

MINUTES OF: STANDARDS COMMITTEE

Date of Meeting: 22nd August 2006

**PRESENT: Mr A Neville (in the Chair)
Councillors Crosta, Essex (for Thorne), Smith, Starkey (for J
Pawson), and Unsworth**

**IN ATTENDANCE: Linda Fisher – Head of Legal and Democratic Services
Julian Joinson – Democratic Services Manager**

BUSINESS MATTERS

1. APPOINTMENT OF CHAIR

The Committee consider the appointment of a Chair for the Municipal Year 2006/07.

Resolved:

That Mr A Neville be appointed Chair of the Committee for the Municipal Year 2006/07.

2. APPOINTMENT OF VICE-CHAIR

The Committee consider the appointment of a Vice-Chair for the Municipal Year 2006/07.

Resolved:

That Councillor Crosta be appointed Chair of the Committee for the Municipal Year 2006/07.

3. APOLOGIES

Apologies for absence were received on behalf of Councillor Gill.

4. URGENT ITEMS

There were no items of urgent business raised at the meeting.

5. DECLARATIONS OF INTEREST

No declarations of interest were made.

6. MINUTES

Resolved:

That the minutes of the meeting of the Committee held on 30th March 2006 be signed by the Chair as a correct record.

6. PUBLIC QUESTION TIME

No members of the public were present at the meeting.

ORDINARY ITEMS OF BUSINESS

7. THE STANDARDS COMMITTEE WORK PROGRAMME

The Head of Legal and Democratic Services indicated that the provision of a Work Programme represented a new approach for the Committee and provided an opportunity to look at the role and function of the Committee within the Constitution and to plan its workload over the coming year. A draft report from the Audit Commission was expected in the near future and the Committee might also wish to build this into its future Work Programme.

The Work Programme would cover the following matters:-

- To receive future reports in December 2006 and July 2007 on use of the Council's Whistleblowing Policy.
- To receive reports from the Council's Monitoring Officer on any cases referred to the Standards Board. Details to deal with only the substance of the allegation/to be confidential and deal with the point of referral and any decision of the Standard Board – quarterly update.
- To arrange at least 2 training sessions (one on 31st July 2006 on Ethical Governance) to ensure training on Ethical Governance for all Members. (Risk management assessment training also arranged).
- To consider reports of the Constitutional Working Group relating to amendments to the Constitution.
- To review the current role and function of the Standards Committee. August 2006.
- To consider the use of internal and external auditors, scrutiny and Committee administration to promote high ethical Standards across the Council.
- To devise a programme of lectures to our external partners – e.g. LSP, Leisure Trust/Whitworth Town Council to promote the Code of Conduct.
- To consider and comment on the current Members Allowance Scheme.
- To review employee/member protocols related to Standards e.g. IT Policy/use of telephones/computer for personal calls/photocopying.
- To monitor the operation of the Members' Code of Conduct.
- To review the Guidance on Gifts and Hospitality

Resolved:

1. That the Committee adopts the Work Programme set out at Appendix 1 of the report, subject to the inclusion of the following additional point, "11. To review the Guidance on Gifts and Hospitality"; and
2. That the Head of Legal and democratic services be requested to provide information in respect of the members of Independent Remuneration Panel to the next meeting of the Committee.

8. MONITORING THE WRONGDOING POLICY

The Committee considered a report of the Head of Legal and Democratic Services on the use of the Wrongdoing (“Whistleblowing”) Policy. The Head of Human Resources had confirmed that there had been no recent instances of use of the policy. The Committee was invited to consider whether there might be any barriers to the use of the policy. Members considered that a user friendly version might improve its wider dissemination to staff.

The Committee was informed that a revised draft was currently being prepared and it was suggested that any changes should be tracked for ease of reference.

Resolved:

1. To note the report and the attached Wrongdoing Policy;
2. To continue to monitor the use of the policy; and
3. To note that a revised draft of the policy will be provided to the next meeting of the Committee.

9. ADJUDICATION PANEL DECISION – CASE REFERENCE APE 0336

The Head of Legal and Democratic Services provided information on a referral from the Ethical Standards Officer to the Adjudication Panel in relation to an allegation that Councillor Pickup had failed to comply with Paragraph 4 of the Whitworth Town Council’s Code of Conduct. Committee considered a copy of the full decision of the Adjudication Panel.

The Chair indicated that the decision served as a useful benchmark as to how future allegations might be considered by the Committee.

Resolved:

1. That the report be noted;
2. That a summary of the decision be circulated to all Members;
3. That a training session on the Code of Conduct be organised by the Head of Legal and Democratic Services for all Members and the Members of Whitworth Town Council; and
4. That the Head of Legal and Democratic Services and Chair of the Committee be authorised to attend meetings of Whitworth Town Council for the purpose of monitoring and improving standards of Ethical Governance.

10. AMENDMENTS TO THE CONSTITUTION

The Committee considered a report of the Head of Legal and Democratic Services concerning the terms of reference of the Standards Committee. Members were invited to review the Committee’s terms of reference, in the light of the Council’s decision to establish a

Accounts Committee for the purpose of considering the Annual Statement of Accounts.

Resolved:

1. To note the existing terms of reference;
2. To recommend to the Council that paragraph (i) of Appendix 1, "Consider and approve the Statement of Accounts", be deleted; and
3. To request that the Head of Legal and Democratic Services provide a copy of the anticipated Audit Commission report to a future meeting of the Committee.

11. PRESENTATION BY THE HEAD OF LEGAL AND DEMOCRATIC SERVICES ON CONDUCTING A LOCAL INVESTIGATION

The Committee was invited to view a training DVD produced by the Standards Board concerning the conduct of a local investigation.

In view of the number of substitutes present at the meeting, the Committee considered that it would be more beneficial to provide the presentation to a wider audience of elected Members. This would also help to ensure that sufficient numbers of Members were available to participate in Panels established for local hearings.

Resolved:

1. That the training DVD on the conduct of a local investigation be provided at an all member training session within the Annual Training Schedule 2006/07; and
2. That the Head of Legal and Democratic Services be requested to link this training to the planned training on Constitutional Issues and to consider rearranging the date of that training to the first week in October 2006.

12. APPROVAL OF PROCEDURE FOR LOCAL HEARINGS

The Committee considered a report of the Head of Legal and Democratic Services on a proposed procedure for Local Standards Hearings and the establishment of a Standards Board Panel.

Members discussed a number of issues including the procedure for the selection of a Panel Chair; the numbers of Panel members required; possible disqualification criteria (such as the disqualification of councillors from the same ward as the Member who is the subject of the allegation); and the need for training including specialist training for Chairs. The Head of Legal and Democratic Services agreed to draft some guidelines about which Members should be disqualified from serving on a particular Standards Board Panel. It was also envisaged that a Standards Board Panels of three or five Members would be utilised. A Panel of five Members would normally be convened where the hearing was likely to be lengthy, so as to allow the Panel to continue to meet after any unexpected withdrawal of a Panel Member.

Resolved:

1. To agree the adoption of the procedure for Local Standards Hearings, as set out at Appendix 1 of the report;
2. To recommend the Council to approve the establishment of a pool of Members comprising the whole of the Standards Committee from which a Standards Board Panel of 3 may be drawn to consider cases into alleged breaches of the Codes of Conduct.
3. That the quorum of a Standards Board Panel be three Members.

13. CONSULTATION ON GOOD GOVERNANCE BY SOLCAE AND CIPFA

The Committee considered a report of the Head of Legal and Democratic Services, which indicated that a Working Group had been established by CIPFA in association with SOLACE to update the governance framework. A copy of their Consultation document "Good Governance in Local Government" was considered.

The Chair highlighted that the role of the Standards Committee in good governance was set out at Appendix B of the consultation document. The Committee noted the suggested role of the Standards Committee. The Council was currently reviewing the Standards Committee's Terms of Reference. Members noted and welcomed the concept of joint working with the Audit (Overview and Scrutiny) Committee on the matters outlined. The Chair of the Standards Committee had already met with the monitoring officer to discuss raising the profile of the Standards Committee and its work programme.

The closing date for responses was 11th September 2006.

Resolved:

1. To note the report and the consultation document on "Good Governance in Local Government"; and
2. To refer the report to the Accounts Committee.

14. REFERRALS TO THE STANDARDS BOARD

The Committee considered a confidential report of the Head of Legal and Democratic Services on the number a type of complaints which had been referred to the Standards Board. The details of the individual complaints remained confidential until a formal response had been provided to the Monitoring Officer from the Standards Board. Members expressed some concerns at the length of time taken to process complaints.

Resolved:

To note the report on referrals to the Standards Board.

(The meeting started at 6.30pm and finished at 8.10pm)