

Meeting: Council

Date of Meeting: 16 December 2010

Title of Report: Standards Committee Annual Report 2009/10

Report of:
 David McCullough
 Acting Head of Corporate Legal
 Services

Contact Officer:
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This report contains	Yes	No
CONFIDENTIAL Information/		√
EXEMPT information by virtue of paragraph(s).....of Part 1 of Schedule 12A to the Local Government Act, 1972 (If information <u>is</u> marked exempt, the Public Interest Test must be applied and favour the exclusion of the information from the press and public).		√
Is the decision on this report DELEGATED?	√	

1.0 Summary

To present the annual report of Sefton Council Standards Committee

2.0 Recommendation(s)

That the Council notes the annual report of the Standards Committee.

Corporate Objective Monitoring

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1.	Creating a Learning Community		√	
2.	Creating Safe Communities		√	
3.	Jobs and Prosperity		√	
4.	Improving Health and Well-Being		√	
5.	Environmental Sustainability		√	
6.	Creating Inclusive Communities		√	
7.	Improving the Quality of Council Services and Strengthening local Democracy	√		
8.	Children and Young People		√	

Financial Implications

	2009/ 2010 £	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £
<u>CAPITAL EXPENDITURE</u>				
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

Departments consulted in the preparation of this Report

List of background papers relied upon in the preparation of this Report

3.0 Background

- 3.1 At its meeting held on the 28 May 2009, the Standards Committee resolved that the Monitoring Officer produce an annual report on the work of the Committee. The annual report for 2009/10 was approved by the Standards Committee on 16 July 2010 and it is now presented to full Council for consideration.
- 3.2 Mr N. Edwards, the Independent Chair of the Standards Committee will attend the Council Meeting to outline the content of the report.

THE ANNUAL REPORT OF THE STANDARDS COMMITTEE FOR 2009/10

1.0 Introduction from the Chair

- 1.1 On behalf of the Members of the Standards Committee it gives me great pleasure to introduce the 2009/10 annual report to the Council. In doing so I feel it appropriate to express my thanks to Members of the Committee, the Monitoring Officer and his staff for their support and wise counsel during the year.

2.0 Composition and Terms of Reference

- 2.1 The Local Government Act 2000 required all Local Authorities to establish a Standards Committee tasked with promoting and maintaining high standards of conduct among Members and to assist Members to observe the Code of Conduct. Article 9 of the Council's Constitution sets out the composition role and functions of the Committee.
- 2.2 With effect from May 2009 the Committee has also been responsible for dealing with complaints against Elected Members and has the power to impose a range of sanctions in respect of those Members who have been found to have been in breach of the Members Code of Conduct.
- 2.3 The Committee is also responsible for issues in relation to the Parish and Town Councils within Sefton and accordingly the Standards Committee must include representatives from Parish Councillors. In addition at least a quarter of the membership must be Independent Members appointed by the Council to serve on the Committee.
- 2.4 The Local Government Act 2000 was amended in 2008 so as to make it a legal requirement that the Committee is chaired by an Independent Member.

3.0 Members of the Standards Committee

- 3.1 The Standards Committee must be composed of six Councillors, three Independent Members and two Parish Council Representatives. The Members of the Standards Committee for 2009/10 were as follows:-

Sefton Borough Council Representatives – Cllrs Bigley, Brady, Fairclough (Cabinet Member) M. Fearn, Hill, and Papworth

Independent Members – Mr N Edwards (Chair), Mr JR Fraser, Mr E Davies

Parish Council Members - Mrs B O'Brien and Mr D Warren

3.2 During 2009/10 the Standards Committee met on the following occasions:-

28th May 2009
9th September 2009
17th September 2009
19th November 2009
15th December 2009
28th January 2010
25th March 2010

4.0 Local Standards Framework

4.1 As from May last year the Council's Standards Committee became responsible for dealing with complaints in respect of allegations that there had been a breach of the Code of Conduct. This was previously the responsibility of the Standards Board for England who in future will adopt a more strategic role responsible for training and guidance and monitoring the outcome of complaints and investigations undertaken by Local Authorities.

4.2 Each complaint received by the Standards Committee must be assessed to see whether it falls within the Committee's jurisdiction. Three Sub-Committees have been established for dealing with the potential stages involved in a complaint as follows:-

4.2.1 Initial Assessment Sub-Committee – receives and determines whether to refer for investigation or other appropriate action any written complaint.

4.2.2 Review Sub-Committee – further reviews and re-considers the decision of the Initial Assessment Committee upon appeal.

4.2.3 Hearings Sub-Committee – hears the outcome of any investigation into an alleged breach of the Code and determines any appropriate sanction.

4.3 At their meeting on the 14 July 2008 the Standards Committee agreed to adopt and publicise the assessment criteria for the local assessment of complaints. The adopted criteria are set out in full at **Annex A**.

4.4 In the year 2009/10, the Initial Assessment Sub-Committee has met on one occasion to consider a local complaint. The Hearing considered a complaint and determined as follows:-

NO.	BREACH	DECISIONS
SAC 11	<ul style="list-style-type: none">▪ Failing to treat others with respect▪ Bringing their office or Authority into disrepute (Allegations against Parish Councillors)	No action

5.0 Independent Members

Two Independent Members were appointed to the Sub-Committee following a recruitment and selection process. The Council subsequently agreed the recommendation that Mr E Davies, from Formby, and Mr JR Fraser, from Ainsdale, be appointed as Independent Members of the Standards Committee for a three year term of office until May 2011. The Independent Members Chair any meetings of the Sub-Committee.

6.0 Training

6.1 Training and development is an important function of the Standards Committee. During 2009/10 training and development opportunities were provided on the following dates:-

6.1.1 New Members Induction – 13th May 2010, 14th May 2010, 25th may 2010 and 3rd June 2010

7.0 Summary

7.1 The Standards Committee is a non-political body whose Members are required to act in an impartial manner, using their experience and sound judgement to determine complaints laid against Elected Members. The Committee is not a battle-ground for party political disputes.

7.2 This annual report is recommended to the Council.

Neil Edwards
Independent Chair
Standards Committee