

NOTICE OF MEETING

MEETING	STANDARDS COMMITTEE
DATE:	WEDNESDAY 17 MARCH 2010
TIME:	7.00 pm
VENUE:	BOURGES/VIERSEN ROOMS – TOWN HALL
CONTACT:	<i>Alex Daynes</i> <i>Telephone: 01733 452447</i> <i>e-mail address alexander.daynes@peterborough.gov.uk</i>
<i>Despatch date:</i>	<i>9 March 2010</i>

AGENDA

PAGE NO

1. Apologies

2. Declaration of Interests (if any)

At this point Members must declare whether they have an interest, whether personal or prejudicial, in any of the items on the agenda. Members must also declare if they are subject to their party group whip in relation to any items under consideration.

3. Minutes of the meeting held on 13 January 2010

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4. Report of the Monitoring Officer

5 - 42

To receive and comment on a report from the Monitoring Officer.

5. Role of the Independent Members

43 - 46

To receive and consider a report on the role of the independent members of the Standards Committee.



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Alex Daynes on 01733 452447.

6. Responses Report

47 - 52

To consider a report and to recommend ways to promote the work of the Standards Committee.

7. Date of Next Meeting

The next provisional date is 21 April 2010.

MEMBERS OF STANDARDS COMMITTEE

Independent: S Boast (Chairman), A Smith (Vice-Chairman), D Whiles, B Fearon, O Menendez
Councillors: A Miners, M Todd, N Khan, D Fower, G Murphy
Parish Councillors: P Froggitt and D Batty

Subs: Councillors: Z Hussain, R Dobbs, R Nesbitt (Independent), N Sandford, C W Swift and S Goldspink

Emergency Evacuation Procedure – Outside Normal Office Hours

In the event of the fire alarm sounding all persons should vacate the building by way of the nearest escape route and proceed directly to the assembly point in front of the Cathedral. The duty Beadle will assume overall control during any evacuation, however in the unlikely event the Beadle is unavailable, this responsibility will be assumed by the Committee Chair.

Minutes of a meeting of the Standards Committee held at the Forli Room - Town Hall
on 13 January 2010

MEMBERS PRESENT:

S Boast (Chairman), A Smith (Vice-Chairman), D Whiles, B Fearon and O Menendez
Councillors A Miners, M Todd and G Murphy
Parish Councillors D Batty and P Froggitt

OFFICERS PRESENT:

Kim Sawyer, Head of Legal Commercial
Alex Daynes, Senior Governance Officer

1. Apologies

Apologies were received from Cllrs D Fower and N Sandford.

2. Declaration of Interests (if any)

No declarations of interest were received.

3. Minutes of the meeting held on 21 October and 4 November 2009

The minutes from the meetings held 21 October and 4 November were approved as an accurate record.

4. Monitoring Officer's Report

The committee received a report from the Deputy Monitoring Officer. The committee were advised that in future, if a request came to it from another committee of the Council, this would be contained in a separate report. The Deputy Monitoring Officer proposed regular agenda items were submitted for each meeting.

The committee discussed the following sections of the report:

Update on minutes from last meeting

- **CRB check** - New CRB check legislation was due out in July 2010. New guidance to be submitted to a future meeting.
- **Local Democracy Week** - The committee would be involved in Local Democracy Week – the recommendation for some mock hearings should be progressed.
- **Neighbourhood Councils** - The presentations at Neighbourhood Councils helped raise the Standards Committee's profile.
- A further report to be submitted to Neighbourhood Councils in a year's time.
- The annual report to be submitted to Parish Council Liaison.

- **Training** - Training DVDs could be given to any Member who is subject of an adjudication hearing.
- An induction pack for new committee members would be prepared.
- **Questionnaires** - 14 questionnaires had been received back so far – councillors to request other group members return the questionnaires.
- **Work Programme** - Communications plan was progressing.
- Cost for Code of Conduct Leaflet to be investigated.
- The committee agreed the work programme proposed in the report.

Complaints

- Only one complaint had been assessed since the last meeting.
- Reference numbers would be used to identify all cases in future.

Items of Interest

- The Strategic Governance Board met on 19 November 2009 – minutes to be circulated to the committee.
- Following an Extraordinary Meeting of Council on 21 December, a new parish would be established for Hampton Hargate and Vale containing 14 new Parish Councillors (7 for each neighbourhood) – Code of Conduct training can be provided when necessary.

Work Programme

- Members agreed the proposed work programme.
- Deputy Monitoring Officer to meet with members suggested at last meeting regarding a local review of Standards issues (O Menendez, R Nesbitt and Cllr D Batty).

5. Register of Interests

The committee received a report following the Council meeting held on 2 December 2009 in which Cllr Goldspink moved a motion to publicise all Members' Register of Interests submission on the council website. The Council agreed to defer voting until it had received the recommendations of the Standards Committee on this matter.

The committee debated the recommendation raising the following issues:

- Sensitive and confidential information could be treated differently.
- Other Authorities already have all submissions on their websites.
- Sensitive information should be at the Monitoring Officer's discretion.
- Submission form should not have an option to exclude information.

The committee **AGREED** to the following:

“All City Councillors', Parish Councillors' and co-opted members' Register of Interests submissions be made available on the council's public website unless withheld at the Monitoring Officer's discretion due to the information creating a serious enough risk that someone in their household would be subjected to violence or intimidation.”

The committee **AGREED** that further information on how to report non-submissions would be included on the website.

The committee further **AGREED** that submissions in the Gifts and Hospitalities Register also be visible on the council's public website for all Members and co-opted members.

6. Agenda Planning

This item was discussed as part of agenda item 4.

7. Date of Next Meeting

The committee agreed that the date of the next meeting was 17 March and the provisional date of 10 February be kept available for any assessments that were needed.

CHAIRMAN
7.00 - 8.07 pm

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STANDARDS COMMITTEE	AGENDA ITEM No. 4
17 MARCH 2010	PUBLIC REPORT

Monitoring Officer	Helen Edwards Solicitor to the Council	Tel. 452539
Report author	Kim Sawyer Head of Legal Services and Deputy Monitoring Officer	Tel: 452361

REPORT OF THE MONITORING OFFICER

<p>R E C O M M E N D A T I O N S</p> <p>1. <i>That the Committee members note the contents of this report</i></p>
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CONTENTS OF REPORT

1. This report contains the following items for consideration:
 - Update on minutes of last meeting
 - Report on any complaints made and progress on any investigations
 - Note items of interest issuing from Standards for England, Strategic Governance Board etc.
 - Progress against the work programme
 - Planning Committee voting analysis

ITEMS FOR CONSIDERATION

2. *Update on minutes of last meeting*

2.1 *Local Democracy Week:* Proposals have been put forward to the officer in Children’s Services who is responsible for organising Local Democracy Week. This is planned for the October half term and the planning for this event is still in the early stages. The Committee will be kept updated on this matter regularly.

2.2 *Induction of new members:* At the last meeting it was agreed that the Deputy Monitoring Officer would prepare an induction pack for review by the Standards Committee. This was in preparation for the election of new members in May. However this will have to be postponed to a later meeting as the Democratic Services Manager has not been available to discuss current practices. Given also that the Deputy Monitoring Officer is new to the Council it is perhaps better that this task is continued as a review of existing practices following the induction of new members in May. This will allow the Deputy Monitoring Officer to be involved in the induction of new members and report back to the Committee with details of current practice.

3. *Complaints*

3.1 At the last meeting of the Standards Committee it was agreed that the Committee would receive regular updates on any complaints or matters referred for investigation. The complaint monitoring report is attached at appendix 1.

4. *Items of interest*

4.1 *Planning Committee voting analysis:* The Planning Committee voting analysis is attached at appendix 2

4.2 *Standards for England information: Recent Updates:* Standards for England has produced a report entitled 'Local Standards 2.0 – the proportionality upgrade?' This report is the outcome of a review of the local assessment framework with emphasis on whether the complaints system is worth having or whether something different altogether may be warranted. This subject was discussed at the Standards Conference in October 2009, with one speaker raising the issue of whether the complaints process was disproportionate in terms of time and cost. The recommendations of the report are included within Chapter 8 which is appended to this report (appendix 3).

5. Work programme

5.1 *Standards Committee web pages:* The Council's current web page for the Standard's Committee is included at appendix 4 to this report. It permits the public access online to the Code of Conduct and a copy of the complaint form to download.

5.2 Immediate improvements could be made to the web pages to give guidance on what the Committee can and cannot do in a similar format to the way in which information on the Scrutiny Committees is given. This may prevent unnecessary complaints about Councillors acting in their private capacity which has been an issue lately in relation to several matters referred to the Deputy Monitoring Officer as potential conduct complaints.

5.3 The Deputy Monitoring Officer has reviewed the web pages of other local authorities and has included some sample pages at appendix 5. Members of the Committee are asked to indicate if they have any particular preferences as to what might be included within their own web pages.

5.6 Members are invited to discuss any additions or revisions to the work programme at Appendix 6.

CONSULTATION

6. A copy of this report is sent to each parish council and they are invited to comment upon the contents. Any response from the parishes will be verbally reported to the Committee.

APPENDICES

Appendix 1: Complaint monitoring report

Appendix 2: Planning Committee voting analysis

Appendix 3: Local Standards 2.0 – the proportionality upgrade? (Chapter 8)

Appendix 4: Peterborough City Council's web page for the Standards Committee

Appendix 5: Various web pages from other Councils

Appendix 6: Work programme

BACKGROUND DOCUMENTS

None

STANDARDS COMMITTEE: COMPLAINT MONITORING
2009/2010

COMPLAINT No. RSN 4083									
DATE RECEIVED	DATE ASSESSED	ASSESSMENT OUTCOME	INVESTIGATION BEGUN	INVESTIGATION DEFERRED	INVESTIGATION CONCLUDED	PRE-HEARING	HEARING	OUTCOME	
26/11/09	09/12/09	No further action							
Comments: No request for review received									
COMPLAINT No. RSN 4354									
DATE RECEIVED	DATE ASSESSED	ASSESSMENT OUTCOME	INVESTIGATION BEGUN	INVESTIGATION DEFERRED	INVESTIGATION CONCLUDED	PRE-HEARING	HEARING	OUTCOME	
28/01/10	10/02/10	No further action							
Comments: No request fro review received at date of this report (5 March 2010)									

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Planning and Environmental Protection Committee

Voting Analysis – June 2009 to 8 December 2009

2 June 2009

Item	With Officer Recommendations					With Officer Recommendations	With Officer Recommendations	With Officer Recommendations	With Officer Recommendations	Against Officer Recommendations
	09/00258/FUL - 17 Oundle Road Woodston Peterborough PE2 9PB	08/01602/FUL - Bikes Trikes And Stuff First Drove Fengate Peterborough	08/01239/Ful - The Erection Of A Temporary Sports Club House Including Catering, Bar And Changing Facilities (Retrospective) On Land To The North Of The Former Bretton Woods Community School Site, Bretton Park, Bretton	09/00244/FUL - 39 Farleigh Fields Orton Wistow Peterborough PE2 6YB	09/00313/FUL - Arthur Mellows Village College Helpston Road Glinton Peterborough	08/01472/FUL - 2 Elmfield Road Peterborough PE1 4HB	09/00273/FUL - 83 Percival Street West Town Peterborough PE3 6AT	08/01223/FUL - 64-66 Dogsthorpe Road Peterborough PE1 3AQ	08/01443/FUL - 98 Dogsthorpe Road Peterborough PE1 3AQ	
Motion										
Cllr North	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Cllr M Burton	✓	X	✓	✓	✓	✓	✓	X	✓	✓
Cllr Kreling	✓	✓	✓	✓	✓	✓	✓	X	✓	✓
Cllr Lowndes	✓	✓	✓	✓	✓	✓	✓	NV	✓	NV
Cllr Todd	✓	_*	✓	✓	✓	✓	✓	✓	✓	✓
Cllr Winklade	✓	X	✓	✓	✓	✓	✓	✓	X	X
Cllr Ash	✓	✓	✓	✓	X	✓	✓	✓	X	X
Cllr Lane	✓	✓	✓	✓	✓	✓	✓	✓	X	X

NP= Not Present, NV = did not vote.

*Cllr Todd made representation as a ward Councillor and therefore did not vote.

7 July 2009

Item	Motion	With officer recommendation	Application withdrawn	Against officer recommendation	With officer recommendation	With officer recommendation	With officer recommendation	Against officer recommendation
		08/01365/FUL - French Farm French Drive Thorney Peterborough	07/01296/FUL - The Green Thorney Peterborough	09/00033/FUL - Park View Northey Road Peterborough PE6 7YX	09/00233/CLE - Auto Sparks Dukesmead, Werrington Peterborough	09/00384/LBC - 333 Thorpe Road Peterborough PE3 6LU	09/00501/TRE - 425 Fulbridge Road Peterborough PE4 6SE	09/00529/FUL - Land To The Rear Of 53 Willisden Avenue And 36 Paston Lane Walton Peterborough PE4 6EA
		8 for, 1 abstention		8 for, 1 against	9 for, 0 against	9 for, 0 against	8 for, 0 against*	5 for, 3 against**
	Cllr North							
	Cllr M Burton							
	Cllr C Burton							
	Cllr Kreling							
	Cllr Lowndes							
	Cllr Thacker							
	Cllr Winslade							
	Cllr Ash							
	Cllr Sharp (sub)							

NP= Not Present, NV = did not vote.

*Cllr C Burton not present – prejudicial interest

**Cllr Thacker not present – prejudicial interest

1 September 2009

Item	Motion	With officer recommendations	Against officer recommendations	With officer recommendations	With officer recommendations	With officer recommendations
		09/00464/REM - Land To The West Off Uffington Road Barnack Stamford	09/00629/FUL - Norwood Primary School Gunthorpe Road Gunthorpe Peterborough	09/00708/FUL - Great Northern Railway Hotel Station Road Peterborough PE1 1QL	09/00762/FUL - Tower House 333 Thorpe Road Peterborough PE3 6LU.	09/00789/WCPP - Huntley Lodge The Village Orton Longueville Peterborough
Cllr North		9 for, 0 against	8 for, 1 against	8 for, 1 against	9 for, 0 against	9 for, 0 against
Todd						
Cllr C Day (sub)						
Cllr Kreling						
Cllr Lowndes						
Cllr Thacker						
Cllr Winslade						
Cllr Ash						
Cllr Lane						

NP= Not Present, NV = did not vote.

22 September 2009

Item	08/00292/FUL - Cross Keys Homes, Shrewsbury Avenue, Woodston, Peterborough	09/00687/FUL - 5 Dragonfly Close, Hampton Hargate, Peterborough	09/00838/FUL - 80 Lincoln Road, Peterborough	09/00839/CON - 80 Lincoln Road, Peterborough	09/00836/WCPP - Parkway Sports and Social Club, Peterborough Road, Eye, Peterborough
Motion	With Officer Recommendations	With Officer Recommendations	Against Officer Recommendations	Against Officer Recommendations	With Officer Recommendations
Cllr North	✓	NV	X	✓	✓
Cllr C Burton	✓	✓	NP*	NP*	NP*
Cllr Kreling	✓	X	✓	✓	✓
Cllr Lowndes	✓	✓	NV	✓	✓
Cllr Thacker	✓	✓	✓	✓	✓
Cllr Todd	✓	✓	✓	✓	✓
Cllr Winslade	✓	✓	✓	✓	✓
Cllr C Day (sub)	✓	✓	✓	✓	✓
Cllr Ash	✓	✓	✓	✓	✓
Cllr Lane	✓	✓	✓	✓	✓

NP= Not Present, NV = did not vote.

* Councillor C Burton left the meeting half way through.

13 October 2009

Item	09/0002 Consultation from adjacent authority – Landfill disposal of low level radioactive waste
Motion	Against Officer Recommendations
Cllr North	✓
Cllr C Burton	✓
Cllr Kreling	✓
Cllr Lowndes	✓
Cllr Thacker	✓
Cllr Todd	✓
Cllr Winslade	✓
Cllr C Day (sub)	✓
Cllr Lane	✓
Cllr Sharp (sub)	✓

NP= Not Present, NV = did not vote.

27 October 2009

Item	09/00999/FUL - 37 Glenton Street, Eastgate, Peterborough	09/01025/FUL - Land off Thorney Road, Eye, Peterborough	09/01038/FUL - 653 Lincoln Road, Peterborough
Motion	With Officer Recommendations	With Officer Recommendations	With Officer Recommendations
Cllr North	✓	✓	✓
Cllr C Burton	✓	✓	✓
Cllr Kreling	✓	✓	✓
Cllr Lowndes	X	✓	✓
Cllr Todd	NP*	✓	✓
Cllr Ash	✓	NV	✓
Cllr Harrington	X	✓	✓
Cllr Lane	✓	✓	NV

NP= Not Present, NV = did not vote.

*Councillor Todd was acting as Ward Councillor for 09/00999/FUL

24 November 2009

Item	09/00078/MMFUL - Grosvenor Resources Ltd, Fourth Drive, Fengate, Peterborough	09/00970/FUL - Rise and Shine Day Nursery, 108 Ledbury Road, Netherton, Peterborough	09/01084/FUL - 62 Francis Gardens, Dogsthorpe, Peterborough
Motion	With Officer Recommendations	With Officer Recommendations	Application withdrawn
Cllr North	✓	✓	
Cllr C Burton	✓	X	
Cllr Kreling	✓	✓	
Cllr Lowndes	✓	✓	
Cllr Todd	✓	✓	
Cllr Ash	NP*	✓	
Cllr Harrington	✓	✓	
Cllr Lane	✓	X	

NP= Not Present, NV = did not vote.

* Councillor Ash declared an interest in the item and left the meeting

8 December 09

Item	Motion	Against Officer Recommendations	Application Deferred	With Officer Recommendations	Against Officer Recommendations
	09/00942/FUL - Land South of A47 and East of Great North Road, Wanford, Peterborough		09/00996/FUL - Compass Sofa, 1 Midgate, Peterborough	09/01032/FUL - Aldi Foodstore, Flaxland, Bretton, Peterborough	09/01155FUL - 157-161 Fletton Avenue, Fletton, Peterborough
Cllr North		NV	✓	✓	✓
Cllr C Burton		✓	✓	✓	✓
Cllr Kreling		X	✓	✓	✓
Cllr Lowndes		✓	✓	✓	✓
Cllr Todd		✓	✓	✓	✓
Cllr Ash		✓	✓	✓	X
Cllr Harrington		✓	✓	✓	✓
Cllr Winslade		✓	✓	✓	✓
Cllr Lane		✓	✓	✓	✓

NP= Not Present, NV = did not vote.

8) Our findings and recommendations

The recommendations which follow are intended to bring a better match between the framework and the design principles set out in section 6 above.

They also set out to address particular criticisms of the current framework. It is suggested that:

- it's too easy to get on the investigative track and too hard to get off it
- the framework is too cumbersome
- trivial complaints clog up the system
- members should know as soon as possible when they have been the subject of a complaint.

We have found that making recommendations in one area, which might enable the framework to adhere to one design principle or address one criticism, has a potential impact on another area or another design principle. It follows therefore that our recommendations are interlinked and should be considered as a whole.

While based on research and taking into account the views of others, the recommendations are our own.

In some areas there are conflicting arguments for particular options. In the narrative below we set out options considered as part of the review, explain why we rejected some and provide a rationale for preferring others.

8.1) Improving the local handling of complains

A summary of how the local standards framework currently deals with complaints is set out within appendix 2, on page 35.

We found a general consensus that the current process beginning with the assessment of a complaint, and leading if necessary to its investigation and resolution, can be cumbersome, difficult to understand, resource intensive and slow.

Two broad alternatives were considered:

1. replacing the current investigation arrangements with an open hearing
2. streamlining and simplifying the process

It is worth noting that the two are not, necessarily, mutually exclusive, but for explanatory purposes, we can consider them as alternatives.

An open hearing would involve both the complainant and the member complained about, along with witnesses, coming together in a 'one-off hearing to present evidence, answer questions and argue the merits of their cases.

A key benefit, suggested by some consultees, would be that, on the face of it at least, it simplifies the process. It would remove some of the formal meetings currently necessary as part of the process and negate the need for a resource-intensive investigation.

At the same time it would be a transparent process, giving members the opportunity to face their accusers.

There are however, disadvantages:

- Compiling evidence for a hearing would not, in our view, necessarily require less work than carrying out an investigation. Evidence would still need to be collected and disclosed to the parties involved.
- An open hearing is potentially adversarial. We believe the onus on complainants to articulate their case would be intimidating for many members of the public and could deter them from making legitimate allegations.

For these reasons we preferred the alternative, looking to see how we could streamline and simplify the existing investigative process.

8.1.1) Simplifying the local filter

Currently, all allegations received by a local authority have to be considered by an assessment sub-committee. This means a meeting must be convened between one elected member, one independent member and, if the case involves a parish or town councillor, one parish/town councillor (with the likely inclusion of the monitoring officer for advice). Arranging this meeting takes time and incurs costs. Many complaints do not need such a formal mechanism.

We feel the current arrangements are unnecessarily resource intensive and slow down the process. Making a decision about whether or not an allegation is within the remit of the Code of Conduct is relatively simple and generally uncontroversial.

In the first instance, we recommend it is made much clearer that the monitoring officer acts as an initial filter, assessing which allegations fall within the remit of the Code and which do not.

Recommendation 1:

The law should say that monitoring officers, rather than standards committees, should receive all allegations and make a decision about whether or not they are within the remit of the Code of Conduct.

8.1.2) Swift assessment by the independent chair

Building on recommendation 1, we considered two alternatives to the current assessment sub-committee approach for dealing with those allegations which the monitoring officer has deemed as being within the remit of the Code of Conduct.

- The monitoring officer should be the person who decides what should happen to those allegations which are within the remit of the Code.
- The independent chair, with advice from the monitoring officer, should be the person who decides what should happen to those allegations which are within the remit of the Code.

We are aware that many allegations, although within the remit of the Code, are not sufficiently serious to warrant an investigation. The first option would have the benefits of ensuring that cases could be assessed more quickly and involving fewer resources than current arrangements. Many of the monitoring officers we spoke to favour this option.

We are concerned that such an arrangement has the potential for the monitoring officer, as a paid employee, to be subject to pressure from elected politicians seeking to influence his or her decision. The perception of independence is compromised in this option.

The second option better addresses these concerns as standards committee chairs are not employees, but instead are chosen to represent the public with political independence a key requirement.

We recognise it is not always possible for the chair to be available to make decisions. For example, they may be on holiday or may be conflicted, and therefore we recommend that the vice chair (also independent) can deputise in such cases.

In addition, we recommend that standards committees develop a wider range of reciprocal arrangements so that chairs can assess each others' allegations. This could be particularly valuable in helping those authorities which have high numbers of allegations.

We recognise that some monitoring officers and elected members have concerns about both the skills and understanding of local government of independent chairs and the extent to which they are impartial. We address these concerns in recommendations 16 and 17.

Recommendation 2:

For allegations within the remit of the Code the independent chair of the standards committee, acting with the advice of the monitoring officer, should determine what happens to an allegation.

The chair would have a choice of five options

- to take no further action – (effectively determining that the behaviour complained about is not sufficiently serious, if proved, to warrant any sanction)
- to refer for local investigation
- to refer to SfE for investigation
- to refer to the monitoring officer for other action
- to refer to the standards committee to seek their advice in choosing one of the previous four options.

The standards committee chair should provide written reasons for each decision.

Recommendation 3:

The vice chair of the standards committee should be an independent member.

Recommendation 4:

If the chair is unavailable or has a conflict of interest in relation to an allegation then the independent vice chair should deputise. Standards committees should be able to develop reciprocal arrangements so that their chairs can assess each other's allegations.

Recommendation 5:

Standards committees should undertake retrospective periodic reviews of these decisions to ensure consistency and quality. The national body should also provide oversight via its regulatory role.

8.1.3) Removing the right to review

We know that the framework in many authorities gets 'clogged up' through having to deal with reviews of cases from those complainants not satisfied with the assessment decision.

Not only is this time consuming, it also has cost implications because a review committee or sub-committee of different members (one elected member, one independent member and, if the case involves a parish or town councillor, one parish/town councillor) needs to be set up. We also know that only around one review in 20 leads to a reversal of the original decision.

However if there is not to be a mandatory right of review, we need to make alternative arrangements to redress the perceived loss of fairness and the check and balance that the review procedure brings.

But on balance we do not believe there should be an automatic right of review built into legislation.

Recommendation 6:

The current statutory review arrangements should be removed but authorities should be given a discretionary power to allow for the review of particular decisions. This review could be undertaken by the standards committee or a sub-committee of it, by an independent member of the standards committee not involved in the initial decision or by any of these from another principal authority.

8.1.4) Removing the need for a consideration committee

The consideration committee is another committee or sub-committee that, currently, must be convened (one elected member, one independent member and, if the case involves a parish or town councillor, one parish/town councillor), following an investigation. It has to decide whether to accept a finding by a monitoring officer after investigation that there has been no breach of the Code or, if a breach is found, decide whether the

case should go to a standards committee hearing or to the First-tier Tribunal.

Again, we are aware of the time and cost involved in convening such a committee. We considered two alternatives to the current arrangements:

- The monitoring officer should determine what should happen.
- The independent chair or vice chair, advised by the monitoring officer, should determine what should happen.

The consideration committee was designed to avoid the risk of the monitoring officer being put under improper influence to bring a matter to an end by deciding there had been no breach. Hence for the same reasons as in 8.1.2 above, we decided upon the latter option.

As with recommendations 1, 2, 3 and 6, our recommendation here will enable a swifter response, and has beneficial cost implications when compared to the current arrangements.

Recommendation 7:

After completion of a local investigation the chair of the standards committee should decide whether to accept a finding of no breach, and where a breach is found, whether the case should go to a local hearing or to the First-tier Tribunal. Vice chairs should be able to deputise in this role.

Standards committees should be able to develop a wide range of reciprocal arrangements with other standards committees so that their chairs can assess each other's investigations in this way.

Recommendation 8:

The chair or the vice-chair should have a greater role in case management, making the pre-hearing decisions (For example, setting deadlines for responses to documents, deciding which witnesses should be called to give evidence and dealing with applications for an adjournment) with advice from the monitoring officer.

A consequence of recommendations 1 to 8 is that standards committees would be able to focus on the more serious matters demanding their attention including their role of promoting high standards (See 8.9), as well as their oversight role.

8.2) Deterring trivial complaints

There is a set of related perceptions and misconceptions about trivial complaints: that the standards framework encourages them; that it is

clogged up with them; and that there are serial trivial complainants who waste authorities' time and cost them large amounts of money. We believe, based on our monitoring information, that such circumstances are very rare. Nevertheless these perceptions undermine the credibility of the framework. In those few local authorities where this is true it can be a drain on resources.

Recommendations 1, 2, 3 and 6 will, we believe, enable local authorities to deal more swiftly and more appropriately with trivial or less serious complaints.

We have received suggestions for dealing with serial, trivial complainants. The following ideas were considered:

- sanctions against trivial complainants
- all complaints by a person deemed as 'a serial trivial complainant' to be dealt with by the national body
- the cost of 'failed' complaints to be met by the complainant
- the cost of complaints to be covered by the 'loser'.

All these would be likely to deter trivial complainants. However, they would also deter justified complaints. Even 'serial trivial complainants' may still, on occasion, have justified complaints.

The second option would be contrary to the principle of 'local ownership'. The fourth option could also be a deterrent to members standing for election as they would, justifiably, be concerned about incurring costs. We have decided, therefore, against any new specific recommendation to address such complainants. Instead we believe recommendations 1, 2, 4 and 7, will prevent them from using up resources and clogging up the system.

We do, however, want local authorities and standards committees in particular, to be more robust and public in discouraging trivial complaints generally and serial trivial complainants specifically.

Recommendation 9:

Standards for England should produce guidance that urges chairs to be more robust in their decision letter and highlight when they believe an allegation to have been trivial.

8.3) Closing down an investigation

A criticism of the standards framework is that it is very difficult to stop an investigation, even when it is agreed that there is little or no benefit in continuing. Examples from our own experience include when a member who had been the subject of a complaint had died, when a member has resigned and when an apology has been received, and accepted, by the complainant.

Enabling a complaint to be closed down at any time would prevent resources being unnecessarily expended. We considered the following options on who might close down a case:

- monitoring officer
- chair of the standards committee
- the full standards committee

We have referred earlier to our concerns about a paid employee being placed under political pressure and we believe that the potential for such a situation also arises here.

Our concern with the chair undertaking this role is that they may be 'too close' to the case – the chair will have been the one who made the decision to investigate in the first place and may be reluctant to overturn this decision.

We think it best if the full standards committee take this decision, based on a recommendation from the monitoring officer.

Recommendation 10:

The monitoring officer should be able to recommend to the standards committee – at any stage and for any reason – that an investigation be stopped. The standards committee should decide whether or not to accept such recommendations by considering how the public interest is best served.

8.4) Enhancing members' 'right to know'

A frequently heard criticism of the current assessment process is that members who are the subject of a complaint only find out that they have been complained about after an initial decision has been made on whether or not the allegation merits an investigation.

At present the legislation requires the standards committee to notify a member. However in order to do that they have to meet, which introduces a delay. Our guidance says members should be told as quickly as possible, but the law needs to be clarified.

However, members feel they have a 'right' to know. Potential complaints are often discussed openly and sometimes publicised, and members can find themselves the subject of rumour or press interest which they are unprepared for as they are unclear about the precise nature of the allegation.

Importantly, we feel the current situation is contrary to the design principle of transparency. On balance we think the current situation is

unsatisfactory. The framework should be as transparent as possible and members who are the subject of an allegation have the right to know, as soon as possible, about that allegation.

Recommendation 11:

On receipt of an allegation the monitoring officer should inform a member that they have been the subject of a complaint unless there are compelling circumstances not to (for example, a risk of prejudicing an investigation by intimidation of witnesses or destroying or compromising evidence).

8.5) Publishing decision notices

Currently, notice of a decision about the outcome of some investigations and most hearings has to be published in a local newspaper. The intention is laudable in that it facilitates transparency.

It does, however, have a cost impact for local authorities. The current economic climate, coupled with increasing use of the internet, leads us to conclude that a better alternative is for decision notices to be published prominently on council websites. This will keep to the design principle of transparency, yet mean an easy cost saving for local government.

Recommendation 12:

Local authorities should no longer be required to publish decision notices in the local newspaper. Instead they should be publicised on the local authority's website.

8.6) The composition of standards committees

One of our design principles is 'independence'. Recommendations 2, 4 and 7 ensure that there is an independent element in key decisions in the investigative process, and recommendation 16 will ensure independent overview of the local standards framework and its application.

We considered increasing the mandatory number of independent members on standards committees or having standards committees composed entirely of independent members. A key benefit of this would be to give the public greater confidence that local arrangements were truly impartial and that local government was not simply 'investigating its own'.

However, we believe that such a move would have negative consequences which outweigh this benefit:

- Political groups may be less likely to take ownership of standards issues, and buy-in to the importance of high standards, as it would be perceived as something outside of their remit and something that is 'done to them'.
- The credibility of standards committees, and standards issues, would be undermined as standards committees rely on elected members for their knowledge and guidance of 'how local government works'.

- We know that some standards committees already struggle to attract sufficient independent members.

On balance we believe the current approach is right.

8.7) Parish and town councillors and the Code

The inclusion of parish and town councils in the standards framework divides opinion.

There is a view that it is a disproportionate mechanism for parish and town councils, particularly those which have few resources and few powers

On the other hand we believe that parish and town councils should be included within the standards framework and our reasons echo those of the CSPL¹⁸; parish and town councils are part of the fabric of local democracy, and many do spend significant sums of public money.

All national parties have plans to increase the significance of this sector and such councils are statutory consultees in the planning process. We think that it is beneficial if there is a consistency of standards to which all elected members have to adhere.

The National Association of Local Councils (NALC) supports this position.

Parish councillors in fact make up around three quarters of all members covered by the Code. They account for just under half of all complaints; 2,557 between May 8 2008 and 31 December 2009.

An advantage of their exclusion would be a resource one – this would significantly reduce the number of allegations and so the amount of resources used to deal with them. However we remain convinced that parish and town councils should be included in the framework for the reasons set out above.

8.8) The cost of the local framework

It became clear during our review that quantifying the cost of the standards framework was problematic². Costs are calculated on a different basis by different authorities.

Elements of cost include the cost of convening meetings and remuneration for standards committee members, the cost of investigations and costs associated with other action and sanctions. Case costs vary depending on volume of cases, case type and methodology of investigation. Currently there is little transparency in these costs, nor consistency in the way they are calculated.

We recognise that we need to do more work to be able to offer better information on reasonable costs, both to allow authorities to better judge their expenditure and to allow the public and stakeholders to better assess proportionality and effectiveness of the framework.

The cost of investigations is of particular concern – we are interested in seeing the cost of investigations contained while maintaining natural justice.

We have been mindful of actual and potential costs to local government and the public purse as we have carried out this review. Many of our recommendations would result in reduced costs to local government.

For example, a local filter and reducing the number of sub-committees involved in case handling would result in lower administrative costs. Similarly, not having to publish decision notices in a local newspaper would result in cost savings.

We are also committed to providing training, guidance and support in effective and efficient investigation, to help authorities avoid unnecessary expenditure in this area.

Recommendation 13:

Standards for England should assist local government by developing a clear and consistent understanding of the costs of the local standards framework and, through working with local authorities, identify and promote ways of ensuring those costs are reasonable and that excessive and wasteful expenditure can be avoided.

8.9) The local framework and promoting high standards

The focus of the review has been on the process aspects of the framework, for example the complaints, assessment and investigative processes and the roles of the various individuals involved. We also recognise that standards committees have a statutory role to promote high standards of behaviour, and that there are many ways in which local government can engage to demonstrate high standards.

For example, engaged political parties, strong identification with the council and supportive political and managerial leadership all contribute toward good ethical governance⁷.

These duties under the framework should be encouraged. This is the promotion of ethical principles, as well as rules, which features in the design principles. The regulator should play a lead role in co-ordinating and disseminating good practice which leads to good ethical governance.

In this way local authorities will be encouraged to observe the spirit as well as the letter of the law. It also encourages local solutions, and an emphasis on prevention rather than reliance on the more costly formal elements of the framework.

Recommendation 14:

Local authorities should be encouraged to develop local solutions. Good practice in local solutions should be shared so local authorities can benefit from each other's experiences.

8.10) The members' Code of Conduct

The Code of Conduct has been subject to relatively regular review and a detailed study was not included within the scope of this work. That said, a review of the framework will inevitably include some comment on the Code.

We believe that a Code is the right way to regulate the behaviour of members of local authorities. However, the climate in which it operates changes over time, making regular review important. Reviews should, for example, take account of how the Code is being interpreted by the First-tier Tribunal (formerly the Adjudication Panel for England) and by the higher courts.

We believe future reviews should look for opportunities to simplify the Code.

Recommendation 15:

The next review should look for opportunities to simplify the Code and ensure that it is readily understood by members, and remains fit for purpose.

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Committee details

Standards Committee

- [Browse meetings and agendas for this committee](#)
- [View contact details for the members of this committee](#)
- [View declarations of interest](#)

Purpose of Committee

Our Standards Committee is a group of ten people appointed by the city council to promote high standards of conduct by city councillors, parish councillors and co-opted members. Five seats on the committee are taken by independent people - ordinary members of the public who have responded to our advert in the local press and applied to join the committee. They give their time voluntarily, to serve the community. One of these independent people chairs the committee. The rest of the committee is made up by five city councillors being representatives of the Conservative, Labour, Liberal Democrats and English Democrats groups and the Peterborough Independent Forum. Two elected parish councillors also sit on the committee.

The committee promotes and maintains high standards of conduct by city and parish councillors, encourages all city and parish councillors to observe the [Code of Conduct](#), informs councillors about the Code of Conduct and helps them to avoid inadvertent breaches, arranges training for councillors on matters relating to the Code of Conduct and deals with any complaints about breaches of the Code of Conduct by a councillor.

To make a complaint, you will need to complete the attached [complaint form](#) and return it to the Deputy Monitoring Officer, Legal Services, Town Hall, Peterborough, PE1 1HG. On the form, you will need to explain how the subject of the complaint has not adhered to the Code of Conduct above.

[Local Standards Framework and Legislation.](#)

Membership

- [Steve Boast \(Chairman\)](#)
- [Anne Smith \(Vice-Chairman\)](#)
- [David Whiles](#)
- [Brenda Fearon](#)
- [Orlando Menendez](#)
- [Councillor Adrian Miners](#)
- [Councillor Marion Todd](#)
- [Councillor Nazim Khan MBE](#)
- [Councillor Darren Fower](#)
- [Councillor Graham Murphy](#)
- [Paul Froggitt](#)
- [Denis Batty](#)
- [Councillor Zahid Hussain \(Reserve\)](#)

- [Councillor Ray Dobbs](#) (Reserve)
- Ronald Nesbitt (Reserve)
- [Councillor Nick Sandford](#) (Reserve)
- [Councillor Charles W Swift OBE](#) (Reserve)
- [Councillor Stephen Goldspink](#) (Reserve)

Contact Information

Support officer: Alex Daynes, 01733 452447.

Phone: 01733 452447

Email: alexander.daynes@peterborough.gov.uk

Peterborough City Council, Town Hall, Bridge Street, Peterborough, PE1 1HF -(01733) 747474 - DX12310 F

COMMITTEE DETAILS

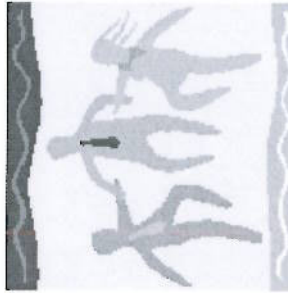
Standards Committee

- Browse meetings and agendas for this committee
- View contact details for the members of this committee
- View attendance statistics
- View declarations of interest

Purpose of Committee

Standards Committee Mission Statement

Standards Committee News



We are seeking one new parish council member and two new independent members to serve from 2010-14. Documents and application forms are available on-line. Please contact Holly Adams, Democratic Services Officer, 01954 713030, if you have any questions or require a hard copy.

The Standards Committee promotes and maintains high standards of conduct within the district council and parish councils, through the Members' Code of Conduct.

It is one of the Council's governance committees: bodies which have decision-making powers and report to full Council. District Council members are appointed by full Council, parish members are elected directly by parish councils and meetings, and independent

members have their appointment ratified by full Council following a recommendation from the Standards Committee Appointments Panel. All members serve four-year terms and are eligible for re-appointment. Further details about the responsibilities of the Standards Committee are available in Part 2, Article 9 and Part 3, Table 1 (Responsibility for Council Functions) of the Constitution.

Please see also Part 5 of the Constitution for the procedures for the local investigation of referred complaints and for local standards hearings, which were adopted by Council on 25 January 2007.

This body comprises at least six district councillors (council members), at least four persons independent of the council (selected following advertisement and known as independent members) and at least three parish councillors from parishes within the district (parish members). Standards Committee meetings are open to the public, although deliberations may be held in private session. In 2009-10, the Committee includes eight council members, two from each of the three recognised political groups on the Council, and two non-group members.



Standing, L-R: Roger Hall (District Member, Conservative); Alan Hampton, Vice-Chairman (Independent Member); Susan van de Ven (District Member, Liberal Democrat); Nigel Cathcart (District Member, Labour); Georgina Butcher (Independent Member); Cicely Murfitt (District Member, non-group); John House (Independent Member); Bob Bryant (Parish Member)
Seated, L-R: James Williams (Independent Member); Kathy English, Chairman (Independent Member); Michael Farrar (Parish Member)
Not photographed: Sandra Doggett (District Member, Independent Group); Dave Kelleway (Parish Member); Janet Lockwood (District Member, Liberal Democrat); Tony Orgee (District Member, Conservative); Mary Pilfold-Allan (Independent Member); Eric Revell (Independent Member); Alex Riley (District Member, Independent Group); Chris Tomsett (Parish Member)

Further information about the Standards Committee is available on the Parish Council Guidance page.

If you are a District or Parish Councillor who might require a dispensation, this flowchart could help you decide whether or not one is necessary. If you need to apply,

please download and complete an Application for Dispensation.

Further information:

- Standards Committee Newsletter
- Local Code of Conduct Complaints Process and Forms
- Standards for England



Standards and Ethics Category

Membership

- Mrs Kathleen English (Chairman) Independent Member
- Alan Hampton (Vice-Chairman) Independent Member
- Bob Bryant Parish Member
- Ms Georgina Butcher Independent Member
- Cllr Nigel Cathcart District Council Member, non-group
- Cllr Mrs Sandra Doggett District Council Member, Independent Group
- Michael Farrar Parish Member
- Cllr Roger Hall District Council Member, Conservative Group
- John House Independent Member

- Dave Kelleway Parish Member
- Cllr Mrs Janet Lockwood District Council Member, Liberal Democrat Group
- Cllr Mrs Cicely Murfitt District Council Member, non-group
- Cllr Tony Orgee District Council Member, Conservative Group
- Mrs Mary Pilfold-Allan Independent Member
- Eric Revell Independent Member
- Cllr Alex Riley District Council Member, Independent Group
- Chris Tomsett Parish Member
- Cllr Dr Susan van de Ven District Council Member, Liberal Democrat Group
- James G. Williams Independent Member

Contact Information

Support officer: Holly Adams. 03450 450 500

Postal address:

South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

Phone: 03450 450 500

Fax: 01954 713149

Email: democratic.services@scambs.gov.uk

Web site: <http://www.scambs.gov.uk/meetings>

Bolton Council

You are here - Council and democracy - Councillors, democracy and elections - Standards Committee

Standards Committee

The Monitoring Officer
The role of the Monitoring Officer
Advising the Standards
Committee
Advising Members

The Monitoring Officer

Who is the council's Monitoring Officer?

Alan R Eastwood

For contact details please see
contact information on the
right.



The role of the Monitoring Officer

The Monitoring Officer needs to be aware of the potential conflicts involved in advising the Standards Committee and advising Members and any Sub-Committees of the Standards Committee.


Advising the Standards Committee


It is important that Standards Committees receive high quality, independent advice. The Standards Board for England, therefore, recommends that a Monitoring Officer should be the adviser to the Standards Committee, unless they have an interest in the matter that prevents them from performing this role independently. If this situation arises the Monitoring Officer would arrange for another appropriately qualified Officer to advise the Standards Committee.

In advising the Standards Committee, the Monitoring Officer or his deputy or other legal adviser should:

- Make sure that Members of the Standards Committee understand

Downloads

 Letter from the Chair of Bolton Standards Committee

 Standards Committee information about the members

Links

Internal Links

Councillor's Code of Conduct

The government's framework of ethical standards and a code of conduct for elected members.

How to complain about a Councillor

Describes the process to complain about a Councillor to the monitoring Officer

External Links

Standards Board for England

Provides an independent national overview of how local authorities promote and improve the ethical behaviour of their members

Bolton Council is not responsible for the content of external internet links

Contact information

Alan R Eastwood
Director Of Chief
Executive's Department
First Floor
Town Hall
Victoria Square
Bolton
BL1 1RU

their powers and procedures

- Make sure that the determination procedure is fair and will allow the allegations to be dealt with as efficiently and effectively as possible
- Make sure that the Member about who the allegation is made understands the procedures the Standards Committee will follow.
- Provide advice to the Standards Committee during the hearing and their determination
- Help the Standards Committee produce a written decision and a summary decision

[Visit](#)

01204 331101

[Email](#)

Advising Members

Monitoring Officers play an important role in advising their Members on a day to day basis. In performing this role, Monitoring Officers need to be aware of the potential conflict that can arise, as these conflicts could prevent them from advising the Standards Committee at a later stage.

However, conflicts of interest are not likely to arise simply from informal discussions with Members and the Monitoring Officer.

The Standards Board for England recommends that Monitoring Officers consider other methods in order to reduce the likelihood of such conflicts, including:

- Arranging for another Officer to advise Members; or
- Continuing to advise Members, identifying possible scenarios that may lead to conflicts and re-assuring themselves that if their advice could be material to the investigation, they have another appropriately experienced Officer who is prepared to support the Standards Committee in its hearings and deliberations.

Main Page Content
Core Principle 3

Core Principle 3 – Promoting high standards of conduct and behaviour across the Council

Summary: We recognise that good governance is underpinned by shared values and demonstrated in the behaviour of our members and staff. Our values (the way in which we will work for the community in pursuing our aims) are set out in our Corporate Plan. The standards of conduct and behaviour we expect of members and officers are clearly set out in the Newcastle Charter in particular the Ethical Governance Framework in Part 5. This is supported by training programmes for both members and staff.

[Quick links to related evidence.](#)

This is how we ensure that members and officers set an example by behaving in ways that exemplify high standards of conduct and effective governance.

1. The Council's leadership sets a tone for the organisation by creating a climate of openness, support and respect.

Evidence of compliance

- Corporate Plan (Vision and Values)
- Part 5.1A of the Newcastle Charter (Nolan's Seven Principles of Public Life)
- Part 5.1B of the Newcastle Charter (General Principles of Local Government Conduct)
- Part 5.2A of the Newcastle Charter (Code of Conduct – Members)
- Part 5.2C of the Newcastle Charter (Code of Conduct – Employees)
- Part 5.2D of the Newcastle Charter (Legislation relating to declarations of interest)
- Part 5.3A of the Newcastle Charter (Policy for Confidential Reporting of Concerns "Whistleblowing")
- Part 5.3B of the Newcastle Charter (Policy Statement on Fraud and Corruption)
- Part 5.4A of the Newcastle Charter (Protocol – Member/Officer Relations)
- Part 5.4B of the Newcastle Charter (Protocol on the use of council equipment)
- Standards Committee Terms of Reference include responsibility for promoting high standards of conduct across the Council
- Part 5.4G of the Newcastle Charter (Protocol for dealing with complaints against councillors)
- Dignity at Work Policy
- Part 4B of the Newcastle Charter (Access to Information Procedure Rules)
- Employee Contracts of Employment
- Members Training Programme
- Freedom of Information Procedures
- Staff and member Newcastle Charter E-Learning Modules
- Access to Portfolio Group papers

What we still need to do

- ▣ Continue development/implementation of training and development programmes for officers and members

2. The standards of conduct and personal behaviour expected of our members and staff, between members and staff and between the Council, its partners and the community are defined and communicated through codes of conduct and protocols.

Evidence of compliance

- ▣ Part 5.1A of the Newcastle Charter (Nolan's Seven Principles of Public Life)
- ▣ Part 5.1B of the Newcastle Charter (General Principles of Local Government Conduct)
- ▣ Part 5.2A of the Newcastle Charter (Code of Conduct – Members)
- ▣ Part 5.2C of the Newcastle Charter (Code of Conduct – Employees)
- ▣ Part 5.3B of the Newcastle Charter (Policy Statement on Fraud and Corruption)
- ▣ Part 5.4A of the Newcastle Charter (Protocol – Member/Officer Relations)
- ▣ Performance Management Framework
- ▣ Standards Committee Terms of Reference include responsibility for promoting high standards of conduct across the Council
- ▣ Member Training Programme
- ▣ Staff and member Newcastle Charter E-Learning Modules
- ▣ Procedures in place for dealing with complaints against members (Part 5.4G of the Newcastle Charter) and officers (Corporate Complaints Procedure)

What we still need to do

- ▣ Complete review of governance arrangements in significant partnerships involving the City Council

3. Arrangements are in place to ensure that members and employees of the Council are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders.

Evidence of compliance

- ▣ Part 5.1A of the Newcastle Charter (Nolan's Seven Principles of Public Life)
- ▣ Part 5.1B of the Newcastle Charter (General Principles of Local Government Conduct)
- ▣ Part 5.2A of the Newcastle Charter (Code of Conduct – Members)
- ▣ Part 5.2C of the Newcastle Charter (Code of Conduct – Employees)
- ▣ Register of interests and register of gifts and hospitality for both members and officers
- ▣ Financial Regulation 8 (Procurement and Contracts)
- ▣ Standing Order 42 (Canvassing of and recommendations by Members)
- ▣ Part 5.4C of the Newcastle Charter (Protocol on Development Control Matters and Guidance Note on Members' Discussions with Developers)

- Part 5.4D of the Newcastle Charter (Protocol on Regulatory Committee)
- Part 5.4E of the Newcastle Charter (Protocol on Licensing Committee)

What we still need to do

- Formalise monitoring and review mechanisms at directorate and corporate levels

This is how we ensure that our organisational values are put into practice and are effective.

4. We have developed and maintain shared values including leadership values for both the organisation and staff reflecting public expectations and we communicate these with members, staff, the community and partners.

Evidence of compliance

- Part 5.1A of the Newcastle Charter (Nolan's Seven Principles of Public Life)
- Part 5.1B of the Newcastle Charter (General Principles of Local Government Conduct)
- Part 5.2A of the Newcastle Charter (Code of Conduct – Members)
- Part 5.2C of the Newcastle Charter (Code of Conduct – Employees)
- Part 5.4A of the Newcastle Charter (Protocol – Member/Officer Relations)
- Member Training Programme
- Staff Newcastle Charter E-Learning Modules
- Customer Services Strategy
- Human Resources policies and services such as corporate induction, customer service training, dignity at work policy, flexible working policies
- Monitoring through staff surveys and corporate complaints procedures
- One Council Improvement Plan

What we still need to do

- Implement elected member role descriptions

5. We have in place arrangements to ensure that systems and processes are designed in conformity with appropriate ethical standards and monitor their continuing effectiveness in practice.

Evidence of compliance

- Standards Committee conducts regular ethical governance audits and surveys to monitor the awareness and effectiveness of ethical standards in practice
- Standards Committee submits an annual report on its work to City Council
- Internal Audit work programme
- Monitoring officer role
- Performance Management Framework
- Member Code of Conduct

- ▣ Officer Code of Conduct
- ▣ Workforce Learning and Development Plan

What we still need to do

- ▣ Review the effectiveness of existing arrangements in the light of the Local Government and Public Involvement in Health Act which received the Royal Assent on 30 October 2007

6. We have an effective Standards Committee.

Evidence of compliance

- ▣ Standards Committee Terms of Reference
- ▣ Standards Committee Annual Report to City Council
- ▣ Standards Committee agendas
- ▣ Standards Committee member attendance at regional and national events e.g. Standards Board Annual Conference
- ▣ Regular meeting of of Standards Committee Chairs and Monitoring Officers

What we still need to do

- ▣ Continue rolling out training programme
- ▣ Respond to issues arising from 2007/08 Ethical Governance Audit

7. We use the organisation's shared values to act as a guide for decision making and as a basis for developing positive and trusting relationships within the authority.

Evidence of compliance

- ▣ Article 4 of the Newcastle Charter (Decision Making)
- ▣ Part 7.D of the Newcastle Charter (Guidance – Decision Making)

What we still need to do

- ▣ Ongoing monitoring and review of Charter provisions

8. We expect our partners to uphold the same values that we do and to demonstrate this in their behaviour.

Evidence of compliance

- ▣ Partnership Management Framework
- ▣ Governance structures of individual partnerships
- ▣ Declarations of interest

What we still need to do

- ▣ Review governance structures of significant partnerships

>> [Core Principle 4](#)

WORK PROGRAMME FOR STANDARDS COMMITTEE**Meeting date: 17 March 2010****SCHEDULE OF REGULAR ITEMS**

Item	Frequency	Date of next review
<ul style="list-style-type: none"> • Review of complaints 	Each meeting	13 January 2010 17 March 2010
<ul style="list-style-type: none"> • Summary of new guidance & Standards for England bulletins 	As arising	
<ul style="list-style-type: none"> • Conference feedback 	Annual report	17 May 2010
<ul style="list-style-type: none"> • Annual review of work programme (reported to Council) 		17 May 2010
<ul style="list-style-type: none"> • Review of Constitution policies: <ul style="list-style-type: none"> + Planning + Code of Conduct and Member / Officer Protocol + Monitoring Office Protocol 	At least one item reviewed annually	17 July 2010
<ul style="list-style-type: none"> • Training (Standards Committee and Council • Induction package 	Annually	Post May elections
<ul style="list-style-type: none"> • Report on quarterly and annual returns 		
<ul style="list-style-type: none"> • Review terms of reference of Standards Committee 	Annually	Post May elections

WORK PROGRAMME FOR STANDARDS COMMITTEE

SPECIFIC TASKS

Assign dates		
Task		
<ul style="list-style-type: none"> • Service standards 	November 2009	Completed
<ul style="list-style-type: none"> • Communications: develop plan • Execute plan 	January 2010 September 2010	Completed
<ul style="list-style-type: none"> • Develop Governance website 	July 2010	
<ul style="list-style-type: none"> • Consider Ethical Governance awards 	July 2010	

STANDARDS COMMITTEE	AGENDA ITEM No. 5
17 MARCH 2010	PUBLIC REPORT

Monitoring Officer	<i>Helen Edwards Solicitor to the Council</i>	Tel. 452539
Report author	<i>Kim Sawyer Head of Legal Services and Deputy Monitoring Officer</i>	Tel: 452361

ROLE OF THE INDEPENDENT MEMBERS

<p>R E C O M M E N D A T I O N S</p> <ol style="list-style-type: none"> That the Committee consider recommendations to annual Council regarding <ul style="list-style-type: none"> the nomination for the Chair of the Standards Committee for the coming civic year extending the maximum permitted term of office for independent members to three consecutive terms That the Committee receive a further report on the terms of reference of the Standards Committee and its sub-committees at its next meeting.

1. CONTENTS OF REPORT

- 1.1 This report examines the role of independent members of the Standards Committee and considers the position of the Chair of the Committee and the Sub-Committees. In particular it looks at
- Indemnity
 - Term of office
 - Recruitment procedures
 - Chairing Committees and Sub-Committees

2. BACKGROUND

Independent members are members of standards committees with no link to the authority they are overseeing. They are important in helping increase public confidence in the local standards framework.

A person can only be an independent member if they:

- have not been a member or employee of the authority for the previous five years, or
- are not a member or officer of that or any other relevant authority, or
- are not a relative or close friend of a member or employee of your authority.

Recruitment of independent members has to be by an application and interview process and the appointment has to be approved by a majority of the members of the council. At Peterborough City Council the Selection Panel interview applicants for the independent roles and make recommendations to full Council for appointment.

•3 INDEPENDENT MEMBERS

3.1 *Indemnity:*

Members and officer have a statutory indemnity for any personal liability they may incur whilst carrying out the business of the authority. Section 265 of the Public Health Act 1875 states that *“No matter or thing done...by any member...of by any officer of such authority or other person whomsoever acting under the direction of the authority shall if the matter or thing were done ...bona fide... subject them or any of them personally to any action liability claim or demand whatsoever....”*

There are a number of other minor statutes which offer similar protection relating to specific functions of the Council.

The Council’s Insurance Officer has confirmed that the policy currently held offers an indemnity for independent members, who are co-opted members of the Council.

Despite the indemnity provisions, members of local authorities including independent members who authorise unlawful, or malicious acts may incur personal liability. They could also be personally liable if they act fraudulently.

3.2 *Term of Office:*

It is for each authority to decide how long an independent member should sit on the Committee. This period of time should be long enough for them to gain an understanding of the committee, the authority and its workings, but not so long that independence is lost. Standards for England recommend independent members should serve no longer than two four year terms, but this is at the discretion of each authority.

Independent members cannot be automatically reappointed at the end of their term and must go through a recruitment process.

Peterborough City Council has 5 independent members who have served the following terms of office

Name of member	Date of appointment	Date for re-appointment	Length of service (including prior appointment)
Stephen Boast	29 January 2007	29 January 2011	10 years
David Whiles	29 January 2007	29 January 2011	9 years
Orlando Menendez	13 December 2006	13 December 2010	3 years
Breanda Fearon	11 April 2007	11 April 2011	Under 3 years
Anne Smith	11 April 2007	11 April 2011	Under 3 years

This table demonstrates that the recruitment process for all independent members will have to begin in October or November of this year and be completed for April 2011. In addition, two of those members have been employed in the position of independent member in excess of the 2 consecutive four year terms recommended by the Standards for England guidance.

The Standards Committee may wish to debate whether it should consider a recommendation to Council to extend the period permitted for appointment of independent members for a further 4 year term should those members affected wish to make an application for re-appointment to the Committee. The guidance regarding a maximum two terms is indicative only and it is at the authority’s discretion what maximum period it allows

for appointment of any one member. The purpose of the guidance is to ensure that independent members retain their independence of the Councillors in order to preserve the integrity of the Committee. The Standards Committee may consider that this independence can be retained beyond the two terms advised upon.

3.3 *Recruitment procedures:*

Standards for England guidance suggests that Standards Committees may want to take some part in recruitment of independent and parish members. Members of the Committee are invited to consider the role of the Selection Committee at present and whether they would like to be involved in the selection process for future independent and/or parish members. Members of this Committee may wish to vet all advertisements for new independent or parish members and it may wish to be part of the Selection Committee for the interview of potential candidates. This process would be subject to approval by the Council.

3.4 *Chairing Committees and Sub-Committees:*

It became a statutory requirement following amendments made by the Local Government and Public Involvement in Health Act 2007 that all meetings of the Standards Committee and its Sub-Committees are chaired by an independent member of the Council.

The standing orders however set out that the appointment of Committee Chairs will be undertaken by the Council. There is nothing within the Standards Committee's terms of reference which permits it to appoint its own Chair.

The Standards Committee may however wish to consider voting upon the appointment of the Chair for the Committee for the coming civic year and its recommendation for Chair can then be proposed to the annual Council meeting. As this is the last meeting of the Standards Committee prior to the annual Council members will have to consider whether to vote on this issue at this meeting.

Chairs for the Sub-Committee meetings are usually appointed according to who is available for the meeting. It is not proposed to make any adjustments to this current practice as Sub-Committee meetings are held to comply with the process for dealing with complaints of breach of the code of conduct.

4. CONSULTATION

- 4.1 A copy of this report is sent to each parish council and they are invited to comment upon the contents. Any response from the parishes will be verbally reported to the Committee.

5. BACKGROUND DOCUMENTS

Standards for England guidance on Standards Committees

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STANDARDS COMMITTEE	AGENDA ITEM No. 6
17 MARCH 2010	PUBLIC REPORT

Monitoring Officer	Helen Edwards Solicitor to the Council	Tel. 452539
Report author	Alex Daynes, Senior Governance Officer	Tel: 452447

RESPONSES REPORT

RECOMMENDATIONS

1. *That the Standards Committee consider the information and recommend ways to promote the work of the Standards Committee.*

1. CONTENTS OF REPORT

- 1.1 At its meeting on 4 November 2009, the Standards Committee agreed for a questionnaire to be sent to all Councillors to gain feedback on their overall views of the work of the Committee.
- 1.2 This report contains the results received so far from the questionnaire that was sent to all elected Members of Peterborough City Council.
- 1.3 I have provided a table of results at Appendix A and also some graphical representations of responses received at Appendix B.

2. MATTERS FOR CONSIDERATION

- 2.1 Out of 57 Councillors in Peterborough City Council, 18 responses were received. This relatively small response could result in the lack of any trends being seen in the overall responses given. Further to this, because under half of the Councillors responded, the results cannot reasonably be taken as indicative of the views of Members.
- 2.2 However, some trends have become clear from the responses received. Most notably were the differences in total scores for the answers to questions 1-4 compared with responses for questions 5-7 (see Appendix A and B). In particular, all Members who responded were aware that there was a Standards Committee (top score of 90) compared with very few who had received regular training on Standards issues over the last 5 years (scored 39 out of 90) – the higher the score the better the result.
- 2.3 Therefore, the committee might wish to consider increasing its engagement and training provision for Councillors to address this issue or consider whether previous training delivered had not been perceived as training but more as ongoing updates and information provision.

4. APPENDICES

Appendix A: Table of results

Appendix B: Graphs showing average responses for each question and breakdown of answers for question 5 of the questionnaire.

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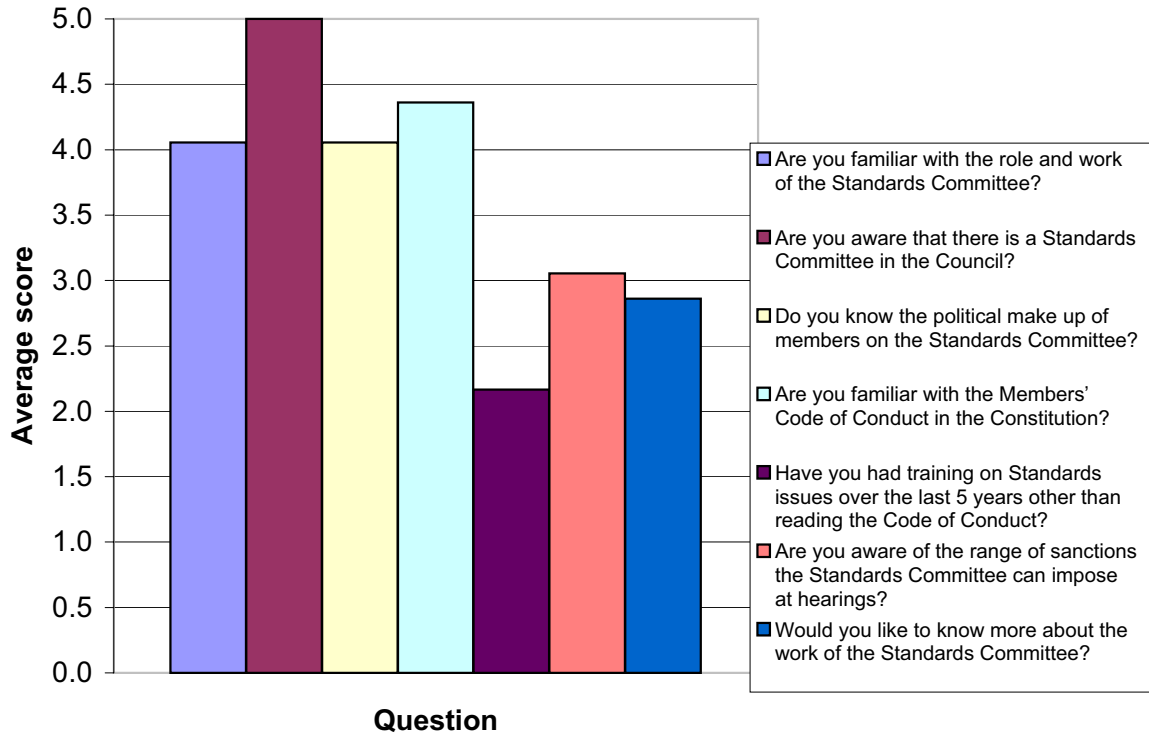
Table Showing Results of Questionnaire

	Are you familiar with the role of and work of the Standards Committee?	Are you aware that there is a Standards Committee in the Council?	Do you know the political make up of members on the Standards Committee?	Are you familiar with the Members' Code of Conduct in the Constitution?	Have you had training on Standards issues over the last 5 years other than reading the Code of Conduct?	Are you aware of the range of sanctions the Standards Committee can impose at hearings?	Would you like to know more about the work of the Standards Committee?	Total
	5	5	5	5	2	5	1	28
	5	5	5	5	1	2	0	23
	2	5	1	4	1	1	5	19
	3	5	5	3.5	1	3	3.5	24
	4	5	2	4	1	2	3	24
	4	5	4	3	2	2	5	23
	4	5	2	5	2	5	1	27
	5	5	4	4	3	2	2	25
	4	5	5	4	3	0	1	27
	3	5	1	2	1	2	1	11
	1	5	5	4	3	0	5	27
	5	5	5	5	3	5	1	29
	5	5	5	5	3	4	4	31
	4	5	5	5	1	4	3	27
	5	5	5	5	5	5	1	31
	5	5	4	5	5	5	1	30
	5	5	5	5	3	2	5	30
	5	5	5	5	1	5	5	31
	3	5	1	4	1	1	5	20
Total	73.0	90.0	73.0	78.5	39.0	55.0	51.5	379.0
Average	4.1	5.0	4.1	4.4	2.2	3.1	2.9	21.1

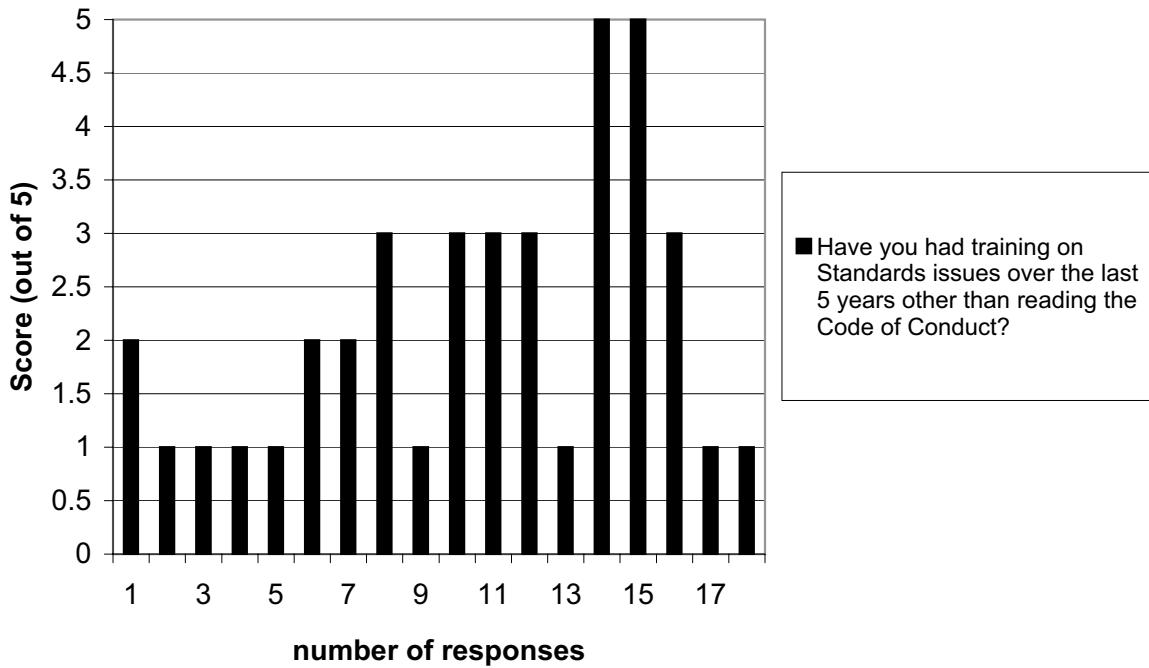
Response received

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Average responses to question



Response to question 5 regarding training received



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