



**STOCKPORT**  
METROPOLITAN BOROUGH COUNCIL

Chief Executive's Directorate  
Town Hall, Stockport SK1 3XE  
Contact: David Clee on 0161 474 3137  
Email: [david.clee@stockport.gov.uk](mailto:david.clee@stockport.gov.uk)  
Web: [www.stockport.gov.uk/democracy](http://www.stockport.gov.uk/democracy)

## Ordinary Committee

# AGENDA

### STANDARDS COMMITTEE

Meeting Room 5  
Town Hall  
Stockport

Meeting: Tuesday, 15 June, 2010  
Tea 5.00pm (Stopford House Restaurant)  
Business: 6.00 pm

#### 1. MINUTES

To approve as a correct record and sign the minutes of the meeting held on 19 January, 2010. (Enclosed)

#### 2. DECLARATIONS OF INTEREST

Councillors and officers are invited to declare any interests which they may have in any of the items on the agenda for this meeting.

#### 3. URGENT DECISIONS

To report any urgent action taken under the Constitution since the last meeting of the Committee.

#### 4. PUBLIC QUESTION TIME

Members of the public are invited to put questions to the Chair on any matters within the powers and duties of the committee, subject to the exclusions set out in the Code of Practice. (Questions must be submitted no later than 30 minutes prior to the commencement of the meeting on the card provided. These are available at the meeting and at local libraries and information centres. You may also submit your question by e mail to [democratic.services@stockport.gov.uk](mailto:democratic.services@stockport.gov.uk) ).

#### 5. MONITORING OFFICER'S REPORT

Report of the Monitoring Officer

(Enclosed)

Officer Contact: Barry Khan, Tel: 474 3202, email: [barry.khan@stockport.gov.uk](mailto:barry.khan@stockport.gov.uk)

## 6. LETTER FROM THE STANDARDS BOARD FOR ENGLAND TO ALL STANDARD COMMITTEES

Report of the Monitoring Officer

(Enclosed)

Officer Contact: Barry Khan, Tel: 474 3202, email: [barry.khan@stockport.gov.uk](mailto:barry.khan@stockport.gov.uk)

## 7. UPDATE ON RECENT CASES

Report of the Monitoring Officer

(Enclosed)

Officer Contact: Barry Khan, Tel: 474 3202, email: [barry.khan@stockport.gov.uk](mailto:barry.khan@stockport.gov.uk)

## 8. DATES OF FUTURE MEETINGS OF THE STANDARDS COMMITTEE AND MEMBERSHIP AND SCHEDULING OF DATES FOR HEARING PANEL MEETINGS

Report of the Monitoring Officer

(Enclosed)

Officer Contact: Mike Iveson, Tel: 474 3208, email: [mike.iveson@stockport.gov.uk](mailto:mike.iveson@stockport.gov.uk)

Contact for agenda: David Clee on 474 3137, e-mail [david.clee@stockport.gov.uk](mailto:david.clee@stockport.gov.uk) or fax 0161 474 3240

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যদি এই খবরগুলি সম্পর্কে আপনার কোন সাহায্য দরকার হয় তবে বিনা খরচে আপনার জন্য দোভাষীর ব্যবস্থা করা হতে পারে। মেহেরবানী করে স্টকপোর্ট ইন্টারপ্রিটিং ইউনিটে ফোন করুন টেলিফোন নম্বর, 0161 477 9000.

اگر آپ کو ان معلومات کے بارے میں مدد کی ضرورت ہے تو مفت ترجمانی کی سروس دستیاب ہے۔ براہ مہربانی انٹرپرائٹنگ یونٹ کو 0161 477 9000 پر فون کریں۔

如你需要他人為你解釋這份資料的內容，我們可提供免費的傳譯服務，請致電 0161 477 9000 史托波特傳譯部。

تتوفر خدمة ترجمة شفوية مجانية إذا تطلبت مساعدة في فهم هذا المعلومات. نرجو الاتصال إنترپرائٹنگ یونٹ علی رقم الهاتف: 0161 477 9000

خدمات ترجمہ رایگان این اطلاعات در صورت نیاز موجود میباشد۔ لطفاً با شماره تلفن 0161 477 9000 با واحد ترجمہ (اینترپرائٹنگ یونٹ) ما تماس بگیرید۔

## STANDARDS COMMITTEE

Meeting: 19 January, 2010  
At: 6.00 pm

### PRESENT

Mr Stephen Clarke (Chair) in the Chair; Councillors Tom Grundy and Les Jones; Mrs Julie Carter, Mr Kieran McMahon, Ms. Maggie Waker and Mr Michael Wilbey.

#### Parish Council representatives

Councillors Frieda Chorlton, Erica Jones and Caley Scanlon

### **1. MINUTES**

The minutes (copies of which had been circulated) of the meeting held on 9 June, 2009 were approved as a correct record and signed by the Chair.

### **2. DECLARATIONS OF INTEREST**

No declarations were made.

### **3. URGENT DECISIONS**

No urgent decisions were reported.

### **4. PUBLIC QUESTION TIME**

No questions were submitted.

### **5. LOCAL ASSESSMENT OF COMPLAINTS: ASSESSMENT MADE CLEAR**

The Monitoring Officer submitted a report (copies of which had been circulated) outlining the content of a training DVD published by Standards for England dealing with the local assessment of complaints.

The Committee then viewed the DVD.

It was then -

RESOLVED - That the Monitoring Officer be requested -

- In the future, to report annually to the Committee on discretionary action taken by him which might have obviated formal complaint under the code of conduct from members;
- In consultation with the Chair to make early arrangements to provide a 'refresher' course for all members of the Council and initial training for members of the Offerton Estate Parish Council on Standards issues and that members of the Standards Committee be invited to accompany him at the events.

## **6. GOVERNANCE : USE OF RESOURCES**

The Monitoring Officer submitted a report (copies of which had been circulated) inviting the Committee to consider the Audit Commission's report on the Use of Resources for 2008/9 and to consider any actions necessary for the current municipal year.

RESOLVED - (1) That the Audit Commission's report on the Use of Resources for 2008/9 be noted with satisfaction.

(2) That in consultation with the Chair, the Monitoring Officer be requested to -

- modernise the 'ethical standards' pages on the Council's internet site and to include a link to those pages from the 'home' page; and
- encourage Standards for England to issue guidance on dealing with vexatious complainants.

## **7. PROPOSED ANNUAL STATEMENT OF THE STANDARDS COMMITTEE**

The Monitoring Officer invited the Committee to consider authorising the Chair to, in the future, make an annual presentation to the Council Meeting on work undertaken by the Committee during the preceding twelve month period.

RESOLVED - That in consultation with the Chair, the Monitoring Officer be requested to make arrangements for the Chair to make a presentation on work undertaken by the Committee during the preceding twelve month period at a future Council Meeting.

## **8. STANDARDS BULLETIN: UPDATE**

The Monitoring Officer submitted a report (copies of which had been circulated) inviting the Committee to consider the content of the Standards for England Bulletins and recent changes in the Adjudication Panel for England.

RESOLVED - That the report and content of the Bulletins be noted

## **9. DATE OF NEXT MEETING OF THE STANDARDS COMMITTEE**

The Monitoring Officer reported that the next meeting of the Standards Committee would take place on 20 April, 2010.

RESOLVED - That the report be noted.

## **10. STANDARDS FOR ENGLAND ANNUAL CONFERENCE 2009**

Ms Julie Carter gave a brief report following her attendance at the Standards for England Annual Conference which had taken place in Birmingham on 12 and 13 October, 2009.

RESOLVED - That the report be noted.

## **11. APPOINTMENT OF DEPUTY MONITORING OFFICER**

Standards Committee – 19 January, 2010

The Monitoring Officer reported that Senior Solicitor, Ms Sajada Zaman had been appointed Deputy Monitoring Officer

RESOLVED - That the report be noted.

The meeting closed at 7.50 pm

G:\Secretariat\Minutes January, 2010\Standards - 19 jan 2010



**COMMITTEE:** Standards Committee

**DATE:** 15<sup>th</sup> June 2010

**REPORT OF:** Monitoring Officer

**REPORT TITLE:** Monitoring Officer's Report

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### **1.0 Purpose of the Report**

The purpose of this report is to consider the work of the Standards Committee for the period from 1<sup>st</sup> April 2009 to 31<sup>st</sup> March 2010.

### **2.0 Introduction**

#### **Form and Composition**

2.1 The Standards Committee is composed of the following members;

- The Mayor
- 3 Councillors appointed by the Annual Council Meeting
- 6 independent members who are not councillors
- 3 Offerton Park Parish Representatives.

2.2 In addition to the main Committee, the Standards Committee operates two Hearing Panels to hear complaints against Councillors from Stockport Council and Offerton Parish Council. Each Hearing Panel consists of two Councillors and three Independent Members. In addition, the Hearing Panel will have an Offerton Park Parish representative when considering a complaint against the Parish Council.

2.3 The Standards Committee and the Hearing Panels are always chaired by an Independent member of the Committee to ensure transparency in decision making when dealing with complaints.

#### **Roles and Functions**

2.4 The role of the Standards Committee is defined in the Council's constitution and includes:

- Promoting and maintaining high standards of conduct by councillors and Co-opted members of the Council

- Assisting Councillors and Co-opted Members to observe the Code of Conduct for Councillors and Co-opted Members
- Monitoring the operation of the Code of Conduct
- Advising, training or arranging to train the Councillors and Co-opted Members on matters relating to the Code of Conduct
- Granting dispensations to Councillors and Co-opted Members from requirements relating to the declaration of interests set out in the Code of Conduct
- To assess written allegations of breaches of the Code of Conduct for Members
- To review on the request of the complainant a decision that no action should be taken in respect of an allegation
- Monitoring the operation and effectiveness of the Council's Confidential Reporting (Whistle-blowing) policy and amending the policy as appropriate
- Overseeing the operation of the Council's complaint handling procedures, making or recommending such changes to those procedures as may be appropriate
- Reporting annually to the Council Meeting on the Committee's work during the preceding year.

**3 Number of Complaints against Councillors dealt with during the period 1<sup>st</sup> April 2009 and 31<sup>st</sup> March 2010 by the Standards Hearing Panels.**

3.1 The Standards Committee acted as the "Local Filter" for all complaints against Councillors during this period. During this 12 month period the Committee considered 15 complaints against Councillors. The majority of these complaints, namely 12 were made by members of the public and 3 were made by Councillors.

3.2 The Hearing Panels considered these complaints and decided that no further action should be taken on 13 of these complaints and referred 2 complaints were referred to the Monitoring Officer with a direction for "other action". Of these decisions, the Panels dealt with 4 requests to review the initial decision and all of these review decisions upheld the original decision.

## 4 Training

- 4.1 In undertaking its role in ensuring that members are aware of the Code the Standards Committee recommended at its meeting on the 19<sup>th</sup> January 2010 that training for members on standards issues were undertaken for Stockport Councillors and Parish Councillors. This training was subsequently provided during the year on separate occasions for members of the Parish Council and Members of Stockport Council to attend. These training sessions received a high level of attendance from members from both Councils and received positive feedback from members.
- 4.2 In addition representatives from the Standards Committee attended the Annual Assembly of Standards Committees on the 12-13<sup>th</sup> October 2009 entitled "Bringing Standards into Focus" and disseminated the information back to the Committee.
- 4.3 Also the Standards Committee itself considered training material provided by the Standards Board for England, for example on "Other Action Guidance" and "Planning ahead".
- 4.4 In addition the Committee considered the Audit Commission's Use of Resources report for 2008/9, which was published in 2009/10. The Committee noted that the Audit Commission specifically commented that:

*"The Council exercises good Governance. The Council has put in place its constitution where it identifies the roles and responsibilities of the Leader, the executive and executive members individually, other council members, the scrutiny function, the chief executive and senior officers. The council has reviewed and updated the document, as needed, through the Constitutional Working Party*

*The Council exercises good governance. Council's constitution includes a scheme of delegation. The Council keeps these delegations up to date by having regular meetings of the Constitution Working Party which makes recommendations on any necessary changes. This ensures that all the delegations to committees, officers, members are up to date and that council's governance arrangements reflect the needs of the Councillors and local residents*

*There are constructive working relationships between members and officers. This is evident from the fact that senior managers meet with the executive on regular basis as do the Corporate and Service*

*Directors, regular officers briefings are held with chairs of committees and the Directorates meet their relevant portfolio holder on a regular basis to update them on performance, strategic issues. These help the council in building effective relationships from top to the bottom*

*Members and senior officers have received a thorough induction tailored to their role in the council. The Council carries out an extensive induction program for all new members. The council has also provided development opportunities to ongoing members and the corporate management team and have individual Personal Development Plans that help them to identify and address their own development needs. The Council has therefore been awarded the North West Elected Member Development Charter for the training it provides to its members*

*The council has demonstrated that members and senior officers are clear about their and each other's respective roles. This is evident from the Executive Decisions made by the Executive members. There are number of examples where decisions made show that members and officers work well together and know each other roles and that officers know when to get members approval before implementing decisions.*

## **5. Future Work**

5.1. The recently announced Decentralisation and Localism Bill includes a proposal to “abolish the Standards Board regime” and until any new legislation is finalised and is in force, the Standards Committee will continue to carry out its role and functions as described in paragraph 2 above. It is important to note that the Standards Committee itself is separate from the Standards Board and is set up to look at a number of issues, including specific complaints against Councillors. The Standards Committee is committed to ensuring that the public have a regime in place to address complaints against the behaviour of Councillors and will continue to carry out its statutory role for as long as that regime is in place. The Committee will be updated on any forthcoming changes in the legislation and the consequences to its terms and references. The Committee will be asked to comment on any proposal consultations taken to change the existing regime given its experience of working with the current rules. Until the proposed changes are implemented, the Committee will continue to hear complaints against Councillors and enforce the Code of Conduct until

6. **Recommendation**

6.1 The Committee is requested to note the Monitoring Officer's Report and suggest any further comments to reflect the work that has been undertaken by the Committee and its panels for the year 2009/10.

**Further information**

To discuss this report or for further information please contact Barry Khan telephone number 0161 474 3202 or by e-mail on

[barry.khan@stockport.gov.uk](mailto:barry.khan@stockport.gov.uk)



**AGENDA ITEM: 6**

**COMMITTEE:** Standards Committee

**DATE:** 15<sup>th</sup> June 2010

**REPORT OF:** Monitoring Officer

**REPORT TITLE:** Letter from the Standards Board for England to all Standard Committees

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**1.0 Purpose of the Report**

The purpose of this report is to note the correspondence from the Standards Board to every Standards Committee with regard to the Decentralisation and Localism Bill.

**2.0 Summary**

2.1 The Government have announced their intention to enact the Decentralisation and Localism Bill. This Bill currently included a provision to “abolish the Standard Regime”. The Chair of the Standards Committee has recently written a letter dated 1<sup>st</sup> June 2010 to all Standards Committee to inform them of these proposals and to remind the Committee that it continues to carry out its statutory duties of assessing allegations against Councillors. A copy of the letter is attached at Appendix 1.

2.2 The Queen’s Speech which set out the details of the new Bill set to change many aspects of Council governance and responsibility. It is expected that the new Bill will be presented to Parliament in the Autumn and will provide the mechanism for implementing many of the coalition government’s policy measures for local government. It is understood that the rationale behind the proposal is to put the power to judge the behaviour of councillors back in the hands of local people and not through a centralised government body to make councillors more accountable to their citizens.

**3. Recommendation**

3.1 The Committee is requested to note the letter attached in Appendix 1.

**Further information**

To discuss this report or for further information please contact Barry Khan telephone number 0161 474 3202 or by e-mail on [barry.khan@stockport.gov.uk](mailto:barry.khan@stockport.gov.uk)

Sent via email

1 June 2010

Dear Colleague

As you will no doubt be aware the Government announced in the recent Queen's Speech that the proposed Decentralisation and Localism bill will include proposals to 'abolish the Standards Board regime'. Beyond this statement, we do not currently have clear details of the scope or implications of this proposal. However, until such time as the relevant legislation is passed, the statutory framework remains operative.

We will therefore continue to work with you to support your work. In turn, we expect you to continue with your statutory duties including the assessment of allegations, and we will continue to consider cases which you refer to us.

We remain committed to ensuring that there is a proper framework of local accountability in which the public can have confidence and we wish to work with central and local government to develop any proposals. As more details emerge we will keep you informed of developments and would be interested in hearing your views about how future arrangements could most effectively work.

In the meantime, if you need clarity on any specific issues, please do continue to call our enquiries line.

Yours sincerely



Dr Robert Chilton  
Chair

**AGENDA ITEM: 7**

**COMMITTEE:** Standards Committee

**DATE:** 15<sup>th</sup> June 2010

**REPORT OF:** Monitoring Officer

**REPORT TITLE:** Update on Recent Cases

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**1.0 Purpose of the Report**

The purpose of this report is to update the Standards Committee on recent developments in cases concerning the code of Conduct and updates provided by Standards for England

**2.0 Standards for England Review of Local Standards Framework**

2.1 The Standards for England has since the last meeting of the Standards Committee issued an updated Bulletin (see Appendix 1) and have reviewed how local standards framework has operated since its introduction in May 2008 when the Council took over dealing with all complaints against Councillors from the Standards Board.

2.2 Their review has been submitted to the Government and the new Government's views of the existing regime is considered earlier in the agenda. The review is available on the Standards for England website at:

<http://www.standardsforengland.gov.uk/Aboutus/Corporateinformation/CorporatePublications/ReviewoftheFramework2010.pdf>

2.3 A summary of their recommendations are:

- (1) Monitoring officers should receive all allegations and make a decision about whether or not they are within the remit of the Code of Conduct
- (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:
  - a. To take no further action
  - b. To refer to local investigation

- c. To refer to Standards for England for investigation
  - d. To refer to the monitoring officer for other action
  - e. To refer to the standards committee to seek their advice in choosing one of the previous four options
- (3) The vice chair of the standards committee should be an independent member
  - (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
  - (5) Standards committees should undertake retrospective periodic reviews of these decisions to ensure consistency and quality. The national body should also provide an oversight via its regulatory role.
  - (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.
  - (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.
  - (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.
  - (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.
  - (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 view

such recommendations with regard to how the public interest is best served.

- (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).
- (12) Local authorities should no longer be required to publish decision notices in the local newspaper. Instead they should be published on the local authority's website.
- (13) Standard 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.
- (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.
- (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.

### **3.0 Update on recent decisions:**

#### **Eden District Council**

- 2.4 Standards for England has issued the following press release regarding a recent case. The First-tier Tribunal (Local Government Standards in England) (previously known as the Adjudication Panel for England) found that the Subject Member had breached the parts of the Code relating to the disclosure of confidential information and bringing his office or authority into disrepute, following letters he wrote to a local newspaper on two separate occasions, when he disclosed confidential information regarding discussions between the authority and a potential developer. After his initial disclosure, the Subject Member told the council's monitoring officer that he would not repeat his action, before going on to make a further disclosure sd
- 2.5 The Tribunal suspended the Subject Member for six months and imposed training on the Code and a written apology and stated that the suspension period would be extended for a further six months if these were not observed. The Tribunal stated that the disqualification

of the Subject Member had been considered, adding that his behaviour had shown a lack of insight and judgement, and had ‘undermined (the Council’s) credibility as a body able to maintain confidentiality’

2.6 Dr Robert Chilton, Chair of Standards for England, said: *“While it is important that members of the public and the media have free and open access to information which directly affects them, there will inevitably be occasions when councillors need to keep information private. It is crucial for the successful functioning of any authority that all parts of the Code are observed. We welcome the decision reached by the First-tier Tribunal and the sanction imposed. We believe this sends out a clear message to members of the public that appropriate action will be taken against members whose ethical standards fall short of expectations.*

### **Isle of Wight Council**

2.7 Standards for England has issued the following press release regarding the above case. Following a Standards for England investigation, the First-tier Tribunal (Local Government Standards in England) found that the Subject Member failed to comply with the Code of Conduct by:

- Failing to declare a prejudicial interest in a planning application and failing to withdraw from a meeting of the Planning Committee when that application was under consideration.
- Seeking improperly (because he had a prejudicial interest in the matter) to influence a decision in the matter by his contact with a senior planning officer. A later conversation with a different officer was regarded as being likely to compromise the impartiality of that officer.
- Bringing his office as Leader of the Council, and the council itself, into disrepute.

2.8 The Subject Member was suspended from office for six months. The Tribunal made recommendations to the authority that further training on the Code, focusing particularly on personal and prejudicial interests and interaction between members and officers, should be provided for members

### **Newport City Council**

2.9 The authority introduced age limits on vehicles licensed as hackney carriages and private hire vehicles, via a decision being taken by the Subject Member who failed to disclose that his brother was a licensed

hackney carriage driver and that his half brother was a licensed private hire driver, in the area. Moreover, the Subject Member's brother, who supported the introduction of age limits, was present in one of the meetings between council officials and trade representatives.

2.10 The Subject Member's decision was judicially reviewed. It was alleged that the Subject Member had breached the council's code of conduct for Members and the common law rule re bias. The Subject Member stated that he had not disclosed an interest because he had already disclosed his brothers' occupations to the relevant officers in the licensing department and he had little contact with his brothers.

2.11 The High Court Judge stated that, as a matter of prudence, the Subject Member should have disclosed his relationship with his brothers at the meetings even if the association was not a close one. In relation to the bias allegation, whilst the participation by his brother in the meeting did not "necessarily change the nature of their relationship for the purpose of the code of conduct", the Judge considered that "it may well change the perception a fair minded and informed observer would have", and if the Subject Member did not disclose the relationship because of advice from officers, then he was not served well by them". As a result, the authority's decision to introduce age limits for licensed hackney carriages and private hire vehicles was quashed.

### 3. **Recommendation**

3.1 The Committee is requested to note the update.

#### **Further information**

To discuss this report or for further information please contact Barry Khan telephone number 0161 474 3202 or by e-mail on [barry.khan@stockport.gov.uk](mailto:barry.khan@stockport.gov.uk)



## **2010 Annual Assembly of Standards Committees ‘A place for standards’**

Following the success of last year’s fully booked Annual Assembly, we are well on the way to finalising the programme for this year’s event, which takes place on 18 and 19 October at the ICC in Birmingham.

We are already working with a panel of standards committee members and monitoring officers to develop a range of sessions focused on sharing notable practice, developing high standards and building confidence in managing the local standards framework.

The cost of attending both days of the Assembly has been held at £430 (plus VAT) for the fourth year running, while a one-day place is £230 (plus VAT). Online booking is now open on our website. We will also be sending out hard copy booking forms to all authorities from mid-March. Further information about the programme and speakers will be added to the website so keep checking back for the most up-to-date information.

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## **Stakeholder Tracker 2009 – ‘A qualitative assessment of advice and guidance’**

Every two years Standards for England (SfE) conducts a ‘stakeholder tracker’ in two parts: a quantitative survey, and a qualitative investigation. This research assesses the levels of satisfaction of members and officers in local government with the performance of SfE and their attitudes to the ethical environment. As some of you may recall, the survey was completed last summer. We are now happy to report that the qualitative section of the research, which provides a more in-depth analysis of some of the issues that emerged from the quantitative research, has been completed and is available on our website. **We would like to thank those of you who participated in the research. It is only through your continued support that we are able to track our progress, and identify areas for improvement.**

BMG research carried out this research by holding a number of focus groups with monitoring officers, standards committee members and parish councillors. 2

### Some of the findings:

- The research found that monitoring officers and standards committee members are very positive about the local standards framework. They feel it has ‘bedded in’ well, and welcome the chance to take ownership of the process of investigating complaints.
- SfE’s monitoring officer helpline received positive feedback, and some stakeholders suggested that the service callers receive has improved over the past 12 months.
- Monitoring officers welcome the development of peer and local/regional networks – however, there is some suggestion that a number of authorities may already have some form of networking in place. They would like SfE to provide content for delivery at networking events.
- The research identified several topics on which stakeholders think SfE could provide further guidance such as more information on other standards committee practices, sanctions and proportionality, mediation, guidance specifically for parish councillors, and more advice on the overlap with Freedom of Information and Data Protection legislation.

A copy of the full report can be [downloaded here](#).

**For further information, please contact:**

**Tom Bandenburg (Research Assistant) on 0161 817 5427 or email [tom.bandenburg@standardsforengland.gov.uk](mailto:tom.bandenburg@standardsforengland.gov.uk)**

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## **A REMINDER: Please send us your hearing decision notices**

As you may already be aware, authorities are required to send Standards for England (SfE) copies of their hearing decision notices. The legal basis for this can be found in the Standards Committee (England) Regulations 2008 under regulation 20(1)(a). However, not all authorities have complied with this requirement.

Hearing decision notices provide a valuable source of information from which SfE can draw conclusions about how the local standards framework is functioning. We have decided to give greater emphasis to our analysis of the notices and we will share our conclusions with you.

### **What you need to do**

Please send us a copy of the full decision notice for any determinations made by your Standards Committee. At the end of each quarter (from 1 April 2010) we will check whether we have received a decision notice for all the hearings completed that quarter and then contact authorities for any that are missing. 3

We prefer to receive decision notices as an email attachment in Word or PDF format if possible.

You can send them to [authorityreturns@standardsforengland.gov.uk](mailto:authorityreturns@standardsforengland.gov.uk).

If you are unable to send them electronically, please post your decision notices to:

**The Monitoring Team, Standards for England, 4th floor, Griffin House  
40 Lever Street, Manchester M1 1BB**

When writing the decision notices, please ensure that you include all the legal requirements set out in paragraph 20 of the Standards Committee (England) Regulations 2008. We also recommend that you refer to our guidance, which you can find in your local standards framework guide or online at

<http://www.standardsforengland.gov.uk/determinations>

**Note:** Please do not send us decision notices for any other type of decision such as initial assessments, reviews or consideration meetings. This is not a legal requirement and we will not be using them in our analysis.

#### **What we will do**

We will use the notices to help widen our knowledge of how the local standards framework is operating and provide some context to the quarterly returns data.

The notices may also highlight areas where we can produce new guidance or improve on what we have already published.

Thank you for your co-operation. We will keep you informed of how the decision notices help us to support the local standards framework.

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## **Adjudication Panel for England becomes known as First-tier Tribunal (Local Government Standards in England)**

On the 18th January the functions of the Adjudication Panel for England were transferred to the First-tier Tribunal (Local Government Standards in England) and the Adjudication Panel for England was abolished. The First-tier Tribunal sits in the General Regulatory Chamber with Charity, Gambling, Information, Estate Agents, Claims Management, Consumer Credit and Transport Tribunals.

The role of the First-tier Tribunal is to hear cases referred to it by an Ethical Standards Officer or a Standards Committee following an investigation. The Tribunal will also hear appeals by a subject member against the decision of a Standards Committee.

There have been changes to the powers and procedures of the Tribunal.

#### **Powers and Procedures**

The First-tier Tribunal now has additional powers and procedures. It has the power to summon witnesses or require witnesses to produce documents relating to its hearings.

All Tribunal hearings can now be conducted either orally or by written representations with the consent of all parties.

Hearings can be conducted by less than 3 Tribunal members.

The President of the Adjudication Panel for England has been appointed as a Principle Judge of the First-tier Tribunal, legal members are now Judges and lay members are members.

#### **Appeals**

Previously any appeal from the Adjudication Panel was heard at the High Court. This process has now changed. Appeals will now be heard by the Upper Tribunal. The Upper Tribunal is an appellate tribunal created by the Tribunals, Courts and Enforcement Act 2007. The Administrative Appeals Chamber is the part of the Upper Tribunal which hears and decides appeals from decisions of the General Regulatory Chamber of the First-tier Tribunal.

#### **Who can appeal to the Upper Tribunal?**

Any party may appeal to the Administrative Appeals Chamber of the Upper Tribunal if they can show that the First-tier Tribunal made an error of law. Additionally, the subject member has the right to appeal findings of fact, if their appeal is against

- (a) a decision that they failed to comply with a code of conduct,
- (b) a decision imposing suspension or another sanction

#### **Appeals by other parties**

A further change to the appeals process is that if a subject member is successful at the First-tier Tribunal, it is still possible for an Ethical Standards Officer or Standards Committee to appeal on a point of law to the Upper Tribunal. The First-tier Tribunal will notify the subject member if any of these parties wish to appeal. 5

#### **Costs**

The First-tier Tribunal now has the power to make an order for costs if the Tribunal considers that a party has acted unreasonably in bringing, defending or conducting the proceedings. It may make an order for costs following an application or on its own initiative.

This will mean that the Tribunal can award costs against a standards committee, Ethical Standards Officer or subject member if they have acted unreasonably in the conduct of their investigations or hearings. The First-tier Tribunal may also make an award for wasted costs incurred by any legal or other representative where the Tribunal considers that they have acted negligently, improperly or unreasonably in bringing, defending or conducting proceedings.

For more information and detailed guidance please see

[www.adjudicationpanel.tribunals.gov.uk](http://www.adjudicationpanel.tribunals.gov.uk)

## **Our Risk Based Approach**

One of the best practice requirements of a regulator is that they take a risk - based approach to their work: that is they are able to assess risks in their area of regulation and apply their own resources accordingly to keep risks low.

For Standards for England there are three types of risk which concern us.

- Systemic risk – risk which could lead to a widespread failing in the work of the framework or in standards across all authorities
- Sectoral risk – risk which could lead to a failing in standards in a number of similar authorities
- Entity risk – risk of a serious standards failure affecting one of the authorities covered by the local standards framework

Assessing entity, systemic or sectoral risks to standards or the success of the framework allows us to target our effort at those activities, situations or authorities that pose the biggest risk helping ensure we provide value for money.

The Success of the local standards framework relies in part on our ability to see potential pitfalls or risks to standards in advance. For example, the emergence of new technologies such as internet social networking, blogs and Twitter, have presented their own unique challenges to standards. During 2009-10 we were able to produce guidance, place articles in the local government press and give a presentation at a national members' conference on this subject.

Spotting such challenges allows us to provide early advice and guidance to the standards community to help prevent problems arising. We will be developing our approach to systemic and sectoral risk, closely linked to our research programme, to help us identify trends or potential problems, and so offer appropriate advice at the earliest opportunity.

We work closely with authorities where challenging standards issues emerge. Based on our increasing experience supporting these authorities we are developing our plans for managing entity risk.

We intend to prioritise the way we interact with authorities on the basis of our risk assessment of the likelihood and impact of any failure of standards in that authority. Working through our relationship managers we will take a differential approach based on this assessment to satisfy ourselves that authorities are working to minimise risks. We envisage working with 30-40 authorities at our highest level of contact and a further 100-120 at an intermediate level, at any one time.

Typically authorities at the lowest level of risk will be in contact with us only as they go about their routine business in operating the standards framework and sending back the required monitoring data, whereas authorities at the intermediate level might be contacted by relationship managers on a six monthly basis, and those at the highest level contacted or visited more frequently as deemed appropriate.

We will be testing our planned approach and consulting with the regulated community about it over the next six months.

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## **Social networking: an effective medium of communication but not without risk**

When it comes to reaching certain groups quickly, cheaply and maintaining control over your message, many councillors find online methods hard to beat. At the recent Cllr' 10 event, Standards for England and the IDeA ran an interactive session which looked at how councillors can use social networking effectively and ethically to engage with their local communities.

This article highlights some of the key messages from the session for councillors.

- If you use blogs, Facebook or Twitter to help you to carry out your political work, rather than in your private capacity, your obligation to meet certain standards of conduct still applies. You can still be involved in robust political debate and state your opinions strongly – the Code does not exist to gag you or fellow councillors or stop you expressing political views. It does, however, prohibit treating others with disrespect, bullying and bringing one's office or authority into disrepute. It is

important if you are blogging or tweeting personally and not in your role as councillor, that you do not act, claim to act, or give the impression that you are acting as a representative of your Authority. It is worth noting that web links to official council websites may give or reinforce the impression that you are representing the council.

- You may use a blog to draw attention to a particular local issue and call the council to account, as you would in a public meeting. However, blog entries ridiculing or attacking particular officers, or making serious accusations about their personal competence or integrity, could amount to disrespect, even bullying, in some circumstances.
- It is worth considering that while the immediacy of social media can be a great benefit, it also has a downside. For example, it is possible for you to Tweet on a matter seconds after leaving the council chamber – long before your opponents have issued press statements. This can result in broadcasting spontaneous remarks that may quickly seem unwise. By the time you have reconsidered and deleted them, they may have been seen by thousands, Facebook-shared, re-Tweeted, linked to, and committed to local headlines. That is fine, if you have got this message across just how you wanted to; less so if your post was an outburst in the heat of the moment. Such remarks are easily withdrawn, apologised for and forgotten when made in person, but posting them on the internet means that they have been published, and in a way that cannot be contained.
- It is important to note that good ethical standards are not limited to the Code of Conduct. While you may not be investigated for using online media, your conduct can still attract adverse publicity, even where the Code does not apply. For example, a regional newspaper recently called a councillor's blog post against a rival party a "toilet-mouthed tirade" saying:

"A [Code] breach it may not have been; childish, crude and demeaning to all who vote or follow politics it certainly was."

It is clear that social networking sites can enhance political debate and add positively to local politics when used correctly.

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## **New Online Guides on Our Website**

The Guidance and Information team has produced several new online guides at the end of 2009. They are now available on our website. Here are the titles to the guides:

- **Charitable Trustees and declarations of interest under the Code**
- **Freemasons and the Code**
- **Independent members**
- **Notifications to parish and town councils concerning complaints about their members and the Standards**

- **Role and appointment of parish and town council reps to the standards committee**

- **Blogging quick guide**

We hope you find these new pieces of guidance helpful. Please e-mail any feedback you have on our guidance to **[enquiries@standardsforengland.gov.uk](mailto:enquiries@standardsforengland.gov.uk)**

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## **Standards Committees can take a lead from ‘notable practice’**

Research into ‘notable practice’, was carried out jointly by Hull University and the University of Teesside and was finalised in October 2009. It is called ‘notable practice’ to highlight the fact that the tips for success are examples of where particular approaches have worked in certain authorities, rather than ‘set-in-stone’ rules about what should be done.

Bristol City Council standards committee was identified as being particularly effective at facilitating organisational learning, sharing learning with the local government community and acting as hub for other authorities and independent members in the South West. The focus of the case study in South Cambridgeshire was on the standards committee’s proactive approach to the recruitment and retention of independent members.

The research identified nine examples of notable practice in different authorities. Below is the list of the notable practice examples and the case study authorities.

<b>Notable practice</b>	<b>Case study authority</b>
Organisational learning	Bristol City Council
Working with town and parish councils	Taunton Deane Borough Council
Member development	Surrey Police Authority
Working with partnerships	Newark and Sherwood District Council
Recruitment and retention	South Cambridgeshire District Council
Training and development	Herefordshire County Council
Joint standards and audit committees	Runnymede Borough Council
High pressure investigations	Greater London Author
Embedding standards	Newcastle City Council



**Agenda item no. 8**

STANDARDS COMMITTEE

Meeting: 15 June 2010

**DATES OF FUTURE MEETINGS OF THE STANDARDS COMMITTEE AND  
MEMBERSHIP AND SCHEDULING OF DATES FOR HEARING PANEL  
MEETINGS****Report of the Monitoring Officer****MATTER FOR CONSIDERATION**

This report advises members of the Standards Committee on dates for future meetings of the Standards Committee, the membership of and suggested future dates and times for meetings of Hearing Panels during the next municipal year.

**INFORMATION**

The Council Meeting has agreed that future meetings of the Standards Committee will take place at 6.00 pm on the following dates -

15 June, 2010  
5 October, 2010  
18 January, 2011  
19 April, 2011

Meetings will take place at the Town Hall.

At the meeting of the Standards Committee on 24 June, 2008, members agreed that whilst recognising that the Standards Hearing Panels (Initial Assessment) (Review) and (Hearing) would meet as required, as an expedient, monthly dates should be scheduled in the Council's business programme for use if necessary. The arrangement appears to have operated successfully.

It is therefore suggested that a similar arrangement be introduced for the 2010/11 municipal year.

In the event of there being a lack of business to transact the hearings will of course be cancelled. It is intended to select for duty each Panel in turn or as required to conduct hearings / reviews.

The hearings will commence at 6.00 pm in the Town Hall with tea being provided beforehand. Additional dates may be required depending on the volume of complaints. Arrangements for additional hearings will be made in consultation with the respective Chairs in the event of need arising.

### Proposed dates of future Hearing Panels

Future Hearing Panels are scheduled to take place as follows -

<u>2010</u>	<u>2011</u>
6 July 2010	11 January 2011
3 August 2010	8 February 2011
7 September 2010	8 March 2011
12 October 2010	12 April 2011
2 November 2010	10 May 2011
14 December 2010	7 June 2011

Membership of the hearing panels is as follows -

<u>Hearing Panel A</u>	<u>Hearing Panel B</u>
Julie Carter	The Mayor (Councillor Hazel Lees)
Stephen Clarke (Chair)	Councillor Les Jones
Councillor Tom Grundy	John Stone (Chair)
Kieran McMahon	Margaret Waker
Councillor Mark Weldon	Michael Wilbey

### **RECOMMENDATION**

The Committee is requested to note the dates of future meetings of the Standards Committee, the membership of Hearing Panels A and B and consider the dates set out in the report for future Hearing Panel meetings.

### BACKGROUND PAPERS

There are none

Anyone wishing to inspect the above background papers or requiring further information should contact Mike Iveson on telephone number 0161 474 3208 or alternatively email [mike.iveson@stockport.gov.uk](mailto:mike.iveson@stockport.gov.uk)