

## 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, R. Garner and Redhead

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) Regulation s 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.*