

Standards Committee

Agenda

Date:	Tuesday, 13th January, 2009
Time:	11.00 am
Venue:	Committee Suite 1, Westfields, Middlewich Road, Sandbach CW11 1HZ

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 Previous meeting** (Pages 1 - 6)

To approve the Minutes of the meeting held on 25 November 2008.

5. **Local Assessment Sub-committees** (Pages 7 - 10)

The purpose of the report is to address the need to set up an Assessment Sub-Committee and a Review Sub-Committee to deal with the local assessment and review functions and to appoint Members and make provisions for the appointment of Chairmen to those Sub-Committees.

6. **Annual Report**

The Monitoring Officer will provide a verbal update on the future need for an Annual Report from the Standards Committee.

7. **Notification to Parish Councils of changes from 1 April 2009**

The Monitoring Officer will advise the Committee of proposed steps to inform Parish Councils of forthcoming changes.

8. **Committee Work Programme** (Pages 11 - 12)

To note the Committee's Work Programme to date and consider the Work Programme for the coming months.

9. **Future Meeting Dates**

To confirm that meetings are currently scheduled as follows:

- February – Training Session on a date to be agreed;
- 10 March – formal Committee meeting, at a time to be confirmed, at Westfields, Sandbach.

10. **Training DVD**

Time will be allowed at the end of the meeting to view the Training DVD.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Standards Committee**
held on Tuesday, 25th November, 2008 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Mr N Briers (Chairman)
Mr D Sayer (Vice Chairman)

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

Independent Members Mr Ian Clark, Mr M Garratt and Mr R Pomlett

18 APPOINTMENT OF CHAIRMAN**RESOLVED:**

That Mr Nigel Briers be appointed Chairman of the Committee.

19 APPOINTMENT OF VICE CHAIRMAN**RESOLVED:**

That Mr David Sayer be appointed Vice Chairman of the Committee.

20 APOLOGIES FOR ABSENCE

Apologies for Absence were received from Councillor Mrs M Hollins.

21 DECLARATIONS OF INTEREST

None.

22 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present who wished to address the
Committee.

23 MINUTES OF PREVIOUS MEETING**RESOLVED**

That the minutes be approved as a correct record subject to the inclusion
of an Apology for Absence from Councillor Mrs M Martin.

24 RECRUITMENT PROCESS FOR PARISH COUNCIL STANDARDS COMMITTEE MEMBERS

The Committee considered a report on the recruitment process for Parish Council representation on the Standards Committee.

The Shadow Council had decided that the Committee's membership would include 3 Parish Council Members and a recruitment exercise had taken place through the Cheshire Association of Local Councils (CHALC). An agreed Job Description and Person Specification had been sent to CHALC who had received five applications in response to the recruitment exercise. A Panel comprising Executive Representatives from the Cheshire East area had been convened to consider the applications and recommend three applicants –

- Councillor Teresa Eatough –Weston and Basford Parish Council;
- Councillor Kenneth Edwards – Bollington Parish Council;
- Councillor Patricia Barnett – Twemlow Parish Council.

Each Councillor was currently a Member of the relevant Borough Council's Standards Committee. The two remaining candidates' names would be retained by CHALC as reserves in case the proposed Parish Councillors were unable to undertake the role. The Parish Council representatives must be present if the Committee was discussing Parish issues.

RESOLVED:

That Council be advised to approve the appointment of the following three Parish Councillors as Parish Council representatives on the Standards Committee:

- Councillor Teresa Eatough;
- Councillor Kenneth Edwards;
- Councillor Patricia Barnett.

25 CODE OF CONDUCT TRAINING FOR NEW CHESHIRE EAST MEMBERS

The Committee considered a report on Code of Conduct Training that had been carried out for new Members. The report outlined that a short training session had been organised as part of the initial induction day attended by most Cheshire East Members on 7 May.

A further training seminar had been arranged for "new" Members – Members who were not currently elected Members of any of the constituent Authorities to which 8 out of the 12 "new" Members had attended. Feedback from this seminar indicated the importance of training on Code of Conduct issues as a number of Members had realised that their Register of Interest forms had not been completed adequately.

Members had also found the training helpful in appreciating the importance of the Code and the consequences of breaching it.

RESOLVED: That

1. the Code of Conduct training carried out for 8 new Members on 27 October and the need for training to be provided for the other 4 new Members, be noted;
2. Code of Conduct training be given to new Members as a matter of priority following their election;
3. new Members be offered individual guidance on the completion of their initial Registration of Interests form; and
4. a specimen Registration of Interests form showing typical entries be developed to assist new Members.

26 WHISTLEBLOWING PROTOCOL

The Committee considered an update report on progress in developing and adopting a Whistleblowing Protocol. It was important for the Council to have such a Policy in place to ensure the highest standards of openness, probity and accountability were embedded in the Council's work. Such a Protocol would provide for a situation in which an employee, Member or contractor witnessed practices that seemed suspicious. The Protocol set out a process by which an individual could report their concerns internally and how the Council would respond.

A proposed Protocol had been considered and endorsed by the Governance and Constitution Committee. However, as the Standards Committee was responsible for promoting high standards of ethical behaviour within the organisation it was appropriate for this Committee to be informed of the development of the Protocol.

A Whistleblowing Protocol was envisaged as being "proper practice" for Local Authority good governance and for meeting the requirements of the Accounts and Audits Regulations 2003 which required a Local Authority to produce an annual governance statement.

RESOLVED: That the report and Protocol be noted.

27 STANDARDS COMMITTEE WEBSITE PRESENCE

The Committee considered a report on introducing a website presence for the Standards Committee. The website was seen as a valuable way of communicating with the public. The report proposed that various details be included on the website including:

- Names of Standards Committee Members including Independent and Parish Members;
- Details about Independent and Parish Member recruitment and their role;
- Complaints form and guidance;
- Information on the Monitoring Officer including their role;
- The Committee's Terms of Reference.

The Standards Board for England had stressed the importance of raising the profile and understanding of the work of Standards Committees.

Members discussed the proposals in the report and ways in which current Local Authorities promoted the work of their Standards Committee including producing leaflets and through Local Democracy Week. It was felt that various media should be used alongside the website.

RESOLVED: That

1. the Standards Committee be promoted on the Cheshire East website with information including:
 - Names of Independent and Parish Members;
 - Details about Independent and Parish Member recruitment and the role they play on the Committee;
 - The Committee's Terms of Reference;
 - A Frequently Asked Questions section giving details about what the Committee does and the powers it has;
 - Information on how complaints against Members can be made including a Complainant Form and Guidance;
 - Information on who the Monitoring Officer is and the role played within the Council;
 - A guide to the Code of Conduct;
 - Information on the Standards Board for England;
 - Useful links to external sources that relate to the Standards Committee;
2. The Interim Monitoring Officer be authorised to organise the relevant web pages and inclusion on the Cheshire East Website;
3. The Interim Monitoring Officer investigate the provision of information about the Standards Committee in a variety of media through liaison with the Communications' Team;
4. The Interim Monitoring Officer develop a procedure for Members of the Standards Committee to use if a direct approach is made;
5. Ways of promoting the Standards Committee be further discussed at the Training Event in February.

28 FEEDBACK FROM THE ANNUAL STANDARDS BOARD CONFERENCE

The Committee considered a report of the Governance Group on the Standards Board Annual Conference held in Birmingham on 13 and 14 October. The conference had been attended by the Interim Monitoring Officer and Councillor John Goddard who was a Member of both Cheshire East Standards Committee and Macclesfield's Standards Committee.

One of the key messages from the conference was the need for Standards Committees to seek to raise the profile of their work both within the organisation and in the public arena. Examples from other Local Authorities included regular meetings held between the Chairman of the Standards Committee and the Leader of the Council.

RESOLVED: That the report be noted.

29 COMMITTEE WORK PROGRAMME

The Committee considered a report outlining a draft Work Programme with meetings agreed to take place in January to include an Induction for Independent and Parish representatives prior to a formal meeting, a full day training session for February and a meeting on 10 March to finalise the Annual Report and the Work Programme for 2009-10.

RESOLVED: That the draft Work Programme be approved subject to the programme for the next meeting on Tuesday 13 January to be as follows:

- 9.15am – informal briefing for Independent Members and Parish representatives;
- 10.00 am – Induction for all Members;
- 11.00 am – formal meeting.

30 FUTURE MEETING DATES

The Committee considered future meeting dates for the period January – March 2009.

RESOLVED: That meeting dates be agreed as follows – Tuesday 13 January at 11.00 a at Westfields, Sandbach and 10 March 2009 at a time to be confirmed at Westfields, Sandbach.

The meeting commenced at 10.00 am and concluded at 10.50 am

Mr N Briers (Chairman)

This page is intentionally left blank

CHESHIRE EAST

Standards Committee

Date of meeting: 13 January 2009
Report of: Interim Monitoring Officer
Title: Local Assessment Sub-committees

1.0 Purpose of Report

- 1.1 The purpose of the report is to address the need to set up Sub-Committees of the Standards Committee to deal with the local assessment and review functions and to appoint members to those Sub-Committees.

2.0 Decision Required

- 2.1 Members are requested to consider and approve the proposals for the formation of the Assessment Sub-Committee and the Review Sub-Committee, to appoint to the Membership of those Sub-Committees and to make provisions for the appointment of Chairmen of those Sub-Committees.

3.0 Information

- 3.1 The Local Government and Public Involvement in Health Act 2007 gives Standards Committees the role of undertaking the initial assessment of misconduct allegations in place of the Standards Board for England.
- 3.2 The Standards Committee (England) Regulations 2008 ("The Regulations") came into force on 8 May 2008 and set out in detail the way in which the local assessment function is to be discharged by Standards Committees.
- 3.3 In complying with its obligations under the Regulations, Standards Committees are also required to take account of Guidance published by the Standards Board. Guidance was published by the Standards Board on their website on 2 May 2008.
- 3.4 In dealing with the local assessment function Regulation 6 requires Standards Committees to appoint two separate sub-committees; the Assessment Sub-Committee and the Review Sub-Committee.
- 3.5 Upon receipt of a written allegation that a member has failed to comply with the Code of Conduct, the Assessment Sub-Committee will be

convened to make an initial assessment of the allegation and decide whether to:

- Refer the allegation to the monitoring officer (for an investigation to be undertaken or for alternative action), or
- Refer the allegation to the Standards Board for England (if for instance, it is so serious that a local Standards Committee could not deal with it), or
- Decide that no action will be taken in respect of the allegation.

Standards Board Guidance provides that the Assessment Sub-Committee should make the assessment decision within an average of 20 working days.

3.6 If the Assessment Sub-Committee in considering a complaint has determined that no action be taken, then the complainant has 30 days from notification to submit a written request for a review of the decision. Following receipt of the request for a review, a Review Sub-Committee must be convened to consider afresh the initial assessment of the allegation and decide whether to:

- Refer the allegation to the monitoring officer (for an investigation to be undertaken or local resolution attempted)
- Refer the allegation to the Standards Board for England (if for instance it is so serious that a local Standards Committee could not deal with it, or
- Decide that no action will be taken in respect of the allegation.

Members of the Review Sub-Committee cannot also have been involved as members of the Assessment Committee in dealing with a particular complaint. There will therefore have to be two entirely separately composed sub-committees to deal with the Assessment and Review functions. There is nothing, however, to prevent Members who have served on either the Assessment Sub-Committee or the Review Sub-Committee from participating in the ultimate determination of that complaint. Standards Board Guidance provides that the Review Sub-Committee should complete the review within an average of 20 working days.

3.7 The Regulations set out in detail the way in which the Sub-Committees are to be composed. Regulation 6 requires that an Independent Member must chair a sub-committee. Regulation 7 requires that at least one member of the authority must be present at the meeting of the sub-committee. Regulation 7 also requires that if the complaint is about a Parish Councillor, a Parish Councillor should also be present (who is not also a Member of the Authority). Regulation 7 requires that to be quorate a sub-committee must have at least 3 members present for its duration.

- 3.8 Members are invited to consider how the sub-committees ought to be composed. What is proposed is that Chairmen be appointed for the Assessment Sub-Committee and the Review Sub-Committee on the basis that these members will normally take those positions unless it is impractical for any reason for this to happen in specific cases, in which case another independent member would chair the meeting. It is suggested that each sub committee be composed of three members, and that the Chairman of the Assessment Sub-committee will normally be the Chairman of the Standards Committee, with the Chairman of the Review Sub-committee normally being the Vice-Chairman of the Standards Committee, subject to availability and there being no other reason (e.g. the need to declare an interest) why this should not be the case. So far as the remaining membership of sub committees is concerned, it is likely to be beneficial from a practical viewpoint if all members of the Standards Committee are appointed to potentially serve as Members of both the sub-committees. The actual Sub-Committee convened to deal with a particular complaint could then be composed of three Members (including the Chairman) drawn from the membership. In this way maximum flexibility will be gained to take account of Member availability and the requirements set out in the paragraphs above.

4.0 Financial Implications for Transition Costs

None.

5.0 Legal Implications

As set out in the report.

7.0 Risk Assessment

Creating sub-committees will allow the separate functions involved in the handling of cases to be carried out without conflicts of interest.

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:

Officer: Julie Openshaw Interim Monitoring Officer

Tel. No: 01625 504250

Email: j.openshaw@macclesfield.gov.uk

Background documents

None.

CHESHIRE EAST STANDARDS COMMITTEE**13 January 2009****DRAFT WORK PROGRAMME**

Month	Item
October	<p>Second Committee meeting – 7 October</p> <ul style="list-style-type: none"> • 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 – 20 October
November	<p>Third Committee meeting – 25 November</p> <ul style="list-style-type: none"> • Consider the website presence • Reports on Parish Representative nominations • Review Councillor Code of Conduct Induction Sessions • Feedback from Standards Board Annual Conference • Whistleblowing Policy
December	<ul style="list-style-type: none"> • Council approved the appointment of Parish representatives – 9 December
January	<p>Fourth Committee meeting to take place on Tuesday 13 January, programme as below -</p> <ul style="list-style-type: none"> • Informal briefing for Independent Members and Parish representatives at 9.15 am followed by Induction for all Members at 10.00 am, followed by formal meeting at 11.00 am. • Items :- • Report on appointment of Chairman and Vice-chairman of Sub-Committees • DVD screening • 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	<p>Fifth Committee meeting – 10 March 2009</p> <ul style="list-style-type: none"> • Finalise Annual Report 08/09 • Finalise Work Programme 09/10 • Relationship with Parish Councils

5 January 2009

This page is intentionally left blank