

# STANDARDS COMMITTEE

Monday 1 December 2008

<u>Present:</u>	Mr Brian Cummings (Chair)	
	Councillors	WJ Davies                      L Rowlands K Hayes                         A Taylor AR McLachlan                C Teggin C Meaden                       P Williams
<u>Deputy:</u>	Councillor	W Duffey (for C Blakeley)
<u>Independent Members</u>	Mr Ken Harrison (Vice-Chair)	Mr Alex Nuttall

## 19 INDEPENDENT MEMBER

The Committee welcomed Mr Alex Nuttall, who was attending his first meeting.

## 20 DECLARATIONS OF INTEREST

The members of the Committee were asked to consider whether they had a personal or prejudicial interest in connection with any item on the agenda and, if so, to declare it and to state the nature of such interest. No declarations were made.

## 21 MINUTES

**Resolved – That the minutes of the meeting held on 30 September be accepted as a correct record.**

## 22 AUDIT COMMISSION - ETHICAL GOVERNANCE DIAGNOSTIC

Liz Temple-Murray, the Audit Manager, attended the meeting and explained the proposed review, by the Audit Commission, of compliance with ethical issues within the Council. A copy of the draft Ethical Governance Diagnostic had been circulated with the agenda. In it the Audit Commission pointed out that one of the common aspects of failures of governance was not so much the absence of frameworks, controls and arrangements as the absence of appropriate behaviours and values amongst members and officers. The proposed review would look at compliance with statutory requirements and also at behaviour, culture and values.

One of the objectives of the review was to see if the Council was ensuring that the Standards Committee had access to the right information and support to enable it to do its job properly. It is also the intention to examine various documents relating to the work of the Committee and to interview the Chair and members of it.

Ms Temple-Murray stated that the review would involve a three-pronged approach: a snap survey for all members and key officers; an analysis of the findings; and a series of individual meetings and focus groups, leading to a report in March 2009. It

was expected that an action plan, for consideration by members, would follow the report's recommendations.

Some members expressed concern about the large number of questions within the survey, but were assured that it was a nationally developed tool and that each question could be answered quickly. Councillor Rowlands sought an assurance that members could have proper input into the review and was advised that that would come about via the focus groups as well as the survey itself. The Deputy Monitoring Officer added that one purpose of the review would be to ensure that the Standards Committee could operate in the most effective way. It would highlight gaps in provision, such as training, and the Committee itself would have ownership of the action plan.

**Resolved – That Ms Temple-Murray be thanked for her report and the officers make the necessary arrangements for the review.**

## 23 **CODE OF CONDUCT FOR MEMBERS AND OFFICERS - CONSULTATION**

The Deputy Monitoring Officer submitted and reported upon the consultation document issued by the Department for Communities and Local Government: "Communities in Control: Real people, real power – Codes of conduct for local authority members and employees". The document sought views on proposals for revising the Local Authorities (Model Code of Conduct) Order 2007 and on the proposed introduction of a model code of conduct for local government employees. Answers were requested to a number of specific questions.

The Committee's attention was drawn particularly to the following questions, on which members commented:

Question 1 – "Do you agree that the members' code should apply to a member's conduct when acting in their non-official capacity? In the recent Livingstone case the Court had drawn a distinction between a member's official and non-official capacity, but the document proposed an addition to the model code that "members must not bring their office or authority into disrepute by conduct which is a criminal offence".

The Committee generally welcomed that addition, in view of the need to maintain public esteem.

Question 2 – "Do you agree with [the] definition of 'criminal offence' for the purpose of the members' code? If not, what other definition would you support, for instance should it include police cautions?" The document proposed a definition of 'criminal offence' as any criminal offence for which the member has been convicted in a criminal court, but for which the member does not have the opportunity of paying a fixed penalty instead of facing a criminal conviction.

Question 5 – "Do you agree that an ethical investigation should not proceed until the criminal process has been completed?" It was proposed that, where an allegation involved criminal activity that was, at the time of the allegation being made, being investigated by the police or prosecuted through the courts, the standards committee or the Standards Board, as the case may be, would cease their investigation process until the criminal process had been completed. Any subsequent action under the conduct regime in respect of a member's private conduct would follow the conclusion

of the criminal procedure. The member would not be suspended during the period of the criminal process.

Members expressed some reservations that they might be treated more leniently than, for example, officers.

**Resolved – That**

**(1) the Monitoring Officer consult with his Merseyside colleagues about their authorities' proposed response;**

**(2) he look into what weight of evidence might be required to justify suspension of a member before a criminal investigation is concluded;**

**(3) he submit suggested responses to the questions in the document for members to comment on, in order that the Council can respond to the consultation paper by the deadline of 24 December.**

**24 THE STANDARDS BOARD FOR ENGLAND - CASE REVIEW 2008**

The Deputy Monitoring Officer submitted for information the Standards Board for England's 2008 Case Review Digest, which provided details of recent cases relating to the application of the Code of Conduct. He indicated that it might assist members in their own deliberations on complaints.

**25 THE ADJUDICATION PANEL FOR ENGLAND - GUIDANCE**

The Deputy Monitoring Officer submitted for information guidance issued by the Adjudication Panel for England on the circumstances in which it would consider accepting references from Standards Committees under Regulation 17 of the Standards Committee (England) Regulations 2008. He pointed out that in the majority of circumstances a Standards Committee would have sufficient powers to deal with a complaint and would need to have satisfied itself that that was not the case if it decided to make a referral.

**26 DATES FOR MEETINGS**

The Committee's attention was drawn to the fact that its meetings had been arranged for the same evenings as the Audit and Risk Management Committee, which created a problem for the new Monitoring Officer.

**Resolved – That the Committee accepts the need for the Director of Law, H.R. and Asset Management to attend meetings of the Audit and Risk Management Committee in his capacity as Director and this Committee as Monitoring Officer and asks that consideration be given to amending the date of one or other of them in order to facilitate that arrangement.**