

To: Members of the Standards Committee

**Independent Members –
Mr A Mackie, Mr T M Organ and
Mr W J Ravenscroft and 1 Vacancy**

**Councillors S Bland, C Fitzsimmons, B Maher, T
McCarthy and J Walker**

**Parish Council Members – Parish Councillors
V Allen, M Banner and G Warburton**

Diana Terris
Chief Executive
Town Hall
Sankey Street
Warrington
WA1 1UH

29 June 2011

**Standards Committee
Thursday, 7 July 2011 at 6.30pm
Council Chamber, Town Hall, Warrington**

Agenda prepared by Louise Murtagh, Democratic Services Officer –
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AGENDA

Part 1

Items open to members of the public (including the press) subject to any statutory right of exclusion.

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Number**

1. **To Appoint an Independent Chair of the
Standards Committee for the municipal year
2011/12**
2. **To Appoint a Independent Deputy-Chair of the
Standards Committee for the municipal year
2011/12**
3. **Apologies for Absence**

To record any apologies for absence received
4. **Code of Conduct – Declaration of Interests**

Members are reminded of their responsibility to declare any personal or prejudicial interest they have in any item of business on the agenda no later than when the item is reached.

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5. <u>Minutes</u>	1
To confirm the Minutes of the meeting of the Committee held on 27 January 2011 as a correct record.	
6. <u>Current Membership of the Standards Committee 2011-12</u>	
Verbal Report of the Solicitor to the Council	
7. <u>Current Status of the Localism Bill and the Future of the Current Standards Regime</u>	3
Report of the Solicitor to the Council	

Part 2

Items of a “confidential or other special nature” during which it is likely that the meeting will not be open to the public and press as there would be a disclosure of exempt information as defined in Section 100I of the Local Government Act 1972.

Nil

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STANDARDS COMMITTEE

27 JANUARY 2011

Present: Mrs T Marsland (Independent Chair)
Independent Members – Mr A Mackie (Independent Deputy Chair),
Mr M Organ and Mr B Ravenscroft
Councillor – J Walker
Parish Councillors – G Warburton

ST 10 Apologies for Absence

Apologies for absence were received from Councillor S Bland, C Fitzsimmons, S Roberts and J Wheeler; and Mrs V Allen

ST 11 Code of Conduct

There were no declarations of interest received.

ST 12 Minutes

The Minutes of the meeting held on 10 December 2010 were agreed as a correct record and signed by the Chair.

ST 13 Future of the Local Government Standards Regime – Localism Bill

The Committee considered the report of the Solicitor to the Council that advised members of the provision of the Localism Bill in relation to the conduct of local government members and staff.

The relevant provisions of the Bill in relation to Standards issues were to be found in clauses 14-18 and 20:

- Clause 14 would amend existing provisions relating to standards mainly found in the Local Government Act 2000. Sections 49 and 50 of the 2000 Act were to be removed.
- Clause 15 would require Councils' to promote and maintain high standards of conduct by members and co-opted members of the Council.
- Clause 16 would enable Councils to adopt a local code of conduct to set out expected levels of behaviour for Members and co-opted members of the Council when they were acting in that capacity
- Clause 18 would create three new criminal offences:
 - (a) failing to register financial or other interests in accordance with regulations made under Clause 17
 - (b) failing to disclose an interest of a kind specified in the regulations
 - (c) taking part in business of the Council to which an interest disclosed contrary to a prohibition or restriction imposed by the regulations.
- Clause 20 would deal with transitional provisions consequent to the abolition of the existing regime.

The Bill was only in the early stages of Parliamentary process and it was possible that many of the provisions identified would be amended as the Bill went through its parliamentary passage. It was reasonable to assume that the

Government would seek to secure its broad objective of abolishing Standards for England and the current detailed regime governing the composition of standards committees and the way in which they operated.

The duty for an individual council to establish a standards committee under section 53 of the Local Government Act 2000 would continue although the Bill did not allocate such committees a particular set of functions.

Early indications were that individual councils would discharge its duty under Clause 15 to promote and maintain high standards of conduct through a standards committee. It could also be assumed that a standards committee would discharge the duty under Clause 16 to consider whether it would be appropriate to investigate a written allegation and to determine the manner of such investigation.

Although there was much uncertainty surrounding the future of the Standards regime within local authorities members of the committee were concerned that the processes and procedures that had been put into place over the proceeding years would be made redundant. These had been tried and tested and had proved fit for purpose.

Concerns were also raised about the make-up of any future Standards Committee in relation to independent representatives and if there would be any involvement from parish councils given that it appeared under the Bill, Parish Councils would be required to have their own standards committees.

The Committee discussed Clause 16 of the Bill and it was suggested that the Council could adopt a local code of conduct largely based on the current national code of conduct. This document could then be shared with Parish Councils as an aid.

Decision – That the Committee

- Write to Parish Councils' advising of the possible changes to the standards regimes and their responsibility to have their own standards committee. A copy of this letter to be forwarded to the Chief Officer of Cheshire Association of Local Councils (ChALC)
- Write to the three party leaders and the Chief Executive to voice the committee's initial views
- Discussed, commented on and noted the report.

Dated.....

Signed.....

WARRINGTON BOROUGH COUNCIL

STANDARDS COMMITTEE – 7 JULY 2011

Report of the: Solicitor to the Council and Monitoring Officer
Report Author: Timothy Date, Solicitor to the Council and Assistant Director
Corporate Governance
Contact Details: **Email Address:** **Telephone: 01925 442150**
tdate1@warrington.gov.uk

Ward Members: N/A

TITLE OF REPORT: CURRENT STATUS OF THE LOCALISM BILL AND THE FUTURE OF THE CURRENT STANDARDS REGIME

1. PURPOSE

- 1.1 To provide the Committee with an update on the progress of the Localism Bill, the details of which were reported to the last meeting of the Committee on the 27th January 2011.

2. CONFIDENTIAL OR EXEMPT

- 2.1 This report is neither confidential or exempt

3. INTRODUCTION AND BACKGROUND

- 3.1 As reported to the previous meeting of this Committee the Localism Bill received its first reading in the House of Commons on 13th December 2010. The report to 27th January meeting outlined the provisions of the Bill in so far they affected the current standards regime.
- 3.2 Since then the Localism Bill has concluded its passage through the House of Commons and is now at Committee stage in the House of Lords.
- 3.3 Notwithstanding the progress of the Bill through its various stages through the House of Commons and the House of Lords there does not appear to be any substantive change to the provisions of the Bill in relation to standards as reported to the last meeting of this Committee.
- 3.4 There is no information available suggesting when Royal Assent may be given but it is understood that the final scheduled Committee sitting in the House of Lords is 14th July 2011.
- 3.5 It follows that for the time being the rules in relation to the Standards Committee and complaints remain under the existing provisions of the Local Government Act 2000 as amended.

4. CURRENT ISSUES

- 4.1 At present the Committee has one existing complaint in process and one further complaint has been made since the date of the last meeting. Both matters relate to Warrington Borough Councillors but the identities of those involved remain confidential for the purposes of this meeting.
- 4.2 However, each of the matters identified require some sub-committees to be appointed to progress to the next stage.
- 4.3 In the case of the existing complaint there is a requirement now to appoint a Consideration and Hearing Sub Committee and in the case of the new complaint there is a requirement to appoint an Assessment Sub Committee.
- 4.4 Previously, where there has been a need to appoint a Sub Committee the practice has been for the Monitoring Officer to appoint members on the basis of their availability and rotation.
- 4.5 It is considered that there should be a more transparent means of making sub-committee appointments and for that reason there is a formal recommendation at the end of this report to require that sub-committees be appointed by the Monitoring Officer in consultation with the Chair of the Standards Committee.

5. FINANCIAL CONSIDERATIONS

- 5.1 There are no financial considerations associated with this report.

6. RISK ASSESSMENT

- 6.1 There are no risk issues to be addressed arising out of the progress of the Bill but the recommendations in respect of sub-committee appointments should lead to greater transparency.

7. EQUALITY AND DIVERSITY / EQUALITY IMPACT ASSESSMENT

- 7.1 Any equalities impacts of the Bill will be reported after Royal Assent.

8. CONSULTATION

- 8.1 No consultation has been engaged in for the purposes of this report.

9. REASONS FOR RECOMMENDATION

- 9.1 To improve the way in which the Standards Committee functions.

10. RECOMMENDATION

10.1 That future appointments to sub-committees be made by the Monitoring Officer in consultation with the Chair of the Standards Committee.

11. BACKGROUND PAPERS

11.1 The Localism Bill - publicly available document.

Contacts for Background Papers:

Name	E-mail	Telephone
Timothy Date	tdate1@warrington.gov.uk	01925 442150

WARRINGTON BOROUGH COUNCIL

COUNCIL – 1 November 2010

Report of Executive Board Member: Councillor I G Marks & Councillor K Bland
Executive Director : Katherine Fairclough, Assistant Chief Executive
Report Author: Louise Murtagh, Democratic Services Officer
Contact Details: **Email Address:** lmurtagh@warrington.gov.uk **Telephone:** 01925 442111

Ward Members: All

TITLE OF REPORT: STANDARDS COMMITTEE MEMBERSHIP

1. PURPOSE

- 1.1 To approve the extension to the term of office of Mrs Terry Marsland on the Standards Committee

2. CONFIDENTIAL OR EXEMPT

- 2.1 This report is neither confidential nor exempt.

3. INTRODUCTION AND BACKGROUND

- 3.1 The Government's 'Programme for Government' of 20 May 2010 contained the commitment to "abolish the Standards Board regime". Primary legislation will be needed to abolish Standards for England, and it is expected that the provisions will be included in the planned Decentralisation and Localism Bill which is due to be presented in late 2010, with Royal Assent anticipated between July and October 2011
- 3.2 In response to the uncertainty that is currently faced by authorities, Standards for England have produced further guidelines in respect of independent members of committees. They were asked if an authority has to follow the recommendation that independent members serve no more than two terms of four years after which new members should be recruited. Some authorities were concerned that, given the current uncertainty regarding the future of the standards regime, it may be preferable to retain those who have been trained and understand their role rather than to try to recruit and appoint new members.
- 3.3 The advice that has been given by Standards for England is that, as long as the original appointment was carried out in accordance with all the correct legal

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requirements at the time an authority (through approval from full Council) can extend that term for a further period.

- 3.4 Mrs Marsland's appointment to the Standards Committee was made at the full Council meeting of 1 March 2010 and ran until 1 October 2010.

4. FINANCIAL CONSIDERATIONS

- 4.1 Should the Council not re-appoint Mrs Marsland the correct notices would have to be submitted to the local press and the recruitment process completed as per Standards for England guidance. A full training programme would then be offered to the new member.

5. RISK ASSESSMENT

- 5.1 The Council must ensure that it has the appropriate membership arrangements for the Standards Committee. Should a complaint be received that requires full investigation there could be a need for the involvement of all four independent members of the committee.

6. EQUALITY AND DIVERSITY / EQUALITY IMPACT ASSESSMENT

- 6.1 The Council must ensure that it has an appropriate governance framework in place to comply with legislative requirements. Failure to do this could have potentially significant consequences for the Authority in relation to external assessments, public confidence and risk of legal challenge.

7. CONSULTATION

- 7.1 Consultation has taken place with the three group leaders

8. REASONS FOR RECOMMENDATION

- 8.1 To extend the term of office Mrs Marsland in accordance with advice from Standards for England.

11. RECOMMENDATION

- 11.1 That the Council extends the term of office Mrs Marsland for a period of 12 months with effect from 2 November 2010 until 1 November 2011.

12. BACKGROUND PAPERS

Standards for England – The Bulletin 48, August 2010

Contacts for Background Papers:

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Name	E-mail	Telephone		
Louise Murtagh	lmurtagh@warrington.gov.uk	01925 442111		
13.	Clearance Details:			
	Name	Consulted		Date
		Yes	No	Approved
Relevant Executive Board Member	Ian Marks/K Bland			
SMB	-	✓		19/10/10
Relevant Executive Director	Katherine Fairclough	✓		19/10/10
Solicitor to the Council	Timothy Date	✓		19/10/10
Interim S151 Officer	Lynton Green	✓		19/10/10
Relevant Head of Service	Timothy Date	✓		19/10/10