

STANDARDS COMMITTEE

At a meeting of the Standards Committee on Wednesday, 19 November 2008 in Committee Room 2, Runcorn Town Hall

Present: Mr B. Badrock (Chairman), Parish Councillors Crawford and D. Felix, Mr R. Garner and T. Luxton, and Councillors Balmer, Parker, Redhead and Wharton

Apologies for Absence: Councillor Wainwright

Absence declared on Council business: None

Officers present: L. Cairns and M. Reaney

Also in attendance: None

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

		<i>Action</i>
STC8	MINUTES	
	<p>The Minutes of the meeting held on 10th September 2008, having been printed and circulated, were signed as a correct record.</p>	
STC9	APPOINTMENT TO VACANCY	
	<p>The Committee considered a report of the Strategic Director – Corporate and Policy providing an update on the current position in respect of the appointment to the previous Committee vacancy of “Parish Council Representative”.</p> <p>It was noted that, on 27th February 2008, the Committee had recommended to Council that the Constitution be amended to provide for an additional Independent Member and an additional Parish Council representative on the Standards Committee. This was in order that it could fulfil its requirements in terms of the new filtering process and was in accordance with best practice. Full Council had subsequently agreed these changes at its meeting of 16th May 2008.</p> <p>Since that time, steps to fill the Parish Council vacancy had been taken and Rev. Canon David Felix had</p>	

subsequently been appointed by Full Council on 22nd October 2008.

The Chairman welcomed both Mr. Garner, the new Independent Member, and Rev. Canon Felix to their first meetings.

RESOLVED: That the report be noted and Rev. Canon Felix be welcomed as the new additional Parish Council representative on the Committee.

STC10 ACTION LIST

The Committee considered the Action List in detail and noted/agreed the following:

- Action 1 – There was a further opportunity for joint training with Warrington on either 12th or 15th January 2009. The training was to be provided by Weightmans and would revolve around dealing with a complaint from first receipt through to delivering a decision at the end of an investigation. Committee Members confirmed that they preferred 12th January.
- Action 3 – The Monitoring Officer agreed to liaise with contacts in Merseyside to ascertain whether or not any complaints were to be considered in the near future. Monitoring Officer
- Action 7 – It was agreed that an article be placed in the next In Touch magazine highlighting the new local filtering arrangements and reporting on the two new additional Members of the Committee. Monitoring Officer
- Action 15 – It was noted that the production of a small loose-leaf folder for Members would be costly and unlikely to be achieved given the backdrop of shrinking resources. However, booklets had been provided by the Standards Board and previously distributed to all Members earlier in the year. Contact would be made with the Standards Board for England again to ascertain whether further copies could be obtained. Monitoring Officer

STC11 SEVENTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES - FEEDBACK

The Committee noted that, further to a previous resolution, the Council had secured two places on the Annual Assembly of Standards Committees in Birmingham

for the Chairman and the Monitoring Officer, which had taken place on 13th and 14th October 2008. The Chairman reported that he had attended a session where the planning process had been examined, with areas of potential problems highlighted. Information from this session had been included as an Appendix to the report with the agenda.

The Committee considered issues surrounding the need for Members to declare interests as well as pre-determination and bias. The Chairman confirmed that the Standards Board had advised that it would be willing to present this training session to local Councils and Members considered that this would be a useful tool to use as part on the ongoing training for Development Control Committee Members, and also for all Members of the Council.

RESOLVED: That:

- (1) the report be noted;
- (2) contact be made with Warrington Borough Council to find out whether Weightmans are to consider planning issues as part of the training session in January; and
- (3) contact be made with the Standards Board for England to ascertain whether or not they will provide the training session to Members of Halton Borough Council as outlined above.

Monitoring Officer

STC12 DCLG CONSULTATION: MEMBER/OFFICER CODES OF CONDUCT

The Committee considered a report of the Strategic Director – Corporate and Policy seeking approval of a basis for the Council responding to the Government's Consultation Paper on the Members' Code of Conduct.

It was noted that there were separate codes of conduct for Members and officers, both of which appeared in the Halton Constitution. The Members' Code included the Ten Principles of Public Life recommended in the Neil Report into Conduct in Public Life, which had been prescribed by law. Halton's version followed the national model. Members accepting office agreed to be guided by the Code and breach of the Code was dealt with under the Standards Committee process.

The officers' Code of Conduct had never been prescribed by law although there had been a national model

recommended at one time by the Local Government Management Board (LGMB), which was substantially the model approved by the Council and included in the Constitution. Breach of the Code could form the basis for engaging the Disciplinary Code. Officers were expected to comply with the Code and, in recent years, employees' Particulars of Employment had explicitly required them to comply with its terms. This Code of Conduct was in addition to various other codes that certain officers were subject to; for example employees who belonged to particular professional bodies.

Since the introduction of the Local Government Act 2000 there had been power to establish a national statutory code of conduct for officers. The Department of Communities and Local Government (DCLG) had published a new consultation paper in October 2008 inviting responses to 22 questions relating to "Codes of Conduct for Local Authority Members and Employees" with comments to be submitted to the Department by 24th December 2008.

The report outlined the areas that the consultation paper was inviting comments upon in terms of both Members and officers. Consultation on the officers' Code of Conduct fell within the remit of the Executive Board and, as such, the Board had been requested to consider this at its meeting of 20th December 2008. Comments from the Standards Committee relating to the Members' Code of Conduct consultation would be reported to the Board the following day for information.

The Committee considered the proposed consultation response to the Member Code outlined within Appendix A to the report and considered issues such as:

- the inclusion of police cautions to the definition of "criminal offence"; and
- tribunals relating to the conduct of Members in a private capacity that resulted in a finding of discrimination.

Although the decision on the consultation relating to the officers' Code was within the remit of the Executive Board, the Standards Committee also made recommendations in this respect relating to question 18 and the need for employees to register their interests publicly. Members agreed that this aspect should not be restricted to those who were on a salary scale prescribed for politically restricted posts.

In addition, Parish Councillor Crawford requested his concerns be noted regarding the current requirements for Members, and the proposed requirements for officers, and the potential impact this could have on obtaining voluntary representatives and appointing clerks. However, the remaining Members of the Committee agreed that the principle that there should be a Code of Conduct for Parish Council Members was correct.

RESOLVED: That

Monitoring Officer

- (1) the consultation in respect of a revised Officers' Code of Conduct being considered by the Executive Board, and the proposed response to this consultation outlined in Appendix B to the report, be noted;
- (2) the Executive Board be recommended that the response to question 18 be amended to read "yes the Code should require employees to register their interests publicly"; and
- (3) the Strategic Director – Corporate and Policy be authorised to draw up and submit a response to the Consultation Paper in respect of the Members' Code of Conduct as outlined in Appendix A to the report subject to the inclusion of the following requests:
 - i) that further consideration be given to including police cautions in the definition of "criminal offence"; and
 - ii) that further consideration be given as to whether the conduct of Members in a private capacity that resulted in a tribunal finding of discrimination should be capable of amounting to a breach of the Code.

STC13 STANDARDS BOARD INFORMATION ROUND-UP

The Committee considered a report of the Strategic Director – Corporate and Policy providing an update on the latest news from the Standards Board.

A copy of Bulletin 40, released since the last meeting of the Committee, was attached at Appendix 1 to the report. In particular, Members' attention was brought to the analysis of the first quarter of local case handling and consultation on the adjournment of local assessment decisions.

The consultation related to the option of Standards

Committees to refer a case to the monitoring officer of the authority concerned and had been issued since the last meeting of the Committee. It was advised that, if the option to refer a case was chosen, the Committee could give directions to the monitoring officer about how to deal with the case under Section 66(6) of the Local Government Act 2000, either by way of a direction to investigate it or to take other action. However, if a case was referred for action other than investigation, it could not subsequently be investigated. Therefore, some Standards Committees had been reluctant to direct the monitoring officer to deal with a case by way of other action when they may not know enough about its circumstances.

Two options had been outlined in the consultation, with concerns and advantages highlighted. The Standards Board had advised that an analysis on the consultation feedback would be in the next bulletin, which would be presented to the Committee in due course.

RESOLVED: That the report be noted.

Meeting ended at 4.40 p.m.