

NOTICE OF MEETING

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| MEETING | STANDARDS COMMITTEE |
| DATE: | WEDNESDAY 3 SEPTEMBER 2008 |
| TIME: | 7.00 pm |
| VENUE: | FORLI ROOM - TOWN HALL |
| CONTACT: | Alex Daynes Telephone: e-mail address |
| <i>Despatch date:</i> | <i>Date Not Specified</i> |

AGENDA

PAGE NO

1. **Apologies**
2. **Declaration of Interests (if any)**
3. **Minutes of the meeting held on 5 June 2008**
4. **Monitoring Officer's Report** 1 - 10
5. **Agenda Planning**
To receive and comment on a report form the Monitoring Officer

MEMEBRS OF STANDARDS COMMITTEE COMMITTEE

Councillors: Boast (Chairman), Whiles (Vice-Chairman), Z Hussain, A Miners, G Murphy, M Todd, W Trueman, Batty and Evans

Subs: Councillors: S Lane, R Dobbs, D Fower, N Khan and Nesbitt

CASE OFFICERS

Helen Edwards and Alex Daynes



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 .

NOTES:

1. Any queries on completeness or accuracy of reports should be raised with the Case Officer or Head of Planning Services as soon as possible.
2. The purpose of location plans is to assist Members in identifying the location of the site. Location plans may not be up-to-date, and may not always show the proposed development.
3. These reports take into account the Council's equal opportunities policy but have no implications for that policy, except where expressly stated.
4. The background papers for planning applications are the application file plus any documents specifically referred to in the report itself.
5. These reports may be updated orally at the meeting if additional relevant information is received after their preparation.

NOTICE OF MEETING

MEETING **STANDARDS COMMITTEE**

DATE: **WEDNESDAY 3 SEPTEMBER 2008**

TIME: **7.00PM**

VENUE: **FORLI ROOM, TOWN HALL, PETERBOROUGH**

CONTACT: Carol Tilley, Senior Cabinet Officer, Democratic Services
 Telephone: 452344
 e-mail address: carol.tilley@peterborough.gov.uk

Despatch date 26 August 2008

AGENDA

Page no.

1. Apologies for Absence

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 5 June 2008

1 - 3

4. Monitoring Officer's Report

4 - 7

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

4.1 *Actions since last meeting*

4.2 *Referrals / Complaints*

4.3 *Work Programme – (this item will involve detailed discussion in respect of CRB checks for elected members)*

4.4 *Planning Committee Voting Analysis (Appendix 1)*

5. Agenda Planning

Verbal



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 Carol Tilley (01733 452344 / carol.tilley@peterborough.gov.uk) as soon as possible.



Minutes of a meeting of the Standards Committee held at the Town Hall, Peterborough
on 5 June 2008

MEMBERS PRESENT:

Mr S Boast, Mr D Whiles, Mr O Menendez, Ms A Smith, and Ms B Fearon
Councillors Miners, Murphy, Todd and Trueman
Parish Councillors Batty and Evans

OFFICERS PRESENT:

Helen Edwards, Solicitor to the Council
Sally Crawford, Senior Regulatory Committee & Appeals Officer

1. Appointment of Chairman and Vice Chairman

Steve Boast was nominated and duly appointed Chairman of the Standards Committee for the municipal year 2008 – 2009.

David Whiles was nominated and duly appointed Vice-Chairman of the Standards Committee for the municipal year 2008 – 2009.

2. Apologies for Absence

Apologies for absence were received from Cllr Khan.

3. Declarations of Interest

There were no declarations of interest.

4. Minutes of the Previous Meetings

The minutes of the previous meetings held on 23 January 2008 and 19 March 2008 were approved as accurate records of those meetings subject to an addition relating to Mediation training on 19 March.

5. Monitoring Officer's Report

5.1 Actions since last meeting

It was reported that a training session had taken place for members of the Standards Committee to work through case studies in respect of local assessment of complaints.

It was AGREED to hold a second training session on Wednesday 2 July and to invite the Investigations Team.

5.2 Referrals / Complaints

It was reported that there had been no referrals from the Standards Board and no complaints to the Standards Committee under the new regime since the last meeting.

5.3 Points of Information

It was confirmed that the Standards Committee (England) Regulations 2008 came into effect from 8 May 2008.

5.4 Local Investigations and Determinations

The following actions were discussed and **AGREED**:

- Draft Protocol to be emailed to members for comment and to bring for discussion at beginning of training session on 2 June 2008
- Summary of complaint to be provided by Monitoring Officer
- Monitoring Officer to have delegated authority to sift complaints and have discretion to resolve complaint informally or recommend mediation if appropriate. A summary report on all complaints received to be presented to Standards Committee
- To issue the standard complaint form
- To review procedures at the meeting due to be held on 21 January 2009
- Assessment and Hearing Sub Committees to comprise two independent members and one elected member (or Parish Councillor if complaint involves Parish Councillor) – to be appointed from Standards Committee members by Monitoring Officer in consultation with the Chairman
- Review Sub Committee to comprise two independent members and two elected members, one from same political group as member under review. (If this is not possible the Chairman with agree second elected member with Leader or Deputy Group Leader of relevant opposition group).

It was **RESOLVED**:

1. to delegate the responsibility for receiving complaints of Member Misconduct and determining which are investigated or whether other action should be taken to the Sub Committees, to oversee such action and to be responsible for hearings as necessary in accordance with the Standards Committee (England) Regulations 2008 and local protocols.
2. to submit the terms of reference to Council for inclusion in the Constitution.

5.5 Work Programme

It was **AGREED** to add the following items to the work programme:

- Role of Standards Cttee
- Member training
- Mediation Training
- Review of Procedures – 21 January 2009

It was also **AGREED** to invite the Investigation Team to the training on 2 July 2008 and to invite the Chairmen of the Audit and Scrutiny Committees to committee when issues relevant to those areas are being discussed.

6. **Planning Committee Voting Analysis**

To be resubmitted to next meeting.

7. Independent Members' Report

The Chairman reported that some elected members had expressed concern regarding the number of independent members of the Standards Committee attending meetings of the Council.

During debate elected members welcomed and encouraged the presence of the independent members at Council meetings.

It was **AGREED** that the independent committee members would continue to attend Council meetings and that their names plates should state that they are Standards Committee Members.

CHAIRMAN

19.00 - 19.57

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|----------------------------|----------------------|
| STANDARDS COMMITTEE | AGENDA ITEM No. 4 |
| 3 September 2008 | PUBLIC REPORT |

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|---------------------|---|----------------------|
| Contact Officer(s): | Helen Edwards, Solicitor to the Council | Tel: 01733 452539 |
|---------------------|---|----------------------|

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| 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 to proceed with the training as set out in 1.2 below 3. considers the issue of CRB checks for members as set out in para 3.1 below and authorise the Monitoring Officer to draft amendments to the officer policy in accordance with its decisions 4. authorises the Chair, in consultation with the Monitoring Officer, to recommend changes to the CRB check policy to Scrutiny Committee at its meeting on 29 September. |

MONITORING OFFICER'S REPORT

1. ACTIONS SINCE LAST MEETING

1.1 Training on local assessment of complaints.

Since the last Standards Committee meeting in June, a further training session has taken place for members of the Standards Committee, in particular those who were unable to attend the first event. All except one member of the Standards Committee has now been trained on the process of assessment of local complaints.

1.2 Training on handling hearings

A training session is being organised for the Standards Committee in respect of hearings into complaints against elected members. This is likely to be in September and dates are currently being discussed with members. Assuming dates are available by the meeting on 3 September members will be asked to agree the arrangements for this training.

1.3 Evening seminar on new Standards regime and refresher on ethics and Probity

An e mail was sent to all members on 12 August giving a brief explanation of the new regime. Members were asked to indicate if they would be interested in attending a seminar explaining the new regime, to give an indication of numbers. A date is being organised and will be publicised shortly.

1.4 Parish Council Liaison Committee

A presentation will be given to the Parish Council Liaison Committee at its meeting on 1 October 2008, in respect of the new regime, at the request of the committee.

1.5 Standards Committee Terms of Reference

At its meeting on 18 July 2008 Full Council approved changes to the Standards Committee's terms of reference to reflect the need to set up sub-committees to deal with the new regime. The Constitution has been updated accordingly.

2. REFERRALS / COMPLAINTS

2.1 Quarterly return

The first quarterly return for the period ending 30 June 2008 was sent to the Standards Committee by the due date, showing that no complaints had been received in the relevant period.

At the time of writing this report, one complaint has been received and was considered by the Assessment sub Committee on 12 August 2008. The decision was to refer the matter to the Monitoring Officer for investigation. Diane Baker, Investigation Manager, has been appointed to investigate on the Monitoring Officer's behalf, and her report is due by no later than 12 November 2008, although an earlier completion is anticipated.

One further complaint has been received which, at the time of writing is being referred to an Assessment Sub-Committee, and a verbal update will be given at the meeting, with details confirmed in the minutes, and the next quarterly report.

3. WORK PROGRAMME

3.1 CRB checks for elected members.

3.1.1 Since the last meeting of Standards Committee, a draft procedure was circulated to the Chair and Vice Chair of this committee, and to all group leaders, for comment. Feedback from Group Leaders has been received only from Cllr Peach, who states that whilst not personally averse to a CRB check he can understand why some councillors may be.

3.1.2 The Lead Counter Signatory in the HR department was also consulted, as it is proposed that the policy for officers is amended to include checks in respect of members. It is her advice, following on from very recent advice from the CRB, that it would not be acceptable to have a blanket policy that all members should be checked, and that instead, a risk assessment should be carried out to determine whether each member was eligible for a check, and if so, at what level (whether standard or enhanced).

3.1.3 The policy for officers is being updated, and is due to be considered by Employment Committee on 18th September. The papers for Employment Committee will not have been published by the date of the Standards Committee on 3rd September, and it is therefore not possible to provide members with a

copy at this stage. I will ask for a copy of the approved version to be circulated to members of the Standards Committee after the Employment Committee meeting.

- 3.1.4 Once the new policy for officers has been approved by Employment Committee, it will be revised again very soon afterwards, as part of a Human Resources review of policies, to ensure that policy documents are separated from procedures. It is expected that the second revision of the procedure will be presented to Employment Committee at its meeting on 8th January 2009.
- 3.1.5 It is therefore proposed that members of Standards Committee consider the specific questions set out in paragraph 3.1.9 below.
- 3.1.6 The monitoring officer will then prepare a draft amendment to the policy agreed by Employment Committee on 18th September using those responses, and circulate to members of the committee.
- 3.1.7 It is recommended that the Standards Committee presents a report to the Scrutiny Committee on 29th September 2008 in respect of its recommendations.
- 3.1.8 It is then suggested that the final draft of the policy which is circulated for consultation is brought to the Standards Committee meeting on 5th November for formal response on the revised draft to be presented to the Employment Committee.
- 3.1.9 The specific questions in relation to CRB checks for members, that need to be considered for recommendations to be made are as follows:
 - 3.1.9.1 **How regularly should rechecks be carried out?** For officers the period is every 3 years. Councillors are normally appointed for a period of 4 years, so this is an alternative. However, as checks would not necessarily coincide with election (for example a councillor may not immediately be placed in a role that requires a check) this may not be an issue. Having a recheck period of 3 years consistent with that for officers would simply the policy, the procedures, and the system of monitoring.
 - 3.1.9.2 **Who would be responsible for verification of documents?** Members are required to provide various personal identification documents to enable a check to be carried out. For officers, these checks are carried out by the HR team responsible for CRB checks. HR has confirmed that it has the capacity to undertake this role for officers. The choice is whether to recommend that, or whether members would prefer that training in document verification should be given to employees in Member Services, to enable them to undertake that role.
 - 3.1.9.3 **Who will carry out the risk assessment as to which members will need to be checked?** The CRB provides guidance as to which roles need to be checked, which states in relation to members “ *To qualify for a Disclosure when working with children, the individual must be working in a regulated position, as set out in the Criminal Justice and Court Services Act 2000. The activities that would constitute a regulated position are described below: The "great and the good". A position which, by virtue of its responsibility is one for which the postholder would be expected to be positively suitable to work with children. The positions concerned are:.... a member of a relevant local government body....For these purposes, a person is a member of a relevant local government body if a) he/she is a member of, or of an executive of, a local authority and discharges any education functions, or social services functions of a local authority, b) he/she is a member of an executive of a local authority which discharges any such functions, c) he/she is a member of a committee of an executive of a local authority or area committee or any other committee of a local authority which discharges any such functions.*

It is suggested that this is a function for the Monitoring Officer in consultation with the Principal Democratic Services Officer, or their nominees.

3.1.9.4 Who would be responsible for issuing the results? It is suggested that this is a function of the Monitoring Officer and / or the Lead Counter Signatory in the HR department.

3.1.9.5 What would be done with a positive result? There is no power to disqualify an elected councillor despite a positive CRB result. A positive result should remain confidential, and the Monitoring Officer will only decide that a Member should not be cleared where a conviction or other disclosed information is relevant to the issues as to whether that Member should exercise any functions as a Member relating to children looked after by the Authority or vulnerable adults for whom the Council is responsible. The decision must be appropriate and proportionate to the disclosure information. It is proposed that where the Monitoring Officer decides after any consultation that a Member should not be cleared, the Member will be advised of this, and that Members who are not cleared have a right of review by a Sub-Committee of 3 members of the Standards Committee (appointed by the Chairman and including an independent Member) which shall have the final decision on clearance.

3.1.9.6 Where will the results be held? These are currently held (for members who have already been checked) by the HR department and it is proposed that this should continue.

4. PLANNING COMMITTEE VOTING ANALYSIS

4.1 The Planning Committee voting analysis is attached at Appendix 1.

5. FINANCIAL IMPLICATIONS

5.1 There are no specific financial implications to this report.

6. LEGAL IMPLICATIONS

6.1 These are dealt with in the body of the report.

7. WARD COUNCILLORS

7.1 The contents of this report are not ward specific.

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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STANDARDS COMMITTEE

MINUTES OF MEETING HELD AT THE TOWN HALL, PETERBOROUGH 3 SEPTEMBER 2008

Members Present:

Mr S Boast (Chair), Ms. B Fearon, Mr O Menendez, Ms. A Smith, Mr D Whiles
Councillors Miners, Todd and Trueman
Parish Councillors Batty and Evans

Officers Present:

Helen Edwards, Solicitor to the Council and Monitoring Officer
Carol Tilley, Senior Cabinet Officer

1. Apologies for Absence

1.1 Apologies for absence were received from Councillor Murphy.

2. Declarations of Interest

2.2 Councillor Todd declared an interest in agenda item 4.4 as Chairman of the Council's Planning and Environmental Protection Committee.

3. Minutes of Meeting held 5 June 2008

3.1 The minutes of the meeting held 5 June 2008 were approved as an accurate record, subject to the addition of CRB checks to the Work Programme referred to at paragraph 5.5.

• Additional and urgent item:

At this point in the meeting the Chairman announced that he wished to raise an additional item. He drew Members' attention to an article which currently appeared on the Peterborough Liberal Democrat's website in respect of the Council's approach to Criminal Records Bureau (CRB) checks for elected Members. The article made the presumption that the Standards Committee would not support the proposal to introduce CRB checks for elected Members and that it was factually inaccurate regarding Councillor Trueman's conduct at the previous meeting when the matter had been debated. It was the Chairman's view that this article had not been helpful and this opinion was supported by the Committee.

Councillor Trueman agreed to pass on the view of the Standards Committee in this regard to Peterborough Liberal Democrats group members.

4. Monitoring Officer's Report

The Committee received a report from the Solicitor to the Council and Monitoring Officer for consideration. Members noted the report and discussion was held as follows:

4.1 Actions since last meeting:

Members were asked to note that a date had been set for the training session which would focus on the process for the local assessment of complaints against elected Members. This event was specifically for Members of the Standards Committee and would be held on Monday 20 October 2008 from 6.00 p.m. to 9.00 p.m. Further details would be circulated in due course.

The Chairman requested that elected Members of the Standards Committee ensure that their respective substitutes attended this session if possible.

The Monitoring Officer confirmed that a separate training session, which would be open to all elected Members, had been scheduled for Tuesday 30 September at 6.00 p.m. This event would focus on the new regime for assessing complaints against elected Members and would include a refresher session on ethics and probity. Invitations would be sent to all Members as soon as possible.

The Committee noted that details of the new regime in respect of complaints against elected Members would be submitted to the Parish Council Liaison Committee at its meeting of 1 October 2008. The presentation would focus particularly on how the new arrangements relate to Parish Councillors.

4.2 Referrals / Complaints

Members were advised that no complaints had been received in respect of the first quarter period up to 30 June. The next quarterly report was due to be submitted early in October and this would record that two complaints had been received. Both complaints had been heard by the Assessment Sub Committee – one had been passed to the Fraud and Investigation Manager for investigation on behalf of the Monitoring Officer and the other complaint would not be pursued.

The Chairman invited feedback from those members of the Committee who had, to date, been involved in the Assessment Sub Committee. It was considered that the process had structure and had worked well, and was felt to have been fair. Members noted the need for confidentiality in all matters related to the complaints and referrals procedure and were mindful that the process was in its infancy and would become clearer with experience.

4.3 Work Programme

CRB Checks for Elected Members -

Members were advised that the policy in respect of CRB checks for officers was currently under review, and that clarification had been received from the HR department advising that the introduction of a 'blanket' policy for checks with regard to elected Members would not be recommended. Instead, a risk assessment should be undertaken to determine whether a check was required and if so, at what level (standard or enhanced).

It was noted that the first draft of the policy in respect of officers was due to be considered by Employment Committee at its meeting of 18 September 2008, prior to seeking final endorsement from Employment Committee at its meeting of 20 November. It was therefore suggested that the final draft version be considered in detail by the Standards Committee at its next meeting on 5 November in order to agree the Committee's formal response on the policy, prior to its submission to Employment Committee.

Members **AGREED** this approach, which would enable the Committee's comments to be incorporated into the policy, prior to its approval by Employment Committee and subsequent adoption at full Council.

The following points were considered:

- The draft policy proposed that officers were subject to CRB re-checks at three yearly intervals. It would be necessary to assess whether this would be a practical approach in respect of elected Members, who were normally elected for a four year term of office;
- The responsibility for verification of documents;
- The responsibility for carrying out risk assessments in order to determine which Members would require a CRB check and responsibility for issuing the results;
- The course of action which would be taken in the case of a positive CRB result and where documents detailing records and results should be held;

Following discussion, it was **RESOLVED**:

- (i) To recommend that the frequency of re-checks should align with Members' appointments to specific Committees/Panels. Membership of such bodies was subject to change each year following Annual Council re-checks and therefore rechecks should be role orientated;
- (ii) To recommend that a member of staff within the Council's Members' Services Unit receive relevant training in order to enable them to formally verify documents;
- (iii) To recommend that the responsibility for undertaking risk assessments to determine which elected Members (by virtue of their position) should be subject to a CRB check lie with the Monitoring Officer and the Principal Democratic Services Officer, in conjunction with a senior professional officer from the relevant service area;
- (iv) That the right of appeal should be built in to the procedure;
- (v) That the Council's Monitoring Officer (or the relevant lead HR officer) should be responsible for issuing the results of the check;
- (vi) That responsibility for advising an elected Member that his/her check had received a positive result rest with the Monitoring Officer and that the relevant Group Leader be advised;
- (vii) Records and results of all CRB checks should be held by the HR department.

4.4. **Planning Committee Voting Analysis**

The Committee noted the Voting Analysis in respect of meetings of the Planning and Environmental Protection Committee held 3 June 2008, 17 June 2008, 16 July 2008 and 29 July 2008 respectively.

5. Agenda Planning

- 5.1 Members noted that the next meeting (scheduled for 5 November) would focus on finalising the Committee's response to the draft CRB policy. Committee members were asked to give specific thought to how the Standards Committee might properly support Council in promoting ethical standards and local democracy.
- 5.2 It was **AGREED** to cancel the interim meeting scheduled for 15 October 2008, however Members would retain this date in their diaries – this date could then be utilised to hold a meeting of the Assessment Sub Committee, should the need arise.

Meeting closed at 8.25 p.m.