

*Please reply to:*

Contact: Liz Phillis  
Department: Chief Executive Directorate  
Service: Committee Services  
Direct line: 01784 446276  
Fax: 01784 446333  
E-mail: [l.phillis@spelthorne.gov.uk](mailto:l.phillis@spelthorne.gov.uk)  
Our ref:  
Your ref: Lp/scttee  
Date: 22 July 2008

**NOTICE OF MEETING:**

**STANDARDS COMMITTEE**

**DATE: WEDNESDAY 30 JULY 2008**

**TIME: 7.30PM**

**PLACE: GODDARD ROOM, COUNCIL OFFICES, KNOWLE GREEN, STAINES**

TO: ALL MEMBERS OF THE STANDARDS COMMITTEE

***Councillors:***

T.W. Crabb  
D.L. McShane  
E. O'Hara  
Mrs J.M. Pinkerton  
G.F. Trussler

***Independent Members:***

Mr. M. Litvak (Chairman)  
Miss Sue Faulkner (Vice-Chairman)

**EMERGENCY PROCEDURE**

In the event of an emergency the building must be evacuated. All Members and Officers should assemble on the Green adjacent to Broome Lodge. Members of the Public present should accompany the Officers to this point and remain there until the Senior Officer present has accounted for all persons known to be on the premises.

**THE LIFT MUST NOT BE USED.**

If you would like a copy of this agenda or the attached reports in a larger print please contact Liz Phillis (01784) 446276 or e-mail [l.phillis@spelthorne.gov.uk](mailto:l.phillis@spelthorne.gov.uk)

## **A G E N D A**

### **1. APOLOGIES**

To receive any apologies for non attendance. To date apologies have been received from Councillor Mrs J.M. Pinkerton.

### **2. MINUTES**

To confirm the minutes of the meeting held on 7 February 2008 (Copy **attached**)

### **3. DISCLOSURE OF INTERESTS**

To receive any disclosure of interests from members.

### **4. ANNUAL LETTER – LOCAL GOVERNMENT OMBUDSMAN**

To consider the **attached** annual letter from the Local Government Ombudsman.

### **5. THE NEW LOCAL ASSESSMENT FRAMWORK**

To consider the report of the Monitoring Officer. Report to Follow

The Standards Board for England has also set up a web page providing information on the local assessment and changes to the standards framework. This information can be viewed on the Standards Boards website at

<http://www.standardsboard.gov.uk/Localassessment/Aboutlocalassessment/>

#### **IMPORTANT PUBLIC NOTICE**

##### **MOBILE TECHNOLOGY – ACCEPTABLE USE**

Use of mobile technology (e.g. mobile telephones, Blackberries, XDA's etc.) in Council, Executive, Committee, Sub-Committee, Members' Seminars, Steering Groups, Task Groups, Panels, Area Forum and other meetings can:

- Interfere with the Public Address [PA] and Induction Loop systems;
- Distract other people at the meeting;
- Interrupt presentations and debates;
- Mean that you miss a key part of a decision taken.

##### **PLEASE:**

Either switch off your mobile telephone, Blackberry, XDA etc. **OR** switch off its wireless/transmitter connection and sound for the duration of the meeting.

***THANK YOU FOR YOUR CO-OPERATION IN THIS MATTER.***

## **MINUTES OF THE STANDARDS COMMITTEE**

**7 FEBRUARY 2008**

### **Present:**

#### **Councillors:**

T.W. Crabb

E. O'Hara

#### **Independent members:**

Mr M. Litvak (Chairman)

Also in attendance Councillor J.D. Packman, Leader of the Council, and at the invitation of the Committee took part in the discussion.

Prior to the commencement of the meeting the Chairman, Mr Murray Litvak, introduced Miss Susan Faulkner, who was being proposed by the Selection Panel to fill the vacant position on the committee. (See Minute No 44/08 below)

**Apologies:** Councillor Mrs J.M. Pinkerton

### **40/08 MINUTES**

The Minutes of the meeting held on 6 November 2007 were approved as a correct record.

### **41/08 DISCLOSURE OF INTERESTS**

No disclosures were made.

### **42/08 CONSULTATION DOCUMENT – ORDERS AND REGULATIONS FOR THE NEW LOCAL ASSESSMENT FRAMEWORK**

The Committee discussed with the Monitoring Officer a draft response to the Governments consultation paper which sought views on the detailed arrangements for putting into effect the Orders and Regulations to provide a revised more locally based ethical regime for the conduct of local authority members. The deadline for responses to the consultation paper was 15 February 2008.

The consultation paper covered the following areas:

- The operation of standards committee powers to make initial assessments of misconduct allegations, composition of committees and access to information.
- The Standards Board's new monitoring function and the circumstances where it may suspend a standards committee's function of undertaking the initial assessment of misconduct allegations and for other committees or the Standards Board or joint committees to undertake the role.
- Adjudications by case tribunals of the Adjudication Panel.
- Issuing dispensations to allow councillors to participate in meetings so as to preserve political balance.
- The granting and supervision of exemptions of certain local authority posts from political restrictions.

The Committee noted that it was anticipated that the regulations would be published without further consultation in order to meet the Department of Communities and Local Government suggested timeframe of 1 April 2008. In the event this was the case the committee noted that an extraordinary Standards Committee Meeting would be held on

10 March 2008 with the recommendations from the meeting being submitted to an Extraordinary Council meeting taking place on 25 March 2008.

**RESOLVED** to approve the responses to the DCLG consultation on the local assessment of complaints under the code of conduct for local authority members as outlined in the report of the Monitoring Officer and as indicated at the meeting.

#### **43/08 EXCLUSION OF THE PUBLIC**

**RESOLVED** that the press and public be excluded from the meeting for the following item of business in view of the likely disclosure of exempt information within the means of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

#### **44/08 INDEPENDENT NON ELECTED MEMBER APPOINTMENT**

The Chairman together with the Monitoring Officer reported verbally on the interviews held for the appointment of an Independent non elected member to the Standards Committee. The Committee noted that four candidates had been interviewed by the Panel and that after careful consideration would be recommending to the Council meeting on 21 February 2008 that Miss Susan Faulkner be appointed to the position. The appointment would be until the Council AGM in May 2009 when consideration would be given for a further four year term.

## **NEW LOCAL ASSESSMENT FRAMEWORK**

**Standards Committee - 30 July 2008**

**For recommendation**

**Report of the Monitoring Officer**

### **EXECUTIVE SUMMARY**

#### **How does the content of this report improve the quality of life of Borough Residents**

Does not affect quality of life for residents.

#### **Purpose of Report**

This report proposes revised arrangements and procedures for this Committee in response to the new ethical standards framework introduced by the Local Government and Public Involvement in Health Act 2007 and associated regulations. This includes proposed arrangements for dealing with the Committee's new responsibilities for making initial assessments of complaints about the conduct of councillors.

#### **Key Issues**

- ⇒ Ethical Governance
- ⇒ Member Code of Conduct
- ⇒ Local Government and Public Involvement in Health Act 2007

#### **Financial Implications**

No direct financial implications arising from this report.

#### **Corporate Priority**

Not appropriate.

#### **Monitoring Officer Recommendations:**

1. To recommend to Council that Article 9 of the Constitution is changed so that the Standards Committee will provide for one Member of the Executive to be appointed to the Standards Committee.
2. To recommend to Council that Article 9 of the Constitution is changed to provide for three sub-committees of the Standards Committee to assess, review and determine complaints against councillors under the Code of Conduct. All Members of the Standards Committee to be eligible for service on a sub-committee on a "panel basis".
3. To recommend to Council to amend delegations so that the Monitoring Officer has responsibility for selecting appropriate Members of the Standards Committee to serve on the three sub-committees, to be decided on a case by case basis.
4. To resolve that, pending the adoption of revised procedures for dealing with complaints and hearings, the Monitoring Officer in consultation with the Chairman of the Standards Committee be delegated the authority to decide on all appropriate procedures and arrangements for complaints on a case by case basis.

**Contact: Michael Graham, Head of Corporate Governance, 01784 446227**

## MAIN REPORT

### 1. BACKGROUND

- 1.1 The Local Government and Public Involvement in Health Act 2007 provides for a revised ethical standards regime for local government. This introduces a more locally based decision-making framework for the investigation and determination of all but the most serious of misconduct allegations against councillors. Local standards committees will make initial assessments of misconduct allegations, as well as undertaking most investigations and determination of cases.
- 1.2 The Government published the Standards Committee (England) Regulations 2008 on 17 April 2008, which brought the new arrangements into effect from 8 May 2008. This report summarises the principal changes introduced by the regulations and recommends revised procedures to meet the requirements.

### 2. KEY ISSUES

#### Composition of Standards Committees

- 2.1 The regulations require that the Council's Standards Committee must comprise:
  - (a) at least 25% independent members;
  - (b) no more than one member of the Executive; and
  - (c) at least two parish council representatives (which is not applicable to Spelthorne).
- 2.2 The regulations also set out various provisions relating to the recruitment and appointment of independent members.
- 2.3 A change is required to the Council's Constitution to require that one Member of the Executive is now appointed to the Standards Committee.

#### Chairman and Vice-Chairman of Standards Committees

- 2.4 Section 187 of the Local Government and Public Involvement in Health Act 2007, which came into force on 1 April 2008, requires that this Committee is chaired by an Independent Member. However no changes are required to the constitution as Spelthorne Borough Council has always appointed its Independent Members as the Chairman and Vice-Chairman of the standards Committee.

#### Establishment of Sub-Committees

- 2.5 In order to undertake their new functions in relation to the initial assessment of complaints, standards committees will need to have a clear operational structure. The regulations require the creation of sub-committees so that the separate functions involved can be appropriately discharged, namely:
  - 2.6 (a) the initial **assessment** of a misconduct allegation;
  - 2.7 (b) the determination of a request from a complainant to **review** a decision to take no action in relation to an allegation; and
  - 2.8 (c) any subsequent hearing to **determine** whether a councillor has breached the code and, where appropriate, impose a sanction.
- 2.9 A member of a standards committee who has taken part in decision-making on the initial assessment of an allegation is prohibited from being involved in the consideration of any subsequent request from the complainant for a review of a

decision to take no action. However, members who have been involved in the initial assessment of a misconduct allegation, or a review of the committee's previous decision to take no action, are not prohibited from taking part in any subsequent hearing to determine whether that matter constituted a breach of the code of conduct and, if so, whether any sanction is appropriate.

- 2.10 Any sub-committee must be chaired by an independent member and at least three members must be present at any meeting, including at least one borough councillor.
- 2.11 In order to meet these new requirements, it is recommended that the Constitution of the Council be amended to allow for three sub-committees as follows (with the terms of reference shown) to carry out functions in relation to allegations of misconduct:
- (a) Standards (Assessment) Sub-Committee**  
To make initial assessments of allegations of misconduct by Borough Councillors.
  - (b) Standards (Review) Sub-Committee**  
At the request of a complainant, to review any decision of the Standards (Assessment) Sub-Committee to take no action in relation to an allegation of misconduct by Borough Councillors.
  - (c) Standards (Determination) Sub-Committee**  
To determine complaints about the conduct of Borough Councillors and, where appropriate, to impose sanctions.
- 2.12 It is proposed that each of the sub-committees should comprise three members of the Committee, including an independent chairman and borough councillor in all cases. It is also recommended that the Monitoring Officer should be authorised to determine the membership of each sub-committee as required drawing from the membership of the Standards on a "panel" basis.

### **Procedures**

- 2.13 The regulations also cover detailed procedural issues relating to the handling of complaints, including:
- (a) notification of allegations to relevant parties and disclosure of information;
  - (b) public access to meetings and documents;
  - (c) provisions for standards sub-committees to direct the monitoring officer to take action other than carry out an investigation (e.g. arrange training for a councillor or require engagement in a conciliation process);
  - (d) procedures for assessing complaints, undertaking investigations and conducting hearings;
  - (e) the findings available to standards committees and sub-committees and the sanctions available; and
  - (f) provisions for councillors to appeal against decisions to the Adjudication Panel for England.
- 2.14 The Standards Board for England has also published guidance in relation to these detailed procedures for dealing with meetings. The Council's existing

investigation and hearings procedures will need to be amended in the light of this guidance and revised documents will be submitted to the next meeting of this Committee in September 2008. In the interim, in the event of any allegations being received, the Committee is requested to authorise the Monitoring Officer, in consultation with the Chairman, to determine all arrangements and procedures for dealing with their assessment, investigation and determination in accordance with statutory requirements.

### **Sanctions**

- 2.15 The regulations extend the sanctions that a standards sub-committee may impose upon a councillor found to be in breach of the code of conduct. Any one of, or any combination of, the following sanctions may now be applied:
- (a) censure;
  - (b) restriction of up to six months on access to local authority premises or use of resources;
  - (c) full or partial suspension of up to six months;
  - (d) submission of written apology;
  - (e) attendance at specified training;
  - (f) participation in conciliation;
  - (g) full or partial suspension of up to six months or until a written apology is submitted; or
  - (h) full or partial suspension of up to six months or until training or conciliation has been undertaken.

### **Publicity for New Arrangements**

- 2.16 The Council is required to publicise the new arrangements for the submission of allegations about misconduct and, in this regard, must take account of relevant guidance issued by the Standards Board for England. At this stage, the Head of Corporate Governance will:
- (a) develop a standard complaints form for allegations of misconduct by councillors;
  - (b) publish relevant information on the Council's website;
  - (c) display and make available leaflets at Council offices, libraries and other appropriate locations and through parish clerks and offices; and
  - (d) include an article in the Bulletin and publicise through the local press.

## **3. PROPOSALS**

- 3.1 This report recommends a number of changes to the Council's arrangements for dealing with complaints about the conduct of borough councillors in order to comply with the requirements of the Local Government and Public Involvement in Health Act 2007 and associated regulations.
- 3.2 Detailed procedures for hearings and investigations will be developed in the light of guidance published by the Standards Board for England and these will be the subject of a further report to this Committee. In the meantime, in the event of any allegations being received, the Committee is requested to authorise the Monitoring Officer, in consultation with the Chairman, to determine all



arrangements and procedures for dealing with the assessment, investigation and determination of complaints in accordance with statutory requirements.

- 3.3 The impact of the new arrangements on the workload of the Committee, particularly the Chairman, and support officers is impossible to gauge at this stage. It should be noted that since its inception, this Standards Committee has never had to determine any complaint of misconduct. Therefore it may be expected that the workload of the Committee is not going to be unduly stretched with the arrival of this new framework. However, the introduction of the new locally-based framework and associated publicity may lead to increased activity and this will need to be monitored carefully.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 No direct financial implications arising from this report.

#### **5. LEGAL IMPLICATIONS / OTHER CONSIDERATIONS**

- 5.1 Considered in the report.

#### **6. RISKS AND HOW THEY WILL BE MITIGATED**

- 6.1 None identified.

#### **7. TIMETABLE FOR IMPLEMENTATION**

- 7.1 Changes to the Council's constitution to be presented to the meeting on 30 October 2008.

**Report Author: Michael Graham, Head of Corporate Governance, 01784 446227**

#### **Background Papers:**

There are none