



Standards Committee

**Wednesday, 10 November 2010 at 3.00
p.m.**

Committee Room 1, Runcorn Town Hall



Chief Executive

COMMITTEE MEMBERSHIP

Mr Bill Badrock

Parish Councillor Bernie Allen

Parish Councillor Canon David Felix

Mr Robert Garner

Mr Tony Luxton

Mrs Anita Morris

Councillor Peter Murray

Conservative

Councillor Stan Parker

Labour

Councillor Linda Redhead

Liberal Democrat

Councillor John Swain

Labour

Councillor Kevan Wainwright

Labour

*Please contact Angela Scott on 0151 471 7529 or
Angela.scott@halton.gov.uk for further information.*

The next meeting of the Committee is on Wednesday, 5 January 2011

**ITEMS TO BE DEALT WITH
IN THE PRESENCE OF THE PRESS AND PUBLIC**

Part I

Item No.	Page No.
1. MINUTES	1 - 3
2. DECLARATIONS OF INTERESTS	
Members are reminded of their responsibility to declare any personal or personal and prejudicial interest which they have in any item of business on the agenda no later than when that item is reached and, with personal and prejudicial interests (subject to certain exceptions in the Code of Conduct for Members), to leave the meeting prior to discussion and voting on the item.	
3. DUAL -HATTED MEMBERS AND THE CODE OF CONDUCT	4 - 7
4. PRESS RELEASE- COMMUNITIES MINISTER	8 - 11
5. RECENT CASE SUMMARIES FROM STANDARDS FOR ENGLAND - ROUNDUP	12 - 19
6. RECENT CASE SUMMARIES FROM STANDARDS FOR ENGLAND	20 - 25
7. DRAFT ACTION LIST	26

In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.

STANDARDS COMMITTEE

At a meeting of the Standards Committee Wednesday, 8 September 2010 Committee Room 1, Runcorn Town Hall

Present: Mr W Badrock (Chairman), Parish Councillor Mr B Allen, Mr A Luxton (Vice-Chairman), Mrs A Morris, Councillors Murray, Parker, Redhead, Swain and Wainwright

Apologies for Absence: Parish Councillor Canon D. Felix and R. Garner

Absence declared on Council business: None

Officers present: M. Reaney and A. Scott

Also in attendance: None

**ITEMS DEALT WITH
UNDER DUTIES
EXERCISABLE BY THE COMMITTEE**

STC8 MINUTES

Action

The minutes of the meeting held on 26 May 2010, having been printed and circulated, were signed as a correct record.

In noting the comments, the Committee commented on the following matters:

- The power to award costs by the First Tier Tribunal if the Tribunal considered a party had acted unreasonably in bringing, defending or conducting proceedings;
- Support from Standards for England to Standards Committees and their availability to attend a future meeting;
- Cancellation of the Annual Assembly in the Autumn; and
- Take-up of the one to one training sessions offered at the previous meeting.

STC9 STANDARDS FOR ENGLAND ROUNDUP

The Committee received a report of the Strategic Director, Resources which brought Members up to date on the latest news from Standards for England.

On 28 May 2010, Standards for England issued a statement concerning the Government's Planned Decentralisation and Localism Bill (the Bill) and included a proposal to abolish the Standards Board regime. Although the proposals in the Bill had not been confirmed, Members were advised that the local Standards Framework remained pending further legislative change.

Since the Statement was issued, Monitoring Officers had been advised not to provide quarterly update reports.

On 24 June 2010, Standards for England had advised that a new "Compact Toolkit" had been launched which offered help and guidance in building up greater working relationships with parish and town councils. The toolkit had been jointly developed by Standards for England, the National Association of Local Councils and the Society of Local Council Clerks. The toolkit was designed for use by Standards Committees, Monitoring Officers, SLCC Branch Officers and County Association Officers.

RESOLVED: That the report be noted.

STC10 RECENT CASE SUMMARIES FROM STANDARDS FOR ENGLAND

The Committee received a report of the Strategic Director, Resources which outlined recent decisions in cases where a breach of the Code of Conduct had been alleged in other authorities.

The Committee noted and discussed the contents of two cases from Hyndburn Borough Council and one for Wolverhampton City Council.

RESOLVED: That the report be noted.

STC11 DRAFT ACTION LIST

The Committee's Action List was attached for information.

In considering the Action List, the Committee highlighted the importance of training for all Elected Members and Parish Councillors on the current Code of Practice. In the absence of a new Code being issued in the foreseeable future given the recent change in Government, the Committee were keen that refresher training be organised. In addition they supported the idea of holding training for the Committee, utilising role play, at a future meeting.

The Monitoring Officer had considered the possibility of a Cheshire-wide training opportunity (to include the Cheshire East, Cheshire West and Chester and Warrington Authorities), and would raise this as an item at the next meeting of the Cheshire Secretaries' Group, and report the outcome to the next meeting of the Committee.

Monitoring Officer

RESOLVED: That the report be noted.

STC12 BLOGGING TOPIC GUIDE

The Committee received a report of the Strategic Director, Resources which advised Members of the online publication of a Blogging Topic Guide by Standards for England.

The Guide was published on the 18 August 2010 on the Standards for England website. The Guide pointed out that blogging had become an important and legitimate part of the operation of a democratic society and recognised that it was an efficient cost effective means of keeping in touch with people.

A copy of the Guide was attached to the report at Appendix 1, and it explained the positive role of blogging and provided information on how the Code of Conduct applied, giving examples of tribunal cases that had dealt with the issue.

RESOLVED: That the report be noted.

Meeting ended at 4.15 p.m.

REPORT TO: Standards Committee

DATE: 10 November 2010

REPORTING OFFICER: Strategic Director, Resources

SUBJECT: Dual-Hatted Members and the Code of Conduct

WARDS: N/A

1.0 PURPOSE OF THE REPORT

1.1 To advise members of the on-line publication of guidance for Dual-Hatted Members.

2.0 RECOMMENDATION

2.1 That the report be noted.

3.0 SUPPORTING INFORMATION

3.1 Standards for England has recently published an on-line guide for Dual-Hatted Members, who are Members who serve on two or more relevant authorities, for instance a Member who is both a District and Parish Council Member.

3.2 The guide particularly focuses on when such Members must declare interests, and also deals with the question of pre-determination.

3.3 Of particular interest are scenarios set out within the on-line version of the guidance, and members are able to complete these on their own or as a group.

4.0 POLICY IMPLICATIONS

4.1 None.

5.0 OTHER IMPLICATIONS

5.1 None.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

None.

6.2 Employment, Learning and Skills in Halton

None.

6.3 A Healthy Halton

None.

6.4 A Safer Halton

None.

6.5 Halton's Urban Renewal

None.

7.0 RISK ANALYSIS

7.1 No key issues have been identified which require control measures.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 The report of itself does not contain specific Equality and Diversity issues.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

9.1 None.

Dual-hatted members and the Code of Conduct

What is a dual-hatted member?

Dual-hatted members are members who serve on two or more relevant authorities; for instance, a member who is both a district and parish council member.

When should a dual-hatted member declare an interest?

If a dual-hatted member is taking part in a council meeting and an issue is under discussion which affects that member's other authority, then provided that they do not have a prejudicial interest, under paragraph 9(2) of the [Code of Conduct](#) the dual-hatted member only needs to declare a personal interest if they intend to speak on the matter involving the other authority. If the member does speak on the matter then they must declare a personal interest, but they are still able to vote.

Members must consider carefully, however, if the nature of the matter under discussion means that their membership of another authority may also give rise to a prejudicial interest.

For dual-hatted members who would not otherwise have a prejudicial interest for any other reason, a prejudicial interest will arise as a result of membership of the other authority if all of the following conditions are met:

- the matter affects the other authority's financial position or is about a licensing or regulatory matter applied for by the other authority
- the matter does not fall within one of the exempt categories of decisions under paragraph 10(2)(c) of the [Code](#)
- a reasonable member of the public with knowledge of the relevant facts would believe that the member's ability to judge the public interest would be impaired

Standards for England takes the view that where a regulatory application, including a matter of consent or approval, is made by a body on a member's register of interests, or a matter is discussed that would impact upon the financial interests of a body on a member's register of interests, then a prejudicial interest will arise. For example if a parish council planning application was being considered at a district council meeting, a member of the planning committee who is also a parish council member would need to declare a personal and prejudicial interest when that matter is considered, leave the chamber and not vote.

Predetermination and dual-hatted members

A dual-hatted member does not automatically have an interest in an item just by virtue of having considered the issue at the meeting of a different authority. If the issue does not meet the normal criteria for needing to declare a personal interest, then an interest does not need to be declared. However, the issue of predetermination or bias may need to be considered where members sit on different bodies determining matters. Further information on this can be found [here](#).

Find out more

- Please read our [Code of Conduct: Guidance for members 2007](#)
- Call our enquiries line on 0845 078 8181
- Email us at enquiries@standardsforengland.gov.uk
- Use the scenarios we have developed to help dual-hatted members develop a clearer understanding of when they need to declare an interest at a meeting of one of their authorities.

Dual-hatted member scenarios

The scenarios have been developed from real queries that we have received and the subsequent advice we have given.

The exercise can be completed on your own or as a group. If you are considering the scenarios as a group exercise you should allow yourselves up to 1.5 hours including discussion time to complete the task.

REPORT TO: Standards Committee

DATE: 10 November 2010

REPORTING OFFICER: Strategic Director, Resources

SUBJECT: Press Release – Communities Minister

WARDS: N/A

1.0 PURPOSE OF THE REPORT

- 1.1 To advise members of a recent press release from the Communities Minister Andrew Stunell, setting out the future of the ethical regime.

2.0 RECOMMENDATION

- 2.1 That the report be noted.

3.0 SUPPORTING INFORMATION

- 3.1 On 20th September 2010, a press release was published from the Communities Minister Andrew Stunell setting out his views on the future of the Standards regime.
- 3.2 Mr. Stunell indicated that serious misconduct for personal gain would become a criminal offence, and pointed out that the Government would legislate to ensure that whilst abusing a position for personal gain would result in criminal sanctions, ineffective or irresponsible behaviour would be a matter for the electorate rather than Standards for England. A newly empowered Local Government Ombudsman would investigate incompetence on behalf of local people.
- 3.3 Mr. Stunell also said that the Government would legislate to make it clear that Councillors can campaign and vote freely on their issues.
- 3.4 Further reports will be brought forward as soon as possible dealing with any developments.

4.0 POLICY IMPLICATIONS

- 4.1 None.

5.0 OTHER IMPLICATIONS

- 5.1 None.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

None.

6.2 Employment, Learning and Skills in Halton

None.

6.3 A Healthy Halton

None.

6.4 A Safer Halton

None.

6.5 Halton's Urban Renewal

None.

7.0 RISK ANALYSIS

7.1 No key issues have been identified which require control measures.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 The report of itself does not contain specific Equality and Diversity issues.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

9.1 None.

Stunell sets out future for corrupt councillors and for councils without Whitehall

Published 20 September 2010

Serious misconduct for personal gain will be a criminal act, while petty local vendettas will no longer get a hearing as the unpopular standards board regime is axed, Communities Minister Andrew Stunell announced.

Mr Stunell said the top-down regime set up by central government to monitor council conduct had become a vehicle for malicious and frivolous complaints. For example, one authority had to fork out £160,000 after receiving over 170 complaints from the same person. Each one had to be examined, but only three were considered worth investigating and after investigation all were dismissed.

Local Standards Committees investigated 6000 complaints in the first two years - of which over half were judged not worthy of any further action. The Government is axing the entire Standards regime including the central board, which costs over £6 million a year; with investigations of complaints costing thousands of pounds each.

Genuine corruption in local government needs to be rooted out and the new Government is legislating to make serious misconduct a criminal offence dealt with by the courts not committees. Councillors will have to register certain personal interests in a publicly available register.

Andrew Stunell said:

"The Standards Board regime ended up fuelling petty complaints and malicious vendettas. Nearly every council had investigations hanging over them - most of which would be dismissed but not before reputations were damaged and taxpayer money was wasted. Frivolous allegations undermined local democracy and discouraged people from running for public office.

"That's why we are axing the unpopular and unelected standards board regime. Instead we will legislate to ensure that if a councillor is corrupt and abuses their office for personal gain they will be dealt with in the criminal courts. If a councillor behaves ineffectively or irresponsibly then it's a matter for the electorate not an unelected quango.

"This Government is freeing councillors from central prescription and top down bureaucracy so they can get on with their job. In the future councillors must expect to be judged at the ballot box by an electorate with real access to their accounts and personal interests in a new transparent era."

Communities Secretary Eric Pickles added:

"The standards board regime became the problem, not the solution. Unsubstantiated and petty allegations, often a storm in a teacup, damaged the reputation and standing of local government, as well as wasting taxpayers' money.

"But by abolishing the failed standards committees we're not letting councillors off the hook. Failure to register or declare an interest, or deliberately seeking to mislead the public about an interest, will become a criminal offence while a newly empowered Local Government Ombudsman will investigate incompetence on behalf local people."

Public to decide councillors' fates

Under new plans the public will also have greater confidence to challenge poor local services. The Government intends to give the Local Government Ombudsman, the established body for investigating public complaints over the way they have been treated by their council, real teeth. For the first time local authorities will be legally compelled to implement the Ombudsman's findings.

Councillors freed to speak their minds and organise themselves

Mr Stunell said the Government will also legislate to make it clear that councillors can campaign and vote freely on their issues. Councillors who have been prevented from speaking on the very issues they had been elected on, such as planning matters, will now have the freedom to express their views.

Councils will also be able to run themselves under a system that works best for their area. The new Government will let councils have a real choice and decide with local people what system is best for their community, whether that be a Mayor/Leader and Cabinet or a committee system.

In 2000 councils across the country were forced to give up committee systems and adopt a new executive model of governance prescribed by central government. The new Government will allow councils to return to the committee system, should they wish to.

Andrew Stunell said:

"For the last decade councils have been forced to implement a one-size fits all model of Government. This Government will let councils and communities decide how to organise themselves. We don't presume to know more than local people about how their area should be run.

"The Coalition Government is committed to localism and pushing power away from Westminster and back to local communities. We're not going to be micromanaging, second guessing and interfering in local affairs anymore."

REPORT TO: Standards Committee

DATE: 10th November 2010

REPORTING OFFICER: Strategic Director, Resources

SUBJECT: Recent Case Summaries from Standards for England Roundup

WARDS: N/A

1.0 PURPOSE OF THE REPORT

1.1 To bring Members of the Committee up to date with the latest news from Standards for England.

2.0 RECOMMENDATION

2.1 That the recommendation be noted.

3.0 SUPPORTING INFORMATION

3.1 As Members may recall from the September meeting, Standards for England issued Bulletin No. 48 immediately prior to the meeting. The Monitoring Officer reported verbally on the headlines, and the Bulletin is now attached as an Appendix to this report.

3.2 The primary thrust of that Bulletin was the future of Standards for England and the Standards Framework. Standards for England set out how they propose to carry out business pending further legislation on their future. A separate report on this agenda deals with a further Government announcement.

4.0 POLICY IMPLICATIONS

4.1 None.

5.0 OTHER IMPLICATIONS

5.1 None.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

None.

6.2 Employment, Learning and Skills in Halton

None.

6.3 A Healthy Halton

None.

6.4 A Safer Halton

None.

6.5 Halton's Urban Renewal

None.

7.0 RISK ANALYSIS

7.1 No key issues have been identified which require control measures.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 The report of itself does not contain specific Equality and Diversity issues.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

9.1 None.

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 website 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 Standards for England

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.

REPORT TO: Standards Committee
DATE: 10th November 2010
REPORTING OFFICER: Strategic Director, Resources
SUBJECT: Recent Case Summaries from Standards for England
WARDS: N/A

1.0 PURPOSE OF THE REPORT

- 1.1 To make Members aware of recent decisions in cases where breaches of the Code have been alleged in other authorities.

2.0 RECOMMENDATION

- 2.1 That the report be noted.

3.0 SUPPORTING INFORMATION

- 3.1 Member's attention is drawn to two case summaries which have recently been published on Standards for England's website.
- 3.2 These cases refer to West Devon Borough Council and Portsmouth City Council.
- 3.3 The summaries are provided for the information of Members and are intended to inform discussion at the meeting.

4.0 POLICY IMPLICATIONS

- 4.1 None.

5.0 OTHER IMPLICATIONS

- 5.1 None.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

- 6.1 Children and Young People in Halton
None.
- 6.2 Employment, Learning and Skills in Halton
None.
- 6.3 A Healthy Halton
None.

6.4 A Safer Halton

None.

6.5 Halton's Urban Renewal

None.

7.0 RISK ANALYSIS

7.1 No key issues have been identified which require control measures.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 The report of itself does not contain specific Equality and Diversity issues.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

9.1 None.

Case Summary - West Devon Borough Council

Case no. SBE-11082-SRP89
Member(s): Councillor Diana Moyse
Date received: 23 Jul 2010
Date completed: 12 Oct 2010

Allegation:

Bringing office or authority into disrepute.

Standards Board outcome:

The Ethical Standards Officer found that the member did not breach the Code of Conduct.

Case Summary

The complainant alleged that Councillor Moyse knowingly misinformed others that Councillor Christine Marsh was unable to attend a special meeting of the future planning and housing committee meeting on 19 April, so that Councillor Marsh would be substituted at that meeting against her wishes.

Councillor Moyse said that as chair of the committee she had asked the three committee members in her political group if they would be attending the committee meeting on 19 April. Councillor Marsh and one other councillor told her that they would not be attending as they had another meeting to go to. Councillor Moyse then arranged for Councillor Marsh and the other councillor to be substituted by other group members. Councillor Moyse denied that she knew that Councillor Marsh was available for the meeting when she told others that Councillor Marsh needed to be substituted.

The ethical standards officer noted that Councillor Marsh protested at her proposed substitution when the substitution arrangements were notified to the relevant councillors on the day before the committee meeting. She noted that Councillor Marsh accepted that she then said she wanted to resign from the committee and chose not to attend the 19 April meeting. The council's rules would have allowed her to be reinstated at the start of the meeting if her substitute had agreed.

The ethical standards officer found a clear conflict of evidence as to what Councillor

Marsh told Councillor Moyse about her availability during their telephone conversation in early April. Councillor Moyse said that she asked Councillor Marsh if she wanted to be substituted and Councillor Marsh told her she had another meeting to attend. Councillor Marsh said that she told Councillor Moyse she would be attending the 19 April meeting. There were no witnesses to this telephone conversation. Based on this conflict of evidence the ethical standards officer was unable to draw any conclusions about what was said.

The ethical standards officer found that the steps Councillor Moyse had taken regarding the substitutions for the 19 April meeting were consistent with the previous standard practice on substitutions. The ethical standards officer noted that Councillor Moyse denied any wrongdoing.

In the light of her findings of fact the ethical standards officer did not consider that there was any evidence from which she could conclude that Councillor Moyse had knowingly misinformed others that Councillor Marsh needed to be substituted at the 19 April meeting. There was no evidence that Councillor Moyse had brought her office or authority into disrepute.

Councillor Moyse did not fail to comply with paragraph 5 of the code of conduct.

Relevant paragraphs of the Code of Conduct

Paragraph 5: You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

Case Summary - Portsmouth City Council

Case no. SBE 08165-OTLSV

Member(s): Jason Fazackarley

Date received: 24 Nov 2009

Date completed: 27 Sep 2010

Allegation:

1. In August 2008, the member cashed eight personal cheques in the Council's Staff Club that were not honoured by his bank.
2. In September 2008, the member submitted an incorrect P6 Notice of Tax Coding to the Council.

Standards Board outcome:

The ethical standards officer referred the matter to the First-tier Tribunal (Local Government Standards in England).

Case Summary

The Ethical Standards Officer investigated two allegations about the member's conduct:

1. That, in August 2008, the member cashed eight personal cheques in the Council's Staff Club that were not honoured by his bank;
2. That, in September 2008, the member submitted an incorrect P6 Notice of Tax Coding to the Council.

This case has been referred to the First-tier Tribunal (Local Government Standards in England) for determination.

For more information on this case, contact the First-tier Tribunal (Local Government Standards in England) at www.adjudicationpanel.tribunals.gov.uk/

Relevant paragraphs of the Code of Conduct

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6(b)(i). You must, when using or authorising the use by others of the resources of

your authority:

act in accordance with your authority's reasonable requirements.

HALTON BOROUGH COUNCIL

STANDARDS COMMITTEE – 10TH NOVEMBER 2010

DRAFT ACTION LIST

The following list is for consideration by the Committee

NO.	PRIORITY	ACTION	BY	DATE
1	High	Consider further training, ideally with other authorities	OD	Cheshire authorities are committed to joint training event for Members and Parish Council Chairs and Clerks – date to be agreed following issue of new Code of Conduct.
2	High	Constitution of Standards Committee	OD	Committee to welcome new Members and ensure appropriate training is provided.
3	High	All Members training on Code of Conduct	OD	More training will be given following adoption of new Code.

Please note – that the development of these activities will be dictated by legislation relating to the future of the Standards reports.