



**Standards Committee**

**Wednesday, 25 May 2011 at 3.00 p.m.  
Committee Room 1, Runcorn Town Hall**



**Chief Executive**

**COMMITTEE MEMBERSHIP**

**Mr Bill Badrock**

**Parish Councillor Bernie Allen**

**Parish Councillor Canon David Felix**

**Mr Robert Garner**

**Mr Tony Luxton**

**Mrs Anita Morris**

**Councillor Stan Parker**

**Labour**

**Councillor Linda Redhead**

**Liberal Democrat**

**Councillor John Swain**

**Labour**

**Councillor Kevan Wainwright**

**Labour**

**To be confirmed**

**Conservative**

*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, 7 September 2011*

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

**Part I**

| <b>Item No.</b>  | <b>Page No.</b> |
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| <b>1. APPOINTMENT OF CHAIR AND DEPUTY CHAIR 2011/12</b><br><br>To appoint a Chair and Deputy Chair for the 2011/12 Municipal Year.   |                 |
| <b>2. MINUTES</b>  | <b>1 - 3</b>    |
| <b>3. DECLARATIONS OF INTERESTS</b><br><br>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>4 - 6</b>    |
| <b>5. RECENT CASE SUMMARIES FROM STANDARDS FOR ENGLAND</b>   | <b>7 - 20</b>   |
| <b>6. REPORT ON DECLARATION OF INTERESTS FROM MEMBERS</b>  | <b>21 - 23</b>  |
| <b>7. THE FUTURE OF STANDARDS</b>  | <b>24 - 26</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 Wednesday, 5 January 2011 Committee Room 1, Runcorn Town Hall*

Present: Mr B. Badrock (Chairman), Parish Councillor Mr B Allen, Parish Councillor Canon D. Felix, Mr R. Garner, Mr A. Luxton and Councillors Murray, Parker, Redhead and Swain

Apologies for Absence: Mrs A Morris and Councillor K Wainwright

Absence declared on Council business: None

Officers present: M. Reaney and A. Scott

Also in attendance: None

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

STC19 MINUTES

The minutes of the meeting held on 10 November 2010, having been printed and circulated, were signed as a correct record.

STC20 RECENT CASE SUMMARIES FROM STANDARDS FOR ENGLAND

The Committee received a report of the Strategic Director, Resources on recent case summaries from Standards for England.

The Committee noted and discussed the contents of cases from North Tyneside Metropolitan Borough Council and Oldham Metropolitan Borough Council.

RESOLVED: That the report be noted.

STC21 ABOLITION OF STANDARDS REGIME

The Committee received a report of the Strategic Director, Resources on the abolition of the Standards regime.

*Action*

At the previous meeting of the Committee, a press release from the Communities Minister was considered, which set out his views on the future of the Standards regime. Since then, a letter to Standards Committee Chairs had been issued from the Chair of Standards for England. It was reported that alongside the proposal to abolish Standards for England, the First Tier Tribunal would lose jurisdiction over member conduct. In addition, the Government also intended to remove the National Code of Conduct for Councillors and the requirement to have a Standards Committee. Councils would be able to choose whether or not they wish to have a Local Code or a Standards Committee, which would be an ordinary Committee of the Authority and therefore not need to have independent representation.

The Committee were advised that in the event of a Council choosing to have a Standards Committee, then that Committee would no longer have the power to suspend a Member. The Government had proposed that there would be a new criminal offence created which related to failure to register or declare interests. However, it was not intended that the functions of Standards for England would transfer to any other body.

The Localism Bill published on 13<sup>th</sup> December 2010 introduced these proposals into the legislative framework and confirmed that Councils would be able to adopt a non-statutory code and would have a duty to consider allegations of a breach of such a code, without statutory sanctions against an offending member. Provided that Members did not commit a criminal offence, they would remain in Office until the electorate had a chance to remove them at the next election. Proposals for Electoral Recall to allow the removal of Councillors mid-term on evidence of serious misconduct were not included in the Bill.

It was anticipated that the Bill would receive Royal Assent in late 2011. In the meantime, the present Standards Regime would continue to function in the normal manner, considering, investigating and determining allegations of misconduct until a fixed date (the appointed day) which was likely to be two months after the Bill received Royal Assent. The effect of this would be that until that appointed day, an allegation of misconduct could be made, but after the appointed day, no further allegations could be made under the Standards Board Regime.

The Committee considered and discussed the

following matters arising from the report :

- how the Borough Council would deal with complaints against Members of the Council once the Standards Committee was no longer in existence;
- if the Council were to support the continuation of a local Standards regime, how the Standards Committee could advise and support the Council in the handover phase over the next 12 months; this could include the development of a local Code of Conduct for Councillors;
- the benefits of retaining independent membership on any future local Standards Committee;
- noted the need for changes to the Council's Constitution once the Standards Committee ceased; and
- the Committee unanimously supported the continuation of a Standards regime within Halton Borough Council.

RESOLVED: That the Operational Director, Legal and Democratic Services be asked to

- 1) inform the Leader of the Council of the Committees' views on the future of the Standards regime within Halton Borough Council;
- 2) seek direction from the Council on the future work of the Standards Committee prior to its statutory abolition; and
- 3) report the outcome to the next meeting of the Committee.

Operational  
Director, Legal  
and Democratic  
Services

*Meeting ended at 3.50 p.m.*

**REPORT TO:** Standards Committee

**DATE:** 25<sup>th</sup> May 2011

**REPORTING OFFICER:** Strategic Director Policy and Resources

**SUBJECT:** Standards Committee Annual Report

**WARDS:** 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 eleven members, comprising of four 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, Mrs. Anita Morris Parish Councillor, Bernie Allen Parish Councillor, Canon David Felix, Councillor Peter Murray, Councillor Stan Parker, Councillor Linda Redhead, Councillor John Swain and Councillor Kevan Wainwright.

The Committee met on four occasions throughout the municipal year.

- 3.2 The role of the Standards Committee is to:

- Help Councillor 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, Resources 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 in 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 was pointed out that the Register of Members Interests was held by the Principal Committee Services Officer 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 Benefits and disadvantage of social networking communication and blogging and on the role of Members of more than one authority in relation to the Code.

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.

- A revised version of the Members Code of Conduct had been expected to be released during the year, but this changed after the General Election when the new Government indicated its intention to do away with a Statutory Code of Conduct and the need for local Standards Committees. These matters are contained in the Localism Bill, and Members of the Committee received regular updates.

No complaints were received during the year which required the consideration of the Assessment Sub-Committee.

#### **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**

None



**REPORT TO:** Standards Committee

**DATE:** 25<sup>th</sup> May 2011

**REPORTING OFFICER:** Strategic Director Policy and Resources

**SUBJECT:** Recent Case Summaries from Standards for England

**WARDS:** N/A

**1.0 PURPOSE OF THE REPORT**

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

**2.0 RECOMMENDATION**

2.1 That the Report be noted

**3.0 SUPPORTING INFORMATION**

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

3.2 These cases refer to Cheshire East Council, North Tyneside Council, Broughton and Dalby Parish Council, Basingstoke and Deane Borough Council, and Wyre Borough Council.

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

**4.0 POLICY IMPLICATIONS**

4.1 None

**5.0 OTHER IMPLICATIONS**

5.1 None

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

6.1 Children and Young People in Halton Borough Council

None

6.3 Employment, Learning and Skills in Halton Borough Council

None

6.5 A Healthy Halton

None

6.7 A Safer Halton

None

6.8 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**

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**

None.

# Case Summary - Cheshire East Council

**Case no.** SfE-000133  
**Member(s):** Councillor Frank Keegan  
**Date received:** 13 Dec 2010  
**Date completed:** 24 Mar 2011

## **Allegation:**

That Councillor Keegan acted improperly in relation to a housing proposal from which he stood to gain personally.

## **Standards Board outcome:**

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

## **Case Summary**

Councillor Keegan was a cabinet member of Cheshire East Council from its inception in April 2009 until November 2010. He had responsibility for finance.

Over several years he developed an idea which involved allowing developers to build houses on council owned land. The buyers would only need to pay initially 50% of the value of the houses, so enabling people to buy houses they otherwise could not afford. The council would gain a proportion of the equity of the houses. Councillor Keegan projected this would bring significant financial benefit to the council.

The complainant alleged that Councillor Keegan had:

1. sought to compromise the impartiality of council officers
2. failed to register a personal interest
3. disclosed confidential information
4. used resources not in accordance with the authority's reasonable requirements
5. used or attempted to use his position improperly to secure an advantage
6. brought his office or authority into disrepute.

Allegations 1) and 2) related to a meeting Councillor Keegan held with a senior council officer in August 2009 in an office owned by a large property developer. His housing idea was mentioned at the meeting. The ethical standards officer found that they had met there as a matter of convenience, as Councillor Keegan was unable to get to the council offices at the time. She considered there was no evidence that the meeting had altered the officer's views about his housing idea, or that it was likely to do so. She therefore found he had not compromised or attempted to compromise the officer's impartiality.

The ethical standards officer also considered whether Councillor Keegan ought to have registered the fact that the property developer made the office available for the meeting in August 2009, on the register of members' interests. As there was no business of the authority which could have affected the property developer, she considered he was not under an obligation to register the hospitality. Therefore he did not fail to comply with the Code of Conduct.

Allegation 3) concerned a plan of an area of land in Cheshire which Councillor Keegan requested from a council officer and then forwarded to the same property developer as in allegation 1). It was alleged that he improperly disclosed confidential information. The ethical standards officer found that the plan was readily accessible information and was therefore not confidential. Councillor Keegan therefore did not fail to comply with the Code of Conduct.

Allegation 4) related to Councillor Keegan allegedly misusing officers' time to promote his housing idea. He asked for an update on the plan he obtained, and he discussed his idea with a senior officer. The ethical standards officer considered that the Code of Conduct was not intended to prevent such dialogue and that Councillor Keegan had not failed to comply with it.

Allegation 5) related to paragraph 6(a) of the Code of Conduct which states that a member must not use or attempt to use their position improperly to secure an advantage. Evidence in support of this allegation was that in October 2010 Councillor Keegan told the leader of the council that he was hoping for personal gain from his housing proposal, and in an email to the deputy leader he wrote that he was "hopeful of a share in the company" and "wanted a reward for my efforts". Councillor Keegan denied that he stood to make a gain from the housing proposal. He denied using the words alleged to the leader, but the ethical standards officer concluded that he had done so.

Another witness stated that Councillor Keegan said on 25 October that he had already told the developer that the council would be releasing land. Both Councillor Keegan and the developer denied that any such undertaking had been given.

The ethical standards officer considered that Councillor Keegan's proposal had not related to one particular site, but he had used one site to demonstrate the viability of his idea. She noted that it was understandable that Councillor Keegan's email and admission to the leader had caused concern to the complainant. However, she considered that Councillor Keegan had always been open about his proposals, which were at a formative stage. She concluded that there was insufficient evidence to show that Councillor Keegan had attempted improperly to gain an advantage from his housing idea.

Allegation 6) related to disrepute. The ethical standards officer considered that in the absence of any other breaches of the Code of Conduct he had not brought either his office or his authority into disrepute. She observed that Councillor Keegan ought to reflect on his actions as they had caused understandable concerns from senior officers and other members about the public perception of his relationship with the property developer.

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

Paragraphs 3(2)(d), 4(a), 5, 6(b)(i), 13(2)

**29 March 2011**

# Case Summary - North Tyneside Council

**Case no.** SFE 000034  
**Member(s):** Mayor Linda Arkley  
**Date received:** 19 Aug 2010  
**Date completed:** 17 Feb 2011

## Allegation:

It was specifically alleged that:

- (a) Mayor Arkley inappropriately involved herself in the process by which her assistant came to be appointed.
- (b) Mayor Arkley knowingly permitted her assistant to act unlawfully once he was in post and had not reported her assistant's unlawful actions.
- (c) Mayor Arkley provided misleading answers to questions regarding her assistant's appointment and, after subsequent internal investigations had shown these answers to be factually incorrect, had failed to correct the record.

## Standards Board outcome:

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

## Case Summary

The ethical standards officer found that Mayor Arkley had very limited involvement in the process by which her assistant was appointed and that there was no evidence that her involvement had been inappropriate. The ethical standards officer found that Mayor Arkley had not been involved in the stage of the process during which the terms of her assistant's secondment were discussed or agreed.

At the conclusion of his investigation, the ethical standards officer had uncovered no evidence which established to his satisfaction that Mayor Arkley knew her assistant was acting unlawfully, or had permitted him to act in such a manner.

In relation to the final header of complaint, the ethical standards officer found that council officers had drafted the responses to the questions asked and Mayor Arkley had provided these answers in good faith. The ethical standards officer was, however, concerned that the minutes of the council meeting in question still contained only the factually incorrect information and asked the council to consider the possibility of inserting a link which would take the reader to the subsequent corrections. The ethical standards officer did not find that any failures in this regard were attributable to unethical conduct on the part of Mayor Arkley.

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

Relevant paragraphs of the Code of Conduct 5 & 6(b)(ii)

**02 March 2011**

# Case Summary - Broughton Parish Council

**Case no.** SBE-11054  
**Member(s):** Councillor Beck  
**Date received:** 13 Apr 2010  
**Date completed:** 21 Feb 2011

## **Allegation:**

It was alleged that Councillor Beck bullied and intimidated the then clerk to Broughton Parish Council in a series of letters he sent to the clerk, the vice-chair and other members of the Council between the 6 January 2010 and 19 February 2010. It was also alleged that Councillor Beck left two intimidating telephone messages for the clerk while she was away on holiday. She returned from holiday on 21 February 2010 to a letter from Councillor Beck stating that she had been suspended, asking that she return all council property, that the Council bank accounts were to be frozen and that she was to attend a disciplinary meeting in the village hall on 23 February 2010.

## **Standards Board outcome:**

The ethical standards officer referred the matter to the standards committee of Allerdale Borough Council for determination

### **Local investigation outcome:**

This case has been referred to the local standards committee for determination.

For more information on this case, please contact the monitoring officer of Allerdale Borough Council.

## **Case Summary**

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

Paragraphs 3(1), 3(2)(b) and 5 of the Code of Conduct.

**07 March 2011**



# Case Summary - Broughton Parish Council

**Case no.** SBE-10155-206OD  
**Member(s):** Councillor Brian Lancaster  
**Date received:** 13 Apr 2010  
**Date completed:** 23 Feb 2011

## Allegation:

It was alleged that Councillor Lancaster was an active participant in an in-quorate meeting which took a number of decisions involving the then clerk of the Parish Council. These decisions involved such matters as instructing her to attend a disciplinary meeting and freezing the council bank accounts and were relayed to her in a letter. The meeting did not have the authority to take these decisions. It was alleged that by attempting to make these decisions that Councillor Lancaster attempted to bully and intimidate the clerk.

## Standards Board outcome:

The ethical standards officer found that the member failed to comply with Paragraph 5 of the Code of Conduct and brought his office as councillor into disrepute, but in the circumstances of the case, no further action needed to be taken

## Case Summary

It was alleged that Councillor Lancaster was an active participant in an in-quorate meeting which took place on the 21st February 2010 following the resignation of ten parish councillors. At this meeting a number of decisions involving the then clerk of the parish council were taken in her absence and then relayed to her in a letter. These decisions were that she should return all council property; that the council bank accounts were to be frozen; and that she was to attend a disciplinary meeting in the village hall on 23 February 2010 to be chaired by Councillor Lancaster.

The Ethical Standards Officer found that Councillor Lancaster did not have the authority to take the decisions set out in the letter. She also found that Councillor Lancaster and the clerk had a long history of disagreements and that Councillor Lancaster had a personal enmity for Mrs Hunter. Consequently, whilst the Ethical Standards Officer had some sympathy for the decision to freeze the bank accounts following the resignation of the ten councillors, she could not condone the decision to call a disciplinary hearing for the clerk, at very short notice, at which Councillor Lancaster was to be the chair. By seeking to establish such a hearing, the Ethical Standards Officer came to the view that Councillor Lancaster could be construed to be seeking to pursue his personal dislike of the clerk through his office as a councillor.

She therefore found that in this instance Councillor Lancaster had brought his office into disrepute contrary to paragraph 5 of the code of conduct.

While the Ethical Standards Officer found that Councillor Lancaster had brought his office into disrepute, the disciplinary hearing did not take place as the clerk was aware Councillor Lancaster did not have the authority to convene such a hearing. Also, after receiving advice from the Chief Executive and Leader of Allerdale Council, Councillor Lancaster sought to rescind the decision to hold such a hearing. In addition, Councillor Lancaster did not draft the letter to the clerk which contained the decisions and did not see it before it was despatched. For these reasons, the Ethical Standards Officer considered that no further action needed to be taken.

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

Paragraph 5, Disrepute

**25 February 2011**

# Case Summary - Basingstoke and Deane Borough Council

**Case no.** SFE-000046  
**Adjudication Panel Tribunal no.** LGS□1,2  
**Member(s):** Councillor Philip Heath  
**Date received:** 17 Aug 2010  
**Date completed:** 24 Feb 2011

## **Allegation:**

That the member had disclosed to the local press a copy of three confidential draft reports prepared by an investigator employed by the Council into complaints made against him under the Member's Code of Conduct.

## **Standards Board outcome:**

The ethical standards officer referred the matter to the Adjudication Panel for England) for determination.

## **Case Summary**

The ethical standards officer investigated the allegation that the member had disclosed to the local press a copy of three confidential draft reports prepared by an investigator employed by the Council into complaints made against him under the Member's Code of Conduct.

This case has been referred to the First-tier Tribunal (Local Government Standards in England) for determination.

For more information on this case, contact the First-tier Tribunal (Local Government Standards in England) at [www.adjudicationpanel.tribunals.gov.uk/](http://www.adjudicationpanel.tribunals.gov.uk/)

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

3(1), 3(2), 4(a) 5

## **Relevant links**

[The Adjudication Panel for England](http://www.adjudicationpanel.tribunals.gov.uk/)

18 April 2011

## Case information & reporting

In this section:

- [Making a complaint about your councillor](#)
- [SfE case summaries](#)
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Last Modified: 18 04 2011

# Case Summary - Wyre Borough Council

**Case no.** SfE-000107 SfE-000118, SfE-000121, SfE-000122  
**Member(s):** Councillor Peter Gibson  
**Date received:** 26 Nov 2010  
**Date completed:** 21 Feb 2011

## **Allegation:**

Failure to treat the leader of the opposition group with respect and, in so doing, bringing his office and the authority into disrepute

## **Standards Board outcome:**

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

## **Case Summary**

1. Four similar complaints were made against Councillor Gibson, the Leader of Wyre Borough Council. These were that he had failed to treat a political opponent with respect during the Council meeting on 21 October 2010, falsely accusing him of a breach of confidence, breaking an undertaking regarding the calling of a by-election, having a poor attendance record at Council meetings and being opportunistic and having a negative approach. He was also accused of showing disrespect to members of the public who had attended the meeting to present a petition regarding the placing of memorials in Council cemeteries. It was alleged that the disrespect shown to his political opponent brought both his own office as a councillor and the authority into disrepute.
2. Councillor Gibson explained why he considered that there had been a breach of confidence and explained the undertaking regarding the by-election. Any undertakings given were made in the course of a private conversation and could not be verified. The ethical standards officer (ESO) considered that it was plausible that Councillor Gibson had formed the view that there had been a breach of undertakings given.
3. The DVD recording of the Council meeting showed that there were robust exchanges between both parties. However, the ESO took the view that Councillor Gibson's language and the content of his remarks fell within what a reasonable observer might regard as in keeping with normal political debate. The ESO found nothing improper in Councillor Gibson's views or in the way in which they were expressed.
4. The ESO did not find that Councillor Gibson had failed to treat his political opponent with respect. Given that finding, he did not consider that Councillor Gibson's conduct had brought either his office or the authority into disrepute.

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

3(1), 5

**18 April 2011**

**REPORT TO:** Standards Committee

**DATE:** 25<sup>th</sup> May 2011

**REPORTING OFFICER:** Strategic Director Policy and 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 26<sup>th</sup> May 2010, the second 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 of his or her family or close associated more than most other people who live in the area affected by the issues. Personal interests also relate to matters which must be registered my 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 a 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 were invited to the Council's Member Induction Programme on 11<sup>th</sup> May 2011 when further advice was 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 or 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 of 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. Since 1 May 2010, there have been 13 entries by Members and 15 by officers.

3.9 Although the Government proposes to abolish the model Code of Conduct in the Localism Bill, the requirement to declare interests will remain, and it is proposed to introduce a new criminal offence to deal with failure.

#### **4.0 POLICY IMPLICATIONS**

None

#### **5.0 OTHER IMPLICATIONS**

None



**6.0 EQUALITY AND DIVERSITY ISSUES**

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**

None

**REPORT TO:** Standards Committee

**DATE:** 25<sup>th</sup> May 2011

**REPORTING OFFICER:** Strategic Director Policy and Resources

**SUBJECT:** The Future of Standards

**WARDS:** N/A

## **1.0 PURPOSE OF REPORT**

- 1.1 To provide members with further information on the future of the Standards regime.

## **2.0 RECOMMENDATION**

- 2.1 That the Report be noted.

## **3.0 SUPPORTING INFORMATION**

- 3.1 At the meeting of the Committee held on 5<sup>th</sup> January 2011 a report was submitted detailing correspondence about the future of the Standards regime. It was advised that Standards for England, the National Code of Conduct, and the requirement to have Standards Committees were to be abolished in the Localism Bill.
- 3.2 The Bill is due to have its Report stage and third reading in the House of Commons on 17<sup>th</sup> and 18<sup>th</sup> May 2011. If any information is available before the meeting, this will be reported verbally.
- 3.3 The Bill has now completed its committee stage and will be reprinted to incorporate the changes made during committee consideration. The Report stage gives MP's an opportunity, on the floor of the House, to consider further amendments to a Bill which has been examined in committee. All MP's may speak on the vote, and can suggest amendments to the Bill or new clauses which they think ought to be added. The Report stage is normally followed immediately by debate on the Bill's third reading.
- 3.4 Implications for Standards are contained in chapter 5 of the Bill. This chapter gives effect to the Government's promise to dismantle the Ethical Conduct Regime introduced in 2001 under part 3 of the Local Government Act 2000. Schedule 4 contains a long list of changes to existing legislation, and includes that all references to Standards for England are repealed and that the Board is abolished and wound up. The task of deciding whether particular employees should be on the list of staff holding politically restricted posts is transferred from

Standards Committees to the Head of Paid Service in consultation with the Monitoring Officer. Part 3 of the Local Government Act 2000 is repealed, and Codes of Conduct end undertakings to abide them will cease to have effect.

- 3.5 The Bill contains a new general duty for relevant Authorities to promote and maintain high standards of conduct by Members and voting Co-opted Members. They can adopt, change and withdraw voluntary Codes of Conduct, and publicise them if they wish. If they have a Code of Conduct and receive written allegations of breach, they must consider whether to investigate them and can investigate them in any manner they think fit. If they find a breach of the Code – with or without an investigation – they can decide what action, if any, to take. However, these sanctions could not include suspension or disqualification.
- 3.6 Regulations may provide for the Monitoring Officer to keep a register of Members interests. In the case of Parish Councils, the regulations will state who is to perform the role. The regulations may provide for the disclosure of the interest before participating in related business, for preventing or restricting participation in such business, for dispensations from the requirements, and for sanctions for failure to comply. In addition, a member who fails to register an interest, who fails to disclose the interest when required to do so, or who takes part in authority business despite an interest contrary to the regulations is guilty of an offence. The maximum penalty is a level 5 fine (currently £5,000) plus the court can disqualify for up to five years. The consent of the DPP is needed for a prosecution, so local authorities themselves would be unlikely to prosecute.
- 3.7 As indicated above, there will be no requirement for an authority to maintain a Standards Committee or Code of Conduct, and it is for Council's to make their own choices. To this end, the Monitoring Officer is preparing a paper dealing with the options which will be available to the Council for its consideration.
- 3.8 Turning to Standards for England, it can be reported that the former Chief Executive Glenys Stacey left her position in February 2011, and the Board's Director of Regulation – Tim Leslie – has been appointed as interim Chief Executive. He will assume the position in addition to his existing role in Regulation until the closure of the organisation in line with the proposals contained in the Localism Bill. It should be further pointed out that Standards for England have not released any other publications in the recent past which could be brought to Members for information.

#### **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 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 Published Material from Standards for England and the Department of Communities and Local Government available from Mark Reaney, Municipal Building, Kingsway, Widnes.