



Standards Committee

**Wednesday, 7 September 2011 at
3.00 p.m.
Committee Room 1, Runcorn Town Hall**

A handwritten signature in black ink, appearing to read 'David W R'.

Chief Executive

COMMITTEE MEMBERSHIP

Mr Bill Badrock

Parish Councillor Bernie Allen

Parish Councillor Canon David Felix

Mr Robert Garner

Mr Tony Luxton

Mrs Anita Morris

Councillor Peter Browne

Conservative

Councillor Stan Parker

Labour

Councillor Linda Redhead

Liberal Democrat

Councillor John Swain

Labour

Councillor Kevan Wainwright

Labour

*Please contact Angela Scott on 0151 471 7529 or
angela.scott@halton.gov.uk for further information.*

The next meeting of the Committee is on Wednesday, 9 November 2011

**ITEMS TO BE DEALT WITH
IN THE PRESENCE OF THE PRESS AND PUBLIC**

Part I

Item No.	Page No.
1. MINUTES	1 - 4
2. DECLARATIONS OF INTERESTS	
Members are reminded of their responsibility to declare any personal or personal and prejudicial interest which they have in any item of business on the agenda no later than when that item is reached and, with personal and prejudicial interests (subject to certain exceptions in the Code of Conduct for Members), to leave the meeting prior to discussion and voting on the item.	
3. FUTURE OF STANDARDS	
The Monitoring Officer will update Members on the Future of Standards.	
4. OUTCOME OF COMPLAINT INVESTIGATION	
The Monitoring Officer will report on the outcome of a recent complaint investigation.	
5. RECENT CASE SUMMARIES FROM STANDARDS FOR ENGLAND	5 - 22

In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.

STANDARDS COMMITTEE

At a meeting of the Standards Committee Wednesday, 25 May 2011 Committee Room 1, Runcorn Town Hall

Present: Mr B. Badrock (Chairman), Parish Councillor Mr B Allen, Mr A. Luxton, Mrs A. Morris, and Councillors Browne, Parker, Redhead, Swain and Wainwright

Apologies for Absence: Mr R. Garner

Absence declared on Council business: None

Officers present: M. Reaney and A. Scott

Also in attendance: None

**ITEMS DEALT WITH
UNDER DUTIES
EXERCISABLE BY THE COMMITTEE**

	<i>Action</i>
STC1 APPOINTMENT OF CHAIR AND DEPUTY CHAIR 2011/12	
<p>The Operational Director, Legal and Democratic Services, Mr Reaney, opened the meeting and invited nominations for the appointment of chair and deputy chair for the municipal year 2011/12.</p> <p>RESOLVED: That Mr W Badrock be appointed chair and Mr A Luxton be appointed deputy chair of the Standards Committee for the 2011/12 municipal year.</p> <p>MR BADROCK IN THE CHAIR</p>	
STC2 MINUTES	
<p>The minutes of the meeting held on 5 January 2011, having been printed and circulated, were signed as a correct record.</p>	
STC3 STANDARDS COMMITTEE ANNUAL REPORT	
<p>The Committee received a report of the Strategic Director, Policy and Resources which summarised the work of the Committee in the last municipal year.</p>	

The Committee noted that there had been four meetings in 2010/11. Details of membership and the role of the Committee were outlined in the report. During the year, Members had received a report on the local application of the systems for Declaration of Interests by Members in order to maintain the values of good governance and acceptable behaviour. In addition, the Committee received and considered guidance from Standards for England on the benefits and disadvantages of social networking and blogging and on the role of Members of more than one authority in relation to the Code.

In addition, the Committee had received regular updates of information from Standards for England and digests of cases that had been heard in other authorities.

It was noted that a revised version of the Members Code of Conduct had been expected during the year. However, following the outcome of the General Election in May 2010, the new Government had indicated its intention to do away with a Statutory Code of Conduct and the need for local Standards Committees. No complaints had been received during the year which required the consideration of the Assessment Sub-Committee.

RESOLVED: That the report be noted and referred to Council for information.

Operational
Director, Legal
and Democratic
Services

STC4 RECENT CASE SUMMARIES FROM STANDARDS FOR ENGLAND

The Committee received a report of the Strategic Director, Policy and Resources which outlined recent decisions in cases where a breach of the Code of Conduct had been alleged in other authorities.

The Committee noted and discussed the contents of cases from Cheshire East Council, Broughton and Dalby Parish Council, Basingstoke and Dean Borough Council and Wyre Borough Council. Of particular note, and based on the information provided, the Committee commented on the apparent inconsistency of decisions in each of the cases presented.

RESOLVED: That the report be noted.

STC5 REPORT ON DECLARATION OF INTERESTS FROM MEMBERS

The Committee received a report of the Strategic Director, Policy and Resources on the local application of the systems for declarations of interests by Members in order to maintain the values of good governance and ethical behaviour.

Members were reminded that the second annual report on Declarations of Interest by Members was considered at the meeting on 26 May 2010. This highlighted the importance of integrity in local government and provided guidance on the definition of both personal and personal and prejudicial interests. It was noted that the Council had a challenging culture of declaration of interests for which prime responsibility rested with individual Members. However, the report outlined how the practical expression of the culture operated, which included a reminder at the start of each meeting, guidance available from the Monitoring Officer, the annual opportunity to update a Declaration form as well as engaged involvement by the Standards Committee.

The Committee also noted that all newly elected Members received advice on this requirement as part of the Council's Member Induction Programme which took place on 11 May 2011.

RESOLVED: That the report be noted.

STC6 THE FUTURE OF STANDARDS

The Committee received a report of the Strategic Director, Policy and Resources on the future of the Standards regime.

At its meeting on 5 January 2011, the Committee was advised that Standards for England, the National Code of Conduct and the requirement to have Standards Committees, were to be abolished by the Localism Bill. The Bill was due to have its Report stage and third reading in the House of Commons in May 2011 although at the time of the meeting, the outcome was not known.

The Bill contained a new general duty for relevant Authorities to promote and maintain high standards of conduct by Members and voting Co-opted Members. Authorities could adopt, change and withdraw voluntary Codes of Conduct and publicise them if they wished.

However, it was noted that there would be no requirement for an authority to maintain a Standards Committee or Code of Conduct. To this end, the Monitoring Officer advised Members that a paper dealing with options would be prepared for consideration by Council.

In discussions the Committee considered the following:

- a cross-boundary local authority approach to the Standards regime and Code of Conduct;
- the importance of the promotion of ethical standards by all those in public service;
- the valuable contribution to the work of the Committee made by Independent Members; and
- the need for consultation with Parish Councils on any future Standards regime or Code of Conduct which the Borough Council may adopt.

RESOLVED: That the report be noted.

Meeting ended at 4.10 p.m.

REPORT TO: Standards Committee

DATE: 7th September 2011

REPORTING OFFICER: Strategic Director Policy and Resources

SUBJECT: Recent Case Summaries from Standards for England

WARDS: N/A

1.0 PURPOSE OF THE REPORT

1.1 To make Members aware of recent decisions in cases where breaches of the Code have been alleged in other authorities.

2.0 RECOMMENDATION

2.1 That the Report be noted.

3.0 SUPPORTING INFORMATION

3.1 Members' attention is drawn to case summaries which have recently been published on Standards for England's website.

3.2 These cases refer to Redcar & Cleveland Borough Council, Dover District Council and North West Leicestershire District Council.

3.3 The summaries are provided for the information of Members and are intended to inform discussion at the meeting.

4.0 POLICY IMPLICATIONS

4.0 None

5.0 OTHER IMPLICATIONS

5.1 None

6.0 IMPLICATIONS FOR THE CUNCIL'S PRIORITIES

6.1 Children and Young People in Halton Borough Council.

6.2 None

6.3 Employment, Learning and Skills in Halton Borough Council

6.4 None

6.5 A HEALTHY HALTON

6.6 None

6.7 A SAFER HALTON

6.8 None

6.9 HALTON'S URBAN RENEWAL

6.10 None

7.0 RISK ANALYSIS

7.1 No key issues have been identified which require control measures.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 The report of itself does not contain specific Equality and Diversity issues.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

9.1 None under the meaning of the Act.

Case Summary - Redcar and Cleveland

Case no. SFE-000189
Member(s): Councillor Sheelagh Clarke
Date received: 17 Mar 2011
Date completed: 07 Jun 2011

Allegation:

That Councillor Clarke lied at a ward meeting about his decision making role in the closure of a local school.

Standards Board outcome:

The ethical standards officer found that the member did not breach the Code of Conduct.

Case Summary

At a ward meeting that was held to discuss the proposed amalgamation of two local schools, Councillor Clarke stated that the decision as to whether the schools would be amalgamated or not was a decision for the Secretary of State for Education to make and not hers.

It was alleged that this was a lie. Councillor Clarke was Deputy Leader of the Council and the decision whether to amalgamate the two schools was for her and the Council's cabinet to make. It was also alleged that she did not tell the truth at the meeting because it was a heated meeting and she did not want to have the discussion with the people who were in attendance.

The Ethical Standards Officer found that, at the time of the ward meeting, Redcar and Cleveland Council had begun a consultation on the proposed amalgamation. At the same time the Council had applied to the Secretary of State for the two schools to merge to become one academy. One of the two schools had applied in its own right to become an academy without the other school. Consequently, while the decision to press ahead with the proposal to merge the two schools would be taken by the cabinet, the final decision on whether the two schools would merge would be a matter for the Secretary of State. If the Secretary of State approved the school's solo application, then the Council would not be able to merge the two schools as a joint academy.

The Ethical Standards Officer found that Councillor Clarke had not lied at the ward meeting when she said the decision to merge the schools rested with the Secretary of State. Consequently, as Councillor Clarke had not lied, she had not contravened Paragraph 5 of the Code of Conduct, which states that members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or

authority into disrepute. Councillor Clarke, therefore, did not breach Redcar and Cleveland's Code of Conduct.

Relevant paragraphs of the Code of Conduct

Paragraph 5

09 June 2011

Case Summary - Redcar and Cleveland

Case no. SFE-000188
Member(s): Councillor George Dunning
Date received: 17 Mar 2011
Date completed: 07 Jun 2011

Allegation:

That Councillor Dunning lied at a ward meeting about his decision making role in the closure of a local school.

Standards Board outcome:

The ethical standards officer found that the member did not breach the Code of Conduct.

Case Summary

At a ward meeting that was held to discuss the proposed amalgamation of two local schools, Councillor Dunning stated that the decision as to whether the schools would be amalgamated or not was a decision for the Secretary of State for Education to make and not him.

It was alleged that this was a lie. Councillor Dunning was Leader of the Council and the decision whether to amalgamate the two schools was for him and the Council's cabinet to make. It was also alleged that he did not tell the truth at the meeting because it was a heated meeting and he did not want to have the discussion with the people who were in attendance.

The Ethical Standards Officer found that, at the time of the ward meeting, Redcar and Cleveland Council had begun a consultation on the proposed amalgamation. At the same time the Council had applied to the Secretary of State for the two schools to merge to become one academy. One of the two schools had applied in its own right to become an academy without the other school. Consequently, while the decision to press ahead with the proposal to merge the two schools would be taken by the cabinet, the final decision on whether the two schools would merge, would be a matter for the Secretary of State. If the Secretary of State approved the school's solo application, then the Council would not be able to merge the two schools as a joint academy.

The Ethical Standards Officer found that Councillor Dunning had not lied at the ward meeting when he said the decision to merge the schools rested with the Secretary of State. Consequently, as Councillor Dunning had not lied, he had not contravened Paragraph 5 of the Code of Conduct, which states that members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or

authority into disrepute. Councillor Dunning, therefore, did not breach Redcar and Cleveland's Code of Conduct.

Relevant paragraphs of the Code of Conduct

Paragraph 5 of the Code of Conduct, which states that members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute

09 June 2011

Case Summary - Eythorne Parish Council (Dover)

Case no. SFE-000138
Member(s): Councillor Christine Rogers
Date received: 20 Dec 2010
Date completed: 23 Mar 2011

Allegation:

The member failed to treat others with respect and bullied someone.

Standards Board outcome:

The ethical standards officer found that the member did not breach the Code of Conduct

Case Summary

It was alleged that Councillor Rogers phoned and emailed the clerk repeatedly before an extraordinary meeting on 22 October 2010 to try and persuade her not to call the meeting and that during that meeting Councillor Rogers deliberately humiliated the clerk by repeatedly demanding a word for word account of a motion that Councillor Rogers had proposed. It was further alleged that Councillor Rogers falsely accused the clerk of taking unauthorised actions and of serious financial impropriety.

The Ethical Standards Officer recognised that the clerk was distressed by Councillor Roger's conduct, however considered that this was due to her misunderstanding the issues that Councillor Rogers was trying to raise. The Ethical Standards Officer found nothing in the way that Councillor Rogers treated the clerk that could be described as disrespectful.

It was also alleged that Councillor Rogers received and opened post intended for the Council without the clerk's knowledge or consent.

The Ethical Standards Officer found that there was a longstanding arrangement whereby post intended for the Community Centre, which included the council office, was delivered to Councillor Roger's home if the Community Centre was closed. The Ethical Standards Officer found no evidence to suggest that Councillor Rogers' receipt or opening of council mail was of concern. It had been a long standing and well known arrangement and Councillor Rogers' willingness to receive and ensure the safe delivery of council mail was intended to assist the Council and was an arrangement that was valued by other members.

The Ethical Standards Officer considered that Councillor Rogers had not failed to comply with Eythorne Parish Council's code of conduct.

Relevant paragraphs of the Code of Conduct

Paragraph 3:

“(1) You must treat others with respect.

(2) You must not...

(b) bully any person”.

27 May 2011

Case Summary - Eythorne Parish Council (Dover)

Case no. SFE-000140
Member(s): Councillor Wendy Hansell
Date received: 20 Dec 2010
Date completed: 23 Mar 2011

Allegation:

The member failed to treat others with respect and bullied someone. The member prevented a person from having access to information to which they were entitled by law

Standards Board outcome:

The ethical standards officer found that the member did not breach the Code of Conduct

Case Summary

It was alleged that Councillor Wendy Hansell made a complaint against the clerk in an attempt to discredit her and then lied about having done so.

It was also alleged that Councillor Wendy Hansell became acting chair of the Council despite having previously resigned from her position as vice-chair and that she failed to give the clerk information about the whereabouts and security of the clerk's confidential personnel file.

The Ethical Standards Officer found that Councillor Wendy Hansell had expressed concerns about the clerk's performance to the chair of the Council. Without commenting on the veracity of Councillor Hansell's concerns, the Ethical Standards Officer considered that Councillor Hansell acted reasonably. The Ethical Standards Officer saw no evidence to support the allegation that Councillor Hansell was deliberately trying to discredit the clerk or that she subsequently lied about the matter.

The Ethical Standards Officer found that although Councillor Hansell had submitted her resignation as vice-chair prior to the chair of the Council's own resignation, the chair had not accepted it and it had been agreed to discuss the matter at a later date. The Ethical Standards Officers was satisfied that Councillor Wendy Hansell's decision to subsequently take on the role of acting chair following the chair's resignation was reasonable and in the interest of the Council. Having done so, the Ethical Standards Officer considered that Councillor Hansell could not be held

personally responsible for not being able to provide the clerk with a copy of her personnel file.

The Ethical Standards Officer considered that Councillor Wendy Hansell's had not failed to comply with Eythorne Parish Council's code of conduct

Relevant paragraphs of the Code of Conduct

Paragraph 3:

“(1) You must treat others with respect.

(2) You must not...

(b) bully any person”.

Paragraph 4 of the Code includes:

“You must not: b) prevent another person from gaining access to information to which that person is entitled by law.”

27 May 2011

Case Summary - Eythorne Parish Council (Dover)

Case no. SFE-000141
Member(s): Councillor Peter Birch
Date received: 20 Dec 2010
Date completed: 23 Mar 2011

Allegation:

The member brought his office or authority into disrepute

Standards Board outcome:

The ethical standards officer found that the member did not breach the Code of Conduct

Case Summary

It was alleged that Councillor Birch was granted access by an unknown member of the Council to the clerk's secured office, where an apparent back up of the Council's computer system took place without prior notice or explanation being offered. It was alleged that during this process three confidential, private e-mails intended for the clerk were opened and read.

The Ethical Standards Officer found that Councillor Birch had backed up the Council computer and that during the process he had opened three unread emails to ensure that they had been included in the back up. The Ethical Standards Officer also found that he had deliberately done this without informing the clerk, although she was aware that Councillor Birch had been designated to look after the Council's IT equipment by the Council.

The Ethical Standards Officer considered it unfortunate that the Council did not have a proper IT policy in place and had agreed no guidelines either as to the use of the Council's computer for personal use or the scope of Councillor Birch's role. However in considering whether Councillor Birch's conduct was "disreputable" the Ethical Standards Officer considered that there must be some additional element pointing to a lapse in ethical standards: this might involve an improper motive, unlawfulness, the hope of personal gain, or offensive behaviour. The Ethical Standards Officer did not consider that such evidence was apparent in this case.

The Ethical Standards Officer considered that there had been no failure on Councillor Birch's part to comply with Eythorne Parish Council's code of conduct.

Relevant paragraphs of the Code of Conduct

Paragraph 5 states;

“You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.”

27 May 2011

Case Summary - Ellistown and Battleflat Parish Council (NW Leicestershire)

Case no. SFE-000116
Member(s): Councillor Emily Weston
Date received: 01 Dec 2010
Date completed: 31 Mar 2011

Allegation:

The member failed to treat others with respect

Standards Board outcome:

The ethical standards officer found that the member did not breach the Code of Conduct.

Case Summary

It was alleged that Councillor Weston accused a councillor of sending letters to the District Council and signing them in the name of the parish clerk at the council meeting.

The Ethical Standards Officer found that Councillor Weston questioned an individual councillor about a letter that the Council had received from the District Council, which referenced a complaint it stated had been made by the clerk on behalf of the Council. The Ethical Standards Officer thought it was understandable that Councillor Weston would try to find an explanation for a letter from the District Council that made reference to a complaint that the Council had never submitted. Furthermore, the Ethical Standards Officer found that Councillor Weston had already been made aware that a councillor had been looking into the issue raised in the complaint on behalf of his constituents. In those circumstances, the Ethical Standards Officer considered it reasonable that she would first ask him about the letter.

It was also alleged that Councillor Weston said at a standards committee meeting that she was a solicitor when she was not; told another councillor that she and others were going to “stuff him”; and told a councillor that he could not touch her because a senior officer at the District Council had been her teacher.

The Ethical Standards Officer found that Councillor Weston had not acted as alleged. The Ethical Standards Officer considered that Councillor Emily Weston did not fail to comply with Ellistown and Battleflat Parish Council’s code of conduct

Relevant paragraphs of the Code of Conduct

Paragraph 3:

“(1) You must treat others with respect.

26 May 2011

Case Summary - Ellistown and Battleflat Parish Council (NW Leicestershire)

Case no. SFE-000113
Member(s): Councillor Alan Gamble
Date received: 01 Dec 2010
Date completed: 31 Mar 2011

Allegation:

The member failed to treat others with respect

Standards Board outcome:

The ethical standards officer found that the member did not breach the Code of Conduct.

Case Summary

It was alleged that Councillor Gamble sent the clerk rude and demeaning emails regarding items that he wanted on the council meeting agenda. It was alleged that Councillor Gamble was rude and aggressive to the clerk at the council meeting and that he criticised her to the extent that she left the meeting.

It was also alleged that Councillor Gamble failed to respect the authority of the chair by ignoring her requests to behave in a more appropriate manner and that following the meeting, Councillor Gamble made a series of spurious and serious allegations against the chair to her employers in order to intimidate her into leaving the Council.

The Ethical Standards Officer found nothing in the emails between Councillor Gamble and the clerk, that could be described as disrespectful or bullying as understood by the Code.

The Ethical Standards Officer found that Councillor Gamble felt that certain members of the Council and the clerk, were deliberately targeting him for criticism during the meeting. Councillor Gamble's response to that was to counter the criticisms in a forceful manner, resulting in a heated meeting. The Ethical Standards Officer considered that Councillor Gamble's conduct was on occasion impolite, but not serious enough to be described as disrespectful.

The Ethical Standards Officer found that although Councillor Gamble had spoken to the chair's employer subsequent to the meeting, he did not initiate a complaint against

her. As such the Ethical Standards Officer considered that there is no foundation on which to base the allegation that he was trying to intimidate her into leaving the Council.

The Ethical Standards Officer considered that Councillor Alan Gamble did not fail to comply with Ellistown and Battleflat Parish Council's code of conduct.

Relevant paragraphs of the Code of Conduct

Paragraph 3:

“(1) You must treat others with respect.

26 May 2011

Case Summary - Ellistown and Battleflat Parish Council (NW Leicestershire)

Case no. SFE-000114 SFE-000129
Member(s): Councillor Wayne McDermott
Date received: 01 Dec 2010
Date completed: 31 Mar 2011

Allegation:

The member failed to treat others with respect.

Standards Board outcome:

The ethical standards officer found that the member did breach the Code of Conduct but that no further action was required

Case Summary

It was alleged that during a Council meeting Councillor Wayne McDermott was disrespectful and abusive to another councillor. It was alleged that Councillor McDermott shouted expletives, kicked chairs over in the Council chamber and frightened other councillors with his behaviour. It is also alleged that, immediately after the meeting, Councillor McDermott continued his disruptive behaviour in the street.

The Ethical Standards Officer found that during the Council meeting the clerk walked out of the meeting because was upset at the way she was being treated. Councillor McDermott blamed another councillor for what appeared to be the clerk's resignation. Councillor McDermott lost his temper and swore several times at the councillor. During his outburst Councillor McDermott stood directly opposite the councillor while still shouting and swearing. After leaving the meeting the atmosphere between councillors remained somewhat heated, however Councillor McDermott had calmed down considerably and did not either shout or swear when in the street. The Ethical Standards Officer was of the view that Councillor McDermott's behaviour was rude, offensive and intimidatory. While Councillor McDermott has indicated that he was to a certain extent provoked by the way others had treated the clerk, his reaction was grossly disproportionate and strayed well beyond the realm of what is permissible under the Code. The Ethical Standards Officer considered that Councillor McDermott had failed to comply with Ellistown and Battleflat Parish Council's code of conduct.

In coming to her finding on the matter the Ethical Standards Officer considered that

the unpleasant atmosphere at the meeting and the dysfunctional history of the Council, neither of which Councillor McDermott can be held wholly responsible for, is likely to have contributed to his outburst. The Ethical Standards Officer took that view that while Councillor McDermott's conduct was completely unacceptable, his subsequent resignation from the Council meant that in the circumstances no further action is necessary.

Relevant paragraphs of the Code of Conduct

Paragraph 3:

“(1) You must treat others with respect.

26 May 2011