

Standards

Agenda

Date: Tuesday, 7th October, 2008
Time: 10.00 am
Venue: Westfields, Middlewich Road, Sandbach

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. Apologies for Absence

2. Declarations of Interest

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests in any item on the agenda

3. Public Speaking Time/Open Session

In accordance with Procedure Rules Nos.11 and 35 a total period of 10 minutes is allocated for members of the public to address the Committee on any matter relevant to the work of the Committee.

Individual members of the public may speak for up to 5 minutes but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers.

Note: In order for officers to undertake any background research it would be helpful if questions were submitted at least one working day before the meeting.

4. Minutes of meeting Tuesday, 8th July, 2008 of Standards (Pages 1 - 4)

5. Recruitment Process for Independent and Parish Council Standards Committee Members (Pages 5 - 8)

To receive a report on the ongoing recruitment process for Independent and Parish Council representatives.

Report attached.

6. Proposed Training Programme (Pages 9 - 12)

To consider the proposed training programme for the Standards Committee.

Report attached.

7. Code of Corporate Governance (Pages 13 - 16)

To consider an introduction to the code of corporate governance which highlights the elements of relevance to the Standards Committee.

Report attached.

8. Standards Board for England - Bulletin 40 (Pages 17 - 26)

To consider the latest bulletin published by the Standards Board for England.

Report and Bulletin attached.

9. Committee Work Programme (Pages 27 - 28)

To consider the revised draft work programme.

Work programme attached.

10. Date of Next Meeting

To consider the date of the next meeting. At present the next scheduled meeting is set for 10 March 2009, at a time to be agreed.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the Standards Committee
held on Tuesday, 8th July, 2008
at the Municipal Buildings, Earle Street, Crewe

PRESENT

Councillors Mrs R Bailey, B Dykes, J Hammond, Mrs M Hollins, Mrs M Martin, M Parsons and Mrs L Smetham

Apologies

Councillors J Goddard

1 APPOINTMENT OF CHAIRMAN

It was reported that in order to comply with the Local Government Act 2000, and guidance from the Standards Board for England, the Standards Committee should have a Chairman who was an Independent Member. A Chairman was therefore appointed for the period prior to the recruitment of the Committee's Independent Members.

RESOLVED

That Councillor Lesley Smetham be appointed Chairman of the Cheshire East Standards Committee for this meeting and any subsequent meetings before the independent members are in post.

2 APOLOGIES FOR ABSENCE3 DECLARATIONS OF INTEREST

None.

4 PUBLIC QUESTION TIME/OPEN SESSION

No questions were received.

5 ROLE, RESPONSIBILITIES AND WORK PROGRAMME OF THE STANDARDS COMMITTEE

Consideration was given to the role and function of the Committee, and to those matters it would need to deal with in the period leading up to 1 April 2009. In addition a draft Work Programme was circulated at the meeting and this set out the main items to be dealt with each month.

RESOLVED

1. That the terms of reference be noted.
2. That the role of the Committee be noted in respect of Parish Councils in the period up to 1 April 2009.
3. That approval be given to the Work Programme circulated for the year 2008/2009.

6 RECRUITMENT OF INDEPENDENT AND PARISH COUNCIL STANDARDS COMMITTEE MEMBERS

Consideration was given to the process for the recruitment of the Committee's Independent and Parish Council representatives. The report detailed the different recruitment options available and set out suggested job descriptions and person specifications for each; in considering these it was requested that the wording of each be looked at to ensure that the terminology between the two was consistent. It was anticipated that the interviews for the Independent Members would be carried out during August.

RESOLVED

1. That approval be given to recruit Independent Members from the existing pool of Borough, and County Council Independent members.
2. That the job description and person specification for Independent Members be approved.
3. That Councillors John Hammond, Mike Parsons and Lesley Smetham (Deputy Councillor Rhoda Bailey) be appointed to a Panel of Members of the Committee to interview and recommend the appointment of the Independent Members to the Committee and to the Shadow Council.
4. That the Cheshire Association of Local Councils be requested to conduct a nomination process for the recruitment of Parish Council representatives with one nomination coming from each of the three existing Districts.
5. That approval be given to the job description and person specification for the Parish Council representatives subject to the wording being brought into line with that for the Independent Members.

7 PROMOTION OF HIGH STANDARDS OF ETHICAL BEHAVIOUR

Consideration was given to the initial steps to be taken to promote high standards within Cheshire East Council and the associated training and awareness requirements.

The Committee agreed with the suggestion that the Governance Group be asked to offer detailed sessions on the Code of Conduct for all Cheshire East Councillors, and requested that Members be asked which aspects in particular they would like to be included in the training. In addition it was requested that sessions should be included on declarations of interest, whistle blowing/anti bullying. With particular reference to the Standards Committee it was requested that training be given on disciplinary procedures, to include case studies of a Standards Committee hearing, and training on face-to-face sessions.

RESOLVED

That the report be approved and that training sessions be arranged to include the items now detailed.

8 FUTURE MEETING DATES

It was noted that the meeting of the Committee programmed to be on 14 October 2008 clashed with the Standards Board for England's Annual meeting. It was therefore agreed that it be held instead on 7 October 2008, starting at 10.00 am.

RESOLVED

That the next meeting of the Committee be held on 7 October 2008 at 10.00 am.

The meeting commenced at 2.00 pm and concluded at 3.00 pm

CHAIRMAN

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CHESHIRE EAST

Standards Committee

Date of meeting: 7 October 2008
Report of: Governance Group
Title: Recruitment Process for Independent and Parish Council Standards Committee members

1.0 Purpose of Report

- 1.1 To update the Committee on the ongoing recruitment process for Independent and Parish Council representatives.

2.0 Decisions Required

- 2.1 To note progress with regard to the process for selection of Independent Members and to recommend to full Council on 20 October that:
- a) the applicants set out in 4.2 of this report be appointed to the five Independent Member places.
 - b) The applicants set out in 4.3 of this report be noted on a reserve list in case of future vacancies amongst the five Independent Member places.
- 2.2 To approve the proposed timetable for appointment of Parish Council members.

3.0 Information

- 3.1 Cheshire East Shadow Council set the composition of the Standards Committee as being 5 Independent members, 3 Parish Council members and 8 Cheshire East members forming a membership of 16 in total. The Committee and any sub-committees which are established will need be chaired by an Independent member.
- 3.2 The recruitment process for Independent and Parish Council members was considered by the Committee on 8 July 2008. It was resolved that:
1. Approval be given to recruit Independent Members from the existing pool of Borough and County Council independent members;
 2. The job description and person specification for independent members be approved;
 3. Councillors John Hammond, Mike Parsons and Lesley Smetham be appointed to a panel of members of the Committee to interview and recommend the appointment of Independent Members to the Committee;

4. The Cheshire Association of Local Councils be approached to conduct a nomination process for the recruitment of Parish Council representatives with one nomination coming from each of the three districts;
5. The job description and person specification for the Parish Council representatives be approved subject to the wording being brought into line with that for the Independent Members.

4.0 Recruitment of Independent Members

4.1 The Panel met on 15 August to consider applications which had been sought and received from seven of the existing Independent Members and to interview each of the candidates.

4.2 The Panel decided to recommend “that the following five applicants be appointed as independent members of the Standards Committee:

Mr Nigel Briers (Independent Chairman, Crewe and Nantwich Borough Council)

Mr Ian Clark (Independent Chairman, Macclesfield Borough Council)

Mr Michael Garratt (Independent Member, Congleton Borough Council)

Mr Roger Pomlett (Independent Member, Crewe and Nantwich Borough Council)

Mr David Sayer (Independent Chairman, Congleton Borough Council)”

4.3 The Panel also decided to recommend that “a reserve list of Independent members be created in case of future vacancies on the Standards Committee and that the remaining two applicants be placed on the reserve list:

Mr Harry Mawdsley (Independent Member, Congleton Borough Council)

Mr John Ross (Independent Member, Crewe and Nantwich Borough Council)”

5.0 Recruitment of Parish Members

5.1 The Committee needs to recruit 3 Parish Councillors to act as members of the Committee. Parish representatives must be present whenever the Committee meets to discuss Parish issues.

5.2 At its last meeting, the Committee agreed that the Cheshire Association of Local Councils (ChALC) would be approached to assist in the recruitment process.

5.3 As part of a joint process with Cheshire West and Chester Council, an approach has been made to the Cheshire Association which has agreed to assist in the recruitment process. The agreed job description and person specification together with some background to new authority has been forwarded to the Association in order that it can carry out the required process and nominate 3 Parish representatives. The Cheshire Association has confirmed that the pack will be sent out to all Parish Councils.

- 5.4 The proposed timetable for the recruitment of Parish representatives is detailed below.

Task	Deadline	Completed
Letter to ChALC	w/c 1 September	Completed
Standards Committee consider nominations from ChALC	November/early December (subject to arrangement of meeting)	
Recommendation to Council	as above	
Agreement by Council	9 December	

- 5.5 ChALC has been asked to forward nominations no later than 31 October 2008.

6.0 Financial Implications for Transition Costs

- 6.1 The costs of recruitment will be met from within existing resources.

7.0 Future Implication 2009/10 and beyond

- 7.1 Future recruitment costs (including any external adverts) will only be incurred in 2011 assuming the term of office is until 2011.

8.0 Legal Implications

- 8.1 The Council is required to have at least 25% membership of this Committee who are Independents and also have Parish Council representation on its Standards Committee.

9.0 Risk Assessment

- 9.1 The recruitment of Independent and Parish representatives will fulfil the legal requirements placed on the Shadow Council, and so manage the risk of failing to meet its legal obligations.

10.0 Overview of Day One, Year One and Term One Issues

- 10.1 The Committee needs to be able to deal with complaints about Cheshire East Councillors during 2008/2009. The earlier the necessary Independent and Parish member appointments can be made, the sooner the Committee can be ready to deal with complaints. It needs to be able to deal with complaints against Parish Councillors from 1 April 2009. Recruitment to the vacant positions will mean there is proper preparation for all Day One, Year One and Term one Issues.

For further information:

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Background Documents:

N/a

CHESHIRE EAST

Standards Committee

Date of meeting: 7 October 2008
Report of: Governance Group
Title: Standards Committee – Proposed Training Programme

1.0 Purpose of Report

- 1.1 To outline the proposed training programme for the Standards Committee.

2.0 Decision Required

- 2.1 The Committee is asked to endorse the proposed training programme and settle dates for the two proposed events.

3.0 Information

- 3.1 The promotion of high standards of conduct in the new authority is an extremely important role. Dealing with alleged breaches of the Code is equally important. It is therefore vital that all members of the Committee receive training in order to help them fulfil these roles. It will be essential for the Standards Committee members to be fully conversant with their role on the Committee, and any Assessment, Hearing or Review Sub-Committees.
- 3.2 All members need to understand their roles and responsibilities when they are sitting on an Assessment Sub-Committee where a decision is taken in relation to a complaint in accordance with agreed criteria. If they are dealing with a review at a Review Sub-Committee, they must not have taken part in the initial decision to take no action and must not be influenced by the earlier decision. Full hearings require a detailed understanding of the processes leading up to the hearing, and the 3 stages of findings the Committee need to consider at a hearing.
- 3.3 At the last meeting, the Committee was advised that it would be the full Standards Committee that would require training and awareness and therefore work in this area would start once the Independent and Parish members had been appointed.

4.0 Proposed Training Programme

- 4.1 Initially, it is suggested that training take place on two occasions:
- **January 2009** – Possibly prior to the first meeting of the full Committee on a date to be arranged, it is proposed that an induction session be

held. Depending on the areas to be covered this will be for 1.5 hours. The aim of this session will be to introduce members of the Committee to each other.

- **February 2009** – A full day session to provide detailed training on dealing with complaints and will cover the assessment process, local hearings and reviews. This training will be vital for the Committee to fulfil its role.

4.2 It is proposed that the full day session follow the draft programme below:

10.00 – 10.30	Introduction
10.30 – 11.15	Assessment of a Complaint
11.15 – 12.00	Learning Points
12.00 – 1.00	Reviewing a Complaint
1.00 – 1.45	Lunch
1.45 – 2.00	Hearing Procedure
2.00 – 3.45	Mock Hearing
3.45 – 4.00	Feedback and Close

5.0 Standards Board for England's Annual Conference

- 5.1 The annual conference offers a valuable training opportunity and has been useful in the past as away of raising awareness and identifying best practice. This year's conference is fully booked but budgetary provision will be sought to enable some members to attend next year.

6.0 Financial Implications for Transition Costs

- 6.1 The costs of the proposed training will be met from within existing resources.

4.0 Financial Implications 2009/10 and beyond

- 4.1 Future training costs (including any external training) will need to be built into the Committee's budgetary process in order to ensure that Committee members are properly equipped to meet the demanding nature of their role.

5.0 Legal Implications

- 5.1 The Council needs to discharge its functions lawfully and to have an appropriately trained Standards Committee is a way of ensuring this.

6.0 Risk Assessment

- 6.1 The training programme detailed will help manage the risk of the Council failing to meet its legal obligations.

7.0 Overview of Day One, Year One and Term One Issues

- 7.1 The Committee needs to be able to deal with complaints about Cheshire East Councillors during 2008/2009. It needs to be able to deal with complaints against Parish Councillors within the Cheshire East area from 1 April 2009. Training for this role will mean there is proper preparation for all Day One, Year One and Term one Issues.

For further information:

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Background Documents:

N/a

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CHESHIRE EAST

Standards Committee

Date of meeting: 7 October 2008
Report of: Governance Group
Title: Standards Committee – Code of Corporate Governance

1.0 Purpose of Report

- 1.1 To provide the Committee with an introduction to the code of corporate governance and to highlight the elements of relevance to the Standards Committee.

2.0 Decision Required

- 2.1 The Committee is asked to note the work that the Governance and Constitution Committee is undertaking to develop a Code of Corporate Governance and to consider the elements of the Code which are most relevant to the Standards Committee and its functions, so that views can be fed back to the Governance and Constitution Committee.

3.0 Information

- 3.1 Whilst a Code of Corporate Governance is not strictly a legal requirement, having one in place which meets Audit Commission requirements is best practice, because the Annual Governance Statement is required by the Accounts and Audit Regulations and a Code of Corporate Governance simplifies the production of the Annual Governance Statement as all the expected core principles in the CIPFA/SOLACE framework should be present in the local Code. Therefore, evidencing compliance with the local Code will also provide significant evidence to support the Annual Governance Statement. The degree to which the authority follows the principles in the governance framework should be declared in its Annual Governance Statement.
- 3.2 The Code of Corporate Governance is about how local government bodies ensure they are doing the right things, in the right way, for the right people in a timely, inclusive, open, honest and accountable manner. In 2001, the principles of good governance were drawn together into a single framework. Local authorities were recommended to review their existing governance arrangements against a number of key principles set out in the framework and to report annually on their effectiveness in practice. This framework has been reviewed and updated from time to time.

- 3.3 Within the framework there are a number of principles which are of relevance to the Standards Committee. These fall within the heading of promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour.

4.0 **Elements of Code relevant to the Standards Committee**

The guidance states that any local code produced by the local authority should reflect the following values and behaviour:

- Ensure that standards of conduct and personal behaviour expected of members and staff, of work between members and staff and between the authority, its partners and the community are defined and communicated through codes of conduct and protocols.
- Put in place arrangements to ensure that members and employees of the authority are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders and put in place appropriate processes to ensure that they continue to operate in practice.
- Put in place arrangements to ensure that systems and processes are designed in conformity with appropriate ethical standards, and monitor their continuing effectiveness in practice.
- Develop and maintain an effective standards committee

4.1 An extract from the guidance is attached at appendix A. This provides an idea of the type of documents that will be used to show compliance but also demonstrates that a code of corporate governance is very much about self assessment and continuous improvement.

4.2 The Standards Committee is invited to note that the Governance and Constitution Committee considered a report on the issue on 8 September and is undertaking work to develop a Code to be in place by 1 April 2009 and will be considering a further report in due course.

5.0 **Financial Implications for Transition Costs**

None directly as this work will be carried out through internal resources within the Cheshire authorities.

6.0 **Legal Implications**

Whilst not strictly a legal requirement, a local code of corporate governance which satisfies Audit Commission best practice provides significant evidence to support the Annual Governance Statement, which is required by the Accounts and Audit Regulations.

7.0 **Risk Assessment**

As 6.0 above.

8.0 Overview of Day One, Year One and Term One Issues

A local code of corporate governance needs to be in place by 1 April 2009. The annual review of the code and production of a statement of internal control is usually included with the statement of accounts, which must be published by 30 June 2010. The Council is required to include the AGS document in the approval process of the statement of accounts, the statutory deadline for which was brought forward by the Accounts and Audit Regulations to the end of June from the 2005/6 financial year. The Council is required to publish the Statement before 30 September immediately following the end of a year

For further information:

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Background Documents:

Cadbury Report 1992 http://www.ecgi.org/codes/code.php?code_id=132

Nolan Report 1995 <http://www.archive.official-documents.co.uk/document/cm28/2850/285002.pdf>

“Corporate Governance in Local Government” – CIPFA

“Delivering Good Governance in Local Government” – CIPFA

Accounts and Audit (Amendments) England) Regulations 2006

CODE OF CORPORATE GOVERNANCE WORKING GROUP – WORKING PAPERS

Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour

The local code should reflect the requirement for local authorities to:	Source documents / good practice / other means that may be used to demonstrate compliance	Owner	Self Assessment score	Plans for Improvement
• ensure that standards of conduct and personal behaviour expected of members and staff, of work between members and staff and between the authority, its partners and the community are defined and communicated through codes of conduct and protocols	<ul style="list-style-type: none"> members'/officers' code of conduct performance management system performance appraisal complaints procedures anti-fraud and -corruption policy member/officer protocols 			
• put in place arrangements to ensure that members and employees of the authority are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders and put in place appropriate processes to ensure that they continue to operate in practice	<ul style="list-style-type: none"> standing orders codes of conduct financial regulations 			
• put in place arrangements to ensure that systems and processes are designed in conformity with appropriate ethical standards, and monitor their continuing effectiveness in practice	<ul style="list-style-type: none"> codes of conduct 			
• develop and maintain an effective standards Committee	<ul style="list-style-type: none"> terms of reference regular reporting to the council 			
Reference documents <i>Standards of Conduct in English Local Government: The Future</i> , ODPM (2005) Tools to assist local authorities for self assessment purposes <i>Ethical Governance Diagnostic: Setting High Standards in Public Life</i> , Audit Commission (2005)				

CHESHIRE EAST

Standards Committee

Date of meeting: 7 October 2008
Report of: Interim Monitoring Officer
Title: Standards Board for England – Bulletin 40

1.0 Purpose of Report

- 1.1 To bring to the Committee's attention the latest bulletin published by the Standards Board for England.

2.0 Decision Required

- 2.1 To note the latest Bulletin issued by the Standards Board for England.

3.0 Information

- 3.1 Members will be aware that the Standards Board for England periodically issues bulletins outlining latest developments and information. Edition 40, which has recently been published, and is appended to this report, includes a variety of articles including guidance on the local standards framework, analysis of the first quarter's information on local case handling and information on new Board members. Views were also sought on the possibility of adjourning local assessment decisions in the circumstances described in the Bulletin.

4.0 Financial Implications for Transition Costs

None.

5.0 Legal Implications

None.

7.0 Risk Assessment

Not applicable.

8.0 Overview of Day One, Year One and Term One Issues

None. Future bulletins will be reported to the Committee as and when published.

For further information:

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Background documents

Standards Board for England's Bulletin Number 40.

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Annual Review 2007-08 available online

Monitoring officer seminar

Ethical governance toolkit

Contact

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Welcome to Issue 40 of the *Bulletin*.

In this *Bulletin* we present an initial analysis of the first quarterly monitoring returns we have received from authorities on local case handling. A fantastic 98% of authorities have submitted their returns and provided us with a clear overview of the successful operation of the devolved ethical framework so far. Thank you all for helping us to ensure the quality of the data.

We are using this opportunity to seek your views on the potential adjournment of assessment sub-committee decision making. This is in order for the monitoring officer to find out whether a subject member would co-operate with a referral for other action. We outline our concerns with this approach, and its possible advantages, and invite your feedback on the most appropriate practice.

Finally, I am pleased to introduce two new Board members, **Michael Kendall** and **Elizabeth Abderrahim**, and confirm that **Professor Judy Simons** has been appointed as the Standards Board for England's new Deputy Chair.

Glenys Stacey
Chief Executive



Seventh Annual Assembly of Standards Committees

13-14 October 2008, ICC Birmingham

See page 4 for more details

Guidance on the local standards framework

The final section of our guidance on the local standards framework has now been completed and is available online in the Guidance section of our website www.standardsboard.gov.uk.

The *Standards committee determinations* guidance has been designed to help members and officers in relevant authorities who are involved in the determination of complaints that a member may have breached the Code of Conduct.

It details each stage of the determination of complaints process and offers suggestions for effective practice. In addition, it provides a toolkit of useful document templates that may be used or adapted by authorities as required.

Folders containing all of the local standards framework guidance will be sent to monitoring officers in early September. Please note that we have updated *The role and make-up of standards committees* guidance and *The local assessment of complaints* guidance since they were first made available on our website. We therefore recommend that you use the guidance in the folder, or the guidance which is currently on our website, as opposed to any versions that you might have printed off previously.

Analysis of first quarterly monitoring returns

Data collection

The first quarter of local case handling has now ended. Following this, we sent an email to the monitoring officers of all principal authorities requesting that they submit their first quarterly return before the deadline of 14 July 2008. The return helps us to provide the national and independent oversight necessary for there to be confidence in a locally based system of complaint handling.

The first return covers the period of 8 May to 30 June 2008 and involved monitoring officers answering a series of questions about their authority's standards committee. They were also required to answer questions about any cases that had been handled locally.

As this was the first time that monitoring officers had to submit a return – and because our online system is brand new – we expected a few teething problems with the data collection. However, we received an overwhelming response rate, with a return from **98%** of authorities.

We are also pleased to report that **90%** of the returns do not have any issues needing further clarification.

Thank you to all monitoring officers, and other authority employees who submitted on their behalf, for ensuring that we have a good, solid data set. This will help us begin to formulate a national picture of local case handling. It will also serve as a starting point for identifying standards committees that we can work with to achieve the goal of ensuring consistently high ethical standards in local government.

Feedback

We are currently gathering feedback from a sample of monitoring officers about their experiences of completing and submitting their quarterly return. Thanks to all the monitoring officers who are participating in this. As a result, we are already looking at making some improvements to the system for future quarterly returns. These include:

- an automated acknowledgement page, so that you will know instantly that your return has been submitted successfully
- a smarter log off procedure, so that monitoring officers of more than one authority can switch between multiple accounts more easily
- improvements to the way that closed cases are managed by the system (over the long term we hope to include an archive of old case details)

Analysis

We are currently analysing the **90%** of returns that are complete, and contacting the other **8%** of authorities whose returns have issues that need clarifying. We have sent a further request to the **2%** of authorities who have not yet submitted their return.

However, our initial observations of the data are as follows:

Standards committees

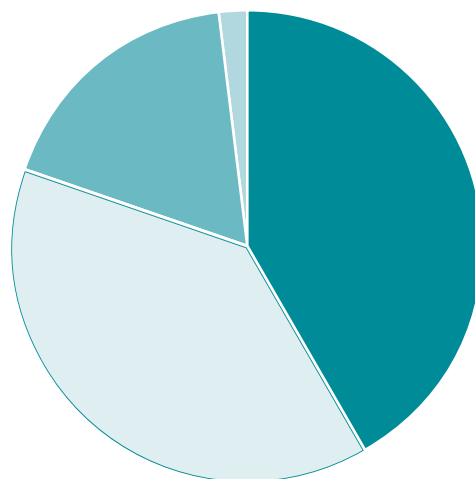
- On average, standards committees have nine members in total, which includes three independent members and, if the authority has parish or town councils, three parish representatives.

- **99%** of standards committees have an independent chair.

Cases handled locally

- **321** cases were received locally between 8 May and 30 June 2008.
- Because the reporting period was shorter than usual, **48%** of cases did not have a decision about how they should be handled by the time the quarter closed. The chart below shows the split of decisions for all cases where a decision was made.

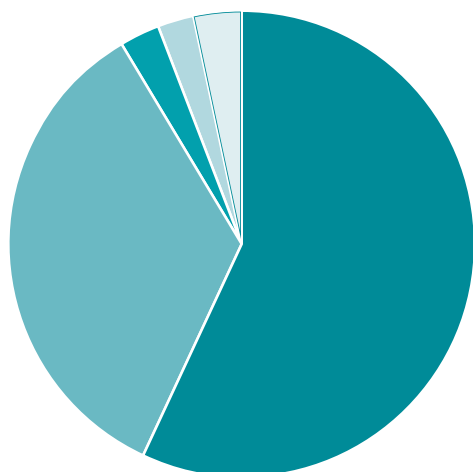
REFERRAL DECISIONS



- 3 Referred to the Standards Board for England
- 30 Referred to the monitoring officer for alternative action
- 65 Referred to the monitoring officer for investigation
- 70 Not referred for investigation

- Discounting the cases where a decision had not been reached, the breakdown shows that most cases were either referred to the monitoring officer for investigation or not referred at all.

SOURCE OF COMPLAINT



10	Other
8	Parish/Town clerk
9	Council officer
111	Member
183	Member of the public

- As shown in the chart above, more than half of the cases came from complaints made by members of the public. A large proportion also came from members.

The next quarterly return covers case activity in the period 1 July to 30 September 2008. This includes new cases received in the period and previous cases that have progressed in the period. The submission window for returns will be open from 1 to 14 October 2008. A reminder email will be sent to all monitoring officers nearer the time.

A more detailed breakdown of quarterly returns is now available in the Quarterly statistics section of our website www.standardsboard.gov.uk.

Forthcoming events

More than 800 delegates will be attending the fully booked **Seventh Annual Assembly, 'Delivering the goods: Local standards in action'** at the ICC, Birmingham, this October.

Breakout sessions are filling up fast and if you have secured your place at the conference, you are urged to choose your sessions and return your preference form as soon as possible to avoid disappointment.

Many of the presentations and handouts from the Assembly will also be available on the conference website, www.annualassembly.co.uk straight after the event.

We will also be exhibiting at the **Liberal Democrat party conference**, 13-18 September 2008, **Labour party conference**, 21-25 September 2008 and the **Conservative party conference**, 28 September – 1 October 2008.

The Standards Board is urging authorities to enter the Standards and Ethics award category at the **2009 LGC Awards**.

Entering the Standards and Ethics award is a great opportunity to raise the profile of your standards committee. The award will go to an authority which has a dynamic, innovative approach to improving and promoting standards of member conduct. Reaching the final shortlist will also mean that your authority's ethical standards have been judged to be among the best in the country – a powerful message to send to your local community.

Entries are welcome from authorities of any size or status. You can submit yours online at www.lgcawards.co.uk, where you can also find further information on the criteria for the Standards and Ethics category and on the LGC Awards as a whole. The closing date for entries is 3 October 2008.

Date for your diary: The Eighth Annual Assembly will be held on 12-13 October 2009 at the ICC.

Seeking views on adjourning local assessment decisions

Under Section 57A(2) of the Local Government Act 2000, as amended (the Act), when a standards committee receives a complaint it must either:

- (1) take no action on the complaint
- (2) refer the case to the Standards Board for England, or
- (3) refer the case to the monitoring officer of the authority concerned

If the third option is chosen, then under Section 66(6) of the Act, the standards committee can give directions to the monitoring officer about how to deal with the case. The case can either be dealt with by way of a direction to investigate it or to take other action. Once a case is referred for action other than investigation it cannot subsequently be investigated.

Understandably, some standards committees are reluctant to direct the monitoring officer to deal with a case by way of other action when they may not know enough about the circumstances of the case, and do not know whether the member complained about will cooperate with that other action. This is especially true when there does not appear to be any sanction against a member who fails to cooperate with other action, other than perhaps another complaint based on disrepute.

It has been suggested that one way around this difficulty is for the standards committee to adjourn consideration of a case they think might be suitable for other action, and ask the monitoring officer to find out whether the member will cooperate.

An adjournment to enable effective consultation with the monitoring officer would appear to be possible. It is something that does not appear to be prohibited by law. Also, paragraph 13(2) of the

Standards Committee (England) Regulations 2008 (the Regulations), requires the standards committee to consult with the monitoring officer before giving any direction to take other action.

However, there are concerns. Much depends on how the decision is minuted. If the monitoring officer is asked to find out more about the case and the options available to take other action, rather than specifically asked to find out about the attitude of the member to other action, some of those concerns lessen.

Here are some concerns and advantages we have identified and an alternative approach.

Concerns

- (1) Asking the monitoring officer to find out whether the member will cooperate runs the risk of putting the decision about investigation or other action in the hands of the subject member and not the assessment sub-committee.
- (2) The target of dealing with complaints within 20 working days is difficult to achieve.
- (3) What other action is to be discussed and who decides it? Will the standards committee or the monitoring officer effectively make the decision? Or, will it end up being a negotiation with the member if they say "Well, I am not having mediation but I will do training if it consists of X and is done by Y"? We believe this would undermine the authority of the standards committee.
- (4) There is a danger that the monitoring officer will end up effectively starting an investigation before being instructed to do so.
- (5) The member may take the opportunity to try and give the monitoring officer information to pass on to the standards committee to try and persuade it to take no action.

- (6) The more information the monitoring officer collects during the adjournment the more difficult it becomes for members of the standards committee to sit as part of a hearing panel later. The member will find it easier to argue that any standards committee member is biased by having received more information than was appropriate or necessary to carry out their functions under Section 57A of the Act.
- (7) There is an argument that taking into account information other than that provided by the complainant is unlawful. We say the monitoring officer can take steps to clarify the complaint or clarify basic facts. If the subject member is asked how they would react to a direction for other action, this would be finding out what the subject member thinks and feeding that into the decision-making process. Is that an irrelevant consideration?

Advantages

- (1) The members of the standards committee know what the member's attitude is said to be about the solution the standards committee is proposing to deal with the complaint.
- (2) The standards committee can send a case for investigation when the alternative might have been ineffective other action.
- (3) The case may be settled and the standards committee can decide to take no action.

Alternative

The standards committee sends the case for investigation and lets the monitoring officer know that it might not consider the case to be as serious, if the member were willing to comply with other action. Therefore, if the member so indicates then (subject to any other information the monitoring officer might have gathered which suggested otherwise) the monitoring officer

should feel free to ask that the case be returned to them.

Regulation 16(1)(a) of the Regulations might be capable of being read as supporting this approach. However, there can be a difference between the seriousness of a case and the appropriate way to resolve it.

We would like to receive views from you about what you think should constitute the most appropriate practice. Please contact kymberlie.connell@standardsboard.gov.uk with your views by **22 September 2008**.

New Deputy Chair and Board members appointed

Professor Judy Simons has been appointed as the Standards Board for England's new Deputy Chair by the Secretary of State for Communities and Local Government. The Secretary of State also appointed **Michael Kendall** and **Elizabeth Abderrahim** as our new Board members.

These appointments to the Board began on 14 July 2008 for a three-year term. Professor Judy Simons takes over from Patricia Hughes CBE, who was Deputy Chair of the Standards Board since it was established in 2001. Patricia's term ended on 30 June 2008.

Michael Kendall was Monitoring Officer at West Sussex County Council and is former Lead Officer and former President of ACSeS. Michael replaces Roger Taylor whose term ended on 30 October 2007.

Lizzie Abderrahim is a self-employed Freelance Trainer and Independent Chair of Gloucester City Council's standards committee. Lizzie replaces Professor Judy Simons who became Deputy Chair.

In announcing the new appointments on 17 July 2008, Minister for Local Government **John**

Healey said he was pleased with all the appointments. “All three bring extensive skills and experience to their new roles and will help the Board to develop its role in the maintenance of high standards of conduct in local government.” He also thanked Patricia Hughes for all she had done during her time as Deputy Chair.

Standards Board investigations

We are now receiving the first cases referred to the Standards Board by standards committees. As you know, there are a number of factors we take into account in reaching our decision whether to accept them. This includes exceptional circumstances.

The recent amendments to the Local Government Act 2000 enhanced our powers to share information related to investigations with other regulators, particularly the Local Government Ombudsman and the Audit Commission. We are working with these two organisations to update our communications. The new memoranda of understanding will be publicly available when completed.

One of the matters to come out of our discussions with the Ombudsman was that we would expect to accept complaints which involve allegations of both maladministration and a breach of the Code as an exceptional circumstance. This means that the two investigations could be organised in the most effective and timely way. So, if you are dealing with a complaint arising from incidents that have also resulted, or are likely to result, in an Ombudsman case or an audit enquiry, you will find the Standards Board sympathetic to a request to investigate.

Another amendment to the Local Government Act 2000 gives ethical standards officers the power to send final reports of investigations which do not result in a standards committee hearing to standards committees. This can

happen if the ethical standards officer “believes that it will assist that committee in the discharge of its functions”, as quoted from Section 64(3A) of the Local Government Act 2000.

The functions of a standards committee are:

- to promote and maintain high standards of conduct by members
- to advise on the adoption and revision of a code of conduct
- to monitor its operation
- to arrange training on matters related to the authority’s code of conduct

They also, of course, now have functions relating to complaints of breaches of the Code of Conduct.

We are now sending copies of reports to standards committees when most investigations are completed. We think that it is important for standards committees to understand the background to ethical problems that may have arisen in their area. Sometimes investigations suggest problems with particular policies, procedures or culture locally, which are not part of our remit to investigate, but which seem likely to cause further problems in the future. Where this is the case, we will draw the committee’s attention to those things which we think they might want to look into.

The reports are not sent to enable the committee to reconsider the complaint. Not only would it be unfair to the member concerned to do that, but the committee would not be able to do it fairly without being able to satisfy itself that it could look at and question the primary evidence.

We would be very interested to know how useful standards committees find these reports and any suggestions of ways we could help them use this learning opportunity. Please feel free to contact the Standards Board’s Investigations team on **0161 817 5300** with your thoughts.

Annual Review 2007-08 available online

The Standards Board's Annual Review 2007-08 is now available from the Publications section of our website www.standardsboard.gov.uk. In it, we look back at our performance over the past 12 months and look ahead to future challenges and opportunities.

The theme of this year's review is 'Local delivery. National support.'. It looks at how we prepared for 8 May 2008, when local authorities' standards committees became responsible for receiving complaints and deciding what to do with them. The review also looks at our new, more strategic role, and how it will enable us to offer greater support and advice on the ground.

This year, we have also provided a text only version on our website, which means that you can read and print the text from each chapter, as well as downloading the publication as a pdf. If you require a hard copy, please email publications@standardsboard.gov.uk.

Monitoring officer seminar

On 16 June, the Standards Board hosted a seminar for monitoring officers who have carried out ethical standards officers' directions. A direction is where an allegation of a breach of the Code of Conduct is sent back to a monitoring officer for alternative action. This may include the use of mediation, conciliation, conflict resolution, mentoring, training, and review of policies and protocols.

As we develop the use of directions, we will encourage the constructive use of party group discipline and leveraging in peer support from neighbouring authorities that have overcome their problems.

The event was run by Jennifer Rogers, Ethical Standards Officer, and John Williams, Senior

Policy Adviser. Fifteen monitoring officers attended, and each shared their successes and failures, including their experience of difficulties at parish level.

Key messages were that disputes are often very deep seated and originate in events that occurred long ago; and that disputes that might be inflamed by investigation are better approached by alternative action. There is a specific provision for alternative action in regulations made under the recent Local Government and Public Involvement in Health Act 2007.

We are having another seminar in January so we can share and develop our ideas further in the light of experience. Please call Kymberlie Connell on **0161 817 5300** or email kymberlie.connell@standardsboard.gov.uk if you would like to become involved in this initiative.

Ethical governance toolkit

The Standards Board, the Improvement and Development Agency and the Audit Commission have been working in partnership to update the ethical governance toolkit. The toolkit reflects the changes brought about by the Local Government and Public Involvement in Health Act 2007 and is now available to use.

Many authorities have already benefitted from using the toolkit, which is designed to help local authorities identify how well they are meeting the ethical agenda and to improve their arrangements.

For further information on the ethical governance toolkit and for contact details, please visit the Ethical Governance section of the IDeA website, which you can find at www.idea.gov.uk/knowledge or contact the Audit Commission by email at infogovcounterfraud@audit-commission.gov.uk.

CHESHIRE EAST STANDARDS COMMITTEE**7 October 2008****REVISED DRAFT WORK PROGRAMME**

Month	Item
October	<ul style="list-style-type: none"> • Second Committee meeting – 7th October • Reports on recruitment of independent members, code of corporate governance, and training • Recruitment of Parish Representatives ongoing • Standards Board for England Conference • Council to consider appointment of independent members – 20th October
November	<ul style="list-style-type: none"> • Recruitment of Parish Representatives ongoing • Consider the website presence
December	<ul style="list-style-type: none"> • Third Committee meeting – date to be arranged • Reports on Parish Representative nominations, feedback on Conference • Review Councillor Code of Conduct Induction Sessions • Council to consider appointment of Parish representatives – 9th December
January	<ul style="list-style-type: none"> • Fourth Committee meeting and induction for Independent members and Parish representatives – date to be arranged • Report on appointment of Chairman and Vice-chairman of Sub Committees, DVD screening and Annual Report • Notify Parish Council's about the changes from 1/4/09
February	<ul style="list-style-type: none"> • Parish Pilot complete – review the outcomes • Training – Date to be arranged - Full day - Assessments, Reviews and Local Hearings
March	<ul style="list-style-type: none"> • Fifth Committee meeting – 10th March 2009 • Finalise Annual Report 08/09 • Finalise Work Programme 09/10 • Relationship with Parish Councils

29th September 2008

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