



**Standards Committee**

**Wednesday, 26 May 2010 at 3.00 p.m.  
Committee Room 1, Runcorn Town Hall**

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

**Chief Executive**

**COMMITTEE MEMBERSHIP**

*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, 8 September 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. WELCOME TO NEW MEMBERS AND APPOINTMENT OF CHAIR AND DEPUTY CHAIR</b>	
To welcome new Members of the Standards Committee and to appoint a Chair and Deputy Chair for the 2010/11 Municipal Year.	
<b>2. MINUTES</b>	<b>1 - 4</b>
<b>3. 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>4. STANDARDS COMMITTEE ANNUAL REPORT</b>	<b>5 - 7</b>
<b>5. STANDARDS FOR ENGLAND ROUND UP</b>	<b>8 - 19</b>
<b>6. DECLARATION OF INTERESTS OF MEMBERS</b>	<b>20 - 22</b>
<b>7. DRAFT ACTION LIST</b>	<b>23</b>
<b>8. RECENT CASE SUMMARIES FROM STANDARDS FOR ENGLAND</b>	<b>24 - 31</b>

*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 on Wednesday, 24 February 2010 in Committee Room 1, Runcorn Town Hall*

Present: Mr B. Badrock (Chairman), Parish Councillor Crawford, Mr R. Garner, Mr T. Luxton and Councillors Balmer, Parker, Redhead, Wainwright and Wharton

Apologies for Absence: Parish Councillor D. Felix

Absence declared on Council business: None

Officers present: M. Reaney and A. Scott

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

STC19 MINUTES

The minutes of the meeting held on 11 November 2009, having been printed and circulated, were signed as a correct record.

STC20 STANDARDS FOR ENGLAND 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 Standards for England.

Since the last Committee meeting Standards for England had released Bulletin 46 which was appended to the report for information. Of particular note was the lack of reference to the proposed revised Code of Conduct for Members which had been anticipated in Autumn 2009.

The Bulletin also gave an update on the following items:

- dealing with pre-determination and bias;
- the local assessment process and how this

*Action*

would feed into the review of the Local Standards Framework;

- the availability of the third edition of the Government's toolkit for Parish and Town Councils; and
- the transfer of the Adjudication Panel for England into the unified tribunal structure.

Members discussed the relationship between bias, predetermination and the Code of Conduct. They also discussed the inclusion of Parish Councillors on any future training events undertaken by the Borough Council. In addition, they noted the feedback on the review of the local standards framework.

RESOLVED: That

- 1) the report be noted;
- 2) a representative from Standards for England be invited to attend a future meeting of the Committee to increase understanding of the Code of Practice; and
- 3) all Members and Parish Councillors be invited to attend training when the new Code of Conduct is issued.

Operational  
Director (Legal  
and Democratic  
Services)

#### STC21 RECENT CASE SUMMARIES FROM STANDARDS FOR ENGLAND

The Committee received a report of the Strategic Director, Corporate and Policy on case summaries recently published on the Standards for England website.

The Committee noted that three of the case summaries related to Blackpool Council. The ethical standards officer had found in all three cases that the individual Members did not breach the Code of Conduct.

In the fourth case, at West Felton Parish Council, the ethical standards officer had decided to refer the matter to Shropshire Council's Standards Committee for determination.

Members discussed the case studies and how the underlying principles in the Code could be applied to elected Member involvement on such regulatory committees as

Development Control and Licensing. Of particular note were the contents of paragraphs 3, 5, 9 and 12 of the Code and how their relevance had been considered in the case summaries.

RESOLVED: That the report be noted.

#### STC22 ON LINE GUIDE

The Committee received a report of the Strategic Director, Corporate and Policy which advised them of the recent issue of on-line guides on the Standards for England web site.

The guides, which were summarised in the attached appendix, had been published since the last meeting of the Committee. The first dealt with the recruitment process for the appointment of Independent Members. The Committee noted that the term of office for two Independent Members of the Committee would end in the current municipal year, and an advert in the local press would invite applications for the two places. In addition, it was also announced that Parish Councillor Ronald Crawford was to retire from the Committee as he had decided to stand down as a Parish Councillor.

The second guide dealt with Freemasons and their relationship to the Code of Conduct. The Committee noted that Freemasons were not singled out by the Code, but that the Code applied to memberships of any body directed at charitable purposes.

The third guide dealt with notifications given to Parish and Town Councils when a complaint regarding one of their Members had been assessed. The guide included advice about what information they should receive, when notifications should be sent and what arrangements the Parish or Town Council should have in place to ensure that the rights of all concerned in a complaint would be considered.

RESOLVED: That the report be noted.

#### STC23 DRAFT ACTION LIST

The Committee's Action List was attached for consideration and amendment if necessary.

RESOLVED: That the list be agreed.

STC24 RETIRING MEMBERS

The Chairman wished to place on record his thanks on behalf of the Committee on the occasion of the retirement of Parish Councillor Ronald Crawford, for his service on the Standards Committee. He also thanked Mr Tony Luxton, whose term of office was due to end in the current municipal year, for his service on the Committee.

Mr Reaney, Operational Director, also wished to place on record his thanks to the retiring Chairman, Mr Bill Badrock whose term of office was also due to end, for his dedication and service to the Standards Committee. In addition Mr Reaney thanked Mr Luxton for his service and also thanked Parish Councillor Crawford and wished him well in his retirement.

*Meeting ended at 4.00 p.m.*

<b>REPORT TO:</b>	Standards Committee
<b>DATE:</b>	26 <sup>th</sup> May 2010
<b>REPORTING OFFICER:</b>	Strategic Director - Resources
<b>SUBJECT:</b>	Standards Committee Annual Report
<b>WARDS</b>	N/A

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To summarise the work of the Committee in the last municipal year and to recommend members to invite Council to note the Report.

## **2.0 RECOMMENDATION**

- 2.1 That the Report be noted and referred to Council for information.

## **3.0 SUPPORTING INFORMATION**

- 3.1 During the municipal year the Standards Committee was made up of ten members, comprising of three independent members, two Parish Councillors, and five members of Halton Borough Council. The Membership during the year was Mr. Bill Badrock (Chairman), Mr. Tony Luxton (Vice Chairman), Mr. Robert Garner, Parish Councillor Ronald Crawford, Parish Councillor Canon David Felix, Councillor Phillip Balmer, Councillor Stan Parker, Councillor Linda Redhead, Councillor Kevan Wainwright and Councillor Mike Wharton

The Committee met on four occasions throughout the municipal year.

- 3.2 The role of the Standards Committee is to:

- Help Councillors and Co-opted Members to observe the Members Code of Conduct
- Promote and maintain high standards of conduct by Councillors, Co-opted Members, and Church and Parent Governor Representatives
- Advise the Council on the adoption or revision of the Members Code of Conduct
- Monitor the operation on the Members Code of Conduct
- Provide training to Councillors and Co-opted members on matters relating to the Members Code of Conduct
- Deal with complaints against Councillors and Parish Councillors
- Deal with matters concerning politically restricted posts

- Deal with dispensations relating to declarations of interest.

3.3 At the first meeting of the municipal year, the Committee received a report from the Strategic Director, Corporate and Policy which outlined the local application of the systems for Declaration of Interests by Members in order to maintain the values of good governance and acceptable behaviour. The Committee was informed that integrity in local government was essential to command the confidence of the community and of all organisations with which the Council came into contact. It was further noted that it was relevant also in relation to finance, competing for limited national and regional resources, and recruitment. Personal and Personal and Prejudicial interests were defined, and the Report set out Halton's Best Practice. It is pointed out that the Register of Members Interests was held by the Committee Services Manager and a Register of Gifts and Hospitality was also maintained by her where members were required to register any gifts and hospitality worth £25 or over received in connection with official duties as a Member, together with the identity of the giver of the gift or hospitality. It was proposed that a similar Report be brought to the Committee on a yearly basis.

The Committee received and considered guidance from Standards for England on the powers to suspend a Standards Committee's Assessment and Review functions, the establishment of joint Standards Committees, and on "other action" which can be taken following an assessment of a complaint. In addition to this, Members watched the new training DVD issued by Standards for England entitled "Assessment made clear" which was designed to help Standards Committee Members assess complaints about elected or co-opted members.

The Members received regular updates of information coming out from Standards for England, together with digests of cases which had been heard in other authorities.

The Monitoring Officer reported on matters of relevance following his and Councillor Wharton's attendance at the Standards for England Annual Assembly which had taken place in October.

A revised version of the Members Code of Conduct had been expected to be released in the Autumn, but this was subsequently delayed, and Monitoring Officers were advised that it would not be published until after the general election. The Committee will consider the new Code as soon as possible following publication, and will ensure that appropriate training is provided to all Members after adoption.

#### **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 Borough Council

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**

9.2 None

**REPORT TO:** Standards Committee  
**DATE:** 26<sup>th</sup> May 2010  
**REPORTING OFFICER:** Strategic Director - Resources  
**SUBJECT:** Standards for England Round Up  
**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 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 47 which is attached as Appendix 1.

3.2 The functions of the Adjudication Panel for England have now been transferred to the First Tier Tribunal (Standards in England) and the Adjudication Panel for England has been abolished. The role of the First Tier Tribunal is to hear cases referred to it by Ethical Standards Officers or a Standards Committee following an investigation. The Tribunal will also hear Appeals by subject members against decisions of a Standards Committee. The Bulletin sets out the changes to the powers and procedures of the Tribunal.

3.3 Members' attention is drawn to the online guides presently available on Standards for England's web-site. Members will recall that a brief Report on several of these guides was brought to the last meeting.

3.4 There is an interesting short article in the Bulletin about social networking. This refers to both the benefits and downside of online communication.

**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 Borough Council

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**

9.2 None



## **2010 Annual Assembly of Standards Committees ‘A place for standards’**

Following the success of last year’s fully booked Annual Assembly, we are well on the way to finalising the programme for this year’s event, which takes place on 18 and 19 October at the ICC in Birmingham.

We are already working with a panel of standards committee members and monitoring officers to develop a range of sessions focused on sharing notable practice, developing high standards and building confidence in managing the local standards framework.

The cost of attending both days of the Assembly has been held at £430 (plus VAT) for the fourth year running, while a one-day place is £230 (plus VAT).

Online booking is now open on our website. We will also be sending out hard copy booking forms to all authorities from mid-March. Further information about the programme and speakers will be added to the website so keep checking back for the most up-to-date information.

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## **Stakeholder Tracker 2009 – ‘A qualitative assessment of advice and guidance’**

Every two years Standards for England (SfE) conducts a ‘stakeholder tracker’ in two parts: a quantitative survey, and a qualitative investigation. This research assesses the levels of satisfaction of members and officers in local government with the performance of SfE and their attitudes to the ethical environment. As some of you may recall, the survey was completed last summer. We are now happy to report that the qualitative section of the research, which provides a more in-depth analysis of some of the issues that emerged from the quantitative research, has been completed and is available on our website. **We would like to thank those of you who participated in the research. It is only through your continued support that we are able to track our progress, and identify areas for improvement.**

BMG research carried out this research by holding a number of focus groups with monitoring officers, standards committee members and parish councillors.

**Some of the findings:**

- The research found that monitoring officers and standards committee members are very positive about the local standards framework. They feel it has 'bedded in' well, and welcome the chance to take ownership of the process of investigating complaints.
- SfE's monitoring officer helpline received positive feedback, and some stakeholders suggested that the service callers receive has improved over the past 12 months.
- Monitoring officers welcome the development of peer and local/regional networks – however, there is some suggestion that a number of authorities may already have some form of networking in place. They would like SfE to provide content for delivery at networking events.
- The research identified several topics on which stakeholders think SfE could provide further guidance such as more information on other standards committee practices, sanctions and proportionality, mediation, guidance specifically for parish councillors, and more advice on the overlap with Freedom of Information and Data Protection legislation.

A copy of the full report can be [downloaded here](#).

**For further information, please contact:**

**Tom Bandenburg (Research Assistant) on 0161 817 5427 or email [tom.bandenburg@standardsforengland.gov.uk](mailto:tom.bandenburg@standardsforengland.gov.uk)**

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**A REMINDER: Please send us your hearing decision notices**

As you may already be aware, authorities are required to send Standards for England (SfE) copies of their hearing decision notices. The legal basis for this can be found in the Standards Committee (England) Regulations 2008 under regulation 20(1)(a). However, not all authorities have complied with this requirement.

Hearing decision notices provide a valuable source of information from which SfE can draw conclusions about how the local standards framework is functioning. We have decided to give greater emphasis to our analysis of the notices and we will share our conclusions with you.

**What you need to do**

Please send us a copy of the full decision notice for any determinations made by your Standards Committee. At the end of each quarter (from 1 April 2010) we will check whether we have received a decision notice for all the hearings completed that quarter and then contact authorities for any that are missing.

We prefer to receive decision notices as an email attachment in Word or PDF format if possible.

You can send them to [authorityreturns@standardsforengland.gov.uk](mailto:authorityreturns@standardsforengland.gov.uk).

If you are unable to send them electronically, please post your decision notices to:

**The Monitoring Team, Standards for England, 4th floor, Griffin House**

**40 Lever Street, Manchester M1 1BB**

When writing the decision notices, please ensure that you include all the legal requirements set out in paragraph 20 of the Standards Committee (England) Regulations 2008. We also recommend that you refer to our guidance, which you can find in your local standards framework guide or online at

<http://www.standardsforengland.gov.uk/determinations>

**Note:** Please do not send us decision notices for any other type of decision such as initial assessments, reviews or consideration meetings. This is not a legal requirement and we will not be using them in our analysis.

#### **What we will do**

We will use the notices to help widen our knowledge of how the local standards framework is operating and provide some context to the quarterly returns data. The notices may also highlight areas where we can produce new guidance or improve on what we have already published.

Thank you for your co-operation. We will keep you informed of how the decision notices help us to support the local standards framework.

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## **Adjudication Panel for England becomes known as First-tier Tribunal (Local Government Standards in England)**

On the 18th January the functions of the Adjudication Panel for England were transferred to the First-tier Tribunal (Local Government Standards in England) and the Adjudication Panel for England was abolished. The First-tier Tribunal sits in the General Regulatory Chamber with Charity, Gambling, Information, Estate Agents, Claims Management, Consumer Credit and Transport Tribunals.

The role of the First-tier Tribunal is to hear cases referred to it by an Ethical Standards Officer or a Standards Committee following an investigation. The Tribunal will also hear appeals by a subject member against the decision of a Standards Committee.

There have been changes to the powers and procedures of the Tribunal.

### **Powers and Procedures**

The First-tier Tribunal now has additional powers and procedures. It has the power to summon witnesses or require witnesses to produce documents relating to its hearings.

All Tribunal hearings can now be conducted either orally or by written representations with the consent of all parties.

Hearings can be conducted by less than 3 Tribunal members.

The President of the Adjudication Panel for England has been appointed as a Principle Judge of the First-tier Tribunal, legal members are now Judges and lay members are members.

### **Appeals**

Previously any appeal from the Adjudication Panel was heard at the High Court. This process has now changed. Appeals will now be heard by the Upper Tribunal. The Upper Tribunal is an appellate tribunal created by the Tribunals, Courts and Enforcement Act 2007. The Administrative Appeals Chamber is the part of the Upper Tribunal which hears and decides appeals from decisions of the General Regulatory Chamber of the First-tier Tribunal.

### **Who can appeal to the Upper Tribunal?**

Any party may appeal to the Administrative Appeals Chamber of the Upper Tribunal if they can show that the First-tier Tribunal made an error of law.

Additionally, the subject member has the right to appeal findings of fact, if their appeal is against

- (a) a decision that they failed to comply with a code of conduct,
- (b) a decision imposing suspension or another sanction

### **Appeals by other parties**

A further change to the appeals process is that if a subject member is successful at the First-tier Tribunal, it is still possible for an Ethical Standards Officer or Standards Committee to appeal on a point of law to the Upper Tribunal. The First-tier Tribunal will notify the subject member if any of these parties wish to appeal.

## Costs

The First-tier Tribunal now has the power to make an order for costs if the Tribunal considers that a party has acted unreasonably in bringing, defending or conducting the proceedings. It may make an order for costs following an application or on its own initiative.

This will mean that the Tribunal can award costs against a standards committee, Ethical Standards Officer or subject member if they have acted unreasonably in the conduct of their investigations or hearings. The First-tier Tribunal may also make an award for wasted costs incurred by any legal or other representative where the Tribunal considers that they have acted negligently, improperly or unreasonably in bringing, defending or conducting proceedings.

For more information and detailed guidance please see [www.adjudicationpanel.tribunals.gov.uk](http://www.adjudicationpanel.tribunals.gov.uk)

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## Our Risk Based Approach

One of the best practice requirements of a regulator is that they take a risk -based approach to their work: that is they are able to assess risks in their area of regulation and apply their own resources accordingly to keep risks low.

For Standards for England there are three types of risk which concern us.

- Systemic risk – risk which could lead to a widespread failing in the work of the framework or in standards across all authorities
- Sectoral risk – risk which could lead to a failing in standards in a number of similar authorities
- Entity risk – risk of a serious standards failure affecting one of the authorities covered by the local standards framework

Assessing entity, systemic or sectoral risks to standards or the success of the framework allows us to target our effort at those activities, situations or authorities that pose the biggest risk helping ensure we provide value for money.

The Success of the local standards framework relies in part on our ability to see potential pitfalls or risks to standards in advance. For example, the emergence of new technologies such as internet social networking, blogs and Twitter, have presented their own unique challenges to standards. During 2009-10 we were able to produce guidance, place articles in the local government press and give a presentation at a national members' conference on this subject.

Spotting such challenges allows us to provide early advice and guidance to the standards community to help prevent problems arising. We will be developing our approach to systemic and sectoral risk, closely linked to our research programme, to help us identify trends or potential problems, and so offer appropriate advice at the earliest opportunity.



We work closely with authorities where challenging standards issues emerge. Based on our increasing experience supporting these authorities we are developing our plans for managing entity risk.

We intend to prioritise the way we interact with authorities on the basis of our risk assessment of the likelihood and impact of any failure of standards in that authority. Working through our relationship managers we will take a differential approach based on this assessment to satisfy ourselves that authorities are working to minimise risks. We envisage working with 30-40 authorities at our highest level of contact and a further 100-120 at an intermediate level, at any one time.

Typically authorities at the lowest level of risk will be in contact with us only as they go about their routine business in operating the standards framework and sending back the required monitoring data, whereas authorities at the intermediate level might be contacted by relationship managers on a six monthly basis, and those at the highest level contacted or visited more frequently as deemed appropriate.

We will be testing our planned approach and consulting with the regulated community about it over the next six months.

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## **Social networking: an effective medium of communication but not without risk**

When it comes to reaching certain groups quickly, cheaply and maintaining control over your message, many councillors find online methods hard to beat.

At the recent Cllr' 10 event, Standards for England and the IDeA ran an interactive session which looked at how councillors can use social networking effectively and ethically to engage with their local communities.

This article highlights some of the key messages from the session for councillors.

- If you use blogs, Facebook or Twitter to help you to carry out your political work, rather than in your private capacity, your obligation to meet certain standards of conduct still applies. You can still be involved in robust political debate and state your opinions strongly – the Code does not exist to gag you or fellow councillors or stop you expressing political views. It does, however, prohibit treating others with disrespect, bullying and bringing one's office or authority into disrepute. It is important if you are blogging or tweeting personally and not in your role as councillor, that you do not act, claim to act, or give the impression that you are acting as a representative of your Authority. It is worth noting that web links to official council websites may give or reinforce the impression that you are representing the council.

- You may use a blog to draw attention to a particular local issue and call the council to account, as you would in a public meeting. However, blog entries ridiculing or attacking particular officers, or making serious accusations about their personal competence or integrity, could amount to disrespect, even bullying, in some circumstances.
- It is worth considering that while the immediacy of social media can be a great benefit, it also has a downside. For example, it is possible for you to Tweet on a matter seconds after leaving the council chamber – long before your opponents have issued press statements. This can result in broadcasting spontaneous remarks that may quickly seem unwise. By the time you have reconsidered and deleted them, they may have been seen by thousands, Facebook-shared, re-Tweeted, linked to, and committed to local headlines. That is fine, if you have got this message across just how you wanted to; less so if your post was an outburst in the heat of the moment. Such remarks are easily withdrawn, apologised for and forgotten when made in person, but posting them on the internet means that they have been published, and in a way that cannot be contained.
- It is important to note that good ethical standards are not limited to the Code of Conduct. While you may not be investigated for using online media, your conduct can still attract adverse publicity, even where the Code does not apply. For example, a regional newspaper recently called a councillor's blog post against a rival party a "toilet-mouthed tirade" saying:

"A [Code] breach it may not have been; childish, crude and demeaning to all who vote or follow politics it certainly was."

It is clear that social networking sites can enhance political debate and add positively to local politics when used correctly. [Click here](#) to see our online guide to blogging.

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## New Online Guides on Our Website

The Guidance and Information team has produced several new online guides at the end of 2009. They are now available on our website. Here are the titles and links to the guides:

- [Charitable Trustees and declarations of interest under the Code](#)
- [Freemasons and the Code](#)
- [Independent members](#)
- [Notifications to parish and town councils concerning complaints about their members and the Standards](#)
- [Role and appointment of parish and town council reps to the standards committee](#)
- [Blogging quick guide](#)

We hope you find these new pieces of guidance helpful. Please e-mail any feedback you have on our guidance to [enquiries@standardsforengland.gov.uk](mailto:enquiries@standardsforengland.gov.uk)

## Standards Committees can take a lead from ‘notable practice’

Research into ‘notable practice’, was carried out jointly by Hull University and the University of Teesside and was finalised in October 2009. It is called ‘notable practice’ to highlight the fact that the tips for success are examples of where particular approaches have worked in certain authorities, rather than ‘set-in-stone’ rules about what should be done.

Bristol City Council standards committee was identified as being particularly effective at facilitating organisational learning, sharing learning with the local government community and acting as hub for other authorities and independent members in the South West. The focus of the case study in South Cambridgeshire was on the standards committee’s proactive approach to the recruitment and retention of independent members.

The research identified nine examples of notable practice in different authorities. Below is the list of the notable practice examples and the case study authorities.

<b>Notable practice</b>	<b>Case study authority</b>
Organisational learning	Bristol City Council
Working with town and parish councils	Taunton Deane Borough Council
Member development	Surrey Police Authority
Working with partnerships	Newark and Sherwood District Council
Recruitment and retention	South Cambridgeshire District Council
Training and development	Herefordshire County Council
Joint standards and audit committees	Runnymede Borough Council
High pressure investigations	Greater London Author
Embedding standards	Newcastle City Coun

Standards committees can now access these case studies, examine details of the notable practice, and benefit from key learning points. The research, 'Assessing the Impact of Standards Committees 2009', can be found at

[www.standardsforengland.gov.uk/Resources/Research/2009reports/](http://www.standardsforengland.gov.uk/Resources/Research/2009reports/)

## Further information

For further information on this paper or any other work undertaken by the Research Team, please contact **Hannah Pearson (Research and Projects Adviser)**, email: [hannah.pearson@standardsforengland.gov.uk](mailto:hannah.pearson@standardsforengland.gov.uk) , ext: 5417

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## Impartial and Objective Investigators

Standards committees must ensure that they appoint investigators who have the necessary impartiality to conduct investigations with no perception of bias. This principle of impartiality should be applied to external and internal investigators alike. It is important that any external investigators are and appear to be impartial; a characteristic which should form part of any selection criteria applied when choosing one.

One of the key benefits of reciprocal arrangements with other authorities is that they enable authorities to pass investigations involving their own employees to another council. It is the monitoring officer's responsibility to ensure they select an impartial investigator.

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## Have your say

Has your authority or standards committee developed an innovative way of promoting ethical behaviour or delivering the standards framework? Why not share your ideas with over 1,000 other council officers and standards committee members on the Standards Forum?

You can use the Forum to discuss anything you find topical in this Bulletin with fellow council officers or standards committee members. It provides a place to network, ask questions, share good practice and make recommendations.

There are currently over 100 posts on more than 40 different topics. Popular topics include:

- Dealing with vexatious complaints
- Developing protocols for informing members
- Promoting ethical behaviour

To have your say, visit:

[www.standardsforengland.gov.uk/resources/TheStandardsForum/](http://www.standardsforengland.gov.uk/resources/TheStandardsForum/)

If you are a member of a standards committee, a monitoring officer or a relevant officer and you are not currently registered for the forum or have any questions please email: [forum@standardsforengland.gov.uk](mailto:forum@standardsforengland.gov.uk)

## **Delay on the New Code of Conduct**

As you may be aware a new Code of Conduct for Members will not be laid during this Parliamentary session. Communities and Local Government have notified us that the Government is concentrating on financial instruments and so there will not be Parliamentary time available for the Code.

In practice this means that a new Code will not now be laid until after a general election.

**REPORT TO:** Standards Committee

**DATE:** 26<sup>th</sup> May 2010

**REPORTING OFFICER:** Strategic Director - Resources

**SUBJECT:** Declaration Of Interests Of Members

**WARDS** N/A

**1.0 PURPOSE OF THE REPORT**

1.1 To report 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.

**2.0 RECOMMENDATION**

2.1 That the Committee notes the Report.

**3.0 SUPPORTING INFORMATION**

3.1 Members will recall that at the meeting of the Committee on 3<sup>rd</sup> June 2009, the first annual report on Declarations of Interest by Members was submitted.

3.2 The purpose was to remind Members that integrity in local government is essential to command the confidence of the community and of all organisations with which the Council comes into contact.

3.3 The report offered a reminder as to personal and personal prejudicial interests.

3.4 Personal interests are where the issue being discussed in the meeting affects the wellbeing or finances of a member or his or her family or close associates more than most other people who live in the area affected by the issue. Personal interests also relate to matters which must be registered by Members.

3.5 Personal and Prejudicial interests go a stage further and are personal interests which affect a member or his or her family or close associates in terms of their finances, or regulatory functions such as Licensing or Planning and which a reasonable member of the public with knowledge of the facts would believe likely to harm or impair the member's ability to judge the public interest.

3.6 The Council has challenging culture of declaration of interests. The prime responsibility rests with individual members, but the practical expression of the culture takes various forms:-

1. The Declaration of Interests by Members at the start of meetings, both formal and informal.
2. Availability of Guidance from the Monitoring Officer and his staff.
3. The completion of the Register of Interests.
4. The annual sending out of a Declaration form which forms an opportunity to reflect and self - review.
5. Guidance and Training.
6. Engaged involvement by the Standards Committee.

3.7 As reported last year, the Register of Members Interests is held by the Principal Committee Services Officer. Members are sent fresh forms to complete each May and also receive a form should new interests be declared at any meetings during the year. There is a list on each Councillor's page on the Council's web-site indicating that information on interests is publicly available on request from Committee Services. All newly elected Members will be invited to the Council's Member Induction Programme in mid May, when further advice will be given by the Monitoring Officer on Declaration of Interests.

3.8 Committee Services also maintain the Register of Gifts and Hospitality. Members are required to register any gifts or hospitality worth £25.00 or more received in connection with Official duties as a Member, together with the details of the person who makes the offer of gives the gift of hospitality. This must be done within 28 days of receipt. At meetings when an item is under discussion which is likely to affect the giver or the gift or hospitality, then the existence and nature of the gift must be declared by the Member as well as the name of the giver and how the business relates to that person. The Member must then consider whether the interest is also a prejudicial interest. The Monitoring Officer looks at the Register of Gifts and Hospitality periodically, and it is clear that Members are aware of its existence and using it.

#### **4.0 POLICY IMPLICATIONS**

4.1 None

#### **5.0 OTHER IMPLICATIONS**

5.1 None

#### **6.0 EQUALITY AND DIVERSITY ISSUES**

6.1 None

**7.0 RISK ANALYSIS**

7.1 Failure to comply with the Registration and Declaration requirements would amount to a breach of the Code of Conduct and have serious risks to the Authority.

**8.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

None

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

9.2 None



**HALTON BOROUGH COUNCIL**

**STANDARDS COMMITTEE 26<sup>TH</sup> MAY 2010**

**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	Cheshire authorities are committed to joint training event for Members and Parish Council Chairs & Clerks – date to be agreed following issue of new Code of Conduct.
2	High	Constitution of Standards Committee	OD	Committee to welcome new Members and ensure appropriate training is provided
3	High	All Members training on Code of Conduct	OD	More training will be given following adoption of new Code

<b>REPORT TO:</b>	Standards Committee
<b>DATE:</b>	26 <sup>th</sup> May 2010
<b>REPORTING OFFICER:</b>	Strategic Director - Resources
<b>SUBJECT:</b>	Recent Case Summaries from Standards for England
<b>WARDS</b>	N/A

#### **1.0 PURPOSE OF THE REPORT**

- 1.1 To make Members aware of recent decisions in cases where breaches of the Code of Conduct 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 three case summaries which have recently been published on Standards for England's website
- 3.2 These cases refer to Astley Village Parish Council, Immingham Town Council and Haws and High Abbotside Parish Council and the Yorkshire Dales National Park Authority
- 3.3 The summaries are provided for the information of Members and are intended to inform discussion at the Meeting.

#### **4.0 POLICY IMPLICATIONS**

- 4.1 None

#### **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 Borough Council

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**

9.2 None

## **Parish Councillor Suspended for Four Months**

**25 March 2010**

Astley Village Parish Councillor Rod Fraser was suspended from office for four months today (24 March) after he was found to have breached several parts of the members' Code of Conduct (the Code).

The suspension of Councillor Fraser follows a Standards for England (SfE) investigation and will begin today.

The Tribunal found that Councillor Fraser had breached the parts of the Code which relate to treating others with respect, bullying, bringing office or authority into disrepute and members' registration of interests.

Councillor Fraser was found to have breached the Code by making 'public, unsubstantiated allegations' about the parish clerk, making 'false allegations' about another councillor, and by failing to declare the fact that he was a school governor in the authority's register of members' interests.

Dr Robert Chilton, Chair of Standards for England, said: "Councillor Fraser showed a lack of respect for his colleagues, his authority and his office through his actions.

"We welcome the four-month suspension imposed on him by the First-tier Tribunal, which sends out a clear message to members of the public that appropriate action will be taken against members whose ethical standards fall short of expectations."

**Ends.**

**For media enquiries, contact the press office on 0161 817 5400 or email [press.enquiries@standardsforengland.gov.uk](mailto:press.enquiries@standardsforengland.gov.uk).**

### **Notes for editors**

1. The First-tier Tribunal (Local Government Standards in England) is the name of the body which has replaced the Adjudication Panel for England and is a separate body to Standards for England.

Standards for England (SfE), through its Ethical Standards Officers (ESOs), investigate potential breaches of the Code of Conduct but do not determine sanctions to be imposed on members who have breached the Code.

At the end of an investigation, SfE can refer the case to the First-tier Tribunal if the potential breach is sufficiently serious to warrant a form of sanction.

The First-tier Tribunal is an independent judicial tribunal. The Lord Chancellor appoints its members following consultation with the Secretary of State for Local Government

For further information, please visit [www.adjudicationpanel.tribunals.gov.uk/](http://www.adjudicationpanel.tribunals.gov.uk/)

2. To view the Code of Conduct, please visit  
[www.opsi.gov.uk/si/si2007/uksi\\_20071159\\_en\\_1](http://www.opsi.gov.uk/si/si2007/uksi_20071159_en_1)

3. For media enquiries, please contact the press office on 0161 817 5400 or email  
[press.enquiries@standardsboard.gov.uk](mailto:press.enquiries@standardsboard.gov.uk)

## **Case Summary - Immingham Town Council**

**Case no.** SBE-07779-C4LOG  
**Member(s):** Councillor Michael Perrin  
**Date received:** 27 Oct 2009

### **Allegation:**

That the member failed to treat others with respect, bullied someone and 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 Michael Perrin had failed to treat the Town Council's clerk with respect on a number of occasions since December 2008. Councillor Perrin's alleged conduct included spreading malicious gossip; questioning the clerk's ability; releasing private correspondence in order to undermine him; making derogatory comments about the terms and conditions of his employment; and treating the clerk in a demeaning and unflattering manner.

Councillor Perrin resigned from his position on the Town Council on 29 November 2009. The ethical standards officer only considered his interactions with the clerk up to that date.

The ethical standards officer found that almost all of the interactions between Councillor Perrin and the clerk had occurred by private email. An examination of the correspondence between them indicated that their initial correspondence got their relationship off on the wrong foot and that it gradually deteriorated as time passed.

When considering whether Councillor Perrin had failed to comply with the Code of Conduct the ethical standards officer was of the view that Councillor Perrin was entitled to challenge the advice provided by the clerk and disagree with it if he saw fit. Further, Councillor Perrin was entitled to let the clerk know that he was unhappy with some of the responses he received.

The ethical standards officers considered that while some of Councillor Perrin's comments to the clerk came close to the line, they were made in direct private emails to him as the most senior officer within the Town Council and were not sufficiently offensive to amount to a failure to treat others with respect.

The ethical standards officer also considered whether the cumulative effect of Councillor Perrin's emails to the clerk could amount to bullying behaviour.

Councillor Perrin was an independent member whose expressed frustrations often arose from the fact that he had little power or influence over the rest of the Council. The clerk, who enjoyed support from the majority of the Council, showed himself capable of responding to Councillor Perrin's emails in a robust manner. The ethical standards officer took into account the context in which the emails were sent and that the conduct complained of was almost entirely limited to a sporadic exchange of private emails that were not in themselves disrespectful. The ethical standards officer considered that in these circumstances the conduct did not amount to bullying.

As the ethical standards officer did not find that Councillor Perrin's behaviour was either disrespectful or bullying, she did not consider that Councillor Perrin brought either his office or authority into disrepute.

The ethical standards officer considered that Councillor Perrin did not fail to comply with the Code.

## **Relevant paragraphs of the Code of Conduct**

Paragraphs 3(1), 3(2)(b) and 5

3(1) You must treat others with respect

3(2) You must not... (b) bully any person

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

## **Case Summary - Haws & High Abbotside Parish Council and the Yorkshire Dales National Park Authority**

**Case no.** SBE-07610-OGQEI  
**Member(s):** Councillor John Blackie  
**Date received:** 12 Sep 2009

### **Allegation:**

Failed to declare appropriate interests in relation to a planning application.

### **Standards Board outcome:**

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

## **Case Summary**

The owner of a local business made a number of allegations regarding Councillor Blackie's conduct in relation to a planning application the businessman had lodged with the authority.

It was alleged that Councillor Blackie's circumstances were such that he was under an obligation to declare a personal and prejudicial interest in relation to the application and had failed to do so.

It was also alleged that Councillor Blackie had been rude during the course of a site visit and had, at a subsequent appeal hearing conducted by the Planning Inspectorate, opposed the application using non-approved authority policy documents.

Additionally, during the course of the investigation it came to the attention of the ethical standards officer that Councillor Blackie had also considered the application while acting as a member of the parish council. The scope of the investigation was, therefore, extended to cover these additional instances of Councillor Blackie allegedly failing to declare the appropriate interest.

At the conclusion of the investigation the ethical standards officer was satisfied that Councillor Blackie had not been rude during the course of the site visit. She was also satisfied that the documents produced by Councillor Blackie during the course of the Planning Inspectorate appeal hearing had been provided to him by the Authority and no restrictions had been placed on his use of this documentation.

In relation to the allegations that Councillor Blackie's circumstances were such that he was under an obligation to declare a personal and prejudicial interest in relation to the planning application, the ethical standards office did not find this to be the case.



Having carefully examined the nature and extent of Councillor Blackie various business interests the ethical standards officer was satisfied that he was not operating in direct competition to that contained within the planning application, as had been alleged. The ethical standards office was satisfied that there was little, if any, overlap between any of Councillor Blackie's business interests and those represented by the businessman. Given these facts, the ethical standards officer was satisfied that Councillor Blackie circumstances were not such that he was under an obligation to declare a personal interest on any of the various occasions he attended meeting where the planning application was considered. As such, it follows that the ethical standards officer was also satisfied that Councillor Blackie did not fail to declare a prejudicial interest.

## **Relevant paragraphs of the Code of Conduct**

3(1), 6(a), 9 & 11