



Standards Committee

**Wednesday, 10 September 2008 at
3.00p.m. Committee Room 1, Runcorn
Town Hall**



Chief Executive

COMMITTEE MEMBERSHIP

Mr Bill Badrock (Chairman)

Parish Councillor Ronald Crawford

Parish Council Vacancy

Mr Robert Garner

Mr Tony Luxton

Councillor Philip Balmer

Conservative

Councillor Stan Parker

Labour

Councillor Linda Redhead

Liberal Democrat

Councillor Kevan Wainwright

Labour

Councillor Mike Wharton

Labour

*Please contact Lynn Cairns on 0151 471 7529 or e-mail
lynn.cairns@halton.gov.uk for further information.*

The next meeting of the Committee is on Wednesday, 12 November 2008

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

Part I

Item No.	Page No.
1. MINUTES	
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, in relation to personal and prejudicial items (subject to certain exceptions in the Code of Conduct for Members), to leave the meeting prior to discussion and voting on the item.	
3. ACTION LIST	1 - 3
The Committee's Action List is attached for consideration and amendment as necessary.	
4. APPOINTMENTS TO VACANCIES	4 - 5
5. STANDARDS BOARD INFORMATION ROUND-UP	6 - 15

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.

HALTON BOROUGH COUNCIL

STANDARDS COMMITTEE 10TH SEPTEMBER

DRAFT ACTION LIST

The following list is for consideration by the Committee:-

NO.	PRIORITY	ACTION	BY	DATE
1	HIGH	Further role play session repeating the 'hearing' on 28 th February 2007 with more time allowed – Role of Chair – To maintain impartiality throughout hearing. Facilitate and ensure compliance with procedure. Secure fairness of hearing. (previously 1,5,8,10) Council Solicitor to prepare and circulate flowcharts illustrating the sequence of events and deadlines in relation to hearings. Consider further training involvement by Charles Kerry (Chester) Consider further training involvement by Graeme Creer (Weightmans)	OD	Done – training carried out in Warrington 18 June 2008
3	HIGH	Council Solicitor to arrange for Standards Committee members to attend other Council's Standards Committee hearings as a training opportunity.	OD	Done – Contact made with Wigan
6	HIGH	Consider cost of training initiatives and make provision in budget for 2008/9. Consider funding sources for Training during 2007/8.	OD	No further funding Available – training provided from within resources
7	MEDIUM	Develop Standards Committee internet website presence.	OD	June 2008- Done. Further information uploaded on new complaints arrangements

NO.	PRIORITY	ACTION	BY	DATE
9	LOW	Video of interview with Leader of Council and Chief Executive. Further use in conjunction with later training sessions. Explore ways of using training video as part of civic responsibility training in Halton's schools (previously 9,16) [the new monitoring officer to review the video when in post, taking into account recent changes, to determine what amendments are required]	OD	Video reviewed & now out of date due to new Code, on which training has been given
12	MEDIUM	Council Solicitor and Chair invite Halton's parish council clerks and chairpersons to meeting to explore training needs of parish councillors. Halton's parish council clerks and chairpersons training session of parish clerks and chairpersons (prev 12, 13)	Chair/OD	Done – Meeting convened with Chief Executive, Council Solicitor & all Parish Clerks & Chairs to cover general issues. Took place 10 th July 2008. Parishes to bring forward training requests. None received. Training on new Code given to all Parishes.
15	MEDIUM	Explore the idea of small loose-leaf folder for members of the Committee to keep copies of key documents: e.g. Principles, Code of Conduct and Guidance.	Chair/OD	March 2008
16	HIGH	Halton's preparations, arrangements and training for dealing with local filter duties.	OD	Done. Further draft terms of reference and protocols being developed for consideration by Committee – intended to be

				circulated before 10 September meeting.
17		A letter be sent to the Standards Board for England requesting that their method of allocating places on conferences be amended so that, in future, an invitation be sent to the Chairs of all Standards Committees initially and they be provided with the opportunity of taking up this offer by a specified date.	OD	2 places booked; Letter sent to Standards Board

REPORT TO: Standards Committee

DATE: 10th September 2008

REPORTING OFFICER: Strategic Director – Corporate and Policy

SUBJECT: Appointments to Vacancies

WARDS: N/A

1.0 PURPOSE OF THE REPORT

To provide an update on the current position in respect of the appointment to the vacant posts of “Independent Member” and “Parish Council Representative”.

2.0 RECOMMENDATION: That

- 2.1 Mr Garner be welcomed as the new additional Independent Member of the Committee; and**
- 2.2 the current position relating to the Parish Council vacancy be noted.**

3.0 SUPPORTING INFORMATION

- 3.1 On 27th February 2008, Members agreed to recommend to Council that the Constitution be amended to provide for an additional Independent Member and an additional Parish Council representative on the Standards Committee. This was in order that the Committee could fulfil its requirements in terms of the new filtering process and was in accordance with best practice. Full Council subsequently agreed these changes at its Annual meeting on 16th May 2008.
- 3.2 Since that time, the vacancy for an Independent Member has been advertised in accordance with statutory requirements and Mr Robert Garner has subsequently been appointed.
- 3.3 Steps were also taken fill the Parish Council vacancy. Unfortunately, officers have not been able to secure an appointment to date. It is therefore intended that the Parish Clerks be approached again in this respect.

4.0 POLICY IMPLICATIONS

None.

5.0 OTHER IMPLICATIONS

None.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 **Children and Young People in Halton** – none.

6.2 **Employment, Learning and Skills in Halton** – none.

6.3 **A Healthy Halton** – none.

6.4 **A Safer Halton** – none.

6.5 **Halton's Urban Renewal** – none.

7.0 RISK ANALYSIS

The Parish Council vacancy may cause difficulties should the need arise to convene the required Sub-Committees to hear any possible future complaints.

Officers will continue in their attempts to secure an appointment to this vacancy as soon as possible.

8.0 EQUALITY AND DIVERSITY ISSUES

None.

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

None under the meaning of the Act.

REPORT TO:	Standards Committee
DATE:	10 th September 2008
REPORTING OFFICER:	Strategic Director - Corporate & Policy
SUBJECT:	Standards Board Information Roundup
WARDS	N/A

1.0 PURPOSE OF THE REPORT

- 1.1 To bring Members of the Committee up to date with the latest news from the Standards Board.

2.0 RECOMMENDATION

- 2.1 That the report be noted.

3.0 SUPPORTING INFORMATION

- 3.1 A copy of Bulletin 39, released since the last meeting of the Committee, is attached at Appendix 1. In particular, Members' attention is brought to the following:

3.1.1 The Standards Board will no longer publish summaries of completed investigations on their website. Instead, quarterly statistics about cases handled across the country will be produced. In addition, the Board intends to compile an annual report highlighting notable practice in local case handling.

3.1.2 New guidance has been published to support local authorities in the implementation of the local framework.

3.1.3 Dr Robert Chilton has been appointed as the new Chair of the Standards Board for England with effect from 1 July 2008 for a three year term.

- 3.2 In addition, two press releases are attached for information at Appendix 2. These provide details of an investigation in Cornwall that resulted in the disqualification of two Members for a twelve month period, and outline the initial impact of the local filtering system on local authorities across the country.

4.0 POLICY IMPLICATIONS

4.1 None.

5.0 OTHER IMPLICATIONS

5.1 None.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 **Children and Young People in Halton** – None.

6.2 **Employment, Learning and Skills in Halton** – None.

6.3 **A Healthy Halton** – None.

6.4 **A Safer Halton** – None.

6.5 **Halton's Urban Renewal** – 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 None.

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

None under the meaning of the Act.

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Welcome to Issue 39 of the *Bulletin*.

I am pleased to introduce my first *Bulletin* since succeeding David Prince as Chief Executive of the Standards Board for England. I look forward to meeting many of you and working closely with you over the coming months.

Local assessment is now in place, and the last couple of months have been busy for local authorities preparing for the introduction of the devolved framework. Some standards committees have already risen to the challenge of assessing their first Code of Conduct complaints.

In this *Bulletin*, we present the personal reflections of the Strategic Director at Newark and Sherwood District Council on preparing for local assessment. I hope that you find this an interesting read. We also focus on the new online local reporting system. We are confident you will find this system easy to use.

You are probably aware of the Standards Board's next Annual Assembly of Standards Committees, due to be held in October 2008. *Delivering the Goods: Local Standards in Action* is proving to be our most popular Annual Assembly ever, with more than 90% of places already booked. If you have already secured your place, we would advise you to return your conference session preference form as soon as possible to make sure you get your first choice of sessions – they are filling up fast!

Finally, I am pleased to introduce the new Chair of the Standards Board, Dr Robert Chilton. Dr Chilton will succeed Sir Anthony Holland in July 2008 and we present a brief biography in this *Bulletin*.

Glenys Stacey
Chief Executive

Launch of the Standards Board's online local reporting system

Our new local reporting system went live on 8 May 2008 to coincide with the introduction of local case handling. It was launched by an email sent to all monitoring officers in our contact database. The reporting system consists of a short questionnaire about the authority and the standards committee, a section to enter some basic information about each case the standards committee has received, and some guidance materials.

You can access the reporting system by visiting the Resources section of our website, www.standardsboard.gov.uk, and clicking on the 'Monitoring returns' menu item. This will take you directly to the login page.

Alternatively, you can go directly to <https://authority.standardsboard.gov.uk>.

Support

We have tried our best to make the reporting system as easy to use as possible. Once you log in, click on the 'online help' link in the left-hand menu for an online guide to using the system. There is also an A-Z of questions document, which explains in more detail what is expected from each of the questions asked in the form.

Any queries about the quarterly return process can be sent to: authorityreturns@standardsboard.gov.uk or you can speak to the Monitoring Team by calling **0161 817 5300**.

Who should complete and submit the quarterly return?

The monitoring officer is accountable for submitting accurate and timely returns at the end of each quarter. We know that some monitoring officers will delegate the task of filling out and

submitting the return to someone else in their authority. However, as the accountable person, we will continue to send all correspondence regarding quarterly returns only to the monitoring officer.

It is the monitoring officer's responsibility to ensure that the person they have delegated monitoring returns to is kept up-to-date of any email notifications from us.

How the quarterly return process works

We will be analysing and reporting on case handling activity within each quarter. The quarters are defined by the financial year as follows:

- **Quarter 1** is the beginning of **April** to the end of **June**.
- **Quarter 2** is the beginning of **July** to the end of **September**.
- **Quarter 3** is the beginning of **October** to the end of **December**.
- **Quarter 4** is the beginning of **January** to the end of **March**.

Due to the delayed start of local assessment, the very first period we are collecting information for is 8 May 2008 to the end of June 2008.

As a result of the need to collect returns as quickly and efficiently as possible at the end of each quarter, there will be a period of ten working days within which submissions must be made. This period, which we will refer to as the 'submission window', will start on the day after each quarter has ended. The dates for this for the current financial year are shown on [page 3](#).

We will send an email reminder to all monitoring officers when their submission is due.

Submission window dates for the current financial year:

- **Quarter 1**
01 July 2008 to 14 July 2008*
- **Quarter 2**
01 October 2008 to 14 October 2008*
- **Quarter 3**
02 January 2009 to 15 January 2009*
- **Quarter 4**
01 April 2009 to 16 April 2009*

*Midnight on these closing dates.

What happens next?

As the framework beds in and quarterly returns are collected, we will begin to build up a national picture of how successful the implementation of case handling has been. We will be able to collect data on specific areas of the framework to allow us to pinpoint good practice and identify any areas of concern as trends emerge. We may contact monitoring officers to request further details about particular cases to help us do this.

As we no longer have responsibility for investigating all cases on a national level, we will not be able to continue publishing summaries of completed investigations on our website. Instead, we will produce quarterly statistics about cases handled across the country. We also intend to compile a report highlighting notable practice in local case handling on an annual basis.

If you are a monitoring officer and you have not received the launch email with your username and password, please contact our monitoring team on **0161 817 5300** or email authorityreturns@standardsboard.gov.uk.

New guidance published

The latest guidance to support local authorities in the implementation and function of the local standards framework is now available to download from the Guidance section of our website www.standardsboard.gov.uk.

Four pieces of guidance and two toolkits have now been published:

- **Local assessment of complaints:** Details each stage of the process, as well as offering guidelines for best practice.
- **Local assessment toolkit:** Useful document templates for local assessment, which can be used or adapted by authorities as required.
- **The role and make-up of standards committees:** Advice on setting up and operating effective committees.
- **Local investigations and other action:** An overview of the issues involved in local investigations and other action.
- **How to conduct an investigation:** A comprehensive guide to conducting an investigation.
- **Investigations toolkit:** Useful document templates to help with conducting investigations locally, which can be used or adapted by authorities as required.

Guidance on standards committee determinations will be published on our website in early July 2008.

Reviews of local assessment decisions: Timeframe for review requests

If a standards committee decides not to take any action on a Code of Conduct complaint, then the complainant has a right of review over that decision. The complainant should be advised of their right to ask for a review of a decision to take no action. They should also be told that they can exercise this right by writing to the standards committee with their reasons for requesting a review.

The standards committee must receive the complainant's review request within 30 days from the date on the initial assessment decision notice.

We would like to clarify that this is 30 days in total and not 30 working days. Our *Local assessment of complaints* guidance, available from our website, has been updated to reflect this position.

Local assessment – A personal reflection

Kirsty Cole
Strategic Director (Corporate Services)
Newark and Sherwood District Council

I had thought that Newark and Sherwood District Council was reasonably well placed for meeting its new duties and responsibilities when the local assessment of complaints was introduced by the Standards Committee (England) Regulations 2008 on 8 May 2008.

We had decided in the autumn of last year to increase the size of the standards committee to 15, with four independent members, four parish representatives and seven elected members, in order to ensure that we had a sufficient pool from which to draw when setting up assessment and review sub-committees and hearing panels.

We had placed adverts for new members before Christmas last year and our standards committee chair was profiled in the November issue of our council newsletter, setting out the work undertaken by the standards committee, outlining its new role in the local assessment of complaints and encouraging people to come forward for positions on the standards committee.

Our marketing campaign was extremely successful and we were able to recruit three new independent members of an extremely high calibre to the standards committee, together with two additional parish representatives (our two existing parish representatives are continuing their term of office for a further year to provide some continuity in the changeover to the new arrangements).

The new appointments were confirmed at the February council meeting and all the new members were given induction training on the work of the standards committee – not just in the local assessment of complaints, but on the standards committee's wider role in embedding high standards of ethical conduct within the organisation and across the parish councils within our district.

We had already participated in the Standards Board's local filter pilot in July 2007, and Newark and Sherwood District Council had been instrumental in organising further county-wide training on the local assessment of complaints in early March 2008, in which our new standards committee members had participated.

However, what I had not anticipated in the first week of May 2008 was the sheer volume of paperwork which I would need to prepare in a very short timescale, and I certainly hadn't anticipated that we would receive our first complaint immediately after the Regulations came into effect and before our standards committee had even had the chance to meet to set up its assessment and review sub-committees.

Fortunately, I had built in an initial step within our complaints procedure that, unless a complainant indicated otherwise, we would endeavour to resolve any complaint informally through local resolution prior to its submission to the assessment sub-committee.

I consider that this step is permitted within the regulatory framework as there is no legal requirement to place the complaint before the assessment sub-committee until a written complaint has been sent to the standards committee (Section 57C of the Local Government and Public Involvement in Health Act 2007). Fortunately, this particular complaint had been expressly addressed to the Chief Executive.

We managed to get a copy of the complaint form and a notice about the new arrangements onto the council's website before 8 May 2008 – but only just! – and we are still working through the various forms and other documents for which the Standards Board has helpfully provided templates in its toolkit.

Our standards committee will meet on 11 June 2008 to formally establish the assessment sub-committee and review sub-committee, which we will draw from a panel of members of the standards committee rather than having a fixed membership. I believe that, as monitoring officers, we have to make pragmatic judgements of what will work in practice and where any risk or challenge might lie.

The Standards Board is to be commended in producing template documentation and guidance so promptly and efficiently. I know that because of the speed with which the Standards Board was required to turn things around, there have been some amendments to the guidance which was initially issued. As a word of caution, you need to double check the Standards Board's website to ensure that you are working to the most up-to-date guidance.

In summary, I am glad that we had increased the size of our standards committee well in advance of 8 May 2008 and that we had had the invaluable experience of participating in the local filter pilot. However, we still found ourselves in a position where we were not fully prepared when the new regulations came into effect and we are still working hard in putting all the documentation and procedures in place. It was a much bigger task than I had envisaged and would have been virtually impossible without the help and support offered by the Standards Board.



CLG appoints new Chair of the Standards Board

The Secretary of State for Communities and Local Government (CLG) has

appointed Dr Robert Chilton as the new Chair of the Standards Board for England. He will take over from Sir Anthony Holland on 1 July 2008 for a three-year term.

Dr Chilton's association with local government goes back to 1965 when he began his career in regional planning. From the mid-1980s he has held positions as Chief Executive of Gillingham Borough Council, Director of Local Government Studies at the Audit Commission, Head of Transition and then interim Chief Executive of the Greater London Authority, and interim Commissioner for Transport at Transport for London.

He is also a non-Executive Director of the Waste and Resources Action Programme, a Board Member for the Office of the Information Commissioner, Chair of the major London housing association the East Thames Group, and Deputy Chair of ICSTIS, the premium rate phone regulator.

In announcing Dr Chilton's appointment on 13 May 2008, Minister for Local Government John

Healey expressed his confidence in Dr Chilton's "strategic vision" and "deep understanding and experience of local government". He also thanked Sir Anthony Holland for his hard work over the past seven years.

Bulletin statistics

Due to the introduction of local assessment and our changing role, we will be reporting different statistical information from now on. This information will be available following the analysis of information collected through our online local reporting system. To find out more about the operation of this system, please see [page 2](#) of this *Bulletin*.

Press Release - 18 August 2008

'Aggressive' behaviour leads to 12-month disqualification

A husband and wife who were members of a Cornwall parish council have been disqualified from office for a year after their 'aggressive' behaviour saw the parish clerk and their three fellow councillors resign.

The ban, imposed at a hearing of the independent Adjudication Panel for England on 24 July, follows an investigation by the Standards Board for England into allegations that Peter and Sheila Montague failed to treat others with respect and brought their office into disrepute.

It was alleged that Peter and Sheila Montague behaved in an aggressive, intimidating and disrespectful way to fellow parish councillors and a member of the public in council meetings between May and June 2007. It was also alleged they made verbal and written attacks on the character and integrity of the ex-clerk to the council.

The Adjudication Panel for England concluded that the language in emails written by Mr Montague and approved by Mrs Montague was rude and unjustified. The Adjudication Panel found that Mr Montague was aggressive when speaking to another councillor, had suggested that the clerk had acted without authority for his own purposes and that his conduct was unacceptable for a council meeting.

The Adjudication Panel also found that Mrs Montague's shouting when other councillors disagreed with her was also unacceptable, as was the Montagues' behaviour at a meeting on 29 June 2007. They shouted at, talked over and interrupted other councillors, were aggressive, overbearing and rude, and without justification, questioned the clerk's integrity. The Adjudication Panel was satisfied that Mr and Mrs Montague's conduct brought their office into disrepute because their behaviour seriously affected the wellbeing of several individuals and damaged the normal running of the council by prompting the clerk and the other three members to resign.

Dr Robert Chilton, chair of the Standards Board for England said:

"To maintain public confidence in local government, it is essential that councillors' conduct meets the high ethical standards which the electorate has every right to expect from them. Mr and Mrs Montague's behaviour fell far short of those standards.

"Their conduct led to the resignation of the council's clerk and three other councillors, depriving the parish council of representation for nearly a year. The disqualification for a year recognises the seriousness of the behaviour and its consequences."

Press Release - 31 July 2008

Local authorities tackling complaints about members

Councils and authorities across England have logged 360 complaints about the conduct of their members in the first few weeks of England's new locally-based complaints system.

Prior to May 2008 all complaints went to national body the Standards Board for England, who assessed them to see whether they were worthy of investigation, either by the local authority or by the Standards Board itself.

Now local standards committees are assessing complaints themselves - to ensure they are robust and relevant - before deciding whether to refer them for investigation. An average of 295 complaints a month were handled by the Standards Board last year, who referred around one case in every seven for investigation, weeding out vexatious or politically motivated complaints.

As a national regulator responsible for monitoring and promoting ethical standards the Standards Board for England collects quarterly returns from standards committees about their work. The first returns covered the period May 8 - June 30 2008, and showed that 164 English local authorities had 360 cases 'in the system'. A further 279 authorities said they had no cases to report in this first few weeks.

Dr Robert Chilton, Chair of the Standards Board, said: "We can see that a good proportion of local authorities are now gaining first hand experience of their new role in receiving complaints and we wait with interest to see whether the change to a local framework will bring a change to the pattern of cases referred for investigation both locally and to the Standards Board.

"The Standards Board is working closely with local authorities and government agencies to ensure good standards of member conduct are at the heart of local government. We want to make sure there is a transparent, effective local standards system, backed up by effective local investigation and principled decision making, which will make a big contribution towards building confidence in local democracy."