



**Standards Committee**

**Wednesday, 11 November 2009 at 3.00  
p.m.**

**Committee Room 1, Runcorn Town Hall**

A handwritten signature in black ink, appearing to read 'David W R', positioned above a rectangular stamp area.

**Chief Executive**

**COMMITTEE MEMBERSHIP**

**Mr Bill Badrock (Chairman)**

**Parish Councillor Ronald Crawford**

**Parish Councillor Canon David Felix**

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

*The next meeting of the Committee is on Wednesday, 6 January 2010*

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

**Part I**

<b>Item No.</b>	<b>Page No.</b>
<b>1. MINUTES</b>	<b>1 - 6</b>
<b>2. DECLARATIONS OF INTERESTS</b>	
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.	
<b>3. ASSESSMENT MADE CLEAR - TRAINING DVD</b>	
A training DVD from Standards for England will be shown at the start of the meeting. The running time is approximately 44 minutes.	
<b>4. STANDARDS FOR ENGLAND ROUND UP</b>	<b>7 - 8</b>
<b>5. DRAFT ACTION LIST</b>	<b>9</b>
<b>6. STANDARDS FOR ENGLAND ANNUAL ASSEMBLY - VERBAL REPORT</b>	
Councillor Mike Wharton and Mark Reaney, Operational Director and Monitoring Officer, will provide a verbal report on this item.	

***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, 9 September 2009 Committee Room 1, Runcorn Town Hall*

Present: Mr B. Badrock (Chairman), T. Luxton, Balmer, Parker and Wainwright

Apologies for Absence: Councillor Redhead, Parish Councillor Crawford, D. Felix and R. Garner

Absence declared on Council business: Councillor Mike Wharton

Officers present: R. Barnett and C. Halpin

Also in attendance: None

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

*Action*

STC8 MINUTES

The minutes of the meeting held on 3<sup>rd</sup> June 2009 having been printed and circulated, were signed as a correct record.

STC9 STANDARDS FOR ENGLAND PAPER - SUSPENDING A STANDARDS COMMITTEE'S ASSESSMENT AND REVIEW FUNCTIONS

The Committee received a report of the Strategic Director, Corporate and Policy which set out the Standards for England's recent paper detailing the circumstances in which it may suspend a Standards Committee's Assessment and Review Functions.

The Committee was advised that Standards for England had recently issued a paper setting out the circumstances in which it may suspend Assessment and Review Functions. The powers were given to the Committee by the Local Government Act 2000 as amended and the circumstances in which suspension could be made were set out in the new Standards Committee (Further Provisions) (England) Regulations 2009, as set out in the report.

It was noted that the paper went on to set out the formal processes for bringing into effect a suspension of functions. The document made it clear that Standards for England only intended to use the power as a last resort. Suspension would usually only happen after a series of attempts to improve performance had failed. The document detailed the process for issuing a direction, amendments to the direction, assessment in the review processes during a suspension, and how the Standards for England would work with a suspended authority. It also dealt with how a suspension may be revoked.

Of course, the Monitoring Officer, the Standards Committee and the Authority would do all they could to minimise the risk of such a step ever needing to be taken in Halton. However, it was felt important to bring the power to the attention of the Committee.

RESOLVED: That the report be noted.

#### STC10 WORK PROGRAMME

The Committee received a report of the Strategic Director Corporate and Policy which updated Members on the emerging work programme.

The Committee received a report at the last meeting seeking items for a work plan for the municipal year. Members had agreed to keep under review the Standards Committee (Further Provisions) Regulations 2009 which at the time were not as yet in force. Those Regulations have now been issued, and were reported elsewhere in this Agenda.

Members also wished to consider trends emerging from the quarterly and annual returns provided to the Standards Board by Councils across the country. An update was contained within Bulletin 44 elsewhere on the Agenda.

Members had sought clarification on the indemnity issue insofar as it related to independent Members on the Committee. The Monitoring Officer had been in touch with the Insurance Section and had been able to obtain confirmation that the policy cover did extend to indemnity to Members (including independent members) at the request of the Council. The indemnity only operated if the Council would have been entitled to indemnity if the claim had been made against it rather than the individual. In the event that the Member was entitled to indemnity from another source, the other insurance cover should be utilised. The other

proviso was that the Council's insurers had sole conduct and control of the claim. The only potential gap the insurers could think of in relation to Members was for pure legal expenses rather than conventional liability cover.

It was noted that Members had requested regular training on the Code of Conduct and it was confirmed that a further training session would take place on 20<sup>th</sup> October.

Members had also asked at the last meeting whether there was a qualified mediator available to the Council, internally who could be used to provide mediation training. It had been suggested that a brainstorming session would be beneficial with a qualified facilitator. The Monitoring Officer agreed to discuss the suggestion with the Divisional Manager responsible for training. He had been able to confirm that the Council did not have qualified mediators, and that an appropriate facilitator would have to be someone with a detailed knowledge of the standards regime.

RESOLVED: That

- (1) the report be noted;
- (2) further joint or multi authority training be explored;
- (3) a session to brainstorm further ideas for the Work Programme be arranged; and
- (4) the Code of Conduct training on 20 October 2009 be added to the work programme.

#### STC11 JOINT STANDARDS COMMITTEE GUIDANCE

The Committee received a report of the Strategic Director, Corporate and Policy which advised Members of the publication of guidance from Standards for England on Joint Standards Committees.

Standards for England had recently published guidance on the establishment of Joint Standards Committees. The guidance reflected the Standards Committee (Further Provisions) (England) Regulations 2009. These particular provisions were not mandatory.

The Local Government Act 2000 provided that an Authority must set up a Standards Committee and that the Standards Committee (England) Regulations 2008 set out the rules governing the size and composition of a Standards

Committee. The Standards Committee (Further Provisions) (England) Regulations 2000 enabled Joint Standards Committees to carry out any of the functions of a standards committee.

It was noted that it was considered that joint arrangements were likely to be most useful where additional flexibility to deal with cases was needed, or where resources were limited and sharing them would benefit the successful management of the standards framework in the area.

It was further noted that Standards for England had also identified a number of potential problems or issues with joint arrangements which were important to consider, as set out in the report.

It must be remembered that the Standards framework became fully localised on 8<sup>th</sup> May 2008 which reflected a general desire supported by the Standards Board, among those in the field, to be able to monitor their own complaints. The local standards framework also recognised that a knowledge of the local area and local situation could have a positive impact on finding the right solutions.

Standards for England recognised that authorities would have different reasons for wanting or needing a Joint Standards Committee and had therefore identified three model structures for Joint Committees which they felt offered the most practical ways of operating joint arrangements, as set out in the report.

The Committee was advised that the guidance went on to consider in detail the composition of Joint Standards Committees. The general rule that a Joint Committee was composed in the same way as an ordinary Standards Committee but with the changes necessary to reflect the fact that it was a Joint Committee. So, it must include at least one elected member of each authority involved in the joint arrangement, at least 25% of the Joint Committee members must independent members, at least three people must attend a Joint Standards Committee meeting, the chair of the Joint Standards Committee must always be an independent member. Also, an executive member was permitted to be on the Joint Standards Committee. There must also be at least two representatives from Parish or Town Councils, and the Parish or Town Council representative must be present on the Committee at all times when Parish matters were being discussed. There was no limit on the number of independent members.

The guidance then detailed the arrangements for establishing membership. It must be remembered that authorities have a power and not a duty to establish Joint Committees and this was submitted for information at this stage.

RESOLVED: That the report be noted.

#### STC12 OTHER ACTION GUIDANCE

The Committee received a report of the Strategic Director, Corporate and Policy which advised Members on the contents of the recent Standards for England Publication "Other Action Guidance".

It was noted that at the last meeting of the Committee on 3<sup>rd</sup> June 2009, the Monitoring Officer reported that Standards for England had just issued guidance on Other Action in terms of the assessment of complaints. Members would recall having received the Standards Board's guidance on local investigations and other action last year. Since then, there had been some uncertainty about the circumstances in which Other Action could be taken in the context of assessment. Members were aware that in considering a complaint, the assessment sub-committee may take one of three options in dealing with a complaint that a Member had failed or may have failed to comply with the Code of Conduct. If the assessment sub-committee decided to refer the complaint to the Monitoring Officer, it could direct him or her to investigate the matter or, alternatively, it could direct him or her to take steps other than carrying out an investigation. This was known as Other Action.

The Standards Board's key messages on Other Action were set out in the report along with steps that could be taken as directed to the Monitoring Officer.

The Committee noted that within the publication there were several conflicting paragraphs and clarification of these be sought from Standards for England and a further report be submitted a future meeting of the Committee.

RESOLVED: That

- (1) the report be noted; and
- (2) a further report be submitted to a future meeting of the Committee on the response from Standards for

England.

STC13 STANDARDS BOARD INFORMATION ROUND-UP

The Committee received a report of the Strategic Director, Corporate and Policy which brought Members up to date on the latest news from the Standards Board. Since the last meeting of the Committee the Standards Board had released Bulletin 44 which was appended to the report for information.

RESOLVED: That the report be noted.

*Meeting ended at 3.55 p.m.*



<b>REPORT TO:</b>	Standards Committee
<b>DATE:</b>	11 <sup>th</sup> November 2009
<b>REPORTING OFFICER:</b>	Strategic Director Corporate & Policy
<b>SUBJECT:</b>	Standards for England Round Up
<b>WARDS</b>	N/A

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To bring Members of the committee up to date with the latest news from Standards for England

## **2.0 RECOMMENDATION**

- 2.1 That the Report be noted

## **3.0 SUPPORTING INFORMATION**

- 3.1 Since the last meeting of this Committee, Standards for England has released Bulletin 45 which is attached at Appendix 1 and can be accessed by the following link –  
<http://www.standardsforengland.gov.uk/publications/thebulletin>.

The proposed revised Code of Conduct for Members will be ready in late Autumn 2009. It is not anticipated that there will be many changes to the Code. The main issue will be the proposal to allow the Code to cover Members in their non official capacity, where conduct would amount to a criminal offence.

Standards for England have been advised that further consultation on the introduction of a Code for Officers is likely to take place in 2010.

- 3.2 The Bulletin provides clarification on imposing sanctions in respect of breaches of the Code. Regulation 19 of the Standards Committee (England) Regulations 2008 lists the eleven sanctions available to a Standards Committee. The Bulletin reminds Members that Committees must be careful that any sanctions to be imposed are included in this list. For example, a verbal apology is not listed and will not be a valid sanction. Whilst written apologies are acceptable, guidance is given in the Bulletin as to how to go about ensuring that the sanction is effective. It further points out that if a Member fails to issue a written apology, then he or she may face a further complaint of potentially bringing their office or authority into disrepute.

- 3.3 The Bulletin reports a significant decision made by the President of the Adjudication Panel for England on July 23<sup>rd</sup> 2009 in the case of a former Councillor of Somerset County Council.

The judgment is important as it is the first occasion that Adjudication Panel have had to deal with a potential breach of paragraph 3(2)(c) of the Code of Conduct which concerns the intimidation of or an attempt to intimidate a complainant in a Code of Conduct investigation. Members' attention is drawn to the synopsis of the case in the Bulletin. The full decision of the Adjudication Panel can be accessed on its web site.

**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 and Learning and Skills in Halton – None
- 6.3 A Health 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 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

**HALTON BOROUGH COUNCIL**

**STANDARDS COMMITTEE 11<sup>TH</sup> NOVEMBER 2009**

**DRAFT ACTION LIST**

The following list is for consideration by the Committee:-

<b>NO</b>	<b>PRIORITY</b>	<b>ACTION</b>	<b>BY</b>	<b>DATE</b>
1	HIGH	Consider further training, ideally with other authorities	OD	Monitoring Officer will report to meeting on Meeting of Cheshire Secretaries Group 23 <sup>rd</sup> October 2009 Standards for England DVD "Assessment made clear" to be shown at Standards Committee 11 <sup>th</sup> November 2009
2	MEDIUM	Develop mind mapping sessions	OD	Monitoring Officer to meet Deputy Chair to discuss possible way forward
3	HIGH	All Member training on Code of Conduct	OD	Further session held 20 <sup>th</sup> October 2009 – More training will be given following adoption of new Code