

To: The Members of the Standards Committee

For the information of other Members of the Council

STANDARDS COMMITTEE AGENDA

2 November 2010

The Standards Committee will meet in the Committee Room at The Council House, South Street, Atherstone, Warwickshire on Tuesday 2 November 2010 at 5.00 pm.

The agenda and reports are available in large print if requested.

For general enquiries please contact Jenny Price, Democratic Services Officer, on 01827 719450 or via e-mail jennyprice@northwarks.gov.uk.

For enquiries about specific reports please contact the officer named in the reports.

AGENDA

PART I - PUBLIC BUSINESS

- 1 Election of Chair
- 2 Evacuation Procedure
- 3 Apologies for Absence / Members away on official Council business.
- 4 Declarations of Personal or Prejudicial Interests (Any personal interests arising from the membership of Warwickshire County Council of Councillor Shaw and membership of the various Town/Parish Councils of Councillors Butcher (Polesworth), Hopkins (Mancetter), Shaw (Atherstone), Smitten (Polesworth) and M Stanley (Polesworth) and are deemed to be declared at this meeting).

5 Minutes of the Meeting of the Committee held on 9 December 2008 (copy herewith) to be approved as a correct record and signed by the Chairman

6 **Protocol for Councillor/Employee Relations** – Report of the Assistant Chief Executive and Solicitor to the Council

Summary

To consider the draft Protocol and report any comments to the Council's Executive Board.

The Contact Officer for this report is Steve Maxey (01827 719438)

7 **Attendance at Meetings** – Report of the Chief Executive

Summary

To consider the attendance of Members at meetings of the Boards, Committees, Panel and Area Forums for the 2009/10 municipal year.

The Contact Officer for this report is Amanda Tonks (01827 719221).

8 **Latest Position of Government Reform of the Standards Regime** – Verbal report by the Assistant Chief Executive and Solicitor to the Council.

JERRY HUTCHINSON
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE STANDARDS COMMITTEE

9 December 2008

Present: Councillors Butcher, M Stanley, Parish Councillors Hopkins and M Shaw, Mr S Orton, Mr R Prosser and Mrs E Shilton.

1 Election of a Chairman

It was proposed by Mr Prosser, seconded by Parish Councillor Hopkins and

Resolved:

That Mr Stanley Orton be elected Chairman of the Standards Committee for the period up to the annual meeting of the Council in May 2009.

2 Declarations of Personal or Prejudicial Interests

Any personal interests arising from the membership of Warwickshire County Council of Councillor M Stanley, and membership of the various Town/Parish Councils of Councillors Butcher (Polesworth), Shaw (Atherstone) and M Stanley (Polesworth) were deemed to be declared at the meeting.

3 Minutes

The minutes of the meeting of the Committee held on 7 February 2008, were approved as a correct record and signed by the Chairman.

4 Code of Conduct for Local Authority Members – a Consultation

The Monitoring Officer sought Members views on a consultation into the latest revision to the model Code of Conduct for Local Authority Members.

Resolved:

- a That the report be noted; and**
- b That in consultation with the Chairman of the Committee, the Monitoring Officer be authorized to respond to the consultation.**

5 Annual Report to North Warwickshire Borough Council

The Monitoring Officer reported on his work and the work of the Committee over the past year.

Resolved:

That the report be noted and endorsed.

6 Exclusion of the Public and Press

Resolved:

That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.

7 Local Investigation into Alleged Breach of the Code of Conduct

The Monitoring Officer submitted his report in respect of a local investigation into an alleged breach of the Code of Conduct.

Resolved:

That the findings of the Monitoring Officer be agreed and the relevant parties notified accordingly.

Mr S Orton
Chairman

Agenda Item No 6

Standards Committee

2 November 2010

**Report of the Assistant Chief Executive
and Solicitor to the Council**

Officer/Member Protocol

1 Summary

- 1.1 To consider the draft Protocol and report any comments to the Council's Executive Board.

<p>Recommendation to the Executive Board</p> <p>That the draft Protocol be approved.</p>
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2 Report

- 2.1 Healthy working relations between Members and Officers of the Council are key to the effective working of the Authority and substantially reduces the risks of conflict and complaints under the Code of Conduct. This Council has always enjoyed excellent Member/Officer relations and the attached draft Protocol aims to safeguard that record.
- 2.2 The draft Protocol attempts to highlight the most important issues for this relationship and set some consensual ground rules, in advance of issues arising.
- 2.3 Best practice suggests that consideration of such a Protocol should be initiated by the Council's Standards Committee, as they have the lead role in reducing the risk of conflict and complaints under the Code of Conduct.

3 Report Implications

3.1 Legal and Human Rights Implications

- 3.1.1 Poor relations can lead to complaints against Officers or Members, both of which could lead to significant sanctions. Any attempts to reduce misunderstanding and to create agreed guidelines should reduce the risk of expensive and damaging legal disputes.

The Contact Officer for this report is Steve Maxey (719438).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date
None			

Protocol for Councillor/Employee Relations**Commentary**

There is no statutory or other formal requirement for a protocol to regulate the working relationships between employees (and principally chief executives, but importantly too other chief officers and senior managers). Nevertheless, many Councils have found that establishing local ground rules is helpful. They minimise the potential for arguments about process at the heart of the political interface, and the consequent lack of trust, professional dilemmas and general distraction from the proper business of conducting the Council's business democratically in response to the sizes of political groups provided by the electorate.

That is why numerous examples are available from political parties, other Councils and professional organisations. Each Council's circumstances and political representation vary, however, and any protocol needs to command wide support, otherwise it will be less a consensus than just another majority decision. In addition, two other considerations need to be borne in mind. First, group membership is not always wholly determined directly by the electorate, even though it will normally strongly reflect the outcome of the last elections. Secondly, any protocol must obviously comply with the law and also must reflect the political realities of the Council concerned. The positions of groups, Chief Executives, Monitoring Officers and other politically restricted employees are principally set out in the Local Government and Housing Act 1989, and the wider requirements for Council Constitutions and executive arrangements are in the Local Government Act 2000. Both have been elaborated since with amendments and extensive subordinate legislation.

The following draft is offered as a starting point for a possible protocol for North Warwickshire Borough Council, which has 35 Members. At present that group membership comprises 20 Conservative and 15 Labour Councillors. The Council operates "fourth option" alternative arrangements, ie there is a Committee and not a Cabinet system. The Protocol is drafted on a gender-neutral basis, to be applicable to anyone in future in an acting role as well as to current postholders.

Protocol

This Protocol, prepared following discussions between the Council's political groups, the Chief Executive and Directors, has been endorsed and approved by North Warwickshire Borough Council at its meeting on 15th December 2010. No such Protocol can be comprehensive: the intention is to provide a framework within which Councillor-employee relationships can be conducted in a manner which respects the different roles of the participants as well as recognising legal requirements and the Constitution and Standing Orders of the Council.

The Chief Executive will advise on any matters arising in relation to this Protocol.

The Chief Executive

- 1 The Chief Executive is the employee of the Council as a whole, and has overriding responsibility to the Council and not to any party political group.
- 2 The Chief Executive is nevertheless expected to work closely with the Administration for the time being and to give them information, assistance and advice. Subject to maintaining a politically neutral position, the Chief Executive may develop a special relationship with the Administration leadership, and will not without consent disclose elsewhere any matters discussed with that leadership.
- 3 The political neutrality of the Chief Executive should be respected by everyone. The Chief Executive should not be asked to play any role or undertake any task which is likely to prejudice that neutrality, or to make it difficult in future to serve a different majority political group.
- 4 All Councillors have a right of access to the Chief Executive. Where a Councillor requires information, it will be provided if it is readily available – for example, in Committee papers or material published by the Council. The Chief Executive is free to give advice on a confidential basis about procedural matters to any Councillor. In doubtful cases, the Chief Executive is entitled to seek the instructions of the Mayor, a Committee Chair or a Committee or Sub-Committee before responding to a Councillor's request.

- 5 The following principles govern the relationship between the Chief Executive and any political group(s) not comprised within the current Administration:-
- (a) It is proper for the Chief Executive to develop a working relationship with any such group(s).
 - (b) The Chief Executive is free to provide information and assistance with drafting to, and answer procedural enquiries from, any such group(s) but will not advise as to the policies which any such group(s) should pursue.
 - (c) The Chief Executive will be under no duty to ensure that the Administration leadership are aware of information provided by the Chief Executive to any such groups or their representatives, unless it is either of a routine or trivial nature or to do so would be a breach of other confidence or another requirement of statute, law or this Protocol.
 - (d) As the employee of the Council as a whole, the Chief Executive will draw to the attention of the Administration leadership any case where it is thought that consideration should be given to affording information, consultation or representation to any such group(s).
 - (e) References to political groups are to groups formally constituted under section 15 of the Local Government and Housing Act 1989, and include references to representatives, or fewer than the entire membership, of any group.

In applying these principles to any situation, the Chief Executive will have regard to the perceived customs and practices of the Council, to any established traditions, and to any statutory or accepted procedural rules governing the rights of any such group(s) to information, consultation, assistance or representation.

- 6 If the Chief Executive attends a meeting of any political group, the leadership(s) of other political groups need not be informed. The part played in the proceedings by the Chief Executive must be consistent with the political neutrality of the post, and the Chief Executive will not be required to attend political group meetings at which people who are neither Councillors nor Council employees are present.

Other Members of the Council's Management Team

The principles of this Protocol apply similarly to all the other members of the Council's Management Team (currently the Deputy Chief Executive, the Assistant Chief Executive and Solicitor to the Council and the Assistant Chief Executive (Community Services), who shall act in relation to its scope under the general direction, and after seeking the advice, of the Chief Executive as statutory head of paid service.

Other Employees

- 1 Although the consideration applicable to the Chief Executive and the other members of the Council's Management Team affect other employees differently, the Council recognises that the most senior employees, and also those closely associated with the political processes, are statutorily politically restricted under section 2 of the Local Government and Housing Act 1989.
- 2 It is the duty of the Chief Executive and the other members of the Council's Management Team to ensure that the work and responses of employees are conducive to, and not undermining of, the principles of this Protocol. Employees are entitled to expect that political restrictions, and their other duties and limitations, will be respected by Councillors.
- 3 It is also the duty of the Chief Executive and the other members of the Council's Management Team to arrange matters so that employees properly understand the roles of both Councillors and employees, and the Council's approaches to the relations between them. Employees are also entitled to expect Councillors to respect the degree of seniority of employees with whom they may have dealings, and the fact that, while those employees owe duties to the Council as a whole as their employer, such duties are first expressed to the Chief Executive or another member of the Council's Management Team and not to any individual Councillor.

Agenda Item No 7

Standards Committee

2 November 2010

Report of the Chief Executive

Attendance at Meetings

1 Summary

1.1 To consider the attendance of Members at meetings of the Boards, Committees, Panel and Area Forums for the 2009/10 municipal year.

<p>Recommendation to the Council</p> <p>That the attendance of Members at meetings of the Boards, Committees and Area Forums for 2009/10 municipal year be noted.</p>

2 Report

2.1 Members will recall that one of the responsibilities of the Committee is to monitor attendances at meetings of Boards, Committees and Area Forums.

... 2.2 Attached as an Appendix is a Schedule of attendance for the municipal year 2009/10 which includes details of the reason for non attendance at meetings, if this has been given. The schedule is a bold statement of attendance records. It is fair to say that attendance at meetings during 2009/10 municipal year has been good.

3 Report Implications

3.1 Legal and Human Rights Implications

3.1.1 Section 85 of the Local Government Act 1972 states that a Councillor automatically ceases to be a member of the Authority if he or she fails, throughout a period of six months, to attend any meetings of the Authority, as defined in the Act, unless the failure to attend was due to some reason approved by the Council before the expiry of that period. The Council has in the past approved such absences.

The Contact Officer for this report is Amanda Tonks (719221).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date
None			

APPENDIX

Council 2009 - 2010			
Names of members	Total no. of meetings held	Total no. of meetings attended	Reason for non attendance (see key on page 6)
Bowden	4	3	A
Butcher	4	3	A
Davis	4	4	
L Dirveiks	4	3	A
N Dirveiks	4	3	A
Forwood	4	4	
Fowler	4	3	A
Fox	4	4	
Freer	4	4	
Gordon	4	4	
Hayfield	4	4	
Jenkins	4	3	A
Johnston	4	3	A
Lea	4	4	
Lewis	4	4	
May	4	3	A
Moore	4	4	
Morson	4	3	A
Moss B	4	4	
Moss M	4	4	
Payne	4	4	
Phillips	4	4	
Pickard	4	4	
Sherratt	4	4	
Simpson	4	3	A
Smith	4	4	
Smitten	4	3	A
Stanley M	4	4	
Stanley Y	4	3	A
Swann	4	4	
Sweet	4	4	
Welby	4	3	A
Winter	4	4	
Wykes	4	3	A
Zgraja	4	2	A / A
S Orton (Chair – Standards)	4	4	

Community & Environment Board 2009 - 2010			
Names of members	Total no. of meetings held	Total no. of meetings attended	Reason for non attendance (see key on page 6)
May	4	4	
Fox	4	3	A
Freer	4	4	
Gordon	4	4	
Payne	4	2	A / A
Sherratt	4	4	
Smitten	4	3	Ab
Wykes	4	2	A / A
Phillips	4	2	A / A
Pickard	4	3	A
Y Stanley	4	2	A / A
M Moss	4	4	
L Dirveiks	4	4	
Lewis	4	4	

Planning and Development Board 2009 - 2010			
Names of members	Total no. of meetings held	Total no. of meetings attended	Reason for non attendance (see key on page 6)
Simpson	12	11	A
Lea	12	12	
Bowden	12	10	A / A
Fox	12	11	A
Jenkins	12	7	A / A / Ab / Ab / Ab
Sherratt	12	12	
Swann	12	12	
Wykes	12	11	A
Sweet	12	10	A / A
Winter	12	12	
B Moss	12	11	A
L Dirveiks	12	11	A
Morson	12	9	A / A / A
M Stanley	12	9	A / A / A

Resources Board 2009-2010			
Names of members	Total no. of meetings held	Total no. of meetings attended	Reason for non attendance (see key on page 6)
Smith	7	7	
Johnston	7	5	A / A
Bowden	7	5	Ab / Ab
Fowler	7	4	A / A / A
Jenkins	7	4	A / Ab / A
Lea	7	5	Ab / A
Payne	7	6	A
Smitten	7	6	A
Moore	7	6	A
Winter	7	6	A
Butcher	7	5	A / Ab
N Dirveiks	7	6	A
Y Stanley	7	4	A / A / A
Forwood	7	6	A

Scrutiny Board 2009-2010			
Names of members	Total no. of meetings held	Total no. of meetings attended	Reason for non attendance (see key on page 6)
Swann	4	4	
Davis	4	3	A
Fowler	4	2	A / A
Freer	4	3	A
Gordon	4	4	
Johnston	4	2	A / A
Welby	4	2	A / A
Zgraja	4	1	A / Ab / Ab
M Stanley	4	4	
Pickard	4	3	Ab
Butcher	4	3	A
N Dirveiks	4	2	A / A
Forwood	4	3	A
M Moss	4	3	A

Executive Board 2009-2010			
Names of members	Total no. of meetings held	Total no. of meetings attended	Reason for non attendance (see key on page 6)
Hayfield	5	5	
Swann	5	5	
Davis	5	4	A
Fox	5	3	A / A
May	5	4	A
Simpson	5	2	A / A / A
Smith	5	5	
Zgraja	5	2	A / Ab / Ab
Morson	5	1	Ab / A / A / Ab
Phillips	5	4	A
B Moss	5	3	A / A
Sweet	5	5	
Lewis	5	5	
Moore	5	4	A

Licensing Committee 2009-2010			
Names of members	Total no. of meetings held	Total no. of meetings attended	Reason for non attendance (see key on page 6)
Sherratt	1	1	
Lewis	1	1	
Bowden	1	0	Ab
Davis	1	1	
Fox	1	1	
Gordon	1	1	
Payne	1	0	A
Smitten	1	1	
Welby	1	1	
Wykes	1	1	
Butcher	1	0	Ab
M Stanley	1	0	A
Forwood	1	1	
Morson	1	0	Ab
Pickard	1	0	A

Area Forum – North 2009-2010		
Names of members	Total no. of meetings held	Total no. of meetings attended
Moore	4	4
Sweet	4	3
Winter	4	3
Morson	4	1
M Stanley	4	0
Y Stanley	4	0
Smitten	4	2
Butcher	4	4
May	4	4
Jenkins	4	3

Area Forum – East 2009-2010		
Names of members	Total no. of meetings held	Total no. of meetings attended
N Dirveiks	4	3
Davis	4	4
Freer	4	2
Johnston	4	2
Wykes	4	4
Forwood	4	3
Pickard	4	3
L Diveiks	4	1

Area Forum – South 2009-2010		
Names of members	Total no. of meetings held	Total no. of meetings attended
Fowler	4	3
Welby	4	0
Gordon	4	4
Sherratt	4	4
Smith	4	1
Hayfield	4	3
Bowden	4	0
Fox	4	4
Zgraja	4	2

Area Forum – West 2009-2010		
Names of members	Total no. of meetings held	Total no. of meetings attended
Lewis	4	4
Phillips	4	4
B Moss	4	4
M Moss	4	3
Lea	4	3
Simpson	4	0
Payne	4	3
Swann	4	4

Key

A Apologies

Ab Absent