policies or protocols online.

How did you score?

- 0 – 25** Online information about your authority's standards is probably minimal or non-existent – but there are plenty of ways to improve. Speak to your authority's communications team and ask them how the authority's website can be used to get the standards message across. At the very least, start with the bare essentials: make sure that the site includes clear and easily searchable information about how to make a complaint and a clear explanation of what the standards committee does.
- 26 – 90** It sounds like your authority is starting to get the standards message across online, providing basic information. You might, however, be missing opportunities to provide more user-friendly content, such as an online complaints form or easily downloadable materials, so talk to your authority's web team to find out how the site can be used more creatively. Remember also that a website is a promotional tool as well as an information source. There are lots of opportunities for proactive online PR, such as links to press release, articles and comment and regular updates on the standards committee's work. And check that your web content scores on quality as well as quantity. Is the material fully up to date? Is the information easy for someone with no prior knowledge to find and understand?
- 91 – 165** Your standards committee is probably well-represented on your authority's website and, if your score is at the higher end of this category, the information available is of a high quality and includes proactive promotion of standards issues. There's always room for improvement, however! Make sure that you're making use of every opportunity to promote the work of the standards committee, and make it clear that standards are key to your authority's governance. Use your website to showcase your authority's commitment to high ethical standards as a whole, and include positive, proactive material as well as case outcomes and committee papers. Make content interactive and engaging as possible – include links to other useful pages and offer web users a chance to give feedback.



Standards Committee Work Programme 2009

10 December 2009

DVD regarding Local Assessment of complaints and discussion regarding training
News from Standards for England
Cases update
Feedback from visits to Parish Councils
Bringing Standards into Focus 2009 Annual Assembly of Standards Committees
Discussions regarding public awareness of the Standards Committee
Work undertaken to promote the Code of Conduct

04 March 2010

Guidance on information accessible, disclosed and disposed of by members
Consideration of the Officer code of conduct (good governance)
Chorley Council's Protocol on Member-Officer Relations
Training

Other topics

Consideration of the current Local Code of Conduct on Planning issues following review by ACSES
Consider the need for a Licensing Code of Conduct
Training
Process for dispensations
Methods for educating Members on the process and timescales involved in receiving allegations of a breach of the code, through the assessment, then potentially an investigation

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