

NOTICE OF MEETING

MEETING	STANDARDS COMMITTEE
DATE:	WEDNESDAY 21 OCTOBER 2009
TIME:	7.00 pm
VENUE:	FORLI ROOM - TOWN HALL
CONTACT:	Alex Daynes Telephone: 01733 452447 e-mail address alexander.daynes@peterborough.gov.uk
Despatch date:	<i>13 October 2009</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 10 June 2009** **1 - 4**
- 4. Monitoring Officer's Report - Work Programme** **5 - 8**

To receive and comment on a report from the Monitoring Officer.
- 5. Report Into the Leak of Standards Committee Information** **9 - 12**

Committee members will receive a report into a leak of information from an exempt sub-committee hearing.
- 6. Agenda Planning**



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.

7. Date of Next Meeting

4 November 2009

9 December 2009 (provisional).

MEMBERS OF STANDARDS COMMITTEE

Councillors: Boast (Chairman), Smith (Vice-Chairman), Whiles, Fearon, Menendez, A Miners, M Todd, N Khan, S Scott, D Fower, Evans and Batty

Subs: Councillors: Z Hussain, R Dobbs, Nesbitt, N Sandford and C W Swift

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 Bourges/Viersen Room - Town Hall
on 10 June 2009

MEMBERS PRESENT:

Steve Boast (Chairman), Anne Smith (Vice-Chairman), David Whiles, Brenda Fearon and Orlando Menendez
Councillors M Todd, N Khan, K Sharp, W Trueman and P Croft
Parish Councillors Denis Batty and Ron Nesbitt

OFFICERS PRESENT:

Helen Edwards, Solicitor to the Council
Alex Daynes, Senior Governance Officer

1. Election of Chairman

The committee re-elected Steve Boast as Chairman (nominated by David Whiles and seconded by Denis Batty). No other nominations were received.

The committee elected Anne Smith as vice-Chairman (nominated by Brenda Fearon and seconded by Ron Nesbitt). David Whiles was also nominated.

2. Apologies

Apologies were received from Cllr Scott, Cllr Miners and Cllr Fower.

3. Declaration of Interests (if any)

Cllrs Todd and Sharp declared that they were members of the Planning and Environmental Protection Committee.

4. Minutes of the meeting held on 18 March 2009

The minutes of the meeting held on 18 March 2009 were approved as a true and accurate record.

The committee **AGREED** for the Chairman, Steve Boast, to negotiate with the new Leader of the Council, Cllr Cereste, to approve the introduction of briefing sessions on Standards issues before each Council meeting.

5. Monitoring Officer's Report

The committee received the Monitoring Officer's report and was requested to note its contents including; the annual report to the Standards Board, consider the analysis of

complaints for local elected members compared to national statistics, note the revised Standards regulations, agree the future work programme and consider the Planning Committee voting analysis.

5.1 Actions from last meeting

The Committee noted the actions since the last meeting.

5.2 Referrals / Complaints

The Monitoring Officer advised the committee that more work could be done to promote the work of the Standards Committee for Council Members and the public. Members of the committee commented that it was important to demonstrate to the public that local Councillors, unlike Members of Parliament, were governed by a code of conduct.

Members discussed ways to promote the work of the committee within Peterborough including local press and Council publications. The level of controls over allowances for local Members could be highlighted in relation to the current situation facing many MPs.

Members **RESOLVED** to produce a press release to provide members of the public with information about the procedures followed for complaints and the work of the Standards Committee in general. The article could include data from the annual report on complaints to highlight the numbers being dealt with.

The committee discussed ways for the chairman to engage with the political Leadership of the Council. The committee **AGREED** to recommend the chairman continue attendance at Council meetings to engage with Councillors and Council leaders.

The Solicitor to the Council advised the committee that one particular complaint had been ongoing for a long time due to legal issues raised.

The Committee discussed the statistics for Peterborough compared to national statistics contained in the report. The committee were satisfied that Peterborough had performed satisfactorily for the complaints it had received.

Members **RESOLVED** that training should be provided for all new members of the committee on Standards issues. This would also serve as a refresher to previous members.

The committee **AGREED** with the Chairman's suggestion that all cases considered by the sub committees should remain confidential and the information exempt until resolution of the cases or until the subject of the complaint allows publication.

Members of the committee discussed rotating the chairmanship for sub committees. The committee **AGREED** that all independent Members should begin to chair sub committees following relevant training.

5.3 Revised Standards Regulations

Committee members were asked to consider the possibility of establishing a joint standards committee with another Authority and were advised that South Cambridgeshire had approached Peterborough as a possible partner. Following discussion, members of the committee **RESOLVED** to consider the approach from South Cambridgeshire but investigate other options too.

5.4 Agenda Plan

Members were advised that 12-18 October 2009 was a European wide Local Democracy Week and were asked to suggest activities the Standards Board could participate in.

It was suggested to hold a mock trial of a Councillor and use examples of previous cases from the Standards Board for England to do this. Committee members expressed a desire to involve young people in an event too. The committee **RESOLVED** to participate in the Local Democracy Week and to involve the new Area Committee members too.

Committee members requested that information on mediation training was included on the work programme and also the details and draft of a press release promoting the work of the Standards Board.

5.5 Planning Committee Voting Analysis

The committee expressed no causes for concern over the voting analysis from 3 March 2009 to 28 April 2009.

6. **Agenda Planning**

The committee **AGREED** to retain the date of 8 July as a provisional meeting date.

The committee **AGREED** to hold sub-committee assessment panels through August if necessary.

A letter would be sent to members of the committee requesting interest in attending the Standards Board conference to be held 12-13 October 2009.

7. **Date of Next Meeting**

The date of the next meeting is 8 July 2009 (provisional) and 9 September 2009.

CHAIRMAN
7.00 - 8.00 pm

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STANDARDS COMMITTEE	AGENDA ITEM No. 4
21 OCTOBER 2009	PUBLIC REPORT

REPORT OF THE DEPUTY MONITORING OFFICER		
Contact Officer(s):	Kim Sawyer Head of Legal (Commercial)	Tel. 452361

WORK PROGRAMME

<p>R E C O M M E N D A T I O N S</p> <p>1. Members are asked to consider and approve the work programme for the Standards Committee for the remainder of the civic year</p>
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1. ORIGIN OF REPORT

- 1.1 The Deputy Monitoring Officer has agreed with the Chair of the Standards Committee to develop a work programme for the remainder of the civic year.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to seek views from the members of the Committee about the proposals contained within the work programme.

3. WORK PROGRAMME

- 3.1 The purpose of a work programme is not only to give direction and certainty to the Standards Committee but it can assist also in identifying improvements to the corporate governance of the Council.

- 3.2 Since the introduction of the local referrals process (referring complaints about members directly to the Standards Committee), it is commonplace for the Standards Committee to become identified solely with that function. This Committee however might also usefully play a role in other corporate governance matters. The work programme can identify matters that the Standards Committee might wish to participate in, hopefully improving the governance profile of the Council as a result.

- 3.3 The work programme consists of two sections: (1) work that will repeatedly come to the Standards Committee for review and (2) work that is specific to current issues. Each of these areas is discussed in the following paragraphs.

Training

- 3.4 The statutory functions of the Monitoring Officer under the Local Government Act 2000 include a requirement to ensure training for members of the Committee and Parish Councils. The work programme therefore comprises several matters related to training: annual training on the Code of Conduct for all Standards Committee members, other Council members and parish clerks and chairs, training for Standards Committee members on the assessment of complaints, Standards conference feedback and a review of new guidance issued by Standards for England (the revised title for the Standards Board).

Committee governance

- 3.5 The Standards Committee might want to review its work programme at the beginning of the civic year and if necessary, throughout the year. It could also review the quarterly and

annual returns which the Monitoring Officer is obliged to return to Standards For England concerning its performance in relation to the assessment process. It might also wish to consider a review of its terms of reference which must be reported to full Council for approval.

Corporate governance

- 3.6 The Committee might wish to play a role also in the corporate governance of the Council. The Council is assessed by the Audit Commission annually on its governance arrangements. The Committee may wish to be involved in that process by considering ways in which it might contribute to the governance arrangements within the Council.
- 3.7 The Standards Committee could also have a role in the constitutional arrangements of the Council. Sound advice given in the Planning Code of Good Practice and the Member & Officer protocol can help members to avoid complaints being made about their behaviour to the Standards Committee. This can be a positive and pro-active role for Standards Committee in assisting other Councillors.

4 CONSULTATION

- 4.1 The Clerks to each of the Parish Councils was consulted in relation to the work programme prior to this meeting and invited to make comments or attend this meeting. Any comments received will be reported verbally at the meeting.

5 ANTICIPATED OUTCOMES

- 5.1 This report is very much a discussion topic for the Standards Committee to give the Deputy Monitoring Officer some direction about the future direction of the Committee. Members are invited to give their views on the work programme and to make any suggestions on the topic proposed. It is anticipated that the work programme will be underpinned by the Monitoring Officer submitting papers to the Standards Committee for members' views each month.

6 REASONS FOR RECOMMENDATIONS

To ensure that the Standards Committee have a structured approach to its workload for the coming civic year.

7 ALTERNATIVE OPTIONS CONSIDERED

The Standards Committee could receive reports from officers as they become relevant. This option is not preferred as unlike other committees there is only one officer, the Monitoring Officer (or her Deputies) who is responsible for bringing matters to the attention of the Committee. The work programme will assist in work planning for those officers.

8 IMPLICATIONS

The Standards Committee has certain statutory obligations in relation to training on the Code of Conduct and assessment of complaints. Other workload is at the discretion of the Standards Committee.

9 BACKGROUND DOCUMENTS

None.

10 APPENDICES

Work programme for Standards Committee.

WORK PROGRAMME FOR STANDARDS COMMITTEE

Meeting date:

Item no:

SCHEDULE OF REGULAR ITEMS

Item	Frequency	Date of next review
<ul style="list-style-type: none"> • Review of complaints 		
<ul style="list-style-type: none"> • Summary of new guidance 		
<ul style="list-style-type: none"> • Conference feedback 		
<ul style="list-style-type: none"> • Annual review of work programme (reported to Council) 		
<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 		
<ul style="list-style-type: none"> • Training (Standards Committee and Council) 		
<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 		

WORK PROGRAMME FOR STANDARDS COMMITTEE

Meeting date:

Item no:

SPECIFIC TASKS

Task	Assign dates	
• Monitoring Officer protocol and service level agreement		
• Review local assessment criteria (official capacity / delay)		
• Assessment / Review / Hearing handbook		
• Review processes and procedures for complaints		
• Report on indemnity for Members of Standards Committee		
• Appointment of Parish Council Members		

STANDARDS COMMITTEE	AGENDA ITEM 5
21 October 2009	PUBLIC REPORT

Contact Officer(s):	Helen Edwards, Solicitor to the Council	Tel: 01733 452539
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REPORT INTO THE LEAK OF STANDARDS COMMITTEE INFORMATION

RECOMMENDATIONS
FROM : SOLICITOR TO THE COUNCIL & MONITORING OFFICER
<p>That the Standards Committee:</p> <ol style="list-style-type: none"> 1. notes the contents of this report 2. agrees the recommended actions at para 5

1. BACKGROUND

- 1.1 A standards committee pre-hearing sub-committee met on 3 June 2009 to consider the investigating officer's report into a complaint made against Councillor Darren Morley.
- 1.2 The meeting was held in private, with the press and public being excluded in accordance with the Council's Access to Information rules set out in its Constitution.
- 1.3 In mid June, the council was contacted by Lite FM, asking questions about the complaint, the date of the hearing, and whether it would be in public.
- 1.4 The council responded with a comment that it could neither confirm nor deny whether a complaint had been made against Councillor Morley at this stage, and that if a hearing was to be held in public, notification of a public meeting would be given in the usual way.
- 1.5 The following day Lite FM reported that they had, "had sight of" a report to the standards committee.
- 1.6 The only report that had recently been presented to the standards committee in respect of this matter was the report on behalf of the monitoring officer, to the pre-hearing sub-committee on 3 June 2009.
- 1.7 The Chair of the Standards Committee, Steve Boast, took the apparent leak of exempt information extremely seriously, and asked the monitoring officer to investigate.

2 THE INVESTIGATION

- 2.1 The pre hearing sub-committee on 3 June 2009 had been made up of:
 - 2.1.1 David Whiles, independent member, who had chaired the sub-committee
 - 2.1.2 Councillor Sheila Scott, Conservative councillor and Cabinet representative on the standards committee
 - 2.1.3 Councillor Darren Fower, Liberal Democrat member
 - 2.1.4 Orlando Menendez, independent member.
- 2.2 Officers present were:
 - 2.2.1 Alex Daynes : Democratic Services

2.2.2 Amy Brown: Legal Services

2.3 On 15 June 2009 the Investigation team, with the support of the IT department, checked the Outlook accounts of all parties who had received an electronic copy of the report to the pre hearing sub-committee. This was done centrally, and is permissible under the council's IT user's policy. The following people had received an electronic copy from the investigating officer, Simon Lovell:

- 2.3.1 Councillor Scott
- 2.3.2 Councillor Fower
- 2.3.3 Amy Brown
- 2.3.4 Alex Daynes
- 2.3.5 Diane Baker, investigations manager (and line manager to Simon Lovell)
- 2.3.6 Helen Edwards

2.4 All of those people who had been present at the pre-hearing sub-committee were interviewed by the monitoring officer, about their involvement in the meeting,

2.5 On 10 June 2009 the result of the pre-hearing assessment committee was sent to Councillor Morley, and to the complainant. The complainant was not sent a copy of the investigator's report, he only received a summary of the findings. The draft report was sent to Councillor Morley.

3 FINDINGS

3.1 The check of the council's outlook accounts referred to at para 2.3 revealed no evidence of anyone having forwarded an electronic copy of the investigation report to any other e mail account.

3.2 All of those interviewed confirmed that they had understood that the reports were exempt from the access to information rules, and must not be disclosed. Each denied that they had deliberately taken any action to send a copy of the report to Lite FM or to anyone else. They also confirmed that they had not taken the report anywhere it could inadvertently have been obtained by another. Apart for Councillor Fower, all those present returned their copies of the report to Alex Daynes at the end of the meeting.

3.3 Lite FM was questioned by the Communications team as to the source of their information, which they refused to reveal. There is no power to make them reveal their source in these circumstances.

4 CONCLUSION

4.1 It has not been possible to identify from the investigations, the source of the leak of the exempt information to Lite FM.

5 RECOMMENDATIONS

5.1 To prevent further inappropriate reporting of confidential information, it is recommended that the Standards Committee adopts the following process for handling exempt information:

5.1.1 No exempt reports will be distributed by e mail in advance of the meeting date

5.1.2 Exempt reports will be handed out to each person present at the start of a sub-committee

5.1.3 Each copy of the report will be given a unique reference number, and a signature will be required from each recipient

5.1.4 All copies of the report will be returned to the Democratic Services officer at the end of the meeting and they will be checked off against the named recipient

5.1.5 Spare copies will be confidentially destroyed by Democratic Services

5.1.6 The file copy will be kept in a locked cupboard

5.2 The Standards Committee will review this process after 6 months.

6 FINANCIAL IMPLICATIONS

There are no specific financial implications to this report.

7 LEGAL IMPLICATIONS

These are dealt with in the body of the report.

8 WARD COUNCILLORS

The contents of this report are not ward specific.

9 BACKGROUND PAPERS

In accordance with the Local Government (Access to Information) Act 1985, background papers used in the preparation of this report were:-

None.

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