

# **Standards Committee**

## **Agenda**

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**Date:** Monday, 23rd November 2009  
**Time:** 10.30 am  
**Venue:** Committee Suite 1, 2 & 3, Westfields, Middlewich Road,  
Sandbach CW11 1HZ

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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. There is no requirement to give notice of the intention to make use of the public speaking provision. However, as a matter of courtesy, a period of 24 hours notice is encouraged.

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Please contact Carol Jones on 01270 529952  
E-Mail: [carol.jones@cheshireeast.gov.uk](mailto:carol.jones@cheshireeast.gov.uk) with any apologies or requests for further information or to give notice of a question to be asked by a member of the public

Members of the public who wish to ask a question at the meeting should provide 3 clear working days' notice, in writing, to enable an informed answer to be given.

4. **Minutes of Previous Meeting** (Pages 1 - 6)

To approve the Minutes of the meeting held on 21<sup>st</sup> September 2009.

5. **Feedback from the Annual Assembly of Standards Committees**  
(Pages 7 - 10)

Mr David Sayer (Vice-Chairman), Councillor Rhoda Bailey and Mrs Teresa Eatough (Parish representative) attended the Annual Assembly of Standards Committees held in Birmingham on 12<sup>th</sup> and 13<sup>th</sup> October.

The Vice-Chairman's report on the Conference is attached for information.

6. **Pilot Compact Working Group** (Pages 11 - 18)

A meeting of the Pilot Compact Working Group was held on 29<sup>th</sup> October 2009. A report of the meeting is attached.

7. **Website Update**

The Council's website was re-branded on 1<sup>st</sup> October 2009. A dedicated webpage for the Standards Committee has been created, entitled "Councillor Conduct". The following documents have now been up-loaded –

- Publicity Leaflet on the role of the Standards Committee, created by the Publicity Working Group

This has also been issued to all Parish Clerks, and will be rolled-out to Council contact points and libraries over the next few weeks.

- Complaints Form
- Guidance on Personal and Prejudicial Interests
- Links to other websites; eg Standards for England (formerly Standards Board for England)

8. **Away-Day - 11th December 2009**

The Chairman to report on arrangements for the Away-Day to be held on Friday, 11<sup>th</sup> December 2009 in the Council Chamber, Municipal Buildings, Crewe.

9. **Partnerships Protocol** (Pages 19 - 24)

At the Annual Assembly, the issue of partnership working was discussed. Standards for England is developing a series of tools which can be used locally to assess and improve local government partnership arrangements.

It has developed a protocol in partnership with Manchester City Council for use by local authorities to encourage high standards of behaviour of those that work in partnerships.

The report of the Monitoring Officer, outlining the proposals, is attached. It is suggested that a Member and Officer working group be established, to include representation from the Partnership Team. The group would use the draft protocol as a framework for development of a local protocol for use across Cheshire East, reporting back to the Committee in due course.

10. **Standards for England - Bulletin 45 (August 2009)** (Pages 25 - 34)

To receive for information The Bulletin (No. 45) issued by Standards for England.

11. **Training for Members**

The Committee is invited to consider any training needs.

Members will recall that training is to be arranged in January/February 2010 following Communities and Local Government's revision to the Code of Conduct.

12. **Conducting Local Assessment**

At the conclusion of the meeting, there will be an opportunity for Members to view a DVD issued by Standards for England. The DVD is scenario-based and shows the behaviour of Councillors, which may breach the Code of Conduct, and how the Assessment Sub-Committee carries out an assessment.

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**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Standards Committee**  
held on Monday, 21st September, 2009 in Committee Suite 1,2 & 3,  
Westfields, Middlewich Road, Sandbach CW11 1HZ

**PRESENT**

Mr N Briers (Chairman)

Councillors Rhoda Bailey, J Goddard, J Hammond, M A Hollins and  
L Smetham

Independent Members: Mrs P Barnett and Mr I Clark  
Parish Council representative: Mrs T Eatough

**APOLOGIES**

Councillors B H Dykes and M A Martin; and Mr D Sayer

**57 DECLARATIONS OF INTEREST**

No Member made any declaration of interest in any item of business on the agenda.

**58 PUBLIC SPEAKING TIME/OPEN SESSION**

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

There were no members of the public present and the Committee, therefore, proceeded to its next business.

**59 MINUTES OF PREVIOUS MEETING**

**RESOLVED:** That the minutes of the meeting held on 13<sup>th</sup> July 2009 be approved as a correct record.

**60 HANDLING OF REQUESTS FOR DISPENSATIONS**

The Standards Committee considered the report of the Deputy Monitoring Officer which addressed the new regulations in respect of the granting of dispensations.

Part 4 of the Standards Committee (Further Provisions) (England) Order 2009 set out the provisions which now governed the handling of applications for dispensations under the Code of Conduct. Additionally,

S.54A(1) of the Local Government Act 2000 allowed this function to be dealt with by a Sub-Committee of the Standards Committee.

The Standards Committee (or its Sub-Committees) could grant dispensations if it was satisfied that where the transaction of business of an Authority would, but for the grant of any other dispensation in relation to that business, on each occasion on which the dispensation would apply otherwise be impeded by, or as a result of, the mandatory provisions because –

- (i) the number of Members of the Authority prohibited from voting on the business of the Authority at a meeting exceeds 50% of those Members that, but for the granting of any dispensations relating to that business, would otherwise be entitled to vote on that business; or
- (ii) the number of Members prohibited from voting on the business of the Authority at a meeting would, but for the granting of any dispensations relating to that business, upset the political balance of that meeting to such an extent as to prejudice the outcome of voting in that meeting.

The Guidance from Standards for England (formerly the Standards Board for England) acknowledged that Standards Committees could sub-delegate the function to its Sub-Committees.

The Committee was invited to consider whether requests for dispensations should continue to be dealt with by the full Standards Committee, or delegated to a Sub-Committee of the Standards Committee.

Members discussed the likelihood of requests for dispensations, and on balance, agreed that it would not be necessary to create a Sub-Committee for this purpose, nor add this function to one of the existing Sub-Committees. In the event of any urgency, a meeting of the full Standards Committee could be convened.

**RESOLVED:** That the function of granting dispensations continue to be dealt with by the full Standards Committee.

## **61 DISPENSATIONS - ROSTHERNE PARISH COUNCIL**

The Committee considered the report of the Deputy Monitoring Officer. The report described and explained requests which had been made by each member of Rostherne Parish Council for a dispensation to enable them to participate in debate and vote upon any matters relating to the Tatton Estate which came before the Parish Council for consideration.

The applications explained that all members of the Parish Council were tenants of Tatton Estate which owned all property in the parish of

Rostherne, with the exception of the church, the vicarage and the Swan Hotel.

The Committee was invited to consider granting the dispensations requested.

**RESOLVED:** That the Standards Committee grant dispensations for all eight current Members of Rostherne Parish Council, namely Edward Blockley, Akhim Eugene Fahey, Dominic M Fenton, Joseph Gate, Thelma Horobin, Julie Owen, Frances M Woodbine and Edward Ernest Wakefield, whose applications were attached to the report submitted, to allow them to speak and vote on any business coming before Rostherne Parish Council concerning the Tatton Estate, such dispensations to last until the next elections which were due to take place on 5<sup>th</sup> May 2011.

## **62 PILOT COMPACT UPDATE**

The Committee received for information the notes of the Working Group meetings held on 4<sup>th</sup> August and 27<sup>th</sup> August 2009 respectively, together with an Interim Progress Report on the Pilot Compact.

A meeting of the Pilot Compact Working Group would be held on the rising of this Committee. All Members were invited to attend.

In the absence of Mr David Sayer (Vice-Chairman) who chaired the Group, the Chairman reported verbally on its activities.

**RESOLVED:** That the verbal report of the Chairman be noted.

## **63 PUBLIC PERCEPTIONS OF ETHICS**

The Committee received for information the report of the Monitoring Officer which outlined the results of the recent biennial survey conducted by the Standards Board for England into the public's perceptions of local councillors' ethical standards and their confidence in the redress mechanisms for dealing with shortcomings in individuals' behaviour.

The findings related to measures of perception taken in June 2009, and comparison had been made with data collected in 2005 and 2007.

**RESOLVED:** That the report be noted.

## **64 WEBSITE**

The Committee received the report of the Monitoring Officer which outlined initial enquiries made in respect of the creation of a web-page on the Council's website for members of the public who wished to make a complaint against a Cheshire East councillor or a town or parish councillor.

It was noted that the web-site was to be re-branded on 1<sup>st</sup> October 2009, after which the following information would be up-loaded onto a separate dedicated page, entitled "Councillors' Conduct", or similar:

- Publicity leaflet designed by the Publicity Working Group
- Personal and Prejudicial Interests – guidance
- Complaints Form
- Names and contact details for Members of the Committee
- Links to Standards for England and other appropriate websites

**RESOLVED:**

That

- (a) That the report be noted; and
- (b) That an update be provided at the November meeting.

**65 WORK PROGRAMME**

The Committee received for information the Work Programme covering the period October 2008 to March 2010.

**RESOLVED:** That the Work Programme be noted.

**66 TRAINING REQUIREMENTS FOR MEMBERS**

The Committee was invited to consider training requirements for elected members and town and parish councillors. Revisions to the Code of Conduct were expected late Autumn 2009 and, in view of this, it was agreed that any training should be arranged in January/February 2010.

It was suggested that two sessions be held: (1) for members of the Standards Committee and elected Members; and (2) town and parish councillors.

**RESOLVED:** That appropriate training be arranged for elected members and town and parish councillors in January/February 2010, or following the Communities and Local Government's revision to the Code of Conduct, whichever was the later.

**67 MEETING WITH CHESHIRE WEST AND CHESTER STANDARDS COMMITTEE**

The Chairman updated the Committee on a meeting held recently between the Chairmen and Vice-Chairmen of Cheshire East and Cheshire West and Chester Standards Committees. The meeting had been of mutual benefit and they had agreed that they would meet approximately three times a year.

The Chairman outlined the areas of discussion raised at the meeting, which included a suggestion for an “away-day” type event to include members of both Standards Committees. This was intended to be a half-day event which could be facilitated by appropriate Cheshire East Officers, and would be held at a Borough Council venue.

**RESOLVED:**

That

- (a) An “Away-Day” type event be arranged for Friday, 11<sup>th</sup> December 2009 at 10.00 am in a Borough Council venue; and
- (b) That members from Cheshire West and Chester Standards Committee also be invited to the event.

The meeting commenced at 10.30 am and concluded at 11.30 am

Nigel Briers (Chairman)

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**Report from the Delegates Attending the 2009  
ANNUAL ASSEMBLY OF STANDARDS COMMITTEES (“the Assembly”)  
held on the 12<sup>th</sup> and 13<sup>th</sup> October 2009 at the International Convention  
Centre Birmingham**

**Delegates Attending:** David Sayer (Vice Chair), Councillor Rhoda Bailey, and Teresa Eatough (Parish Representative)

**1 Introduction:**

The Assembly was well subscribed with over 800 delegates attending from authorities spread countrywide and comprising an eclectic mix of representatives. In addition to elected and independent members there were several chief executives, monitoring officers, senior legal and democratic services staff and a wide selection of parish representatives.

As in previous years, Assembly time was allocated between plenary sessions focussing on broad central issues and smaller workshops dealing with narrower specific items and inviting a high level of delegate participation. For those untiring delegates Monday evening sponsored in addition a number of fringe events covering a range of subjects from “The Development of Independent Members” to “The Local Government Ombudsman - An Agenda for Change”.

**2 Opening Plenary Session:**

The first of these sessions bore the title “The State of the Nation” and was, after a short video address from the Local Government Minister Rosie Winterton who was unable to attend due to pressing matters in Westminster, addressed by Dr Robert Chilton Chair of Standards for England who took as his central theme the future for standards and Standards Committees in the light of a possible change of government in the coming months and the Green Paper heralding the possible abolition of the Standards Board. Dr Chilton was upbeat and reminded the Assembly of three important premises i.e. (1) the Standards Board is an impartial statutory body (2) the whole Standards debate is well informed based on fact and free of political mantra (3) As long ago as 1992 the then Home Secretary vowed to dissolve the Nolan Commission – but Standards has survived. His closing comment addressed to Standards Committees is worthy of mention “Just be excellent and you will have a future”.

Other speakers, including Glenys Stacey as Chief Executive of Standards for England (as it is now known) adopted a likeminded theme reminding delegates of the important role of Standards Committees and the overall raising of standards of ethical governance throughout local authorities and the statistical evidence which, as a matter of public record, is available to support this contention. To look at one statistic in isolation is perhaps being over selective but the fact that during the past year serious complaints referred to the Adjudication Panel of Standards for England amounted to marginally less than one per 3,000 members and of the 224 serious complaints referred 158 were found not to amount to a breach, 56 were found to have breached the

Code of Conduct with penalties imposed and 10 found to amount to a breach but recommended no further action. Interesting to note that of those complaints referred more than half came from members of the public which in itself is an interesting reminder of the growing awareness in the community of not only the existence of Standards Committees but also their function and effectiveness

### **3 The Second Plenary Session:**

The afternoon (Monday) plenary session was described thus: “Local Standards Framework - Force for Good or Necessary Evil ?” This rhetorical question triggered what turned out to be a lively discussion by the end of the session which was opened by David Prince CBE a former Chief Executive who posed a further question in that given the cost of investigating often trivial and vexatious claims frequently groundless and motivated by ‘tit for tat’ could we go on affording the present system? Equally could we afford not to ? David stressed the need to look inward and closely at ways and means of performing effectively and maintaining the same levels of transparency as hitherto. Easily said but not so easily achieved. Michael Chater, National Association of Local Councils (NALC) who stressed the important role played by parish and town councils and the need for Standards Committees to work closely with parish/town council members and parish council and town council clerks.

The final speaker at the afternoon session Kirsty Cole Statagic Director (Customers and Resources) Newark and Sherwood District Council. Kirsty barnstormed the Assembly and took us right back to basics. She, like the preceding speakers, threw out a question for delegates to ponder “Standards for England was it necessary? Yes – Is it still necessary ? Yes – but is it proportionate ? Kirsty was not afraid to highlight what she saw as the defects in the present system and stated unequivocally that in her view and in a number of respects the present system is not proportionate. Lengthy procedures, long apparent delays – complainants not knowing what was happening to their complainants. Kirsty also spoke up strongly for parish and town councils reminding the assembly that parish and town councillors (and clerks) have no other recourse in the context of complaints than to the District Council and the Monitoring Officer.

Kirsty’s robust delivery was well received and provoked some searching and well composed questions . The session concluded with two substantial and important recommendations (1) the person complained about should be afforded an opportunity to make an early reply to the current allegation(s) against him/her (2) there should be an easier procedural access to the use of the apology much sooner in the procedure i.e. without having to go through the process of investigation and the making of findings of fact. The present standards process was not proportionate certainly in regard to these two issues.

#### **4 Third Plenary Session:**

The third and final plenary session on Tuesday was headed "On the Brink - The Costs of Ethical Failure". A lot of careful planning had gone into this presentation which was introduced by Professor Alan Lawton of the University of Hull who highlighted the key areas of concern which give rise to ethical failure and diminishing performance with consequent falling standards and in some instances outright misconduct by members. Instances cited included bullying, disputes, systemic failure within the authority and the causes most frequently encountered were target pressure, lack of or misunderstanding, personal differences and Professor Lawton then illustrated how these could impact on individuals e.g. falling morale, performance, relationships etc., and on the authority as a whole as in reputation, recruitment, legitimacy and credibility and finally the public perception of an authority in decline and its members ( and sometimes officers) in freefall.

The Assembly was then invited to hear from two very experienced battle scarred senior executives who brought to the debate first hand experience of encountering and dealing with an authority which was failing, whose members and leadership were out of control and one of which was described as "the worst local authority in the country".

First up Kim Ryley former Chief Executive of Hull City Council who took up that office in 2004 at the height of the problems. Kim gave an enlightening and amusing account of his head on exchanges with the Council and political leaders and the problems of transforming chaos and malpractice into good order and effective governance with proper lines of cross communication and mutual respect for member and staff alike. If one aspect of this delivery stands out (and it applies equally in respect of the second speaker Peter Moore) is the courage required of Chief Officers when confronted by a bullying and threatening membership. Kim is pleased to advise the Assembly that Hull is much changed authority and in many respects an example to others. The second speaker Peter Moore was acting Chief Executive to Lincolnshire County Council when it received a critical public interest report, critical ethical governance review and critical corporate governance inspection. Peter clearly played a key role in the restoration of this authority to an acceptable level of good governance. Another fascinating account and Peter left the assembly with this question "Who runs the Council ? The answer is that the Council is not run by the members and political leaders, it is not run by the officers. The Council is run by the effective and strategic partnership of membership and officers working together. Not surprisingly this presentation encouraged a number of helpful questions from the floor.

#### **5 Conclusion:**

We hope that members of the Standards Committee will be able to glean from this short report something of the flavour and general thrust of the Assembly which was well organised and provided a balanced agenda of both broad and narrower specific issues. There can be no doubt that the overriding theme throughout was and continues to be the uncertainties which presently

surround the future of Standards for England and as a direct consequence Standards Committees nationwide - so much work has been done and remains to be done that your assembly delegates feel that Standards will survive, indeed must survive though it must always be prepared for improvement and change and in so stating we hope that we have managed to reflect the mood of the 2009 Assembly.

David G.Sayer  
Rhoda Bailey  
Teresa Eatough

14<sup>th</sup> October 2009

**REPORT OF A MEETING OF THE PILOT MODEL COMPACT  
WORKING GROUP ("the Group")**

**held at the Council Offices Westfields, Sandbach on  
Thursday 29<sup>th</sup> October 2009 at 2.00 p.m**

Present: David Sayer (Chair for the meeting), Nigel Briers, Teresa Eatough, Ken Edwards, Councillor Lesley Smetham, Councillor John Goddard, Councillor John Hammond, Patsy Barnett and Chris Chapman (Monitoring Officer)

### **Introduction**

The Chair reminded the Group that at the meeting of the Group held on the 27<sup>th</sup> August 2009 Jackie Weaver (JW) Chief Executive of Cheshire Association of Local Councils (ChALC) had agreed to submit in writing her responses to questions raised on that occasion and that JW had duly responded by way of the document now circulated to the Group and entitled "Issues and Ideas Paper - Cheshire East Standards Committee - 4<sup>th</sup> September 2009". A copy of this document is annexed to this report and marked 'Appendix A'.

The Chair stated that it was the original intention that JW should attend today's meeting but that was not possible due to her admission to hospital following which it was reported that JW is recuperating and will hopefully be resuming her duties late November early December. *[Chair undertook to convey to JW the best wishes of the Group for a speedy recovery]*

The Group then proceeded to consider the form and content of Appendix 'A' adopting the numeration 1 to 13 inclusive as set out in Appendix 'A' for the purpose of recording comments and suggestions which are collectively referred to as 'Responses':-

#### **1. 'Improving Relationships'**

In response to the suggestion that Chalc be included on the circulation list for Standards bearing in mind the current postal difficulties and administrative costs the Group felt this could be met by Chalc being included on email listings for the Standards Committee. Following that attendance at meetings by Chalc could be achieved on an ad hoc basis when items of interest/relevance arose with proper notice to the Monitoring Officer.

#### **2. 'Developing Relationships'**

The Group registered approval in principle to the 'Parish Conference' idea with the details to be discussed further with Chalc.

#### **3. ChALC Annual Meeting**

This was agreed with the proviso that the invitation to attend ChALC Annual Meeting could be extended to other members of the Standards Committee.

#### **4. Annual Bulletin**

The Group felt that this requirement could be met initially by inclusion of Chalco in circulation of the Annual Report of the Standards Committee. It was not felt that a commitment to a bi-monthly bulletin could be made at this stage given budgetary and resource limitations presently obtaining. The current information leaflets to be made available to Chalco with sufficient copies for distribution to Parish/Town Council Clerks and members.

#### **5. Newly Elected (Parish) Members**

The Monitoring Officer indicated that he was content that Local Council Clerks should be reminded of the requirements for newly elected members at the same time advising them of support mechanisms in place. The Monitoring Officer also reported briefly on the Milton Keynes Experiment and the availability of the 'the Parish Tool Kit'.

#### **6. Copy Correspondence**

The Monitoring Officer confirmed that there would be no objection to copying the correspondence referred to in 5 above to Chalco.

#### **7. Recruitment of Parish Members**

The Group confirmed that it was happy for this question to be further discussed with ChALC.

#### **8. Available Information/Access to Website**

Prior to commencement of today's meeting it had been confirmed that an entry detailing matters relevant to Standards on the website of Cheshire East was presently in course of preparation and could accordingly be identified as 'a work in hand'.

#### **9. Training Programme**

The Monitoring Officer confirmed his statutory obligation to provide at least one training session for Local Council Clerks and Members annually but, with reluctance, pointed out that budgetary constraints precluded any firm commitment at this stage to a further extension of the programme. The position was not eased, the Monitoring Officer pointed out, by the heavy demands on staff and resources at the present time. The Group noted that ChALC already undertakes training and Cheshire East is supportive of the role played by ChALC in the training of Local Council Clerks and members.

#### **10. Training Register**

This was agreed.

#### **11. 'Hot Spot' Training**

This was agreed in principle on the basis that each case (if any) would be looked at individually given the problem(s) obtaining within a particular Parish or Town Council and a programme would be tailored to meet those particular needs in accordance with the specific suggestions set out in Appendix 'A'. The Group considered the proposed costings as set out in

Appendix 'A' appropriate to Special Measures Programmes and these again, in principle, were considered to be reasonable and realistic

## **12. Mentoring**

Appendix 'A' did not appear to address this question (or at least it was missing from the copies circulated) and as a consequence discussion was restricted to issues of principle and it was generally agreed that to maintain a list of Local Council Clerks and Members of experience and repute who would be willing to advise and assist members seeking guidance would be of benefit to all concerned in local governance at Town and Parish Council level.

## **13. Budgetary Resources**

The Monitoring Officer reaffirmed his earlier statements in response to specific issues e.g. training regarding the extent to which the Principal Authority, whilst supporting the role and significance of Chalc in attaining and maintaining high standards of governance, must have regard to the level of demand on budgetary resources. Subject to this caveat the principle set out in the concluding Compact Objective is accepted.

## **Conclusion**

In conclusion the Group agreed that it would next meet at the conclusion of 'the Away Day' fixed for 11<sup>th</sup> December 2009 and in the meantime the Chair was deputed to advise Chalc of the outcome of today's discussions and specifically to disclose the responses of the Group to Compact Objectives 1 to 13 inclusive and thereafter to meet with JW (or such other representative of Chalc as may be nominated in her continued absence) with a view to ratifying the final draft of the proposed compact. This meeting to be arranged on a date to be fixed in company with the Monitoring Officer at the offices of Cheshire East at Westfields Sandbach.

The meeting concluded at 3.30 p.m

29<sup>th</sup> October 2009

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## Issues and Ideas Paper - Cheshire East Standards Committee

### 4<sup>th</sup> September 2009

#### INTRODUCTION

Following the meeting on the 27<sup>th</sup> August of the Standards Committee Model Compact Working Group, Jackie Weaver (Chief Officer ChALC) was asked to prepare a response to a number of questions raised and to draft a proposal for support for parish council training in Cheshire East.

The Model Compact sets out a number of areas of working and best practice which the Standards Committee has tacitly approved. Identified below is a table which identifies the actions that may achieve the desired outcomes and the cost implications.

#### The Model Compact Agreement

	Compact Objective	Action Required	Cost
1	<i>To improve the relationship between the Standards Committee and the Cheshire Association, the Chief Officer will be included in the circulation list for Agendas and Minutes of the Standards Committee and will be invited to attend regular Standards Committee meetings no less frequently than twice per year.</i>	<ul style="list-style-type: none"> <li>Adding ChALC to the circulation list for the meeting papers for each Standards Committee for information (acknowledging that it would be inappropriate for confidential material to be circulated);</li> <li>Inviting ChALC to attend regular Standards Committee meetings and, where appropriate, speak on matters of relevance to Local Councils.</li> </ul>	<b>Nil</b>
2	<i>To develop the relationship between the Standards Committee and the Town and Parish Councils the Standards Committee will arrange a Parish Conference no less frequently than annually to update the Parish Clerks and Members on the work of the Standards Committee; and</i>	<ul style="list-style-type: none"> <li>Cheshire East may already have plans to hold a 'Parish Conference' of sorts as was previously held by the District/County Councils. If so the Standards Committee could take an active role in the proceedings which would dramatically reduce the overall cost.</li> </ul>	<b>tbc</b>
3	<i>The Standards Committee Chairman will be invited to attend the Annual Meeting of the ChALC to address the Local Council Members on matters of concern or interest to the Standards Committee.</i>	<ul style="list-style-type: none"> <li>ChALC hold an annual meeting and would be pleased to extend invitations to the Chairman and Vice Chairman of the Standards Committee to attend and if appropriate, speak.</li> </ul>	<b>Nil</b>
4	<i>The Standards Committee will draft an annual bulletin highlighting issues of interest or concern and circulate it to the Town and Parish Councils through the e-bulletin network of the Cheshire Association of Local Councils. Where appropriate, significant issues/outcomes from the Standards Committee may be</i>	<ul style="list-style-type: none"> <li>ChALC will ensure that general information or regular updates the Standards Committee and/or Monitoring Officer wish to circulate to Local Councils is distributed by e-mail and where appropriate, signposted in the bi-monthly newsletter. This may be used to support the material also being sent out by Cheshire East to ensure the widest</li> </ul>	<b>Nil</b>



# Issues and Ideas Paper - Cheshire East Standards Committee

## 4<sup>th</sup> September 2009

	<i>circulated in a timely manner.</i>	possible audience.	
<b>5</b>	<i>The Monitoring Officer will write to the Local Council Clerks in March/April to remind them of the requirements for newly elected or returned members and to advise them of the support that is provided by the Monitoring Officer and how to access that support. In addition a further letter will be compiled and circulated to Local Councillors outlining the support offered by the Monitoring Officer; and</i>	<ul style="list-style-type: none"> <li>Regular reminders to be sent to Parish Clerks advising them of what the Monitoring Officer requires from them and reminding them of the support available for Code of Conduct Issues from the Standards Board and Cheshire East.</li> </ul>	<b>tbc</b>
<b>6</b>	<i>The Monitoring Officer will copy the ChALC in on such correspondence and signpost ChALC as a means of additional support for those Town and Parish Councils.</i>	<ul style="list-style-type: none"> <li>ChALC is a regular point of contact for both member and non-member Local Councils so it is helpful to make them aware of what is being sent to Local Councils.</li> </ul>	<b>Nil</b>
<b>7</b>	<i>The Standards Committee will recognise ChALC as the means by which it will recruit Parish Members and that a protocol for the recruitment of those members will be developed between the Standards Committee and ChALC.</i>	<ul style="list-style-type: none"> <li>ChALC has previously facilitated the election of the Parish Members by the Local Councils themselves and may be charged with so doing in the future. The procedure itself may be agreed between the Standards Committee and ChALC.</li> </ul>	<b>Nil</b>
<b>8</b>	<i>The Standards Committee will catalogue available information in a format that Clerks and Councillors can access directly, either upon request or via a link on the Principal Authority website. This catalogue should include: guidance; case studies; link to the Standards Board website; training opportunities; forms and contact information.</i>	<ul style="list-style-type: none"> <li>There is an increasing demand for information to be made available from a central location and web based solutions are often seen as cost effective. A Cheshire East Web Area would be a valuable tool for accessing general Code of Conduct information for Clerks and Members of Local Councils.</li> </ul>	<b>tbc</b>
<b>9</b>	<i>A training programme should be developed in partnership between the Monitoring Officers, ChALC and the Society of Local Council Clerks to address the specific needs of both members and officers in Town and Parish Councils.</i>	<ul style="list-style-type: none"> <li>For details - see below</li> </ul>	
<b>10</b>	<i>A training register should be kept by each Clerk showing the Code of Conduct training that has been accessed by the Clerk and members.</i>	<ul style="list-style-type: none"> <li>Each Clerk should be requested to keep this information and, if required, submit it to the Monitoring Officer.</li> </ul>	<b>Nil</b>

## Issues and Ideas Paper - Cheshire East Standards Committee

### 4<sup>th</sup> September 2009

11	<i>A 'hot-spot' training session should be developed for roll out to any Town or Parish Council experiencing high levels of complaint or where the Standards Committee has identified special need.</i>	<ul style="list-style-type: none"> <li>For details - see below</li> </ul>	
12	<i>A mentoring programme should be developed consisting of knowledgeable Town or Parish Council members and Clerks who are supported in working with Parish Councils to avoid potential complaints.</i>	<ul style="list-style-type: none"> <li>For details - see below</li> </ul>	
13	<i>The Monitoring Officer should seek to encourage the use of budgetary resources to support ChALC in delivering the recommendations contained in the Compact, recognising the important role they play in providing an interface between the Standards Committees and the Town and Parish Councils.</i>	<ul style="list-style-type: none"> <li>When Cheshire East seeks to deliver support to Local Councils in Code of Conduct issues it should consider delivery through ChALC as an option.</li> </ul>	<b>tbc</b>

### Training Programme

There was general recognition that a 'one size fits all' training offer would not meet the requirements of the Committee; Monitoring Officer or Local Councils themselves. To that end a number of opportunities were identified:

<b>Regular Update Sessions</b>  Integration of Code of Conduct into the existing training modules of the County Training Partnership so that CoC becomes a natural part of the knowledge necessary for a new councillor or clerk.	<ul style="list-style-type: none"> <li>Sharing and updating of the Roles and Responsibilities and Chairmanship 2 - Professional Conduct Modules of the Training Programme</li> <li>MO to draft programme of what should be included as a basic 20 minute introduction and a 10 minute mini-module on the Chairman's responsibilities</li> </ul>	<b>Officer time from both Monitoring Officer and ChALC Chief Officer</b>
<b>Hot-Spot or Special Measures Programme</b>  Formal 2 hour Code of Conduct Training Session covering all aspects of the CoC relevant to Local Councils that can be delivered to a number of interested individuals from a variety of Local Councils or which can be specifically delivered to a	<ul style="list-style-type: none"> <li>Review of the existing training programme developed to advise Local Councils of their duties and responsibilities under the latest CoC.</li> <li>Development of handouts to enable those attending the sessions to have documentation to refer back to if necessary</li> </ul>	<b>2 Days</b>   <b>2 Days</b> <b><u>Total: £600</u></b>



## Issues and Ideas Paper - Cheshire East Standards Committee

### 4<sup>th</sup> September 2009

Council that has had a number of complaints or which the MO believe would benefit from that level of support.	<ul style="list-style-type: none"> <li>• Delivery - where commissioned by MO for an individual Council</li> <li>• Delivery - where attended by an individual to be paid for by the Local Council or by agreement by MO</li> </ul>	<p><b>£100 per session</b></p> <p><b>£30 per session</b></p>
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The breakdown above envisages that the training costs will be taken up by both the Principal Authority and individual Local Councils.

Cheshire East may consider funding the original development work that needs to be undertaken and may consider funding this in partnership with Cheshire West and Chester for whom the issues will be similar. The cost for the development work would be in the region of £600.

Individual Local Councils would have the opportunity to 'buy into' the CoC module as they can with all other modules in the Training Programme where they felt it would be to their advantage or was part of their member development programme.

The Standards Committee may use training as a 'sanction' following an investigation and at that point may consider it appropriate to pay for the training to be delivered to a single Local Council en bloc. The cost for such a Council session would be £100. *(please note - this delivery of a training module to a single Local Council is priced at well below the current rate for training delivery through the County Training Partnership - the usual charge would be £250 - but this is priced to encourage its use).*

Should the Standards Committee or MO require the module to be delivered to a wider group of individuals then this could be accomplished at a charge of £10 per person *(please note - the current charge for a 2 hour County Training Partnership session is £30 (£40 for non-members of ChALC, SLCC and CCA) - again priced to encourage use).*

As a final comment, it is important that CoC training is accessible both in terms of cost and delivery but ChALC also has a responsibility to the County Training Partnership and cannot 'undercut' training provision through that partnership. The costings above take account of this and the cost of an ad hoc session commissioned by the MO, Standards Committee or individual Local Council will be at the standard rate of the CTP - i.e. £30. However, where the MO or Standards Committee commissions delivery to a targeted audience or to a wider group the discounted rate will apply.

## CHESHIRE EAST COUNCIL

### REPORT TO: STANDARDS COMMITTEE

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**Date of Meeting:** 23<sup>rd</sup> November 2009

**Report of:** Monitoring Officer

**Subject:** Standards in Partnerships Protocol

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#### **1.0 Report Summary**

- 1.1 The report outlines the work which Standards for England (formerly the Standards Board for England) has undertaken to develop a protocol for values and behaviours for use within partnerships.

#### **2.0 Recommendations**

- 2.1 The Committee is invited to consider establishing a working group of Members and Officers, including appropriate Officers from the Partnership Team to develop a protocol for use within Cheshire East.

#### **3.0 Reasons for Recommendations**

- 3.1 High standards are a cornerstone of good governance and should become embedded in the culture of organisations. It is as important to achieve good governance in partnership arrangements as it is in individual organisations.
- 3.3 The development of a "Standards in Partnerships" Protocol will help to achieve this.

#### **4.0 Wards Affected**

- 4.1 Not applicable.

#### **5.0 Local Ward Members**

- 5.1 Not applicable.

#### **6.0 Policy Implications**

- 6.1 None. There is no policy on the development of such a partnership arrangement.

**7.0 Financial Implications for Transition Costs**

7.1 None identified.

**8.0 Financial Implications 2009/10 and beyond**

8.1 None identified.

**9.0 Legal Implications**

9.1 None identified

**10.0 Risk Management**

10.1 No risks identified.

**11.0 Background and Options**

11.1 Standards for England aims to encourage high standards in partnership working by defining appropriate behaviour in day-to-day partnership working. Good governance enables an authority to pursue its vision effectively as well as underpin that vision with mechanisms for control and management of risk<sup>1</sup>.

11.2 Within partnerships, potential issues which can arise are that different partners work within different cultures, particularly in respect of openness and transparency. There is inconsistency in the codes which partners operate under and inconsistency in how they are enforced.<sup>2</sup>

11.3 Since the Autumn of 2008, Manchester City Council has assisted Standards for England in its work to develop a protocol for working in partnership. The key aim of the project was to develop a shared set of values and behaviours which will underpin partnership work. This will, in turn, encourage high standards and will enable partners to agree what behaviour can be expected from each other and provide a means by which to hold each other to account.

11.4 The draft protocol (attached) is consistent with the CIPFA SOLACE Good Governance Framework which was designed to assist authorities to consider how to review their governance arrangements. It also draws on the seven principles established by the Committee on Standards in Public Life (known as “the Nolan Principles”), ie selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Standards for England consider that such a protocol should not be regarded as a finished product, but rather as a framework that authorities can adapt to suit specific partnership arrangements.

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<sup>1</sup> CIPFA SOLACE Good Governance Framework

<sup>2</sup> Greasley et al, 2006

- 11.5 It is recommended that a working group of Members and Officers be established, to include representation from the Partnership Team. The group will use the draft protocol as a framework for development of a local protocol for use across Cheshire East. In its work, Officers will involve partners as appropriate.

The group's findings will be reported to the Committee in due course.

## **12.0 Overview of Year One and Term One Issues**

- 12.1 None identified.

## **13.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

Name: Chris Chapman  
Designation: Monitoring Officer  
Tel No: 01625 529922  
Email: [chris.chapman@cheshireeast.gov.uk](mailto:chris.chapman@cheshireeast.gov.uk)

## **APPENDIX**

### **The Protocol**

#### **Achieve intended outcomes**

Our priorities are evidence-based and our decision-making is transparent.

We will:

- Share resources to achieve joint outcomes
- Monitor how well we have used our resources
- Actively encourage ideas and innovation
- Ensure that decision-making is transparent
- Be committed to continuous improvement
- Ensure that claims of improved performance are based on clear evidence
- Establish accountability both across the partnership (horizontally) and within each organisation (vertically)

#### **Public interest**

We act in the interest of the public and demonstrate value.

We will:

- Focus on long-term as well as short-term issues
- Act in the interests of the public good over individual interests
- Demonstrate to the community how we are achieving publicly valued outcomes
- Agree a protocol for the handling of complaints that relates to our joint work

### **Building partners' capacity**

We act build capacity in our partnership.

We will:

- Be committed to developing individual partners' skills to achieve our aims
- Encourage partners to be confident working outside of their organisational culture
- Be open to partners' suggestions and help.

### **Value and respect each other**

We respect and value everyone's contribution.

We will:

- Ensure that all partners contribute appropriate and openly
- Acknowledge the capabilities of all members
- Recognise and embrace the role of voluntary and community sector partners
- Avoid dominance by one or two individuals
- Respect each other's roles and needs
- Actively encourage the participation of all partnership members
- Build effective working relationships with each other
- Recognise the value of all partners' contributions

### **Act ethically**

We act ethically. We are open and objective and encourage constructive challenge.

We will:

- Agree a mechanism for "whistle-blowing" and dealing with complaints
- Ensure that "whist-blowers" are supported

- Actively promote a “no-blame” culture
- Support partners both to understand and constructively challenge any poor behaviour
- Use appropriate, unambiguous and simple language
- Agree how we will achieve democratic accountability
- Ensure that our dialogue is open and transparent
- Declare conflicts of interest and address them
- Make sure that the purpose of all meetings is made clear
- Be honest and objective

### **Aligning strategies and networks**

We harness our collective efforts through joint planning, delivery and governance arrangements.

We will:

- Ensure that partners can influence the decision-making of member organisations
- Allow sufficient time and capacity to be given to understand an issue and to reflect on its impact
- Make sure that actions taken by the partnership are clear, time-limited and task-orientated
- Encourage all partners to actively shape the strategy
- Ensure that agreed actions are carried out



## Code revision

We reported on Communities and Local Government's consultation on proposals for a revised code for members and the introduction of a national code for officers in [issue 41](#) of the *Bulletin*.

Many of you have been in touch to find out when you can expect the new code for members. The department for Communities and Local Government is responsible for dealing with the revisions and current advice is that a revised code will be ready in late autumn 2009.

We do not anticipate many changes to the Code this time around. The main change will be to allow the Code to cover members in their non-official capacity, where that conduct would be a criminal offence.

We have been informed that further consultation on the introduction of a code for officers is likely to take place in 2010.

## Imposing sanctions: Written apologies

Regulation 19 of the [Standards Committee \(England\) Regulations 2008](#) lists the 11 sanctions available to a standards committee. Standards committees must be careful that any sanctions they choose are included in this list. For example, a verbal apology is not listed and would not therefore be a valid sanction. Asking a member to submit a written apology in a form specified by the committee is valid.

The written apology sanction is a difficult sanction to enforce if a member chooses not to comply with it. Standards committees should consider this when deciding on which sanction to impose.

If a standards committee decides that a written apology is appropriate it should:

- specify the form in which the apology should be written
- set a time-limit for the apology to be written.

If a member fails to issue the written apology, the member may face a further complaint of potentially bringing their office or authority into disrepute by failing to comply with the sanction. However, it could be argued that it would be a better use of council resources to ensure the original sanction allows for the possibility that the apology is not given.

The regulations allow for the suspension of a member for a period not exceeding six months or until such time as the member submits a written apology in a form specified

by the standards committee. In this way a standards committee can ensure that if a member does not apologise, they will remain suspended for a period of up to six months or until they do.

Care should be taken when deciding on the period of suspension that would apply if no apology is given. It should properly reflect the seriousness of the breach of the code of conduct. Imposing a six month suspension period to encourage an apology to be given would be a misuse of the power.

Standards committees should carefully consider the appropriateness of imposing a written apology when a member has shown no remorse for their conduct and no evidence at the hearing to indicate they are able to acknowledge their behaviour and its impact on others. Any apology issued in such circumstances is unlikely to be seen as being genuine.

For more information on sanctions please see our [Standards Committee Determinations guidance](#).

## Intimidation and the Code

On July 23 2009, the President of the Adjudication Panel for England made a significant decision in the case of Councillor Buchanan, an ex-councillor of Somerset County Council.

This is an important judgment as it is the first occasion in which the Adjudication Panel had to deal with a potential breach of paragraph 3(2)(c) of the Code of Conduct. Paragraph 3(2)(c) concerns the intimidation of, or an attempt to intimidate, a complainant in a Code of Conduct investigation.

### The Facts

In April 2007, the Chief Executive of Somerset County Council made a number of complaints about Councillor Buchanan's behaviour to Standards for England. Later on that year, Councillor Buchanan made a formal complaint to the council about the Chief Executive's conduct which the council decided not to investigate.

Following a further complaint from the Chief Executive about Councillor Buchanan, the council's Liberal Democrat group asked Councillor Buchanan if he would suspend himself from the group pending the outcome of all ongoing investigations, but he declined. Councillor Buchanan was notified that his membership of the Liberal Democrat group had been formally revoked on 5 December 2007.

On that same day, Councillor Buchanan wrote a letter to the Association of Local Authority Chief Executives, (ALACE) stating formal complaints about the Chief Executive and listed five headings of inappropriate and unacceptable types of behaviour that the Chief Executive had allegedly committed. And five days later, he sent a letter in identical terms to the Society of Local Authority Chief Executives (SOLACE).

On 15 December 2007 Councillor Buchanan further wrote a formal complaint to the council's monitoring officer in almost identical terms.

The Chief Executive then complained about Councillor Buchanan's motivation and intent in making the serious allegations about him in the letters. This was because Councillor Buchanan knew that Chief Executive was the complainant in an ongoing investigation.

Against these facts the Tribunal had to decide whether:

- Councillor Buchanan had brought his office or authority into disrepute
- had used his position to improperly disadvantage the Chief Executive
- had intimidated or attempted to intimidate the Chief Executive.

The respondent's case was that he had either witnessed or been told about the Chief Executive's alleged behaviour and had previously raised his concerns about the behaviour with various senior officers of the council.

### **The Adjudication Panel's findings**

The Tribunal's findings were that Councillor Buchanan had not voiced the concerns he was now alleging and that:

- although he may have formed a belief about the seriousness of the alleged behaviour, there was no evidence to suggest that it was reasonable for him to have done so
- whatever he had seen, he did not at the time regard the alleged incidents as seriously as he was asserting at the time he wrote the letters
- he had knowingly exaggerated the facts about the Chief Executive's style and performance in order to strengthen his allegations of serious misconduct.

Counsel for the ethical standards officer (ESO) had helpfully referred the Adjudication Panel to the Shorter Oxford Dictionary definition of the word 'intimidate' as meaning terrify, overawe, cow. The dictionary suggested the word was now used especially in order to mean to force to or to deter from some act by threats of violence.

Counsel for the ESO also referred the Tribunal to R v Patresca [2004] EWCA Crim 2437, which concerned an offence under Section 51 of the Criminal Justice and Public Order Act 1994. This proves that a person commits an offence if he or she does an act:

- (a) which intimidates and is intended to intimidate another person (the victim)
- (b) knowing or believing that the victim is assisting in the investigation of an offence or is a witness or potential witness
- (c) intending thereby to cause the investigation or the course of justice to be obstructed perverted or interfered with.

The Court of Appeal noted that the Criminal Justice and Public Order Act provided that "an intimidatory act which consists of threats may threaten financial as well as physical harm".

In the course of the judgment, May LJ confirmed that 'intimidate' and 'intimidation' are ordinary English words and endorsed the dictionary definition referred to above and stated:

"In our judgement, a person does an act which intimidates another person within section 51 (1) (a) of the 1944 Act if he puts the victim in fear. He also does it if he seeks to deter the victim from some relevant action by threat or violence. A threat unaccompanied by violence may be sufficient and the threat need not necessarily be a threat of violence. The act must be intended to intimidate. The person doing the act has to know that the

victim is a ...witness or potential witness..., He has to do the act intending thereby for the cause of justice to be obstructed, perverted or interfered with. A person may intimidate another person without the victim being intimidated...An act may amount to intimidation even though the victim is sufficiently steadfast not to be intimidated.

"In our judgement pressure to change evidence alone is insufficient, Pressure alone might be unexceptional and entirely proper at least if applied in an honest belief, for instance that what was sought was evidence which would be truthful. Alternatively pressure might be improper but lack any element of intimidation, for example a bribe. For a person to intimidate another person the pressure must put the victim in some fear, or if not there must nevertheless be an element of threat or violence such that the pressure is improper pressure."

Against this background, the Case Tribunal had no doubt that in writing the letters to ALACE and SOLACE and later to the council, Councillor Buchanan was motivated by a desire to cause harm to the Chief Executive whom he saw as responsible for the collapse of his political career.

The Case Tribunal was also in no doubt that in writing those letters, the respondent intended to cause the Chief Executive a disadvantage both in terms of his future employment with the council or more widely. Because those letters were submitted essentially as an act of revenge, the respondent did use his position improperly and had thus failed to follow the provisions of paragraph 6(a) of the council's Code of Conduct.

The Tribunal also found that even though there was no evidence that the Chief Executive was intimidated, that did not of itself mean that the allegation of a breach of paragraph 3 (c) failed. There would still be such a breach if the respondent had attempted such intimidation.

The Case Tribunal believed that for the claim to succeed it would have to accept that the letters were intended to intimidate the Chief Executive into:

- altering any evidence he was called upon to give against the Councillor; **or**
- not making further complaints about the Councillor.

On the facts of this particular case the Case Tribunal concluded that neither were Councillor Buchanan's intention. The evidence here was that the respondent was seeking revenge for the Chief Executive's past actions rather than seeking to intimidate him. Therefore there was no breach of paragraph 3(c) of the council's Code.

The Case Tribunal's view was that the respondent, in allowing his actions to be motivated by his desire for revenge, had shown himself to be unfit to be a councillor and local authorities should be protected from his membership.

Although the respondent had by then ceased to be a councillor, he was disqualified was two years.

You can read the Adjudication Panel's decision in this case on its [website](#).

## **New organisational design for SfE**

During the summer, Standards for England has been making progress with an internal restructure which coincides with three new senior officers taking up their posts.

Our three new directors are Director of Risk Vivienne Horton, Director of Regulation Tim Leslie, and Director of Standards Steve Barrow.

The restructuring allows us to align our resources more closely with our role as a strategic regulator and to deliver the tasks we have set ourselves in our corporate plan. Our day-to-day Regulation activities – investigations, guidance, liaison and monitoring – fall within our new Regulation directorate.

In the new Risk directorate, Vivienne leads on our approach to assessing and managing standards risks. Within the new Standards directorate we are developing our knowledge base, our approach to strategic regulation and, of course, our own standards.

## **Corporate Plan and Annual Report published**

Our Annual Report for 2008-09 was laid before Parliament in July. It contained a summary of our work and all of the required corporate reporting of financial arrangements.

We think you'll be more interested in our Annual Review of 2008-09 which we expect to publish in the autumn. That's a little later in the year than we've published our annual review in the past, but we wanted this year to be able to include a significant digest of the information supplied to us by authorities in our annual returns.

The document will be in two parts – a review of our work at Standards for England, and a review of the first year of the local framework based on the information you've supplied us. We'll be highlighting plenty of examples of what we consider to be notable practice, and setting out some of the issues we wish to tackle as regulator, based on what you've said.

Copies will be distributed to all authorities and we'll publish online too.

In the early part of this year, we've been operating to a draft corporate plan pending sign off by the responsible minister in our sponsor department, Communities and Local Government. The plan was signed off earlier in the summer and we have now published our corporate plan under the title of The Changing Role of the Standards Board for England.

Copies have been sent to monitoring officers and it is also available to download [here](#).

## **Review of online monitoring system - an update**

The majority of monitoring officers believe that our Quarterly Returns and Annual Returns are working effectively, according to our research.

During the summer, our research team conducted the final part of its review of Standards for England's online monitoring system. This forms part of a programme of work to assess how well the system is working, and was the final part of a review project that started in June 2008.

For this part of the research, the team distributed surveys to a random sample of monitoring officers and officers who are nominated to make an online submission. Some 50 surveys were sent to assess satisfaction levels with the quarterly return, and another 50 for the annual return (this was the first time this return had been used by stakeholders). We had a good response to our survey with about half the questionnaires being returned. We would like to thank all those who participated in the survey.

The survey's results show that the majority of monitoring officers/nominated staff surveyed continue to agree that the quarterly return is working effectively, with respondents encountering minimal or no difficulty in submitting their return. There were plenty of suggestions from respondents on how to further develop the form now that the quarterly return has been operational for over a year.

The annual return survey also showed that stakeholders are pleased with how the annual return form worked during its first run. There were lots of suggestions from respondents on how the form can be enhanced in the future, with certain sections of the form being considered more relevant than others. These suggestions have been passed on to our annual return development team, and will be incorporated into the design of next year's form.

If you have any questions about this review or future reviews of the system, please contact Tom Bandenburg, Research Assistant: 0161 817 5427 or email: [tom.bandenburg@standardsforengland.gov.uk](mailto:tom.bandenburg@standardsforengland.gov.uk).

## **That's a wrap!**

Editing is now underway for our new training DVD on Local Assessment following a successful shoot last month. Viewers will follow the work of Jack Ridley and his fellow assessment sub-committee members as they look at a variety of complaints about councillors covered by their standards committee.

The film is designed to help standards committees and officers who are involved in the assessment of complaints that a member may have breached the Code of Conduct. It will take viewers through the main stages of local assessment, exploring important or contentious issues along the way.

Learning points are interspersed with the drama. Standard DVD extras including scene selection and subtitles will also be available.

Copies of the DVD will be sent to all monitoring officers in October, and we look forward to hearing your thoughts.

## **Annual Assembly 2009: Bringing standards into focus**

There are just a handful of places left for the 2009 Annual Assembly, 'Bringing standards into focus', at the ICC, Birmingham, on 12-13 October 2009.

This year, we've responded to your call for more sessions focused on good practice, and the programme is full of opportunities for you to share the lessons you've learnt about the local standards framework. A great range of speakers are now on board, including standards committee members and officers from authorities across the country, as well as all those shortlisted for the 2009 LGC Standards and Ethics award. Full details of the programme, including confirmed speakers, is available [here](#).

Solicitors attending the Assembly can earn 10.25 bonus credits towards their continuing professional development, as the event is certified to count towards SRA's CPD scheme.

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.

## **Changes at the Adjudication Panel for England**

In Bulletin [issue 42](#) we wrote about the Adjudication Panel for England's integration into the new unified tribunals' structure.

The Adjudication Panel's work is due to transfer into the new General Regulatory Chamber (GRC) within the First-tier Tribunal in January 2010, subject to Parliamentary approval. The GRC is a new chamber that will bring together individual tribunals that hear appeals on regulatory issues.

From January 2010, proceedings which would previously have been before the Panel's tribunals, and decisions previously made by the President of the Adjudication Panel, will be undertaken in the GRC of the First-tier Tribunal. Appeals from the GRC will be to the Administrative Appeals Chamber of the Upper Tribunal.

These changes are part of a programme of tribunal reform that began with the establishment of the First-tier and Upper Tribunals in November last year. This put in place a new flexible structure where services can be built that are increasingly responsive to the needs of users.

The independent status of the judicial office holders who consider the references and appeals that come to the Adjudication Panel is not affected by the transfer into the unified structure. Tribunal users will continue to receive a specialist service following the changes, as members of the Adjudication Panel will move into the new First-tier Tribunal. They will continue to deal with the references and appeals on matters arising from the operation of the Code.

You can find out more about the merger [here](#).

All postal correspondence, including standards committee referrals and subject member appeals should now be sent to the Adjudication Panel's new address:

Adjudication Panel for England  
Tribunal Service  
York House  
31-36 York Place  
Leeds  
West Yorkshire  
LS1 2ED

## Forthcoming events

Standards for England has a packed event calendar for the next few months.

You can visit us on our stands at the following events:

### **NALC Annual Conference**

4-5 September  
Royal College of Physicians, London  
Stand 4 in the Dorchester Library

### **Liberal Democrat party conference**

19 -23 September 2009  
Bournemouth ICC  
Stand 36 in the Solent Hall

### **Labour party conference**

27 September - 1 October 2009  
Brighton Centre  
Stand 92 in the Hewison Hall

### **Conservative party conference**

5 -8 October 2009  
Manchester Central  
Stand 106

### **Solace Annual Conference**

20 - 22 October  
Brighton Centre

### **Society of Local Council Clerks National Conference**

23-25 October

De Vere Hotel, Daventry  
Stand 34

**AcSeS Annual Conference**

18-19 November

The Armouries, Leeds

## **SfE continues to support LGC award**

We are pleased to announce our continued support for the **Standards and Ethics** category at the **2010 LGC Awards**, following the success of last year's award.

The quality of last year's entries showed that many local authorities are strongly committed to promoting high standards of member conduct, and see the vital connection between standards, public trust and success. Good practice ideas from last year's winners are available on our [website](#).

This year, we want to know more about how authority standards committees, members and officers are working together to champion ethical standards and make a positive difference to public trust.

Entries should demonstrate how high standards of conduct are central to the authority's culture and governance. You can enter online at [www.lgcawards.co.uk](http://www.lgcawards.co.uk), where you can also find further information on the LGC Awards. The closing date for entries is **13 November 2009**.

If you would like further information on the award, you can also contact Clare Sydney, Standards for England Communications and Events Manager, on 0161 817 5332.

## **NALC's Local Council Awards 2009**

NALC's Local Council Awards 2009 NALC has re-launched its Local Council Awards. NALC is looking for good practice from councils regardless of size or location. This year's NALC Local Council Awards will be in the categories of:

- Council of the Year sponsored by AON
- Clerk of the Year sponsored by AON
- Councillor of the Year sponsored by the Commission for Rural Communities (CRC)
- Council Worker of the Year sponsored by The Co-operative Bank
- Much Improved Council of the Year sponsored by Standards for England

The closing date for applications is 30 November 2009.

For further information about the awards criteria and application details please visit the NALC website or the website of [NALC's](#) flagship publication, [LCR](#).

## Updating authority websites

If your authority's website contains contact information for us, please make sure that it is up-to-date.

You are welcome to use our logo as a link to our website. If you would like to do so, please contact Trish Ritchie on 0161 817 5406 or [trish.ritchie@standardsforengland.gov.uk](mailto:trish.ritchie@standardsforengland.gov.uk) who will send one to you.

Here are our current contact details

Address:

Standards for England

Fourth Floor

Griffin House

40 Lever Street

Manchester

M1 1BB

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

Email: [enquiries@standardsforengland.gov.uk](mailto:enquiries@standardsforengland.gov.uk)

Enquiries line: 0845 078 8181