

Standards Committee

A meeting of Standards Committee was held on Thursday, 10th April, 2008.

Present: Mr F W Hayes(Chairman), Cllr Mrs Lynne Apedaile, Cllr Paul Baker, Cllr Ian Dalgarno, Cllr Ken Dixon, Cllr Ken Lupton, Mr C.V Algie (Parish Representative), Mr T Bowman (Parish Representative), Mrs E Chapman (Independent), Mrs F Robinson (Independent)

Officers: I Jones, A Barber (RES); D E Bond, J Grant, N Hart, S Johnson (LD)

Also in attendance: Cllr John Fletcher

Apologies: None

S Declarations of Interest

1/08

There were no declarations of interest.

S Appointment of Vice Chairman

2/08

RESOLVED that Mrs E. Chapman be appointed Vice Chairman of the Standards Committee for the municipal year 2008/09.

S Minutes of the meeting held on 24th January 2008 - for signature

3/08

The minutes of the meeting held on 24th January 2008 were signed by the Chairman as a correct record.

S Corporate Manslaughter and Corporate Homicide Act

4/08

Members of the Committee were presented with a report that provided details of the implications of the Corporate Manslaughter and Corporate Homicide Act 2007.

It was explained that the Corporate Manslaughter and Corporate Homicide Act 2007 came into force on 6 April 2008. The Act provided a new offence of Corporate Manslaughter to apply to Companies, Government Departments, Local Authorities and similar bodies, Police Forces and certain unincorporated Associations.

The Act was essentially concerned with health and safety and increased the scope of prosecutions where there was a fatality.

It was advised that under previous law, a Company could only be convicted of manslaughter where "a directing mind" of the organisation could be identified. In practice that meant a senior individual who could be said to "embody the company in his actions and decisions". Such an individual was easier to identify in a small organisation than a large organisation. Members of the Committee were informed that this was one of the reasons why manslaughter charges were dismissed against Barrow-in-Furness Borough Council. The Committee was provided with details of the case and were advised that it was important to note that the new offence of Corporate Manslaughter would complement and run alongside other charges such as breaches of health and safety legislation and possibly a manslaughter charge against an individual.

Members of the Committee were informed that liability for the new offence depended on a finding of gross negligence in the way in which the activities of the organisation were run. An offence was committed where an organisation owed a duty to take reasonable care for a person's safety and the way in which the organisation's activities had been managed or organised, by its senior management, amounted to a gross breach of that duty and caused the person's death.

The Committee were informed that there were four elements to prove:-

- the organisation must owe a "relevant duty of care" to the victim
- the organisation must be in breach of that duty of care as a result of the way in which the activities of the organisation were managed or organised (known as "the management failure")
- the "management failure" must have caused the victim's death (however it need not be the sole cause)
- the "management failure" must amount to a gross breach of the duty of care

The Committee was also informed that the duty of care must arise from specific functions or activities performed by the Council. It would apply:-

- to the Council's employees and to other persons working for the Council eg contractors, secondees and volunteers
- as an occupier of premises
- when supplying goods or services
- when constructing or maintaining buildings, plant or machinery
- when carrying out activities on a commercial basis.

A duty of care would not apply:-

- when responding to emergencies
- to child protection functions (Parts 4 and 5 of the Children Act 1989)
- to decisions of public policy (eg decisions by PCTs about the funding of particular treatments)
- to an "exclusively public function" (this may include the exercise of planning and building controls and the investigation of environmental breaches or food safety issues, however, what is an "exclusively public function" may only become clear as case law evolves)
- to statutory inspections carried out in the exercise of a statutory function
- to policing or law enforcement activities when dealing with terrorism, civil unrest or serious disorder.

The Act was designed to target "management failures" by senior managers. It focused on the arrangements and practices made by senior managers for carrying out the Council's functions. Individuals that were identified as being responsible or the cause of the "management failure" must play "significant roles" in that failure, ie a decisive and influential role, not a minor or supporting role.

The Committee was advised that "Senior management" was defined as those persons who played significant roles in:-

- the making of decisions about how the whole or a substantial part of its activities are to be managed or organised, or
- the actual managing or organising of the whole or a substantial part of those activities.

The definition would therefore include strategic decision-makers (Chief Executive, Directors and Cabinet Members) and those who actually managed the activity or function (Heads of Service and possibly third or even fourth tier Officers).

The Committee was advised that in terms of risk management, the Council's procedures and risk management systems were well established and regularly reviewed, however, the Council was advised to :-

- carry out a Corporate risk assessment of the likely exposure under the Act
- consider whether the Chief Executive, Directors, Heads of Service and other senior managers understand their responsibility for ensuring all risks have been adequately identified and mitigated
- strengthen Leadership on Health & Safety
- ensure correct policies and procedures were established and enforced to prevent serious incidents from occurring and to continually monitor, audit and review Service activities
- ensure that the corporate culture supports and reinforces the policies and procedures
- provide effective training for all relevant employees, agency staff and volunteers
- ensure effective record keeping
- consider adopting a protocol for dealing and responding to a fatality in the workplace
- develop an Action Plan to minimise the risks that were identified.

It was noted that where Managers had reasonable safeguards in place and a death nonetheless occurred, no liability would arise. Members of the Committee felt that it would be important for the Council not only to consider whether senior officers understood their responsibilities under the legislation, but to take steps to ensure that they did understand those responsibilities.

The Committee were informed that a conviction for Corporate Manslaughter may result in one or more of the following:-

- an unlimited fine
- an Order that required the "management failure" to be remedied
- an Order requiring publicity about the conviction, the particulars of the offence, the amount of any fine and details of any remedial Order
- an Order for the costs of the legal proceedings to be paid by the convicted party.

Non-compliance with a Court Order was also an offence punishable with an unlimited fine.

Juries would be asked to determine if health and safety laws had been broken, were the consequential risks understood, and did Managers seek to profit from any breaches.

Members of the Committee were reminded that the Council reviewed its insurance and indemnity arrangements in respect of Members and Officers in March 2006. A copy of the Scheme of Indemnity for Members and Officers was provided for the Committee. In relation to criminal offences, an indemnity was available provided that the action or failure to act that gave rise to the offence was taken in good faith. However, if an Officer or Member was convicted of a criminal offence and that conviction was not overturned following any appeal, the Officer or Member was required to reimburse the costs and any sums incurred by the Council in relation to the proceedings.

The Committee discussed the implications of the report in relation to outside bodies and Council contractors.

Given Members' comments, Committee also requested that at paragraph 12, bullet point 2, the word 'consider' be replaced with the words 'ensure that' in order to emphasise the importance of this action.

RESOLVED that:-

1. The report be noted.
2. The recommended actions at paragraph 12, with the inclusion of the amendment identified above, be endorsed.

S
5/08

Audit Committee Annual Report 2007/08

Consideration was given to a report that provided the Committee with the opportunity to consider the Audit Committee's Annual Report for the year ending 30th September 2007.

The Chairman of Audit Committee for 2007/08 was in attendance at the meeting and presented the report to Members of Standards Committee.

It was explained that at the Audit Committee meetings held on 28th June and 10th December 2007, the Committee had agreed that it would produce an Annual Report on the Authority's control environment, for the period ending 30th September 2007. The report was drafted by the Chairman and Vice Chairman, in consultation with relevant expert officers, prior to agreement by the Committee at its meeting on 25th February 2007.

The Committee was provided with a copy of the report.

It was noted that the final report had been circulated to all Members of the Council and that Council had approved the report at its March meeting.

RESOLVED that the Annual Report of the Audit Committee, for the year ending 30th September 2007, be noted.

S
6/08

Review of Internal Audit Service

Members of the Committee considered a report that provided details regarding a review of the Internal Audit Service for 2007/08.

The Committee was advised that under the Accounts and Audit (Amendment) Regulations 2006 (Regulation 6) an in-house review of the Internal Audit service should be carried out each year. This year's review followed on from the review reported to the Audit Committee on 28 June 2007. It had likewise been conducted under the auspices of the Corporate Governance Group. Two members of the Group (the Trading Standards Manager and the Monitoring Officer) had reviewed evidence and undertaken appropriate interviews, in order to formulate a conclusion, findings and recommendations regarding the service.

Members of the Committee were informed that the process for the review had involved the following:-

- detailed consideration of the previous review report, conclusion and recommendations;
- a further assessment of the service against CIPFA's Code of Practice for Internal Audit Checklist and a review of the evidence to support relevant outcomes within the checklist;
- an interview with the Chief Internal Auditor;
- a discussion with the Audit Commission's Audit Manager/representatives;
- the Use of Resources outcomes;
- views of three Heads of Service (different to those involved in last year's review) whose services were reviewed on a year by year basis by Internal Audit.

It was explained that last year's review report conclusions and recommendations were considered in some detail.

The Committee was provided with the views on the specific recommendations made as a result of the last review as follows:-

Recommendation 1

- that the Head of Internal Audit be asked to prepare a more extensive Strategy for the Service that meets the requirements of the checklist.

A Strategy Document had been prepared and this was considered and discussed with the Chief Internal Auditor.

It was recommended that this be reported to and considered by the Corporate Governance Group and thereafter the Audit Committee. Subject to this, it was also recommended that the next annual internal review of the Internal Audit Service assessed performance against the critical success factors and statements of good practice set out in the Strategy Document.

Recommendation 2

- that the Audit Committee agreed appropriate written arrangements for the Head of Internal Audit to meet with it privately.

It was clear that this had been considered further by the Audit Committee and Chief Internal Auditor and that it was considered that current arrangements were felt to be satisfactory. Should private discussions be necessary they could be arranged.

No further action was therefore recommended.

Recommendation 3

- that a formal access (protocol) for files and records be agreed.

The appropriate arrangements had been recorded in the Auditing procedure manual.

No further action was considered necessary.

Recommendation 4

- that existing escalation procedures that apply within service groups be supplemented for situations where audit recommendations had not been implemented.

It was indicated that the Chief Internal Auditor had explained that additional procedures had been put into place. These included quarterly feedback on compliance from major Council service areas, which was then checked at the time of audit reviews. As regards schools, Governing Bodies were required to provide action plans within 3 months of an audit, confirming how the audit recommendations were to be implemented.

No further action was considered necessary.

The Committee was presented with information related to the CIPFA Code of Practice Checklist. A copy of the checklist, outcomes and evidence included with the last review report was provided to Members of the Committee.

It was explained that a number of specific elements of the checklist were explored in greater detail as part of this year's review. Details of the issues raised using the references in the checklist were provided to the Committee.

It was noted that satisfactory responses had been received and levels of compliance were demonstrated in all cases. The Committee was informed however, that certain recommendations arose as follows:-

Reference 5.6.1

Do the terms of reference for Internal Audit define the channels of communication with Members and describe how such relationships should operate?

It was recommended that the need for, and nature of any documentation be considered once the new Audit Committee had been established following the Council's Annual Meeting.

Reference 10.4.2f

Does the Head of Internal Audit's annual report comment on compliance with the Standards of the Code?

Recommendation

It was recommended that reference to compliance with the Code be included in the coming year's Annual Report.

It was indicated that the Chief Internal Auditor had commented that further

Internal Audit benchmarking should be undertaken with relevant Authorities to agree best practice guidelines and assess compliance against such guidelines. This was considered important and was, therefore, a further recommendation of the report.

Details were provided of a number of management satisfaction survey returns in respect of various audits undertaken in 2007/08. The vast majority of the scores and comments were extremely positive. It was confirmed that action had been taken to address the minimal number of cases where concerns had been expressed.

The Monitoring Officer advised that a meeting had taken place with the Audit Commission's Audit Manager/representatives regarding the service. It was clear from the meeting that there was a close working relationship with the service and with the Chief Internal Auditor. The Audit Commission's Audit Manager/representatives indicated that they valued the service and its work; that they could rely on what the service did and that they considered it to be well run. It was confirmed that there were no issues of concern to the Audit Commission regarding the service. It was noted that the absence of comment in the forthcoming Annual Audit letter would reflect this view.

Members of the Committee were reminded that as part of the Comprehensive Performance Assessment 2007 results, the Council maintained the highest possible four star rating for the third consecutive year. This incorporated five four star Auditor judgements for the Use of Resources, which included a four for Internal Control. The Internal Audit service was a key feature of the high performance.

A sample of Heads of Service, where an area under their control had been audited in the last year, was surveyed seeking their views of compliance with the Code of Practice by Internal Audit. Areas covered in the survey included integrity, competence, objectivity, compliance, confidentiality, planning, approach and reporting of audit work. The responses received confirmed that, in the opinion of Heads of Service, the Audit Team complied with those parts of the Code and no areas of partial or non-compliance were identified.

The Monitoring Officer advised that the conclusion of the Officers who had undertaken the review was that the evidence and views received demonstrated that the Internal Audit Service had satisfactory and appropriate arrangements and procedures in place in order to be able to fulfil its duties and that it provided a valued and valuable service to the Council.

RESOLVED that:-

1. The Internal Audit Strategy Document be reported to and considered by the Corporate Governance Group and thereafter the Audit Committee;
2. Subject to this, that the next annual internal review of the Internal Audit Service assesses performance against the critical success factors and statements of good practice set out in the Strategy Document;
3. The need for, and nature of any documentation regarding the channels of communication with Members and how the relationship should operate, be

considered once the new Audit Committee is established following the Council's Annual Meeting on 2 April 2008;

4. Reference to compliance with the standards of the Code of Practice be included in the coming year's Internal Audit Annual Report; and that

5. Internal Audit arrange to undertake further benchmarking with appropriate Authorities to agree best practice guidelines and assess compliance with them.

**S
7/08**

Standards Committee and Audit Committee Liaison

Consideration was given to a report that advised members of discussions and outcomes from a meeting between Audit Committee and Standards Committee chairs and vice chairs.

The Chairman of the Audit Committee for 2007/08 was in attendance at the meeting and presented the report alongside the Chairman of the Standards Committee.

It was explained that the meeting had been arranged in order to discuss issues surrounding areas of work currently considered by both committees.

Members of the Committee were reminded that within both Committees' Terms of Reference were areas of common responsibility, these included:-

- In conjunction with each other maintain an overview of the Council's Constitution...and to consider the Council's compliance with its own and other standards and controls.
- Consider details of key ethical or wider corporate governance issues...

Given these common responsibilities a number of issues (or elements of them) were currently reported to both committees, for example:-

- Audit Commission's Annual Governance Report
- Annual Governance Statement
- Constitutional changes
- Internal Audit Reports
- Members' Code of Conduct
- Corporate Governance Updates

It was also noted that each Committee currently considered the other's Annual Report.

It was indicated that Members discussed the issues that were typically reported to both Committees and agreed that current arrangements were appropriate.

It was considered that each committee had other roles and a different membership, so were likely to consider the same information from a different perspective. This was considered to be important. The fact that the Standards Committee had independent members also provided assurance that ethical standards and controls were being assessed by a body without exclusively Council membership.

It was agreed that where one committee led on a particular issue it was important that the other committee provided comments directly back to the lead committee for consideration. For instance any comments made by the Standards Committee on the Annual Governance Statement must be considered by the Audit Committee. Equally any comments on codes of conduct, made by Audit, should be forwarded to Standards.

It was explained that Members recognised that there would be other areas of work undertaken solely by each committee that may provide indicators of the Council's ethical and corporate governance health and it was agreed that when this occurred it would be beneficial for the committees to share such information.

Consideration was also given to draft work programmes for 2008/2009 for both committees and a number of slight amendments were made. Members of the Committee were provided with copies of the proposed work programmes for 2008/2009.

It was explained that in conclusion it was agreed that the chairs and vice chairs of the committees should meet twice a year to monitor dual reporting arrangements and discuss any other relevant issues affecting the committees' operation.

RESOLVED that:-

1. the outcomes of the meeting be noted
2. the current practice of reporting areas of joint responsibility (examples at para 3) to both committees continue.
3. the chairs and vice chairs of the Audit Committee and Standards Committee meet on a six monthly basis.

**S
8/08**

Corporate Governance Progress Report

The Committee was presented with an update report on the current position of corporate governance issues initially identified in a report to Standards Committee dated 20 September 2007.

Members were reminded that the Council had embraced corporate governance. Back in 2002 Council agreed that the CIPFA/SOLACE principles of governance should be adopted across the organisation. A self-assessment was undertaken and an action plan established. The Plan was monitored on a quarterly basis by the Standards Committee. All but a small number of actions had been implemented, those not had now been superseded.

Since the introduction of the CIPFA/SOLACE guidance a number of similar documents had been produced by various agencies on aspects of governance. Officers had been kept abreast of these developments to ensure the approach remained current. A number of additional self-assessments had been undertaken as a result.

Members were informed that the original action plan, as reported on 20 September 2007, was based on the self assessments, and a revised action plan which highlighted progress made was presented to the Committee. The Chief Internal Auditor made specific reference to point 1.7.4 as this was ongoing due to the Stockton/Darlington Partnership and was expected to be finalised once the two teams in question had amalgamated.

RESOLVED that the Corporate Governance Progress report be noted.

S
9/08

Scrutiny Developments

Members of the Committee considered a report that presented a summary of recent scrutiny developments and Council Constitutional changes which had included the determination that the Housing and Community Safety Select Committee be the committee to fulfil the requirements of the Crime and Disorder Committee; and that further reports be presented on Calls for Action.

It was explained that the past year had seen the publication of the White Paper "Strong and Prosperous Communities", the implementation of the Police and Justice Act and the Local Government and Public Involvement in Health Act. The new developments sought to strengthen the role of scrutiny and the powers of Overview and Scrutiny Committees.

An extension of scrutiny powers was proposed in two main policy areas. Firstly, the "place shaping role" of a Council whereby an Authority would be able to oversee relevant aspects of the work of named agencies which were covered by a statutory duty to co-operate and secondly a Councillor's community leadership role whereby he/she would be able to refer a call for action.

Members were advised that The Police and Justice Act required every Local Authority to have a committee to review or scrutinise decisions made by the Local Authority in connection with the discharge of their crime and disorder functions and to make reports or recommendations to the local authority. A local Authority or other body must consider and have regard to the report or recommendations and respond to the committee indicating what if any action it proposed to take. Members were informed that Council, at its meeting held on 27th February 2008, agreed that the Council's Housing and Community Safety Select Committee would fulfil this role.

It was indicated that there had been a strong emphasis in the recent legislation on developing the role of Local Authorities in relation to external scrutiny and specifically scrutiny of LAA partners in relation to local improvement targets.

The Local Government and Public Involvement in Health Act created a statutory framework within which the Government's new performance framework could operate across all the main bodies involved in delivering local public services. This was achieved by defining partners required to co-operate in the establishment of LAAs containing improvement targets, on which all the relevant local partners had been consulted. It was explained that the "duty to co-operate" would strengthen scrutiny giving overview and scrutiny committees the power to request information from LAA partners in relation to local improvement targets and make reports and recommendations to partners who, in turn, had a duty to consider them and respond.

It was noted that the Council's Executive Scrutiny Committee had asked for its regular performance reports to be extended to include information relating to LAA improvement targets.

The Committee was given details of the implications of the Local Government and Public Involvement in Health Act for local authorities with regards to Local Involvement Networks (LINKs).

It was also explained that the Local Government and Involvement in Health Act strengthened the powers for frontline councillors to refer matters affecting their area for scrutiny. In the initial versions of the Bill, crime and disorder matters were excluded from the Councillor Calls for Action (CCA) as there was a separate and, potentially, much more bureaucratic provision for these in the Police and Justice Act. However, the Government had amended the Police and Justice Act to create a single procedure based on the simpler model contained in the Local Government and Public Involvement in Health Act. This meant that members of the public would not be able to raise a CCA with the Council or Executive themselves but only through a Councillor and there would be no right of appeal (via the council's executive or otherwise).

The Act enabled any Member of the Council to refer to an overview and scrutiny committee a "local government matter" which fell within the committee's remit.

The Committee was provided with details of the process that an overview and scrutiny committee must follow if a referral was received from a Member not on the Committee.

It was noted that further reports would be presented to Members following the receipt of Guidance and the issuing of Regulations by the Secretary of State. In the meantime, the Secretary of State for Communities and Local Government was consulting on local petitions and Calls for Action, specifically seeking views on what, if any matters should be excluded from the Call to Action and what guidance Government should provide on its operation.

Members were advised that in relation to in depth scrutiny reviews, input had, to date, been sought in the following ways:

- A standing item on Select Committee agendas
- All members had been asked for suggestions for topics
- CMT and HOS had been asked for ideas (Employees had input via line manager/HOS/CD)
- Quasi judicial committees had been asked for suggestions
- Consultation with Health Partners
- Members of the public (through the scrutiny website/ Stockton News/ Scrutiny leaflets and publications)

Renaissance had also been asked for their input into the work programme of in depth scrutiny reviews for 2008/09.

It was explained that recognition had also been made for the need to prioritise reviews across all themes rather than seeking to develop a work programme allocating reviews to each individual Select Committee. Cabinet and Council

had since approved the extension of the terms of reference of each Select Committee to allow them to undertake review work not strictly falling under the remit of each committee. In addition, due to the volume of its health scrutiny responsibilities, a decision was also made to remove the 'Adult Services' element of the Adult Services and Health Select Committee remit.

Finally it was explained that Executive Scrutiny Committee had met and recommended an initial Scrutiny Work Programme for 2008/9. Members of the Committee were provided with a copy of the work programme.

RESOLVED that:-

1. It be noted that the Housing and Community Safety Select Committee has been determined as the committee to fulfil the requirements of the Crime and Disorder Committee.
2. It be noted that further reports on Councillor Calls for Actions be presented to Executive Scrutiny Committee and Cabinet following the receipt of Guidance and Regulations.

S
10/08 **Local Assessment Framework**

The Committee received and considered the following information in relation to the Local Assessment Framework:-

1. CIPFA Better Governance Forum - SBE - Local Assessment - The new regulations
2. Mills & Reeve - Full Steam Ahead: local handling of complaints about members
3. Standards Committee - 24 January 2008 - Council decisions at 5 March 2008 meeting
4. SBE - Bulletin Issue 37

The Monitoring Officer advised Members that guidance and regulations were still awaited. It was explained that in order to achieve a level of flexibility, it was being suggested that Authorities should be able to 'borrow' independent members from each other. It was intended that this could be done at relatively short notice and would not need a formal Council appointments process.

RESOLVED that the information be noted.

S
11/08 **Summary of Allegations of Misconduct determined by the Standards Board for England and Cases referred for Local Investigation**

Members of the Committee were provided with details of misconduct allegations regarding Members of Councils within the Stockton Borough area, which had been dealt with by the Standards Board and the Standards Committee during the fourth and final quarter of 2007/08.

It was indicated that with regard to complaints and investigations during the

period 1 January 2008 to 31 March 2008 one allegation against a Councillor had been determined by the Standards Board. The details were presented to Members.

It was noted that no allegations had been determined locally during the fourth quarter.

The Monitoring Officer advised that there were currently no allegations referred for local investigation which were still outstanding. There were, however, two complaints currently being investigated by Ethical Standards Officers.

RESOLVED that the report be noted.

S
12/08 **Ethical Standards - Case Studies**

The Committee was presented with two case studies from the CIPFA Better Governance Forum Ethical Standards Workshops for its consideration and views.

The two case studies related to personal and prejudicial interests and intimidation. Both cases were discussed by the Committee.

RESOLVED that the information be received.

S
13/08 **Code of Conduct - Current Issues**

Consideration was given to a report that provided details of current issues concerning the Code of Conduct as presented to a recent LGG/SLG/ACSeS Monitoring Officer Conference.

It was explained that certain areas of difficulty and uncertainty regarding the provisions of the Code of Conduct had been highlighted at a recent Monitoring Officer Conference.

Members of the Committee were provided with details of the issues raised. In particular, the Monitoring Officer referred to the grey areas discussed in the paper surrounding the meaning of terms such as 'bullying', 'improperly' and 'close associate'. The Monitoring Officer noted that the Government was not however likely to revise the Code of Conduct until the Local Assessment Framework was in place.

RESOLVED that the current issues concerning the Code of Conduct be noted.

S
14/08 **Member Conduct - Officer Protocol**

The Committee considered a report which provided an update regarding the Member Conduct - Officer Protocol following the Committee's decisions on the matter at the 24 January 2008 meeting.

Members were reminded that at its meeting on 24 January 2008 the Committee had agreed the protocol and asked that it be drawn to the attention of Human Resources and Union representatives for their consideration, and that subject to this the protocol should then be publicised.

As a result of the Head of Human Resources consideration of the protocol, the following comments had been made:-

- Under paragraph 1 it needed to be made clear what conduct was being referred to - presumably it was conduct directed personally towards an officer as opposed to conduct for instance relating to a member's constituency duties?
- the sentence under paragraph 6 was unclear - who were the officers and members being referred to - did it mean the officer who raised the complaint and the member against whom the complaint had been made?

The Committee was informed that it was considered that the first point was a valid one and that paragraph 2 of the protocol should be amended to make it clearer that it was Member conduct directed towards an Officer that the protocol was concerned to address. The second point related to the last sentence of paragraph 6 of the protocol. It was not felt that an amendment was necessary as regards that particular comment.

It was noted that no views had been expressed by Trade Union representatives, and therefore the protocol, as revised, had been publicised by way of circulation to Members and Officers, and by placing a copy on the Council's website in the Standards and Probity pages.

RESOLVED that the report be noted.

S
15/08

Attendance at Town/Parish Council meetings

Consideration was given to a report regarding members of the Standards Committee attending Town/Parish Council meetings.

Mr T Bowman attended the 11 February 2008 meeting of Preston-on-Tees Parish Council. Details of the assessment of the meeting were circulated for consideration.

Appropriate feedback to the Parish Council on behalf of the Committee was agreed. The Committee also agreed that a letter would be sent to the Parish Clerk by the Monitoring Officer, in consultation with the Chair.

The Monitoring Officer advised that the briefing/guidance notes had been revised to reflect the new Local Government and Public Involvement in Health Act and the proposed local assessment framework. Copies were presented to Members of the Committee.

The Committee was asked to consider the notes and provide any comments or suggested amendments. It was agreed that the assessment form should be expanded to indicate how many Parish Councillors were in attendance at the meeting being observed, how many Councillors were at the Parish Council in question and how long the meeting had taken. A copy of the relevant agenda would also be included with the report back to the Standards Committee.

The Committee was advised that Members had now attended ten of the sixteen Town/Parish Councils in Stockton's area. Details of meetings of three of the remaining Town/Parish Councils which Committee Members would be able to

attend were presented. A further meeting date for Yarm Town Council was also included.

The Committee was asked to consider the details and to agree who would attend the meetings concerned by contacting the Monitoring Officer following the meeting with expressions of interest.

RESOLVED that:-

1. The report and feedback be noted.
2. The Monitoring Officer, in consultation with the Chair, arrange to provide appropriate feedback to the Preston on Tees Parish Council Clerk.
3. Members of the Standards Committee provide the Monitoring Officer with their availability for the meetings shown.
4. The assessment form be expanded to indicate how many Parish Councillors were in attendance at the meeting being observed, how many Councillors were at the Parish Council in question and how long the meeting had taken, and that a copy of the relevant agenda be included with the report back to the Standards Committee.

**S
16/08**

Training and Development for Parish Councils/Councillors and Clerks

Members of the Committee considered a report regarding training and development for Parish Councils/Councillors and Clerks.

It was explained to the Committee that in relation to the Revised Code of Conduct for Local Authority Members a range of advice and guidance continued to be provided, on a regular basis, to all Town/Parish Clerks, and through them their Councils/Councillors. The minutes of Council meetings indicated that the information was being presented to Councillors at those meetings.

The Monitoring Officer advised that he was still having one to one meetings with Clerks and attending formal meetings of Parish Councils.

Reminder guidance, with copy forms, regarding the requirement for Councillors to complete fresh register of interests forms, had been provided to all Parish Clerks, with a view to each Council compiling a complete register of interest returns. Currently, 1 Council had yet to provide copies of their Councillors completed returns. A report about the relevant provisions of the Code concerning the registration of interests had been presented to the Parish Liaison Forum.

It was noted that an externally facilitated day time training event on the revised Code was provided on 25 October. An evening event just for Stockton Members and for Town/Parish Councils in Stockton's administrative area was yet to be arranged.

Members of the Committee were informed that as part of the delivery of the Council's Learning and Development Strategy, one to one personal support sessions were being provided for the Standards Committee's (and other

Council) co-optees, including the parish representatives, in order to identify any training, development needs or support which may be required to carry out their roles effectively.

The attendance by Standards Committee Members (particularly the Parish representatives) at Borough Council meetings and at Town/Parish Council meetings was continuing to provide a two way development opportunity for Town/Parish Council Clerks/Councillors and Standards Committee Members.

The Monitoring Officer advised that Parish Clerks and their Town/Parish Councils were being kept apprised of developments regarding the new local assessment proposals, particularly by means of the reports being provided to the Standards Committee. A report had also been presented to the Parish Liaison Forum.

The Committee was asked to indicate if it considered there were any other training and development opportunities which might usefully be offered to Town/Parish Clerks and Councillors. Town/Parish Councils had also been asked the same questions. No specific matters were highlighted.

RESOLVED that the report be noted.

S
17/08 **Local Government Ombudsman - Reports**

Consideration was given to a report that provided details of various cases determined by the Local Government Ombudsman.

The Committee was presented with summary details of six cases determined by the Local Government Ombudsman. The cases concerned Housing Allocations, School Admissions, Planning, Mental Health Act aftercare, Contractor's negligence and abandoned vehicles. It was noted that each provided learning points which would be of interest to the Council and its Officers.

It was advised that the Committee report and appended details would therefore be drawn to the attention of relevant Council Officers.

The Monitoring Officer advised that the full Ombudsman reports could be accessed on the LGO website (www.lgo.org.uk) by referencing information files, 06C10044, 06B11183, 07B0448, 06B16774 and 06B13743.

RESOLVED that:-

1. The report be noted; and that
2. The details of the cases be drawn to the attention of relevant Officers.

S
18/08 **Politically Restricted Posts - Grant and Supervision of Exemptions**

The Committee was presented with a report that provided details of the Standards Committee's new responsibilities under the Local Government and Public Involvement in Health Act 2007 ("the 2007 Act") regarding politically restricted posts.

Members were informed that the Local Government and Housing Act 1989 (“the 1989 Act”) provided that a person was disqualified from becoming a member of a local authority if he or she held a politically restricted post. The 2007 Act amended the 1989 Act so that the granting and supervision of exemptions from the political restriction would be the responsibility of Standards Committees, rather than that of the Independent Adjudicator. The 2007 Act provisions came into force on 1 April 2008.

It was explained that the 2007 Act provisions enabled the Secretary of State to issue general advice with regard to the making of decisions on political restrictions. Before giving such general advice the Secretary of State must consult those local government representatives he considered appropriate. No such consultation had taken place at the time of the meeting.

Members of the Committee were provided with details of the relevant 1989 and 2007 Act provisions.

RESOLVED that the report be noted.

S
19/08 **Information/Discussion Items**

The Committee received and considered the following information:-

1. Seventh Annual Assembly of Standards Committees - 13 and 14 October 2008
2. House of Commons - Review of Members' Allowances - Threshold for receipts
3. Committee on Standards in Public Life - Restoring Integrity to the electoral system
4. Standards Committees Independent Members
5. SBE - Case Summary
6. Ethical Standards - Decision Summaries

Item 4 was presented verbally by the Monitoring Officer. It was indicated that the Tees Valley Authorities were sharing the names and addresses of their Standards Committees' Independent Members. The Monitoring Officer asked the 3 Independent Members for their permission to make their names and addresses available. The 3 Independent Members gave their consent for their names and addresses to be shared between the Tees Valley Authorities.

RESOLVED that:-

1. The information be noted.
2. Authorisation be given for the names and addresses of the 3 Independent Members to be shared with the other Tees Valley Authorities.

S **Standards Committee Forward Plan 2007/09**

20/08

The Committee was provided with the Forward Plan for 2007/09.

RESOLVED that the information be noted.