

Standards Committee

Agenda

Date: Monday, 27th September, 2010
Time: 2.00 pm
Venue: Committee Suite 1,2 & 3, 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 top 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. It is not required to give notice of the intention to make use of public speaking provision; however, as a matter of courtesy, a period of 24 hours notice is encouraged.

Members of the public should provide 3 clear working days notice, in writing, if they wish to ask a question at the meeting, in order for an informed answer to be given.

Please contact Carol Jones on 01270 686471
E-Mail: 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

4. **Minutes of Previous meeting** (Pages 1 - 4)

To approve the Minutes of the meeting held on 26 July 2010.

MATTERS REQUIRING A DECISION BY THE COMMITTEE

5. **Sub-Committee Terms of Reference** (Pages 5 - 10)

At the meeting of the Standards Committee held on 26 July 2010, the role of each of the Sub-Committees was discussed and clarification sought. The attached report details the Terms of Reference for each of the Sub-Committees of the Standards Committee, namely [(1) Assessment Sub-Committee; (2) Review Sub-Committee; (3) Hearings Sub-Committee, which is divided into the two roles of (i) consideration; and (ii) hearings.

6. **Planning Protocol** (Pages 11 - 32)

To consider the joint report of the Monitoring Officer and the Head of Planning and Policy which proposes amendments to the Planning Protocol adopted by Council on 24th February 2009.

The Committee is invited to commend the revised Planning Protocol to the Constitution Committee for inclusion in the Constitution.

7. **Partnership Protocol** (Pages 33 - 52)

The attached report provides an update on the work undertaken to develop a protocol for values and behaviours for use within partnerships.

The Committee is invited to -

- i) endorse the action taken by the Local Strategic Partnership to integrate the Standards in Partnerships Protocol into the LSP Partnership Agreement;
- ii) request the Head of the Partnership Team to produce an Annual Report for this Committee on the effectiveness of the Partnership Agreement;
- iii) request the Monitoring Officer to promote the agreement across Cheshire East for those Partnerships outside the Local Strategic Partnership Framework; and
- iv) request the Constitution Committee to consider incorporating the agreed Protocol into the Constitution as part of its ongoing review.

8. **ICT Code of Practice for Cheshire East Members** (Pages 53 - 58)

ICT Security Policies have been developed and agreed and a Code of Practice for Staff has been developed to give specific examples and guidance to aid the interpretation of the detailed policies.

A Code of Practice for Members has also been produced to give specific examples. The Committee is asked to adopt the ICT Code of Practice for Members.

9. **Customer Complaints and Local Government Ombudsman Complaints**
(Pages 59 - 64)

At its meeting held on 26 July 2010, the Committee considered a report which provided a summary of complaints dealt with by the Local Government Ombudsman in respect of Cheshire East Council for the period 1 April 2009 to 31 March 2010.

The Committee requested a summary report on both Local Government Ombudsman complaints and customer complaints to be submitted to each meeting of the Committee.

The attached combined report provides a summary of the corporate complaints and Local Government Ombudsman complaints for the period 1 April 2010 to 30 June 2010.

The Committee is asked to note the report and make any comments it considers appropriate.

INFORMATION ITEM

10. **Standards for England - Bulletin 48** (Pages 65 - 68)

To receive the Standards for England Bulletin No. 48.

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11. **Exclusion of Press and Public**

The report relating to the remaining item on the agenda has been withheld from public circulation and deposit pursuant to Section 100(B)(2) of the Local Government Act 1972 on the grounds that the matter may be determined with the press and public excluded.

The Committee may decide that the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 7c of Part 1 of Schedule 12A (as amended) of the Local Government Act 1972 and the public interest would not be served in publishing the information.

**PART 2 - MATTERS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC
AND PRESS**

12. **Complaints Received Under the Code of Conduct** (Pages 69 - 72)

To consider a report on complaints received under the Code of Conduct.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Standards Committee**
held on Monday, 26th July, 2010 in Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

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

Councillors Rhoda Bailey, B Dykes, J Hammond, M Parsons, L Smetham,
Barnett and Eatough

Independent Members:

Mr I Clark and Mr M Garratt

Parish Representatives:

Mrs P Barnett and Mrs T Eatough

APOLOGIES:

Councillor M A Martin, Mr K Edwards and Mr R Pomlett

OFFICERS IN ATTENDANCE:

Mr C Chapman	Monitoring Officer
Mrs H Gough	Customer Services Manager
Mr P Jones	Democratic Services Team Leader
Mrs C M Jones	Democratic Services Officer

10 DECLARATIONS OF INTEREST

No declarations of interest were made.

11 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 its work.

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

12 MINUTES OF PREVIOUS MEETING**RESOLVED**

That the minutes of the meeting held on 24 May 2010 be approved as a correct record.

13 PARTNERSHIPS PROTOCOL

Arising out of discussion of the minutes of the previous meeting, Members requested an update on the development of the Partnerships Protocol.

RESOLVED

That an update on development of the Partnerships Protocol be submitted to the next meeting.

14 LOCAL GOVERNMENT OMBUDSMAN COMPLAINTS

The Committee considered a report which provided a summary of complaints dealt with by the Local Government Ombudsman in respect of Cheshire East Council for the period 1 April 2009 to 31 March 2010.

During discussion of the report, the issue of customer complaints in general was raised. An outline of the process was provided for Members, together with an indication of current performance compared with the previous period. Complaints, suggestions and compliments management information was collated on a monthly basis. A new Customer Relationship Management (CRM) System was to be introduced in September 2010 and this would improve the capture of the monthly management information.

Members considered that it would be helpful to receive a report at each meeting on complaints/compliments generally, divided into the type of complaint, response rates for responding to complaints and whether or not they were satisfactorily resolved from the perspective of the complainant. The information would enable the Committee to detect emerging trends and highlight areas of concern.

RESOLVED

That a summary report on both Local Government Ombudsman complaints and customer complaints be submitted to each meeting of the Committee.

15 TRAINING REQUIREMENTS

The Committee was invited to identify any training needs. At the previous meeting, it had been suggested that Chairmen's training in respect of the process/procedures for the three Sub-Committees be undertaken. The possibility of joint training was being explored.

Basic planning training for Members of the Committee had also been suggested. The Planning Protocol was currently being reviewed and updated and in view of this, it may be appropriate for probity training to be arranged in November 2010.

RESOLVED:

That training events be arranged as appropriate.

16 THE FUTURE OF STANDARDS FOR ENGLAND AND IMPACT UPON THE STANDARDS COMMITTEE

The Committee considered a report on the current position regarding Standards for England and the implications for the Standards Committee.

Following the Parliamentary Election and the formation of the Coalition Government, it had been announced that the standards board regime, and as part of this, Standards for England, was to be abolished. The draft Bill “Decentralisation and Localism”, which was expected to enact the abolition, had not yet been published. The date for abolition was unknown, but was expected to be later in the year or early in 2011.

During discussion of the implications for the Standards Committee, the Chairman suggested that the “Issues and Improvements Working Group” meet on Tuesday, 2 November at 2 pm to prepare a discussion paper for consideration at the November meeting of the Committee.

RESOLVED:

That

1. the report be noted; and
2. arrangements be made for a meeting of the “Issues and Improvements Working Group” on Tuesday, 2 November 2010.

17 EXCLUSION OF PRESS AND PUBLIC

That the press and public be excluded from the meeting during consideration of the following item, pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 7c of Part 1 of Schedule 12A (as amended) of the Local Government Act 1972 and the public interest would not be served in publishing this information.

18 COMPLAINTS RECEIVED UNDER THE CODE OF CONDUCT

The Committee received a report about serving Cheshire East Councillors (Complaint Nos. CEC/10/02 and CEC10/03); a Town Councillor (Complaint No. CEC/10/04); and a report back in respect of Complaint No. CEC/10/01.

The complaints had been considered by an Assessment Sub-Committee on 13 July 2010 when the following action had been agreed –
CEC/10/01 Noted

CEC/10/02 Referred to the Monitoring Officer for investigation
CEC/10/03 No action.
CEC/10/04 Referred to the Monitoring Officer for investigation

During discussion of the terms of reference for the three Sub-Committees (1 – Assessment; 2 – Review; and 3 – Hearing) it was agreed that a report clarifying the respective roles and responsibilities be submitted to the next meeting.

RESOLVED:

That

1. the report be received and noted; and
2. a report clarifying the role and responsibilities of the Standards Committee's three Sub-Committees be submitted to the next meeting.

The meeting commenced at 2.00 pm and concluded at 3.00 pm

Nigel Briers (Chairman)

CHESHIRE EAST COUNCIL

REPORT TO: STANDARDS COMMITTEE

Date of Meeting: 27 September 2010

Report of: Borough Solicitor and Monitoring Officer

Subject/Title: Terms of Reference – Standards Sub-Committees

1.0 Report Summary

- 1.1 At the meeting of the Standards Committee held on 26 July 2010, the role of each of the Sub-Committees was discussed and clarification sought. This report details the Terms of Reference for each of the Sub-Committees of the Standards Committee, namely (1) Assessment Sub-Committee; (2) Review Sub-Committee; (3) Hearings Sub-Committee, and provides a brief explanation on the role of each.

2.0 Recommendation

- 2.1 The Committee is asked to RESOLVE –

That the Terms of Reference for the Sub-Committees of the Standards Committee be noted.

3.0 Reasons for Recommendation

- 3.1 The Terms of Reference for the Standards Committee Sub-Committees comply with relevant legislation and Guidance issued by Standards for England.

4.0 Wards Affected

- 4.1 Not applicable

5.0 Local Ward Members

- 5.1 All Councillors

6.0 Policy Implications

- 6.1 None identified

8.0 Legal Implications

- 8.1 None identified other than as outlined in the report.

9.0 Risk Management

- 9.1 The creation of separate Sub-Committees to deal with various aspects of complaints has ensured that the separate functions involved in the handling of complaints can be carried out without conflicts of interest as required by legislation and guidance.

10.0 Background and Options

- 10.1 At its meeting held on 13 January 2009, the Committee agreed to the establishment of two Sub-Committees to fulfil its assessment and review roles, namely the Assessment Sub-Committee and the Review Sub-Committee.

- 10.2 On 10 March 2009, the Committee agreed to establish a separate Hearing Sub-Committee and approved its Terms of Reference. The Terms of Reference were revised to accord with the Guidance issued by Standards for England on 18 May 2009 and the Monitoring Officer reported . At the meeting, the Monitoring Officer outlined proposed amendments and these were accepted by the Committee which authorised the Monitoring Officer to make any consequential amendments.

Revised Terms of Reference were reported to the meeting held on 13 July 2009.

- 10.4 The Terms of Reference for each are attached as an Appendix. In summary, the role of each Sub-Committee is as follows:

(A) Assessment Sub-Committee

The role of this Sub-Committee is to receive complaints and make an initial assessment as to whether or not there is a *prima facie* case which warrants further action or investigation.

(B) Review Sub-Committee

If the Assessment Sub-Committee has concluded that there is no case to answer, and the complainant is dissatisfied with this outcome, they can request the Review Sub-Committee to review that decision.

This Sub-Committee will assess the complaint afresh and it has the same decision-making powers as the Assessment Sub-Committee, ie (i) refer the complaint for investigation, (ii) refer for other action, (iii) refer to Standards for England, or (iv) decide that no action should be taken.

The Review Sub-Committee cannot comprise the same membership as that of the Assessment Sub-Committee which initially assessed the complaint.

(C) Hearings Sub-Committee

Although this Sub-Committee is called the “Hearings” Sub-Committee for ease of reference, it has two distinct roles. It has a “consideration” role and a “determining” role. The “consideration” meeting is separate to the meeting at which a hearing may subsequently need to be conducted to “determine” the complaint.

“Consideration” role

Where a complaint has been referred for investigation, the Monitoring Officer will appoint an Investigating Officer to investigate the complaint. The Sub-Committee, acting in a “consideration” capacity then receives the Investigator’s Report, for the purpose of deciding, based on the facts as set out in the report, whether or not to accept the findings of the Investigator.

If the Investigator’s report concludes that there has been no breach and the Sub-Committee agrees, there is no further action.

However, if a breach has been identified by the Investigator, or the Sub-Committee disagrees with an Investigator’s finding of “no breach”, then it must hold a hearing to consider the matter in full. Not only is this in accordance with the Standards Committee (England) Regulations 2008, but it also ensures that the Rules of Natural Justice are not breached; these are the minimum standards of fair decision-making imposed on persons or bodies acting in a judicial capacity and includes (a) the right to know the case against them; (b) the right to a fair hearing; and (c) the rule against bias, including a perception of bias.

“Determination” role

This will be a separately convened Sub-Committee but it can include the same Members who considered the complaint at “consideration” stage.

At the Hearing, the subject Member and/or their representative, together with the complainant and any witnesses, will have the opportunity to present their case to Members (both orally and in writing).

The Sub-Committee will determine whether or not there has been a breach of the Code of Conduct and if it concludes that there has been a breach, will be able to impose appropriate sanctions.

11.0 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: 01270 686637
Email: chris.chapman@cheshireeast.gov.uk

APPENDIX

TERMS OF REFERENCE FOR SUB-COMMITTEES

(A) **Assessment Sub-Committee**

(3 Members – any 3 drawn from full Committee)

(Regulation 6 stipulates that an Independent Member must chair a Sub-Committee and Regulation 7 stipulates that at least one Member of the Authority must be present at the meeting)

Terms of Reference

- (a) To receive complaints that a Member of Cheshire East Council or a Town/Parish Council within Cheshire East has failed, or may have failed, to comply with the Authority's Code of Conduct;
- (b) To make an initial assessment of any complaint using the Assessment Criteria and decide one of the following courses of action:
 - (i) refer the complaint to the Monitoring Officer for investigation;
 - (ii) refer the complaint to the Monitoring Officer for other action;
 - (iii) refer the complaint to the Standards Board for investigation;
 - (iv) decide that no action should be taken.

(B) **Review Sub-Committee**

(3 Members – any 3 drawn from full Committee)

(Regulation 6 stipulates that an Independent Member must chair a Sub-Committee; and Regulation 7 stipulates that at least one Member of the Authority must be present at the meeting)

Terms of Reference

- (a) To review, upon receipt of a request from a complainant, a decision of the Assessment Sub-Committee to take no action in respect of a complaint that a Member of Cheshire East Council or a Town/Parish Council within Cheshire East has failed to comply with the Authority's Code of Conduct and determine one of the following courses of action:
 - (i) Refer the complaint to the Monitoring Officer for formal investigation;
 - (ii) Refer the complaint to the Monitoring Officer for other action;
 - (iii) Refer the complaint to the Standards Board for England;
 - (iv) Decide that no action should be taken.

- (b) To publish a written summary giving the main points considered, conclusions reached and the reasons for the conclusions in relation to any actions set out in paragraph (a).

(C) **Hearings Sub-Committee**

(5 Members – any 5 drawn from full Committee - Quorum - 3)
(Regulation 6 stipulates that an Independent Member must chair a Sub-Committee and Regulation 7 stipulates that at least one Member of the Authority must be present at the meeting)

Terms of Reference

- (a) To consider a report of the Monitoring Officer following his investigation of the complaint and decide one of the following courses of action:
 - (i) to accept the Monitoring Officer's finding that there has been no failure to observe the Code of Conduct;
 - (ii) to refer the matter for consideration at a hearing before this Sub-Committee;
 - (iii) to refer the matter to the Adjudication Panel for determination.
- (b) To hold hearings into complaints that a Member of Cheshire East Council or a Town/Parish Council within Cheshire East has failed, or may have failed, to comply with the Authority's Code of Conduct;

To decide that:

- (i) the Member who was the subject of the hearing has not failed to comply with the Code of Conduct; or
 - (ii) the Member who was the subject of the hearing has failed to comply with the Code of Conduct but no action needs to be taken; or
 - (iii) the Member who was the subject of the hearing has failed to comply with the Code of Conduct and that a sanction should be imposed.
- (c) To impose any appropriate sanctions when a finding under paragraph (b) (iii) above occurs in accordance with Regulation 19 of The Standards Committee (England) Regulations 2008.
- (d) To publish a written summary giving the main points considered, conclusions reached and the reasons for the conclusions in relation to any actions set out in paragraphs (a) and (c) above.

CHESHIRE EAST COUNCIL

REPORT TO: Standards Committee

Date of Meeting:	27 th September 2010
Joint Report of:	Monitoring Officer and Head of Planning and Policy
Subject/Title:	The Planning Protocol

1.0 Report Summary

- 1.1 This report attaches as Appendix 1 proposed amendments to the Planning Protocol adopted by Council on 24th February 2009. The Standards Committee is asked to review and comment on the proposed amendments.

2.0 Recommendations

- 2.1 To commend the amended Planning Protocol contained in the joint report of the Monitoring Officer and Head of Planning and Policy to the Constitution Committee for inclusion in the Constitution.

3.0 Reasons for Recommendations

- 3.1 Since the adoption of the original version of the Planning Protocol by the Council, updated versions of guidance for Planning Councillors have been published, and additionally the Planning Protocol has been reviewed by the Chairmen and Vice Chairmen of the Strategic Planning Board and Planning Committees, in conjunction with Officers.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All Strategic Planning Board and Planning Committee Members

6.0 Policy Implications

- 6.1 None

7.0 Financial Implications for Transition Costs

- 7.1 None

8.0 Legal Implications

- 8.1 There is a risk of legal challenge to the decisions made by the Strategic Planning Board and Planning Committee's if robust and consistent procedures are not in place in line with current national guidance.
- 8.2 There is also a greater risk of a Local Government Ombudsman complaint being upheld if the Authority does not provide clear, consistent and up-to-date advice to Councillors in carrying out their duties and responsibilities when determining Planning Applications and considering planning matters.

9.0 Risk Management

- 9.1 The Planning Protocol, in order to operate effectively, needs to be a document that is reviewed and updated regularly, and those amendments reported to the members of the relevant Committees so that members involved in the planning process are fully aware of the contents and their responsibilities.
- 9.2 If the reviews and updates do not take place, and members are not made aware of them, a number of risks can be identified:
- Generally, a lack of up-to-date advice aimed at ensuring the integrity of the planning system for those Councillors involved as Members of the Board or Committees and for those involved as Local Ward Members
 - Personal and prejudicial interests and fettering of discretion not being identified and declared at the required times and the appropriate actions carried out as a result
 - lack of, or inconsistent, up-to-date advice concerning how Councillors respond to requests for any meetings with developers, applicants, neighbours, Parish/Town Councils
 - lack of, or inconsistent, advice regarding lobbying of and by Councillors and how to react to this
 - lack of clarity and inconsistent procedures applied throughout Cheshire East with regard to decision making at Board/Committee meetings
 - Complaints to the Local Government Ombudsman being upheld over conduct and matters that occur at Board/Committee meetings and during the conduct of planning applications.

- 9.3 The updated protocol provides updated guidance and requirements on these points.

10.0 Background and Options

- 10.1 A Planning Protocol was adopted as part of the Constitution by the Council in February 2009, and was expected to be reviewed by both Officers and Members in light of any new Guidance that had been published and the operation of the Planning Protocol following the first few months of the Strategic Planning Board and Planning Committees taking decisions as the Local Planning Authority for Cheshire East.
- 10.2 In August 2009 a meeting between the Chairmen and Vice Chairmen of the Strategic Planning Board and Planning Committees and relevant Planning Officers took place, to review a number of issues arising out of the first three months of the operation of the Development Management Service for Cheshire East. This included the operation of the Planning Protocol and any queries or issues that arose that needed amendments or clarification within the protocol.
- 10.3 At this meeting it was acknowledged that an updated version of the Local Government Association guidance document, "Probity in Planning", had been published, and while not necessitating whole scale changes to the Planning Protocol, there was some further clarification that could be incorporated within the Planning Protocol for Cheshire East. Additionally, there were a number of amendments/clarifications that Officers had identified for the Planning Protocol through the operation of such for the initial months of Cheshire East.
- 10.4 An amended Planning Protocol has now been produced and is attached as Appendix 1 to this report. The changes made have been tracked through the document to make them easy to locate and identify what the changes are.
- 10.5 The amended Planning Protocol was considered by the Strategic Planning Board at their meeting on the 25th September 2010, and they resolved that the amended Planning Protocol be commended to the Constitution Committee for inclusion in the Constitution subject to minor amendments to paragraph 8.4 and 4.5, and any views that are expressed by the Standards Committee. The amendments required have been incorporated into the document at Appendix 1 of this report and are identified in blue typeface.
- 10.6 Aside from the Strategic Planning Board amendments, the main changes are to sections 4, Fettering Discretion in the Planning Process and 7, Contact with Applicants, Developers and Objectors, with other changes picking up basic typographical errors or making minor amendments and clarifications to existing wording.

- 10.7 The changes to section 4 are an attempt to clarify the position of Members in avoiding fettering of discretion and when a Member has fettered their discretion. This is a result of updated guidance in the Probity in Planning document and as a result of specific issues that have arisen for Cheshire East. Members may be aware that the Coalition Government have indicated that they may look at the issue of pre-determination/fettering of discretion, and guidance may therefore change again in the future.
- 10.8 The newly added section 4.5 reminds Members that they can refer members of the public to other Councillors within the same Ward, particularly if they are not on the Strategic Planning Board or the same Committee. Even if they are, it may be that Members determine that one of the ward members should be the voice of the Local Community and effectively fetter their discretion, but that this would leave the other Member/s free to take part in the decision making process at the relevant Committee.
- 10.9 Section 4.7 is additional guidance as to what a member who has fettered their discretion (pre-determined the item) should then do at the meeting, again following the updated Probity in Planning document and experiences of the three Committees. Clarification is provided that a pre-determining Member should not simply push their chair back from the Committee table, they should as a minimum move to the public gallery to be clear that they are no longer part of the decision making body. Should the Member wish to speak under the Public Speaking Protocol, they should do so from the public gallery, and return there after speaking until the item has been concluded when they can rejoin the Committee. However, Members should be alive to circumstances where they should do more to distance themselves from the decision making (eg by leaving the room at an appropriate point).
- 10.10 The addition to Section 7 regarding Pre Application Discussions is provided as high level general advice as it is understood that the Development Management Officers are to provide a further, more detailed, guidance document, akin to that already produced on Site Visits and Call in of applications. Again this follows additional guidance produced in the Probity in planning Document and the up dated Positive Engagement – a Guide for Planning Councillors (updated version) which is produced by a number of bodies including the Planning Advisory Service, Local Government Association, Planning Officers Society, Association of Council Solicitors and Secretaries and the Standards Board for England. The Government is committed to more pre-application discussion with developers as part of the Development Management process and as a result there is a need to provide advice to Members on their role in the process.

11.0 Access to Information

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

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Designation: Solicitor

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PLANNING PROTOCOL OF CONDUCT IN RELATION TO THE DETERMINATION OF PLANNING MATTERS

This Planning Protocol of Conduct for the determination of planning matters ('the Planning Protocol') substantially follows the Model members Planning Code of Good Practice, produced by the Association of Council Solicitors and Secretaries following consultation with the Audit Commission, the Local Government Ombudsman and the Standards Board for England.

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A number of other national guidance documents have also provided a reference for the content of this Planning Protocol, including, but not exclusively,

- the Local Government Association Probity in Planning guidance note,
- the Standards Board For England Model Code of Conduct guidance for members,
- the Planning Advisory Service and Improvement and Development Agency Area Based Decision Making for Development Control – a review,
- the updated version of Positive Engagement, a guide for Planning Councillors which is a jointly produced document from Communities and Local Government, Planning Advisory Service, Local Government Association, the Planning Officers Society, the Association of Council Secretaries and Solicitors and the Standards Board for England.

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The aim of the Planning Protocol is to give advice aimed at ensuring the preservation of the integrity of the planning system as open and fair to all parties. It is intended that the Planning Protocol will continue to engender public confidence in the planning system within Cheshire East, whilst avoiding procedural rules which are so rigid and overbearing that observance of them would become an end in itself at the expense of the consideration of the merits of an application.

1 INTRODUCTION

- 1.1 **The aim of this Planning Protocol** is to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well-founded in any way.
- 1.2 **The key purpose of Planning** is to manage development in the public interest.
- 1.3 **Your role as a Member of the Planning Authority** is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.
- 1.4 **When the Planning Protocol applies:** this Planning Protocol applies at all times when Councillors are involved in the planning process. (This includes, where applicable, when part of decision-making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings.) It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.
- 1.5 **If you have any doubts about the application of this Planning Protocol to your own circumstances you should seek advice early, from the Monitoring Officer, and preferably well before any meeting takes place.**

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- 1.6 In this Planning Protocol "Planning Meeting" covers all meetings of the Strategic Planning Board and the Planning Committees.

2 RELATIONSHIP TO THE MEMBERS' CODE OF CONDUCT

- 2.1 Do apply the rules in the Members' Code of Conduct first, which must always be complied with throughout the decision making process.
- 2.2 Do then apply the rules of this Planning Protocol, which seeks to explain and supplement the Members' Code of Conduct for the purposes of planning control. If you do not abide by this Planning Protocol you may put :-
- the Council at risk of proceedings on the legality or maladministration of the related decision; and
 - yourself at risk of either being named in a report made to the Standards Committee or Council or, if the failure is also likely to be a breach of the Code of Conduct, a complaint being made to the Standards Committee.

3 DEVELOPMENT PROPOSALS AND INTERESTS UNDER THE MEMBERS' CODE

- 3.1 Do disclose the existence and nature of any interest, including any perceived interest, at any relevant meeting, including informal meetings or discussions with officers and other Councillors. **This is your responsibility.** Preferably, disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter. The requirements for you to declare any interest apply whenever you are in attendance at a meeting, regardless of whether you are a member of the Committee or not.

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- 3.2 Do then act accordingly. **Where your interest is personal and prejudicial:-**

- **Don't** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority. You must withdraw from the meeting room when the matter is announced unless you are exercising your public speaking rights. Please see paragraph 11 for your right to attend and make representations under the Public Speaking Protocol.
- **Don't** try to represent local, Ward or Area views, get another Member to do so instead.
- **Don't** get involved in the processing of the application.
- **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a personal

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and prejudicial interest in a proposal, using your position to discuss that proposal with Officers or Councillors when other members of the public would not have the same opportunity to do so.

- Do be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a personal and prejudicial interest to an appropriate officer, in person or in writing, the Code places greater limitations on you than would apply to a normal member of the public.

3.3 Do notify the Monitoring Officer and Head of Planning and Policy in writing of your own application, or if you are employed as an agent and note that:-

- notification to the Monitoring Officer and the Head of Planning and Policy should be made no later than submission of the application;
- the proposal will always be reported to the planning meeting and not dealt with by Officers under the scheme of delegation; and
- it is advisable that you employ an agent to act on your behalf on the proposal in dealing with officers and any public speaking at the planning meeting (*where appropriate*) to avoid public criticism
- you do have a right to make written representations to officers about the proposal and may address the planning meeting pursuant to the Public Speaking Protocol subject to certain additional restrictions (see paragraph 11 below for more detailed advice on this point).

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4 FETTERING DISCRETION (PREDETERMINATION) IN THE PLANNING PROCESS

Given the requirement that Councillors of the planning meetings should exercise an independent mind and decide proposals in accordance with the relevant planning considerations, Councillors must not favour any person, company, group or locality or commit themselves to a particular point of view on a planning application prior to its full consideration at the Council's planning meetings.

4.1 **Don't** fetter your discretion and therefore your ability to participate in planning decision-making at this Council by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group), on how you will vote on any planning matter prior to formal consideration of the matter at the meeting of the planning authority and of your hearing the officer's presentation and evidence and arguments on both sides.

4.2 **Fettering your discretion** in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

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4.3 Do be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of dual membership, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)

4.4 Do remember that you are, of course, free to listen to a point of view about a planning proposal, give procedural advice and agree to forward any comments, but should then refer the person to the appropriate planning officer.

4.5 Do remember that where other ward Councillors are available and where they do not sit as a member of the same planning meeting, they will not be subject to the same restrictions regarding fettering of discretion and are therefore a valid alternative contact for members of the public or lobby groups.

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4.6 Do not use any political group meetings prior to the planning meeting to determine how you or other Councillors should vote. There is no objection to a political group having a predisposition, short of predetermination, for a particular outcome or for you to begin to form a view as more information and opinions become available but you should not make up your mind until you have read the planning officer's report and update and heard any further representations and the debate at the planning meeting.

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4.7 Don't speak and vote on a proposal where you have fettered your discretion. You are not legally obliged to withdraw from the room but in most circumstances doing so will counter any potential suggestion that you influenced the remaining members by your continued presence. If in any doubt you should seek advice from the Monitoring Officer. If you do not withdraw, as a minimum you must withdraw to the public area of the meeting room for the whole of the consideration of the matter, whether or not you are also exercising your right to speak.

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4.8 Do explain that you do not intend to speak and vote as a member of the planning meeting because you have or you could reasonably be perceived as having judged (or reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes.

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4.9 Do take the opportunity to exercise separate speaking rights where you have represented your views or those of local electors and fettered your discretion, but do not have a personal and prejudicial interest. Where you do :

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- advise the democratic services officer or Chairman that you wish to speak in this capacity before commencement of the item;

- remove yourself from the member seating area to the public gallery for the duration of that item and do consider whether you need to leave the room; and

- ensure that your actions are recorded.

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5 MEMBERSHIP OF PARISH COUNCILS AND OUTSIDE BODIES

5.1 Do be aware that, whilst the Members' Code of Conduct provides for a presumption that you may regard yourself as not having a personal interest in matters which relate to the organisations mentioned below and if you do not intend to speak on the matter at the planning meeting, you must exercise your discretion in deciding whether or not to participate in each case and where:

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- you have been significantly involved in the preparation, submission or advocacy of a planning proposal on behalf of :
 - (a) another local or public authority of which you are a member; or
 - (b) a body to which you have been appointed or nominated by the Council as its representative; or
 - (c) you are a trustee or company director of the body submitting the proposal and were appointed by the Council

— you should always disclose a prejudicial as well as personal interest and withdraw.

Where you do intend to speak on a matter at the planning meeting, or are unsure if you wish to do so, it is advisable to declare that interest at the start of the meeting, although you are not legally obliged to.

5.2 Do consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the parish council, for example), provided:

- the proposal does not substantially affect the well-being or financial standing of the consultee body;
- you make it clear to the consultee body that:
 - (a) your views are expressed on the limited information before you only;
 - (b) you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Planning meetings and you hear all of the relevant information; and
 - (c) you will not in any way commit yourself as to how you or others may vote when the proposal comes before the planning meeting; and

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- you disclose the personal interest regarding your membership or role when the planning meeting comes to consider the proposal.

6 CABINET MEMBERS

There is no Constitutional or legal reason why a Cabinet member should not also be a member of the planning meeting and take part in the decision-making processes which are not part of the executive function.

6.1 Be aware that you should not speak or vote as a member of any planning meeting on any matter which you have discussed at Cabinet unless you have demonstrated there and can do so at the relevant planning meeting that you have not predetermined the application.

6.2 Do not take part as a member of any planning meeting on a matter in which you may have been seen as advocating a proposal as a Cabinet Member.

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6.3 Do take the opportunity to exercise separate speaking rights under the Public Speaking Protocol where you have fettered your discretion, but do not have a personal and prejudicial interest. Where you do :

- advise the democratic services officer or Chairman that you wish to speak in this capacity before commencement of the item;
- remove yourself from the member seating area to the public gallery for the duration of that item and consider leaving the room after you have spoken; and
- ensure that your actions are recorded

7 CONTACT WITH APPLICANTS, DEVELOPERS AND OBJECTORS

7.1 Do refer those who approach you for planning, procedural or technical advice to officers.

7.2 Don't agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it and particularly between the submission of an application and the planning meeting where it is to be determined. Where you feel that a formal meeting would be useful in clarifying the issues, you should never seek to arrange that meeting yourself but should request the Head of Planning and Policy organise it. The officer will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action and that views expressed are provisional, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Planning meetings.

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7.3 Do otherwise:

- follow the rules on lobbying;
- consider whether or not it would be prudent in the circumstances to make notes when contacted; and
- report to the Head of Planning and Policy any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.
- ask relevant questions for the purpose of clarifying your understanding of the proposals but do not express any strong view or state how you or other Councillors might vote.

7.4 In addition in respect of presentations by applicants/developers:

7.5 Don't attend a planning presentation unless an officer is present and/or it has been organised by officers.

7.6 Do ask relevant questions for the purposes of clarifying your understanding of the proposals.

7.7 Do remember that a presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate Planning meeting of the planning authority.

7.8 Do be aware that a presentation is a form of lobbying and you must not express any strong view or state how you or other Councillors might vote.

PRE APPLICATION DISCUSSIONS

It is recognised that pre-application discussions can be of great benefit to the planning process, however, this may create some risks for Councillors and for the integrity of the decision making process and therefore they should only take place within clear parameters and governance arrangements and always with officers present and a written record of the discussions made and kept.

7.9 Do ensure that if you are involved by an officer in pre-application discussions that it is made clear that the discussions will not bind the Council to making a particular decision and that any views expressed are personal and provisional, as by their very nature not all relevant information will be available and no formal consultation with interested parties will have taken place.

7.10 Do not seek to give advice in pre-application discussions upon policies within the Development Plan and other material considerations that may be relevant to a particular proposal or be drawn into negotiations. Ask officers to deal with any

of these points to ensure a consistent and co-ordinated approach from the Council.

7.11 Do respect a request for confidentiality where there is a legitimate reason justifying non-disclosure. Seek advice from the officers present if you are unsure.

7.12 Do seek to provide information on matters of fact, local knowledge and geography rather than the merits of any proposed application.

7.13 Don't use your position to improperly influence decisions in pre-application meetings.

7.14 Do ask for an officer briefing on the content of pre-application meetings if you are uncomfortable about attending those meetings yourself.

8 LOBBYING OF COUNCILLORS

8.1 Do explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality and therefore your ability to participate in the planning meetings decision-making to express an intention to vote one way or another or such a firm point of view that it amounts to the same thing.

8.2 Do remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.

8.3 Don't accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible and remember to register the gift or hospitality where its value is over £25.

8.4 Do copy or pass on any lobbying correspondence you receive to the Head of Planning and Policy at the earliest opportunity or declare the receipt of lobbying information at the planning meeting.

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8.5 Do promptly refer to the Head of Planning and Policy any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.

8.6 Do inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.

8.7 Do note that, unless you have a personal and prejudicial interest, you will not have fettered your discretion or breached this Planning Protocol through:

- listening or receiving viewpoints from residents or other interested parties;

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- making comments to residents, interested parties, other Councillors or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;
- seeking information through appropriate channels; or
- being a vehicle for the expression of opinion or speaking at the meeting as a Ward Member, provided you explain your actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward/local view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.

9 LOBBYING BY COUNCILLORS

- 9.1 **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will have fettered your discretion and are likely to have a personal and prejudicial interest and have to withdraw.
- 9.2 **Do** register your membership of any lobby group.
- 9.3 **Do** declare the existence and nature of your interest in any lobby group at Planning meeting meetings so that members of the public are informed about interests that may relate to your decisions. Often this will be a personal interest and you can continue to participate but note that it can sometimes be a prejudicial interest or lead to allegations of bias or predetermination and in those circumstances you must withdraw from the meeting.
- 9.4 **Do** not take part in any matter which relates directly to the lobby group of which you are a member rather than to the views it holds. If the Planning meeting is discussing a planning application submitted by the group you should consider that you have a prejudicial interest and should act accordingly.
- 9.5 **Do** weigh up the following factors where your lobby group has expressed a public view on a matter and consider whether a reasonable member of the public, knowing the relevant facts, would think that you appear biased. The factors are:
- the nature of the matter to be discussed
 - the nature of your involvement with the lobby group
 - the publicly expressed views of the lobby group
 - what you have said or done in relation to the particular issue
- 9.6 **Do not** become a member of an organisation whose primary purpose is to promote or oppose specific planning proposals or those within a limited geographical area, as you may be perceived as having fettered your discretion.
- 9.7 **Do** remember that if the local branch of a general interest group has been vociferous or active on a particular issue or you are closely associated with the management or decision making process of that organisation such as its

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Chairperson or a member of the planning meeting, it will become increasingly difficult to demonstrate your ability to judge the matter with an open mind and you may appear biased and therefore you should consider whether it is appropriate for you to take part in the decision making process.

- 9.8 **Do not** publicly support a particular outcome on a proposal within your Ward or actively campaign for it if you wish to take part in the decision making process. It would be very difficult for you to demonstrate that you had the necessary degree of impartiality to properly weigh the arguments presented and the decision would be open to challenge. Again it is a question of maintaining the fine balance between a predisposition where your mind is not totally made up and a predetermination. This would, however, not prevent you from expressing the views of your constituents provided you are capable of determining the Application in accordance with the law.
- 9.9 **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local civic society, but disclose a personal interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the planning meeting that you have reserved judgement and the independence to make up your own mind on each separate proposal.
- 9.10 **Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken. It is difficult to define "excessively" but you need to consider whether a member of the public, knowing the facts, would think that, through your representations, the lobbied member was no longer able to take a view on the matter in the public interest but had predetermined it.
- 9.11 **Don't** decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Councillors should vote on a planning issue.

10 SITE INSPECTIONS

Site Inspections can play a legitimate part in the decision making exercise but must be limited to inspections by viewing and as a fact finding exercise. They are not to be used to determine a proposal prior to the meeting of the Planning meetings. It should be noted that this Section applies to Councillors requests for a Site Inspection and that the Head of Planning and Policy may arrange Site Visits Inspections without prior discussion where, in his professional opinion, there is a real benefit from viewing the site.

It is important to ensure that Councillors taking planning decisions are in possession of all the facts, including matters that may have been pointed out or come to light during a site visit. Attendance of Councillors will not only demonstrate that Councillors are fully informed but will also ensure that high quality consistent and sound decisions are made, and that the risks of legal challenge are minimised. The expectation is that all Planning meeting Members will attend all formal site inspections and a record of attendance will be maintained and monitored.

The Council has a separate protocol that deals with Site Inspections in more detail, the advice contained within this planning protocol is general advice which is developed further by the Site Inspection Protocol.

- 10.1 **Do** try to attend site inspections organised by the Council where possible.
- 10.2 **Don't** request a site inspection unless you feel it is strictly necessary because:
- particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
 - there are significant policy or precedent implications and specific site factors need to be carefully addressed; or
 - details of the proposed development cannot be ascertained from plans and any supporting information to Councillors satisfaction at the planning meeting; or
 - where design considerations are of the highest importance particularly in relation to the surrounding locality.
- 10.3 **Do** ensure that any information that you gained from the site inspection is reported back to the Planning meetings, so that all Councillors have the same information.
- 10.4 **Do** ensure that you treat the site inspection only as an opportunity to seek information and to observe the site.
- 10.5 **Do** ask the officers at the site inspection questions or seek clarification from them on matters which are relevant to the site inspection.
- 10.6 **Do** be prepared to listen to and ask questions of fact from the Applicant or other parties but do not be drawn into arguments or detailed discussions on the individual merits of an application or give the impression that you have made up your mind. The decision can only be made at the Planning meeting and you should make this clear to any applicant or other party and suggest that they make written representations or use of the Public Speaking arrangements and direct them to, or inform, the officer present.
- 10.7 **Don't** express opinions or views to anyone, and remember that your conduct on a site inspection may inadvertently suggest that you have already formed a view.
- 10.8 **Don't** enter a site, which is subject to a proposal other than as part of an official site inspection, even in response to an invitation, as this may give the impression of bias unless:
- you feel it is essential for you to visit the site other than through attending the official site inspection;

- you have first spoken to the Head of Planning and Policy about your intention to do so and why (which will be recorded on the file) and
- you can ensure you will comply with these good practice rules on site inspections.

11 PUBLIC SPEAKING AT MEETINGS

The Council has a separate protocol that deals with [the procedure for](#) Public Speaking at meetings in more detail, the advice contained within this planning protocol is general advice which is developed further by the Public Speaking Protocol.

- 11.1 **Don't** allow members of the public to communicate with you during the planning meeting proceedings (orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias.
- 11.2 **Do** ensure that you comply with the Council's Protocol for Public Speaking at Planning Meetings.
- 11.3 All Councillors are entitled to speak at a planning meeting in accordance with the Public Speaking Protocol either as an individual, representative or ward member. However, where you might be regarded as having a personal and prejudicial interest in the application then you may attend and speak in accordance with the protocol but only for the purpose of making representations, answering questions or giving evidence relating to the matter in the same manner as would apply to a normal member of the public. Immediately after doing so you must leave the meeting room whilst the meeting considers the proposal even though members of the public may remain. [Planning Councillors who have pre-determined a matter may also exercise public speaking rights and should consider withdrawing from the meeting room having spoken on a matter to counter any potential suggestion that you influenced the remaining members by your continued presence.](#)

12 OFFICERS

Councillors and officers have different but complementary roles. Both serve the public but Councillors are responsible to the electorate whilst officers are responsible to the Council as a whole. Their relationship is based upon mutual trust and understanding and this must never be abused or compromised. Instructions to officers can only be given through a decision of the Council, the Cabinet, Board or Committee or under delegated powers and not by individual Councillors acting outside those powers.

- 12.1 **Don't** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Head of Planning and Policy, which may be incorporated into any committee report.)
- 12.2 **Do** recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with the Head of Planning and Policy or those officers who are authorised by the Head of Planning and Policy to deal with the proposal at a Member level.

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- 12.3 Do recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the planning meeting or its Councillors
- 12.4 Do be aware of the Member/Officer Relations Protocol.

13 DECISION MAKING

The Strategic Planning Board has adopted a separate protocol that deals with the Call in of planning applications in more detail, the advice contained within this planning protocol is general advice which is developed further by the Call In Procedure.

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- 13.1 Do ensure that, if you request a proposal to go before the planning meeting rather than be determined through officer delegation, that your planning reasons are recorded and repeated in the report to the planning meeting. Take care that the wording of your planning reasons do not suggest that you have already formed a view on the application, if you have not done so, and have therefore fettered your discretion. Seek advice on this from officers if necessary.

- 13.2 Do come to meetings with an open mind and demonstrate that you are open-minded.

- 13.3 Do comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.

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- 13.4 Do come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse the application.

- 13.5 Don't vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire item, including the officers' introduction to the matter.

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- 13.6 Do have recorded the reasons for the planning meeting's decision to grant, refuse or defer any proposal.

- 13.7 Do delegate to the Head of Planning and Policy the drafting of conditions that the Planning meeting may wish to add or amend when considering an application, ensuring that an explanation of why the change or addition is required is given to the planning meeting.

- 13.8 Do make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly

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identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

- 13.9 Do, where necessary, consider the drafting of conditions for sensitive applications that the planning meeting wish to approve against Officer recommendation at the next meeting of the planning meeting to allow Officers to formulate appropriate conditions and provide the planning meeting with any relevant further new information.

13.10 Do, where necessary, consider deferring the consideration of an application to another meeting if there is a very strong objection from officers on the validity of reasons, to allow the proposed reasons to be tested and discussed further.

13.11 Do comply with the Protocols adopted by the Strategic Planning Board.

14 TRAINING

- 14.1 Don't participate in decision-making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.
- 14.2 Do endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.

15 INVOLVEMENT IN SECTION 106 AGREEMENTS

The guidance in respect of planning obligations is similar to that of planning conditions in that they must be relevant to planning and directly related to the proposed development if they are to be taken into account in making a decision on a planning application. Local Planning Authorities should not grant planning permission for unacceptable development because of unrelated benefits offered by the applicant and should not be unduly influenced by any benefits offered.

- 15.1 Do remember that requirements to be included within Section 106 Agreements should be considered and discussed at pre-application stage. The Officers will provide advice on general requirements, but if you are aware of any additional potential requirements please refer these to the Head of Planning and Policy as soon as you become aware of them.
- 15.2 Do remember that the purpose of Section 106 Agreements is to help make acceptable, development which would otherwise be unacceptable in planning terms, by prescribing the nature of the development, or compensating for loss or damage created by the development, or to mitigate a developments impact. They must therefore be relevant to planning and relate fairly and reasonably to the development.

- 15.3 **Do** include the content of Section 106 Agreements in the debate that takes place at planning meetings, whether you are a member of the planning meeting or a visiting Member who wishes to speak on the application.
- 15.4 **Don't** hold formal or informal meetings with Applicants, Developers and Objectors over the contents of potential Section 106 agreements. If you feel that a meeting would be useful to clarify the issues, you should ask the Head of Planning and Policy to arrange such a meeting. In this way the relevant Officers can be at the meeting, and those present can be made aware that the discussions will not bind the authority, and that the meeting can be properly recorded on the application file and the record of the meeting disclosed when the application is considered.
- 15.5 **Do remember that it is imperative that** a Ward Councillor's role continues after the completion of the Section 106 Agreement, by assisting Officers in ensuring that Section 106 Agreements are complied with. This includes noting when development is being undertaken and assisting Officers in ensuring triggers within Section 106 Agreements are complied with. Ward Councillors should contact Officers for any information on completed Section 106 Agreements.

16 MONITORING AND REVIEW

- 16.1 The Head of Planning and Policy will report annually to the Standards Committee regarding whether the arrangements set out in this Planning Protocol have been complied with and will include any proposals for amendment in the light of any issues that have arisen during the year.
- 16.2 In particular, the Head of Planning and Policy shall monitor the following:-
- (a) the number of complaints made about breaches of the Planning Protocol and the outcome of those complaints;
 - (b) the number of appeals upheld;
 - (c) any external inspection reports in respect of relevant issues;
 - (d) the level of awareness of the Planning Protocol among Councillors and Officers; and
 - (e) the number of Ombudsman reports finding maladministration by Councillors in the conduct of planning issues.

17 BREACHES OF THE PLANNING PROTOCOL

Maintaining high ethical standards enhances the general reputation of the Council, its Councillors and its officers. Open and transparent decision making enhances local democracy and should lead to better informed citizens. This Planning Protocol, along with Cheshire East's Members Code of Conduct are intended to promote these standards.

- 17.1 **Do** be aware of your responsibilities under this Code and the Members Code of Conduct.
- 17.2 **Do** report any apparent breaches of either the Code of Conduct or the Planning Protocol to the Monitoring Officer.

- 17.3 Do seek advice if you are in doubt.
- 17.4 Failure to comply with the Members Code of Conduct may lead to a complaint to the Standards Committee who can, in certain circumstances disqualify a Councillor. Failure to comply with this Planning Protocol may lead to a finding of Maladministration by the Ombudsman or could lead to a decision being challenged in the courts.
- 17.5 Allegations on any breach of this Planning Protocol by Members may be referred to the Monitoring Officer for referral to the Standards Committee, the relevant Leader and/or Chief Whip of the political group.

CHESHIRE EAST COUNCIL

REPORT TO: STANDARDS COMMITTEE

Date of Meeting: 27th September 2010

Report of: Monitoring Officer

Subject: Standards in Partnerships Protocol

1.0 Report Summary

- 1.1 The report provides an update on the work undertaken to develop a protocol for values and behaviours for use within partnerships.

2.0 Recommendations

- 2.1. The Committee is invited to

- i) endorse the action taken by the Local Strategic Partnership to integrate the Standards in Partnerships Protocol into the LSP Partnership Agreement
- ii) request the Head of the Partnership Team to produce an Annual Report for this Committee on the effectiveness of the Partnership Agreement
- iii) request the Monitoring Officer to promote the agreement across Cheshire East for those Partnerships outside the Local Strategic Partnership Framework
- iv) request the Constitution Committee to consider incorporating the agreed Protocol into the Constitution as part of its ongoing review

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 Legal Implications

8.1 None identified

9.0 Risk Management

9.1 No risks identified.

11.0 Background and Options

11.1 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.

11.2 At its meeting on 23rd November 2009 the Committee established a working group of Members and Officers be established, to develop a local protocol for use across Cheshire East. In its work, Officers will involve partners as appropriate.

11.3 The working group met on several occasions and prepared a draft Protocol for the Local Strategic Partnership The draft Partnership Protocol was considered by the Cheshire East LSP Executive on 12 April 2010. At that time, the Executive was of the view that it required further consideration to assess the likely impact on statutory services such as Children's and Adult Services, as well as Safer Communities, in terms of access to confidential material.

11.4 The Protocol was considered again at the Executive meeting held on 17 May 2010, and it was resolved –

“That the principles contained within the draft Protocol be endorsed and developed and adapted for inclusion within Cheshire East's Partnership Agreements”.

- 11.5 A further meeting of the working group took place on 15th September and the Locality Business Manager (Partnerships Team) reported that the Protocol had been incorporated into the recently published Partnership Agreement that was going to be considered by the Local Strategic Partnership Executive Board on 23rd September. The Agreement is attached at Appendix 1 and the Partnership Team agreed to report annually to this Committee on its operation and to help promote the Protocol with partnerships outside of the Local Strategic Partnership Framework.

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

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PARTNERSHIPS FOR ACTION IN CHESHIRE EAST PARTNERSHIP AGREEMENT

1. Purpose of the Agreement

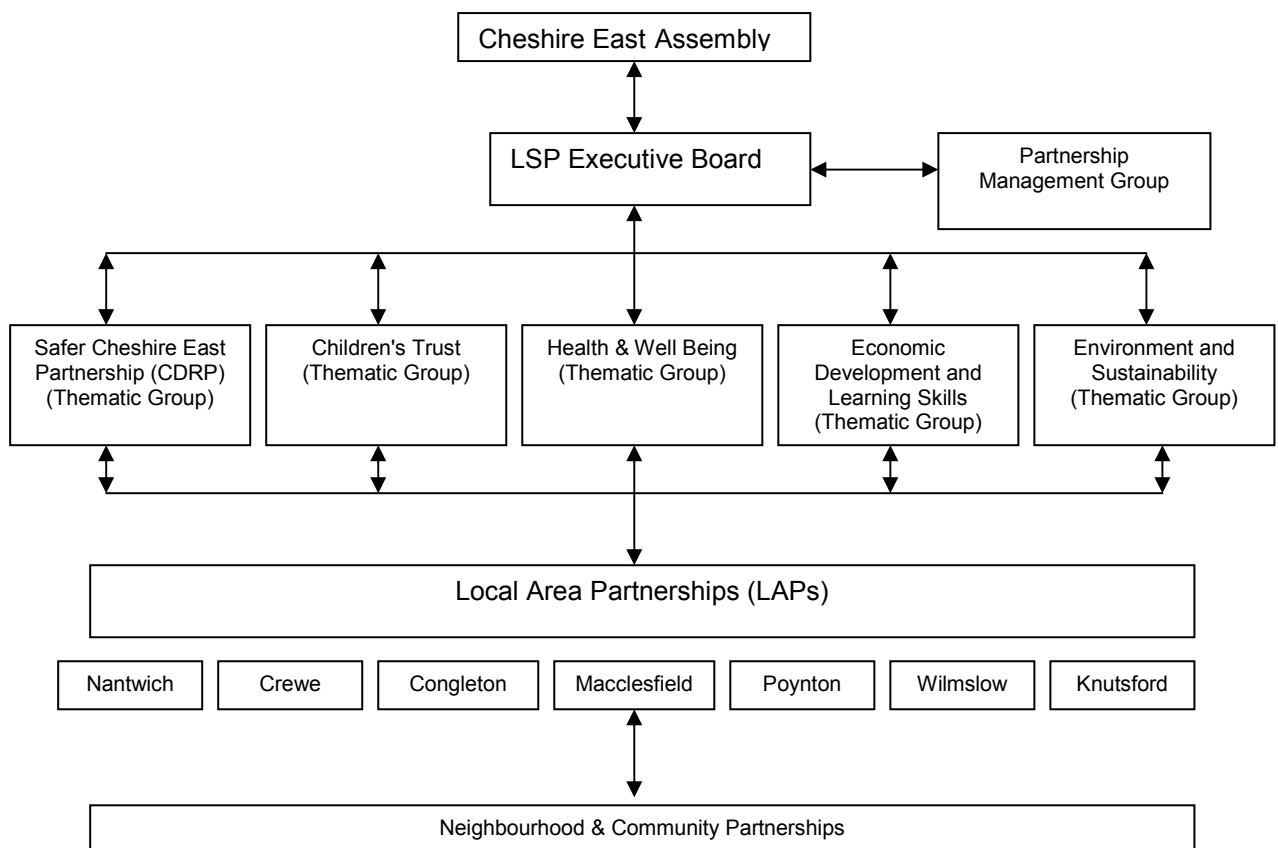
The purpose of this Agreement is to establish a framework within which the members of the Partnerships for Action in Cheshire East (PACE) can demonstrate their commitment to support and participate in the Partnership.

The Agreement is not a binding contractual agreement and is intended to show commitment to the aims of the Partnership and to the other members of the Partnership.

2. What is Partnerships for Action in Cheshire East

PACE is the Local Strategic Partnership for Cheshire East and it brings together, at a local level, all of the different parts of the public, private, business, community and voluntary sectors so that different initiatives and services support each other and work together across Cheshire East.

Partnerships for Action in Cheshire East Structure



Within the terms of this Agreement, the constituent bodies will be known collectively as Partnerships for Action in Cheshire East (PACE) and will meet periodically together as the Cheshire East Assembly.

3. Partnership Principles

We will have regard to the following principles in how we work:

3.1 Achieve intended outcomes

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

- a) Share resources to achieve joint outcomes
- b) Ensure that decision-making is transparent
- c) Be committed to continuous improvement
- d) Ensure that claims of improved performance are based on clear evidence
- e) Establish accountability both across the partnership (horizontally) and within each organisation (vertically)

3.2 Public interest

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

- a) Focus on long-term as well as short-term issues
- b) Act in the interests of the public good over individual interests
Consider visibility, input from the public and informing the public of the Council's activities and the rationale behind decisions.
- c) Demonstrate to the community how we are achieving publicly valued outcomes
- d) Agree a protocol for the handling of complaints that relates to our joint work
- e) Promote and ensure public engagement
- f) Consider public access to partnerships (and documentation) when appropriate
- g) Use appropriate, unambiguous and simple language

3.3 Building partners' capacity

We act to build capacity in our partnership. We will:

- a) Be committed to developing individual partners' skills to achieve our aims
- b) Encourage partners to be confident working outside of their organisational culture
- c) Be open to partners' suggestions and help
- d) Actively encourage ideas and innovation
- e) Ensure that decision-making is transparent
- f) Establish accountability both across the partnership (horizontally) and within each organisation (vertically)

3.4 Value and respect each other

We respect and value everyone's contribution. We will:

- a) Actively promote a "no-blame" culture

- b) Ensure that partners contribute appropriately and openly
- c) Acknowledge the capabilities of all members
- d) Recognise and embrace the role of voluntary and community sector partners
- e) Avoid dominance by individuals
- f) Respect each other's roles and needs
- g) Actively encourage the participation of all partnership members
- h) Build effective working relationships with each other
- i) Recognise the value of all partners' contributions

3.5 Act ethically

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

- a) Be honest and objective
- b) Support partners both to understand and constructively challenge any poor behaviour
- c) Agree how we will achieve democratic accountability
- d) Ensure that our dialogue is open and transparent
- e) Declare conflicts of interest and address them
- f) Make sure that the purpose of all meetings is made clear
- g) Agree a mechanism for "whistle-blowing" and dealing with complaints
- h) Ensure that "whistle-blowers" are supported

3.6 Aligning strategies and networks

We harness our collective efforts through joint planning, delivery and governance arrangements. This must be clear evidence-based. We will:

- a) Encourage all partners to actively shape the strategy and share information
- b) Ensure that partners can influence the decision-making of partner organisations
- c) Allow sufficient time and capacity to be given to understand an issue and to reflect on its impact
- d) Make sure that actions taken by the partnership are clear, time-limited and task-orientated
- e) Ensure that agreed actions are carried out
- f) By working through local Area Partnerships, focus collective effort on what really matters, delivering improved outcomes for local people and places.

4. Vision, Aims, Objectives and Priorities for Action of PACE

The Partnership's vision for Cheshire East in 2025, as expressed in the Sustainable Community Strategy, "Ambition for All", is:

"Cheshire East is a prosperous place where all people thrive, regardless of where they live. We have beautiful productive countryside, unique towns with individual character and a wealth of history and culture. The people of

Cheshire East live active, fulfilling lives and get involved in making their communities safe, healthy and sustainable places to live”

The aims of PACE are:

- a) To agree a vision, key priorities and actions to tackle economic, social and environmental concerns for Cheshire East
- b) To work together as equal partners and with the community to prepare a sustainable community strategy and plans which will define where we are now, where we want to be in the future and how we will get there and to prepare it in accordance with the principles of sustainable development
- c) To bring together local partnerships, plans and initiatives for service providers to work together with the community to meet local needs and priorities
- d) To devise a Local Area Agreement to improve performance locally
- e) To work together in partnership to avoid duplication, additional costs, conflicting strategies and consultation fatigue
- f) To jointly develop review mechanisms
- g) To liaise, where appropriate, with neighbouring Local Strategic Partnerships, where there is a mutual benefits and sharing of good practice

The objectives of PACE are:

- a) To promote equality and diversity and improve the quality of life for everyone who lives in, works in or visits Cheshire East
- b) To strengthen partnership working to ensure that everyone is working in the same strategic direction, sharing resources, information and expertise to address key issues and local problems
- c) To maximise the use of existing resources across all sectors and access additional funding from local, national and international sources for the benefit of the people of Cheshire East
- d) To contribute to sustainable development locally, regionally, nationally and global.
- e) To improve engagement and consultation across the Cheshire East area

The seven priorities for action agreed in “Ambition for All” are:

- a) Nurture strong communities
- b) Create conditions for business growth
- c) Unlock the potential of our towns
- d) Support our young people
- e) Plan for the needs of future generations
- f) Prepare for an increasingly older population
- g) Drive out the sources of poor health

5. Responsibilities and Accountabilities

Wherever possible, we will look to develop common frameworks for collecting and sharing information by committing to develop aligned strategies and protocols, which includes sharing information, data, intelligence, performance information, data quality, core teams and alignment and pooling of resources.

5.1 Resources

All of the members of the constituent bodies will need to identify how they will support the work of PACE, both in terms of general allocation of resources and in terms of the specific allocation of resources designed to support a project for which they are responsible, or involved in, but which is to be undertaken within the framework of the Cheshire East Sustainable Community Strategy.

It is envisaged this may be through:

- Members of the Partnership giving general support to the partnership both through the commitment of staff time and where appropriate through the commitment of both revenue and capital resources. Where necessary it is intended that whenever such resources are made available, they are committed to be spent within the remit established by the Cheshire East Sustainable Community Strategy.
- The Members of the Partnership may also, when appropriate, commit themselves to making available resources that would normally be spent by them in their own right in support of individual members' programmes, but where those programmes form part of the Cheshire East Sustainable Community Strategy it has been agreed that the partners will commit those resources through the Partnership.
- Commissioning services to meet local priorities through shared resources and budgets.

At all times any funding or resource will still be the responsibility of the member organisation. It is not proposed that the Partnership will have a budget or specific funding solely for the use of the Partnership. Existing resources or grants through normal working practice of the members will be the main source of funding. This will be reviewed as appropriate to meet the aims of the Cheshire East Sustainable Community Strategy.

Over time Members will need to consider the best way to support the work of the Partnership with dedicated staff and will help identify possible funding available from the Members and other sources.

The Agreement records the need for flexibility, recognising that each of the Members will have different audit and public probity demands to satisfy. However, within those constraints, the Members agree to commit themselves to operating through the Cheshire East Local Strategic Partnership in accordance with the Cheshire East Sustainable Community Strategy 2010-2025.

5.2 Communications

The Communications Strategy will take account of the following:

- The promotion, branding and image of the Cheshire East Local Strategic Partnership;

- The issue of press releases and public relations material in relation to the activities of the partnership.

5.3 Community Engagement

A comprehensive engagement strategy will be developed setting out the Partnership's approach to engaging and empowering communities of Cheshire East. The strategy will also set out how the Joint Strategic Needs Assessment will be informed through quantitative and qualitative information derived from engagement with communities.

5.4 Performance Management

The Partnership Performance Management Framework will be crucial to the delivery of the Sustainable Community Strategy, the Local Area Agreement (LAA) targets and other key partnership improvement priorities.

The Framework is a way of ensuring that each tier of the partnership is clear on their roles and responsibilities and progress against the objectives are being monitored. This needs to be a structured approach that follows the same format through the tiers and horizontally across the partnership groups at each tier and has the following principles:

- The Framework process should be kept as simple as possible (Plan, Do, Review)
- Clearly links all parts of the partnership framework (thematic with local, strategic with delivery)
- Ensure roles, responsibilities and levels of accountability are clearly understood
- Provide an understanding of the cycle and routes through which performance needs to be reported
- Enable the Partnership to be able to monitor both the outcomes of their work as measured against targets and their progress with the implementation of Delivery Plans
- Share performance information and performance reporting to give an upwards account and help partners recognise and assess their own contributions to joint working and the value of all contributions.

5.5 Reporting Mechanisms

The Partnerships in Action Cheshire East Executive Board shall report progress on an annual basis to the wider LSP Assembly. Additionally partners will regularly report progress under their own governance arrangements.

The Cheshire East Sustainable Community Strategy will be the key document for the Partnership. Its broad principles, and identified issues and actions, will provide the basis for establishment of Thematic Groups or to commission existing Thematic Groups to deliver policies, action and meet agreed targets.

5.6 Declaration of Interest

Members of the PACE Executive Board and Thematic Groups shall declare any financial, personal, business or organisational interest verbally and/or in

writing. The Executive Board and Thematic Groups shall note any such declarations in the minutes and notes of their meetings.

The minutes and notes of meetings including any such declarations shall be available for public scrutiny at all times. The original documentation shall be available on request and the information shall be published or distributed electronically or in paper form.

The judgement of whether a declaration is required, should be on the basis that non declaration would be prejudicial to the aims, objectives and spirit of the Partnership, or, that such an interest can reasonably be judged to be mostly to the benefit of the individual or organisation making the declaration rather than mostly to the benefit of the Partnership.

5.7 Confidentiality & Data Sharing

Partnership meetings may occasionally receive information, which is not in the public domain, often relating to individuals or commercially sensitive matters. It is the responsibility of each individual to ensure that this information remains confidential to the meeting, unless prior authorisation has been given by the Chair for this to be discussed elsewhere.

It is further agreed that where such information is confidential for example for reasons of commercial, customer or client confidentiality, that members shall at all times abide by the requirements of the Data Protection Act.

It is agreed that, wherever possible, Partnership members shall share information about their organisations, services and customers where that information is relevant to the aims and objectives of the wider Partnership and the Sustainable Community Strategy and it's constituent plans and strategies.

6. Sector Roles and Responsibilities

Voluntary, Community & Faith Sector

- Voluntary, Community and Faith Sector representatives will use their particular skills, network of contacts and knowledge of local needs and environment to assist with identified objectives and priorities at Executive Board and Thematic level. Because of this local knowledge of local need and the impact of service provision on local people, these representatives will also link in with the framework at the local level through the Local Area Partnerships
- Voluntary, Community and Faith Sector will help facilitate a community development approach to identifying assets within our communities (people, organisations and environment) to enable strategic bodies and communities to jointly design services based in our neighbourhoods and communities
- Organisations within the Sector directly provide services to our communities, and this support of local groups, communities and individuals at a local level helps formulate and local community cohesion
- The Local Area Partnerships structure will assist in formulating and articulating the development needs, aspirations and priorities of the Sector. It will enable the sector to contribute actively to decision-making, as well

as monitor and evaluate how well improvements are being delivered on the ground.

Private Sector

- The role of the business sector representative on the Executive Board is to provide a private sector perspective on the work of the partnership
- Businesses are key consumers and contributors to many local services, activities and amenities and play a vital part in the health and wealth of our local neighbourhoods.
- Business representatives seek to contribute actively to meeting the wider social and environmental improvement goals of our area
- The health and well being of local employees and the impact of the local economy has a direct impact on the well being of local businesses and communities alike

Public Sector

- Public Sector partners recognise their responsibility for ensuring that their core resources and services are directed to support the improvement goals, priorities and targets determined by the constituent bodies
- All public sector partners will ensure that their respective business plans are complimentary to the wider sustainable community strategy and it's aims and objectives
- The democratically accountable role of Cheshire East Councillors as a voice of local communities, and the variety of roles elected members have such as cabinet, committee, policy development, scrutiny overview, ward and LAP representation.
- The local authority and public sector partners have a legal duty to consult and co-operate with the local private, voluntary and community sector in developing the local area agreement

7. Dispute Resolution

The PACE Executive Board in consultation with the Chairs of the Thematic Groups shall resolve any disputes. The handling and escalation of complaints that relate to our joint work will follow an agreed protocol.

Partners are entering into this Agreement so that they have a framework to oversee the development of the partnerships, the production of the Cheshire East Sustainable Community Strategy and it's subsequent implementation.

Cheshire East LSP recognise the need to keep the operation of the partnership within this Agreement under constant review. It recognises that changes in legislation may amend the way partners deliver services in the future.

Appendix: Roles and Responsibilities

Partnerships for Action in Cheshire East - Assembly

The Assembly will focus on major 'state of the borough' issues. The Assembly will have a broader consultation and engagement role, bringing together wide range of issues and people. It will have a key role in shaping the development and implementation of the new Sustainable Community Strategy and will have.

PACE will hold an annual stakeholder conference, called the Assembly. The Assembly's role is to provide the overall direction for the work of the Partnership and to oversee progress towards the targets in the Sustainable Community Strategy. The Assembly brings together representatives from across the community and promotes better understanding of each other and local issues. It also ensures that the views of a wide audience are considered in developing the Strategy.

The Assembly has the following responsibilities:

- To provide information to delegates on the partnership work that is currently happening in Cheshire East
- To engage with the wider community of those living and working in the Borough and give them the opportunity to input into the work of the Local Strategic Partnership through identifying priorities for action and developing solutions
- To provide the opportunity for networking and improved communication between people working in the local area
- To inform the long-term vision for Cheshire East, promoting the social, economic and environmental well being of residents and businesses and promoting sustainable development.
- To support partnership working to improve service outcomes and deliver the Community Strategy.
- To encourage innovation and the efficient and effective use of local resources and assets.
- To promote and foster the values of community engagement, equalities, neighbourhood renewal, cohesion and sustainability.

Partnerships for Action in Cheshire East - Executive Board

The PACE Executive Board has the responsibility for further developing partnership working arrangements, both at a strategic and local level. The membership currently consists of the following partners:

- Leader of the Council, Cheshire East Council
- Chief Executive, Cheshire East Council
- Chief Superintendant, Cheshire Constabulary
- Cheshire East Unitary Performance Manager, Cheshire Fire & Rescue
- Chief Executive, Central & East Cheshire Primary Care Trust
- Chief Executive, South Cheshire Chamber representing the Business Sector
- Cheshire East Housing Delivery Partnership
- Dean, MMU Cheshire Education Sector Representative
- Cheshire East Voluntary & Community Sector Congress

The PACE Executive Board is the primary decision making body of the partnership. It will take guidance from the Assembly and have responsibility for developing and securing delivery of the Sustainable Community Strategy and Local Area Agreement

This will include the following roles:

- (1) Audit local needs, issues and priorities to inform an overall vision for Cheshire East, which reflects diversity and local variation. Use community asset mapping to recognise and build on the knowledge, skills and capacity within our neighbourhoods and communities
- (2) Build consensus within and across the Partnerships Framework on priorities, desired outcomes and key measures of success to improve quality of life in the communities of Cheshire East and inform negotiating frameworks such as the Local Area Agreement, taking account of local, sub-regional, regional and national imperatives, and from this develop and deliver the Cheshire East Sustainable Community Strategy reflecting community needs and aspirations.
- (3) Support the relationships needed for effective partner participation and partnership working within and across the Partnerships Framework by sharing information and knowledge, co-ordinating people and groups and making appropriate links to avoid duplication whilst ensuring that all matters are dealt with appropriately.
- (4) Co-ordinate local and borough wide action in relation to cross - cutting issues across the public, private, community and voluntary sectors.
- (5) Receive annual progress reports and more frequent 'exception reports' from the Thematic Partnerships and Local Area Partnerships in relation to the delivery of their respective plans and strategies and consider, agree and take any action necessary to assist with the delivery of the vision, the achievement of outcomes and the realisation of benefits to the communities of Cheshire East.
- (6) Ensure that the outcomes and achievements of the constituent bodies of the Cheshire East Partnerships Framework are communicated to the communities of Cheshire East.

Partnerships for Action in Cheshire East - Thematic Groups

The Thematic Groups are responsible for the delivery of the Sustainable Community Strategy outcomes and LAA targets that will guide operational delivery.

In addition, there will be specific strategic development responsibilities.

- Develop and deliver appropriate strategies and actions for the achievement of objectives relevant to their particular thematic area.
- Specifically, to be responsible for the delivery of the Sustainable Community Strategy outcomes and LAA targets within that theme.

It is acknowledged that the Thematic Partnerships will have their own detailed terms of reference according to needs and wider circumstances. However, it is suggested that each Partnership incorporate the following 'core' terms of reference to support their role within the broader Cheshire East Partnerships Framework. Any existing terms of reference should not conflict with the Core Terms of Reference. Where such conflict is considered to exist, the matter should be referred to the Executive Board for further consideration.

Thematic Groups will have the following role:

- (1) Develop and deliver appropriate thematic action plans to support and contribute to the overall vision for the communities of the Cheshire East area, which reflects diversity and local variations across the borough
- (2) Monitor and manage the overall performance of the Thematic Partnership and its associated projects, through the application of programme/ project management principles.
- (3) Provide annual progress reports and, when necessary, "exception reports" to the Partnership for Action in Cheshire East Executive Board and Assembly.
- (4) Identify to the LSP Executive Board, as necessary, cross cutting issues in relation to the core theme for further consideration and co-ordination by the Board
- (5) Commission, as necessary, jointly designed service delivery and actions to address local needs and priorities, which reflects community empowerment principles.
- (6) Deliver the appropriate 'block' of the Local Area Agreement as agreed by and in consultation with the LSP Executive Board
- (7) Commission thematic research and consultation to seek community views on priorities, encourage involvement in identifying solutions and underpin the development and delivery of the thematic action plans.

Partnerships for Action in Cheshire East - Local Area Partnerships

Local Area Partnerships bring together a wide range of people from the statutory, voluntary and community sectors. By working together, they focus collective effort on what really matters, delivering improved outcomes for local people and places.

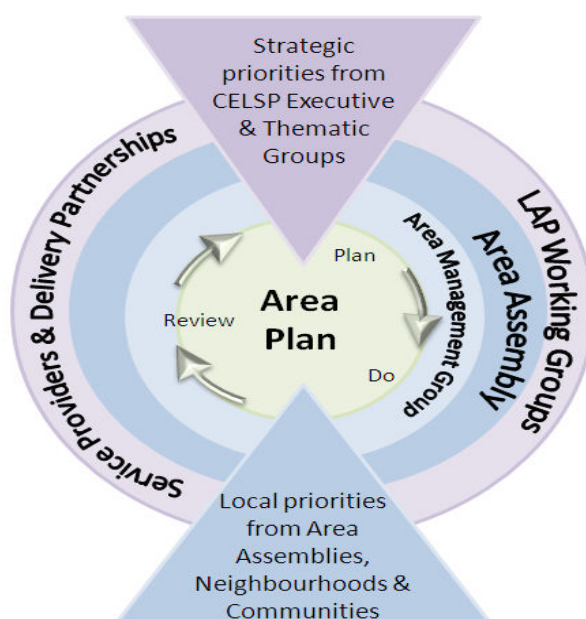
Their role is to improve services, ensure people influence decision making and to actively engage and empower communities.

In order to achieve this, they will

- Support and facilitate local consultation and engagement to gain a shared understanding of local issues, needs and preferences important to the area.
- Focus collective effort and work on issues that cannot be tackled by one organisation on its own and deliver joint activities (e.g. Not in my Neighbourhood).
- Make a difference by delivering local priorities set out in an Area Plan, which underpins Cheshire East's Sustainable Community Strategy.
- Balance strategic and local issues, by providing opportunities for communities to bring local insight to influence decision-making.
- Work with the Partnerships in Action Cheshire East Executive Board and Thematic Partnerships to agree and deliver local activities and projects linked to the Local Area Agreements targets most relevant to their area.
- Share knowledge and resources, to effectively target the delivery of local services.
- Unblock situations and enable joint problem solving between residents and partners and turbo-charge solutions.
- Gather local information on the performance of local services, to enable continuous improvement.
- Actively empower communities through a wide range of approaches, (e.g. community planning, participatory budgeting, neighbourhood agreements) resulting in positive community led action.

Local Area Partnership Structure

The Local Area Partnerships operating model is shown diagrammatically as follows:



LAP Area Assemblies

Each Local Area Partnership will hold 4 Assemblies a year (quarterly) to engage the wider community and local partners in the work of the LAP. Area Assemblies are open to and involve anyone who has an interest in making the area better.

The Assemblies will listen to community issues to inform future work, developing local priorities and setting the course of action of the Area Management Group. They will capture both long-term issues and local concerns requiring an immediate response. They will provide a forum, which can act as a local body for consultation about local issues and developments.

Each Area Assembly will receive up-dates from their Area Management Group, LAP working groups and partners on progress against actions in the Area Plan.

- Summer Assembly (June/July) will focus on reviewing and evaluating progress during the last year and plan ahead to develop the following year's plan.
- September Assembly will develop the following year's Area Plan, in time to realistically inform and influence partners' business planning and budget making processes.
- November Assembly will focus on Public Spend, providing an opportunity for joint consultation on draft budgets.
- Other Assemblies will be themed with open discussion and workshops on a relevant local issue.

Cheshire East Councillors (LAP Chairmen) will chair the Assembly meetings in their community leadership role. Community Engagement and Empowerment is a key role of the Local Area Partnerships. The Area Assemblies will be public and aim to

engage local communities. In addition, the Local Area Partnerships are using a wide range of approaches to engage the full range of community and neighbourhood groups who are active in an area.

Area Management Group

The Area Management Group membership reflects local need, and includes key local partners who are responsible for actions in the Area Plan. Area Management Group will develop the Area Plan, based on the guidance of the Area Assemblies, delivering appropriate responses to priorities identified by local people. They will deliver specific localised projects and initiatives, which contribute to the Local Area Agreement and national indicators as identified by the LSP Executive and Thematic Partnerships.

Membership

- The Area Management Group will have a maximum membership of 10 people, and will include; local Police Inspector, Fire Station Manager, Assembly Chairman, Local Area Partnership Manager, Health representative (Primary Care Trust organising), Registered Social Landlord(s), Town or Parish Council (elected by ChALC Area Meeting) and other local partners who are responsible for actions in the Area Plan.
- The group will invite other people to attend individual meetings when required (e.g. Cheshire East Council Service Managers, Working Group Leads) in order to address specific issues or actions in the Area
- The chair of the Area Management Groups will be a representatives from a partner organisations, to demonstrate shared ownership of the Local Area Partnership.

Commissioning

The Area Management Group will commission services to deliver local priorities through shared resources & budgets and ensure actions are evidence based and performance managed. They will need to develop opportunities to improve local services through different ways of working, enabling joint problem solving, joining up local activities and delivering joint events.

- Each Local Area Partnership will establish time limited task and finish working groups to address issues or deliver projects. In cases where there is an identified gap in commissioning, the LAP will set up a working group to deliver the agreed action.
- Each Local Area Partnership will have a number of core documents, which will help inform the development and delivery of its work. These include; the Area Plan, Area profiles and local intelligence and a Local Communication Plan.

Neighbourhood Engagement

In addition to the LAP structures and our joint work in neighbourhoods, there are a large number of other mechanisms, which the LSP and partners use to engage with

local people, providing opportunities for them to get involved in local decision making. Below are some examples:

- Town and Parish Conferences
- Voluntary sector networks
- Faith networks
- Town Partnerships
- Community/neighbourhood groups
- Police Pledge meetings
- Ward & neighbourhood meetings
- Community Centres and Drop-ins
- Consultation events/mechanisms.

Secretariat

Cheshire East Council will provide administrative support for the LSP Executive Board, including the preparation and despatch of agendas, reports, minutes and general correspondence in connection with the work of Partnerships in Action Cheshire East

Secretariat arrangements for the constituent bodies of Partnerships in Action Cheshire East (PACE) Framework will be provided by the most appropriate organisation, with a strong commitment from all Partnerships in Action Cheshire East partners to ensure that the resources, effectiveness and efficiency of each partnership is maintained and the work programmes identified are clearly supported.

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CHESHIRE EAST COUNCIL

REPORT TO: STANDARDS COMMITTEE

Date of Meeting: 27 September 2010

Report of: Head of ICT Security

Subject/Title: ICT Code of Practice for Members

1.0 Report Summary

- 1.1 The ICT Security Policies have been developed and agreed. A Code of Practice for Staff has been produced to give specific examples and guidance to aid the interpretation of the detailed policies. A Code of Practice for Members has also been produced to give specific examples. This report details the Code of Practice for Members.

2.0 Recommendation

- 2.1 The Committee is asked to RESOLVE –

That the ICT Code of Practice for Members be adopted by the Standards Committee as protocol.

3.0 Reasons for Recommendation

- 3.1 The ICT Code of Practice has been developed by the Corporate Governance Sub-Group following advice from the Corporate Governance Group and the ICT Members Panel.
- 3.2 The Code has been finalised ready for recommendation by the Standards Committee.

4.0 Wards Affected

- 4.1 Not applicable

5.0 Local Ward Members

- 5.1 All Councillors

6.0 Policy Implications

- 6.1 The ICT Code of Practice contributes to the system of internal controls operated by the Council under its Code of Corporate Governance.

7.0 Legal Implications

- 7.1 The ICT Protocol would be a reference point for any investigations carried out into complaints against Members which related to ICT.

8.0 Risk Management

- 8.1 The ICT Protocol contributes to the Council's Risk Management Framework.

9.0 Background

- 9.1 Interim ICT Security Policies were produced prior to the Cheshire East Council ICT Policies being set up. The Cheshire East ICT Security Policies have been developed by Corporate Governance Sub-Group.

- 9.2 The Corporate Governance Sub-Group was set up to work through the working detail of the ICT Security Policies for the Corporate Governance Group. It was felt by the Sub Group that a Code of Practice for Staff and Councillors would be beneficial to give detailed examples of good practice.

- 9.3 The Code of Practice has been presented to the ICT Members Panel on the 30th July 2010. Recommendations from the panel were then taken to the Corporate Governance Group on the 9th September.

- 9.2 This report presents a Code of Practice for ICT for Councillors at Cheshire East. The Code of Practice collates existing guidance on the use of ICT at Cheshire East aligned with best practice in ICT Management

The Standards Committee is requested to review the proposed Code of Practice and agree it as a protocol.

10. Access to Information

The background papers can be inspected by contacting the report writer.

For further information contact:

Keith Sutton
ICT Project Manager
Tel: 01270 686293
E-mail: keith.sutton@cheshireeast.gov.uk

ICT Code of Practice for Members

1 Introduction

This Member Code of Practice is based on the ICT Security Policies, the Government Code of Connection requirements and ISO27001 standards for information management and security. It has been developed to assist members meet their responsibilities and should be used in conjunction with the associated HR and ICT Policies.

This Code of Practice is split into three areas; the first providing guidance on using Council systems, the second detailed guidance on using Council equipment and the third specific direction on using non-Council equipment to access systems.

Failure to adhere to this Code of Practice may be reported to the Council's Standards Committee.

For further guidance on any of the points set out below please contact the ICT Service Desk Contact x88888 or 0845 7603456.

2 Guidance when using Council Systems

2.1 Passwords

Passwords protect information against accidental or malicious disclosure, modification or destruction. Members must ensure that passwords are kept confidential and used in line with the ICT Security Policies. The main requirements being:

- A password should be at least seven characters in length.
- Contain characters from three of the four categories: uppercase; lowercase; 0 through 9; or special characters (*&^%\$£"! etc.).
- Not contain two of the same characters consecutively.
- Be difficult for anyone else to guess.
- Be kept confidential and not shared with anyone, not written down, and not included as part of an automated routine e.g. stored in a macro.
- Be changed regularly and not used again for at least 12 months

2.2 Email

- Each Councillor is responsible for the context of all text, audio and images that they send, and should not contain derogatory statements, potentially libellous, defamatory, comments likely to cause offence, gossip, hoaxes, or jokes to others inside or outside the Council.
- Be aware that data contained within email could be subject to the provisions of the Data Protection Act.
- Automatic forwarding arrangements for any messages from the work account to one outside the authority, e.g. at home must not be set up. Automatically sending Cheshire East emails to external accounts increases the risk of disclosure or interception.
- Confidential or sensitive information sent outside of the Council network via email must be encrypted using approved methods only – Contact the ICT Service Desk for additional information.
- Do not forward or reply to suspicious emails or chain letters, similarly do not click on attachments or web links within suspect emails. If in doubt contact the ICT Service Desk for advice.
- Be aware that a disclaimer is included automatically in all outgoing emails stating that is was sent in confidence for the addressee only, may be legally privileged and any views expressed are not necessarily those of Council.

- Email correspondence may be monitored inline with the ICT Security Policies.

2.3 Internet

- Councillors should only enter confidential personal information, e.g. credit card numbers, log in passwords etc. to websites if access to the site is encrypted, i.e. a 'padlock' symbol is shown in the bottom corner of the screen.
- The Internet is an insecure medium, therefore confidential or sensitive documents should only be sent by methods agreed to be secure. Council information which is intended for internal use only, must not be placed on a system or website that is publicly accessible.
- Members indicating their affiliation with Council, e.g. via an email address or other identifier, in bulletin boards, special interest groups, forums or other public offerings, in the course of their business must clearly indicate that the opinions expressed are not necessarily those of the Council.
- Care must be taken using Social Networking sites. The same care must be taken when posting information as sending email or writing official letters (see Social Networking Guidance on the Intranet).

2.4 Mobile Working

Mobile working, whether at home or away from normal business locations, brings with it additional threats to data security. Mobile equipment is also more vulnerable to theft, loss or unauthorised access.

- Care should be taken with devices that have in-built cameras to ensure appropriate use. E.g. phone camera within a Children's Centre environment.
- Equally it is important to ensure that unauthorised individuals are not able to view or overhear confidential or sensitive information. All sensitive or critical business information should be kept secure when not required.
- Additional confidentiality issues arise when using equipment abroad. [See Using Portable Electronic Devices Abroad.](#)

3 Guidance when using Council equipment

3.1 Use and Protection

- Members may use their Council provided computers for official business activities and those related to other public bodies or organisations on which they are the Council's representative or nominee, e.g. Housing Trust, Parish Council.
- Members should not use the ICT facilities improperly for political purposes such as the promotion of a political party, a candidate or group of candidates in an election or in connection with a party political campaign. Receiving email on a separate private email account from a member's group or party would not be regarded as improper.
- Personal use is allowed providing the ICT security policies are adhered to.
- Members must 'log out' of systems fully or lock the computer when leaving a workstation unattended.
- All information and files created, received, stored or sent while on Council business or using Council facilities form part of the Council's corporate records and remain property of the Council.
- All corporate laptops must be encrypted. This should be arranged via the ICT Service Desk.
- Only corporate encrypted memory sticks must be used.
- Always ensure that equipment and media are powered off when left unattended and preferably locked away.

- Good security measures should be used to protect a laptop i.e. not left unattended when in use or when in sleep or standby saving states. The laptop must be kept in a secure location (i.e. out of sight) when not in use and not be an easy target for thieves.
- Ensure that only equipment belonging to the Council is connected to a Council PC or the network.

3.2 The Council's Internet

- The Council's Internet and email service may not be used for transmitting, accessing, retrieving or storing any communications of a discriminatory or harassing nature or materials that are racist, offensive, obscene, pornographic, sexually explicit, or used for the purposes of gambling.
- The Council does not accept liability for any loss or damage arising from use of the Internet to make personal financial transactions.
- Software must not be downloaded from the internet without approval from the ICT Service Desk.
- Internet use is monitored in line with the ICT Security Policies.

3.3 Software and Virus Protection

The Council adheres strictly to software licence agreements.

- Members should ensure that all software is purchased through ICT Strategy and that the suppliers' conditions of use are followed.
- Software should not be copied and unlicensed software should not be used.
- Care should be taken to prevent and detect the introduction of viruses and other malicious software. For example:
 - Do not use removable media of an unknown origin e.g.: USB keys, CDs etc:
 - Do not share removable media with personally owned PCs to avoid spreading a virus.
 - Do not download game/joke software or screen savers as they are a common method for spreading viruses.

4 Guidance when using own equipment

- Non Council equipment or privately owned equipment should only access systems through ICT approved remote access solutions.
- Members must 'log out' of systems fully or lock the computer when leaving a workstation unattended.
- All information and files created, received, stored or sent while on Council business or using Council facilities form part of the Council's corporate records and remain property of the Council.
- Members should clearly state in any email whether it is being sent on official Council business.
- The content of every email sent on official Council business must not be such that it brings the Council into disrepute. Emails whether including text, audio and/or images must not contain derogatory statements, potentially libellous or defamatory comments or anything likely to cause offence, to others either inside or outside the Council. Note that gossip, hoaxes, or jokes fall within this category.
- The Internet is an insecure medium, confidential or sensitive information should not be sent by personal email.
- Members are reminded that the Council's indemnity and insurance arrangements are limited to official business.

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CHESHIRE EAST COUNCIL

Standards Committee

Date of Meeting: 27th September 2010.
Report of: Customer Relations Manager.
Subject/Title: Customer and Local Government Ombudsman Complaints
– Quarter 1 2010/11.

1.0 Report Summary

- 1.1 This report provides a summary of the corporate complaints and local government ombudsman complaints dealt with by Cheshire East Council for the period 1st April 2010 to 30th June 2010.

2.0 Recommendation

- 2.1 That having regard to the parameters of the Committee's terms of reference as outlined in this report, the Committee notes this report and makes any further response it considers appropriate.

3.0 Reasons for Recommendations

- 3.1 At its meeting held on 26th July 2010 the Committee considered a report which provided a summary of complaints dealt with by the Local Government Ombudsman in respect of Cheshire East Council for the period 1 April 2009 to 31 March 2010. The Committee agreed that a summary report on both Local Government Ombudsman complaints and customer complaints be submitted to each meeting of the Committee.

4.0 Wards Affected

- 4.1 All.

5.0 Local Ward Members

- 5.1 All.

6.0 Policy Implications including

- 6.1 Adherence to the Corporate Compliments, Suggestions and Complaints Policy.

7.0 Financial Implications

- 7.1 If maladministration causing injustice is found, Cheshire East Council can be asked to pay compensation to a complainant. A compensation payment is

also possible where a matter is settled prior to a formal finding by the Ombudsman.

8.0 Legal Implications (Authorised by the Borough Solicitor)

8.1 The Committee's terms of reference as set out in the Constitution include the following:

- Ensuring that the Council maintains appropriate links with the Commission for Local Administration in England (Ombudsman)
- Referring issues, which impinge on staff conduct, performance, terms of employment, training and development to the appropriate and responsible Executive Member and/or Manager
- Promoting high standards of responsiveness by the Council to its clients and contacts

8.2 The Committee's role in considering this report is to determine what, if any, action it should take to further the above aims.

9.0 Risk Management

9.1 In addition to other measures within the Council's management structure, the remit of this Committee contributes towards the management of risk in handling complaints, and the promotion of good practice.

10.0 Background and Options

10.1 At its meeting held on 26th July 2010 the Committee considered a report which provided a summary of complaints dealt with by the Local Government Ombudsman in respect of Cheshire East Council for the period 1 April 2009 to 31 March 2010.

10.2 During discussion of the report, the issue of customer complaints in general was raised. An outline of the process was provided for Members, together with an indication of current performance compared with the previous period. Complaints, suggestions and compliments management information was collated on a monthly basis.

10.3 Members considered that it would be helpful to receive a report at each meeting on complaints/compliments generally, divided into the type of complaint, response rates for responding to complaints and whether or not they were satisfactorily resolved from the perspective of the complainant. The information would enable the Committee to detect emerging trends and highlight areas of concern.

10.4 The Committee agreed that a summary report on both Local Government Ombudsman complaints and customer complaints be submitted to each meeting of the Committee.

The New Corporate Compliments, Suggestions and Complaints Policy

- 10.5 The new Corporate Compliments, Suggestions and Complaints policy and procedure came into effect from 1st April 2010. The new policy is reduced to two stages, with the first stage investigated by the service that caused the dissatisfaction, and the second stage, or appeal, investigated by an Officer independent to the service that is being complained about. The new policy also provides improved definition of roles and responsibilities and improved guidance in dealing with unreasonable and unreasonably persistent complainants.
- 10.6 Compliments, suggestions and complaints continue to be managed using the former Macclesfield database, which provides very basic case management functionality and very limited management information. A new Complaints database (part of the Corporate CRM system) will be implemented during Q3 that will provide more sophisticated case management functionality and improved management information including customer satisfaction. This will be able to produce a more extensive report using this system for the year end.

Performance Highlights

- During the first quarter, 453 new complaints were received. By 13th July, 414 (91%) had been responded to and closed.
- 342 (83%) of the 414 closed complaints were responded to within the target of ten working days.
- 9 Stage 2 Complaints were investigated. The average investigation time was 46 days, against a target of 20 working days. Some of the delay can be explained by delays in initiating the stage 2 process and identifying the independent reviewer.
- 32 complaints were carried over from 2009/10 (managed under the previous policy). Only 31% were answered on time.
- 59 Compliments were received. The training sessions have encouraged officers to officially recognise when customers complimented a service, as a result the compliments have increased by 86%.
- 34 suggestions were received.
- The Local Government Ombudsman asked us to investigate 20 complaints in the first quarter. Of these, 7 were premature complaints. The LGO discontinued 1 investigation due to lack of evidence. In 3 cases they found no maladministration and we are awaiting their decision on the 9 remaining cases.

Improvements Made Arising from Complaints and Suggestions

- 10.7 Arising from public service improvement suggestions individual services have are encouraged to make improvements
- 10.8 Environmental Health – The public suggested the service should take payment for contaminated land enquiries over the phone rather than send in a cheque. This was established on the PARIS payment system, so now payment for contaminated land enquiries can be taken over the phone.

- 10.9 Children's Services – The public were unhappy with the School Organisation and Admissions 'appeals and admission' process and how siblings were treated. Revised admission arrangements for 2011 have been brought in to give higher priority to younger siblings.

Individual Service Performance

Service	Completed stage 1 complaints	Average number of days to complete	Number of ongoing complaints	Average number of days since received
Planning & Performance	1	1	-	-
Registrars	4	2	-	-
Communications	4	3	-	-
Environmental Services	162	5	2	23
Health & Wellbeing	79	6	2	17
Safer & Stronger Communities	25	6	-	-
Children & Families	3	7	2	49
Customer Services	40	7	1	35
Planning & Policy	47	9	13	15
Council Tax	42	9	8	27
Democratic Services	12	10	-	-
Housing Benefits	20	11	-	-
Regeneration	-	-	1	31
Finance	-	-	1	21

(Note: All performance data is provided as of 13/07/10 as it is not possible to run historical reports in the existing Complaints database)

LGO Complaints	On-Going	No Maladministration Found/Discontinued	Premature	Maladministration Found
Planning & Performance				
Registrars				
Communications				
Environmental Health	2		1	
Health & Wellbeing				
Safer & Stronger Communities		2	1	
Children & Families	2	1		
Adult Social Care	2			
Planning & Housing	3	1	2	
Council Tax & Recovery			3	
Democratic Services	1			
Housing Benefits				
Regeneration				
Finance				

11.0 Access to Information

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

Name: Helen Gough

Designation: Customer Relations Manager

Tel No: 01606 271519

Email: Helen.gough@[cheshireeast.gov.uk](mailto:Helen.gough@cheshireeast.gov.uk)

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Introduction

This Bulletin comes at a time of big change for us following the Government's announcement of its intention 'to abolish the Standards Board regime'. Whilst we still await the detail of this policy, we will share with you what we know about what is proposed, and outline the timetable for our closure.

Although we have had to modify our work programme in light of this proposal, we remain 'open for business' and set out in this Bulletin our schedule of activities for the coming year. We are committed to continuing to work with you and support you in operating the standards framework successfully.

This is a sad month for us as we say goodbye to many valued staff leaving the organisation in our first wave of redundancies. We are losing people who have contributed much to this organisation, and many of whom have worked for us for some time. They will be much missed. We wish them all well in their future endeavours and thank them sincerely for their hard work.

The Future of Standards for England and the Standards Framework

The Government's 'Programme for Government' of 20 May 2010 contained the commitment to "abolish the Standards Board regime". Primary legislation is needed to abolish Standards for England, and we expect the provisions to be included in the planned Decentralisation and Localism Bill which is due to be presented in late 2010, with Royal Assent anticipated between July and October 2011. This is likely to lead to final closure of this organisation sometime between 31 December 2011 and 31 March 2012. We have not seen any transitional provisions at this stage but will provide an update in a later Bulletin, when we know more.

In the light of these circumstances we have reviewed our business plan for this year and next. Our current priorities are to fulfil our statutory duties, to support local authorities in maintaining high standards and to assist the government in developing and implementing any new arrangements they may choose to put in place.

In the meantime, the local standards framework still exists and standards committees and monitoring officers have an obligation to keep the system operating.

In order to assist you we will:

- Continue to provide advice and information to those who phone or write to us with queries about the standards regime via our enquiries helpline, monitoring officer helpline or press helpline. We will respond immediately where we can by telephone or in writing by post or email.
- Update our guidance on the framework to make it easier to use.

There will be changes to the content of the guidance where sections may be out of date, inaccurate or incorrect. We have received several suggestions from stakeholders and will incorporate these in the guidance where appropriate.

The format of the guidance is changing to make it easier to use and more helpful. It will highlight all statutory requirements and provide a link to the relevant legislation.

We are not proposing to produce any other new guidance products, unless a specific need is identified. All revised guidance will only be available via our website.

- Produce an updated case review.

As a result of a request from the Association of Council Secretaries and Solicitors, and to assist the standards community as a whole, we are updating the Case Review 2007 to reflect cases decided by the First Tier and Upper Tribunals since the Case Review was last updated in 2008.

- Continue to carry out investigations referred to us by standards committees.

See the article towards the end of this bulletin on the factors we take into account when deciding whether to accept cases for investigation

- Maintain existing relationships with key stakeholder organisations.

Standards for England will continue to provide support to those in the regulated and standards community who have requested our help with ethical issues.

- Meet requests for staff to give presentations or attend training events.

We will continue to provide staff and material for presentations and training events where we are requested to attend and where it fits in with our current business plan.

- Maintain our web site as a resource to support standards committees.

We will carry out routine maintenance of our website and the guidance we provide on it. We have published our Annual Report and Annual Accounts online but we will not be printing these publications.

An update on monitoring returns

In June 2010 we sent out an email to all monitoring officers explaining that we had decided to postpone the return for the April to June quarter. As part of the review of the Business Plan we considered our requests for local authorities to complete quarterly monitoring. There will be no further requests for the submission of quarterly or annual returns. We do not anticipate re-establishing these procedures, unless a specific monitoring need arises in which we have to play a part.

The online questionnaires have been removed from our website and are now inaccessible. However, the information submitted by local authorities is available on request. If any authority wishes to obtain a copy we can provide them with pdf versions of any of the following:

- The standards committee composition details, correct as of the last date of monitoring (31 March 2010)
- Two years of case information, listed in chronological order by date received
- Annual Return 2008/09
- Annual Return 2009/10

Please email requests to authorityreturns@standardsforengland.gov.uk

Aggregated summary statistics of the quarterly return information are still available online at

<http://www.standardsforengland.gov.uk/CaseinformationReporting/Localstatistics/>

We will shortly be publishing an online report of the annual return information collected for 2009/10. This includes an introduction to the data, a key figures page, a summary of the findings and a full list of all the most common responses to each question.

Acceptance of Complaints by SfE

We have reviewed the factors we take into account when assessing if we will accept cases in the public interest, referred to us by local standards committees, for investigation. We reviewed the factors to see whether they were still appropriate taking into account the Government's stated policy, its localist approach to regulation of local government and our reduced budget.

We concluded that both the underlying criterion of public interest and the relating factors are consistent with our statutory purpose and continue to be valid while the current standards framework remains in place. Therefore we have not made any changes to the factors or criterion. However, when considering whether to accept cases we will have to have regard to the resources we have available and take account of the relative importance of cases.

Reappointment of Independent members

We have been asked if an authority has to follow our recommendation that independent members serve no more than two terms of four years after which new members should be recruited. Some authorities are concerned that, given the current uncertainty regarding the future of the standards regime, it may be preferable to retain those who have been trained and understand their role rather than to try to recruit and appoint new members. In light of the uncertain future of the standards framework we advise that, as long as the original appointment was carried out in accordance with all the correct legal requirements at the time (e.g. approved by full council, after being openly advertised and having assessed the suitability of all the applicants) an authority can extend that term for a further period. This can only be done during the term of office of an existing independent member and by approval from full council. Once the independent member's term has expired the full recruitment procedures must be followed again.

Tell us how it should be done

The Standards Forum now has more than 1,100 users and over 200 posts on almost 70 different topics. The subjects of vexatious complaints, informing the subject member about a complaint and promoting ethical behaviour continue to be popular. More recently posts about subject members resigning before an election and discussions about the future of the standards regime have been generating interest.

If you have anything to say about these issues or if you want to share good practice, seek advice from your peers or simply draw attention to something you think might be relevant to others, do it on the Forum. To have your say, visit:

www.standardsforengland.gov.uk/resources/TheStandardsForum/

The Forum is open to members of standards committees, monitoring officers and other relevant council officers. If you are not currently registered for the Forum and would like to have access, please email: forum@standardsforengland.gov.uk

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