

**MINUTES OF: MEETING OF THE STANDARDS COMMITTEE**

**Date of Meeting: 22<sup>nd</sup> January 2008**

**PRESENT: Mr A Neville (Chair)  
Councillors A Barnes, Cheetham, Forshaw, Hancock and Thorne  
Councillor Grogan (Whitworth Town Councillor)  
Mr A Nixon (Independent Member)**

**IN ATTENDANCE: Bill Lawley, Interim Legal and Democratic Services Manager  
Jenni Cook, Committee Officer**

**ALSO PRESENT: Councillor Farrington  
1 Members of the Public (in part)**

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**1. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillor J Pawson and Mr F B Divine.

**2. URGENT ITEMS OF BUSINESS**

The Chair reported that the minutes of the Special Meeting held on 7<sup>th</sup> January 2008 would be presented to the Committee for approval.

**3. DECLARATIONS OF INTEREST**

No declarations were made. In response to queries by a Member, the Interim Legal and Democratic Services Manager reassured Members that interests could be declared at any point throughout the meeting.

**4. MINUTES OF PREVIOUS MEETINGS**

**Resolved:**

1. That the Minutes of the Meeting held on 9<sup>th</sup> October 2007 be agreed as a correct record.
2. That the Minutes of the Special Meeting held on 7<sup>th</sup> January 2008 be agreed as a correct record.

**5. CHAIR'S UPDATE**

The Chair noted that, with the agreement of the Committee, items C4, C5 and C7 would be taken together.

The Chair provided an update on the actions since the last meeting of the Committee as summarised below.

The list of sanctions as requested at the meeting on 9<sup>th</sup> October 2007 had been circulated. Councillor A Barnes requested that she be provided with a copy of this information.

The Work Programme for 2007/08 was progressing well and was on target for completion on time for 2007/08.

It was reported that no complaints had been made under the Authority's Whistleblowing Policy.

All Rossendale Borough and Whitworth Town Councillors had given notice of their personal interests.

The Chair reported that he had responded to the approach from Blackburn and Darwen in respect of collaborative working but had yet to receive a reply.

The Chair and the Interim Legal and Democratic Services had carried out training on the new Code of Conduct for Members with Whitworth Town Councillors and a follow-up session would be held. Equalities training had been held on 19<sup>th</sup> November 2007, in which 14 Elected Members took part. It was noted that Elected Members from other Authorities also attended this training and that training would continue to be offered to other Lancashire Pennine Authorities where appropriate.

It was noted that a report on Corporate Governance Arrangements would be presented to the Audit Scrutiny Committee on 7<sup>th</sup> February 2008. This would be discussed further at the next meeting of the Standards Committee.

A Senior Management Team Highlight Report in respect of Governance Champions was circulated. Some discussion took place on this item and it was suggested that the Governance Champions' remit could relate to Lancashire County Council and Partnerships.

There was a discussion about the effectiveness of gully cleaning within the Borough.

**Resolved:**

That the Overview and Scrutiny Committee would be asked to consider the effectiveness of the arrangements for gully cleaning.

The Chair confirmed that the Legal and Finance Sections held regular meetings with service areas to review contracts. Officers were satisfied that there was compliance with the Authority's Contract Procedure Rules.

The Chair noted that two Authorisations under the Regulation of Investigatory Powers Act 2000 for covert surveillance had been issued. The Interim Legal and Democratic Services Manager informed Members that the Office of Surveillance Commissioners carried out inspections on a biennial basis, and it was anticipated that the Authority would be inspected on 2<sup>nd</sup> June 2008.

The Chair updated Members on a Standards Panel Hearing which had taken place on 29<sup>th</sup> October 2007 in respect of a complaint made against former Whitworth Town Councillor Mrs E Kershaw. The complaint was upheld by the Hearing Panel and Mrs Kershaw had been

formally censured. It was noted that the decision and penalty had not been appealed.

**6. PUBLIC QUESTION TIME**

No questions were raised under this item.

**7. STANDARDS BOARD CONFERENCE**

The Chair reported that he had attended the Standards Board Conference and had found this to be an extremely positive experience.

**8. INDEPENDENT MEMBERS CONFERENCE**

The Chair noted that in the absence of the Independent Member, Mr Divine, this update would be given at the next meeting of the Standards Committee.

**9. ELECTED MEMBERS CRIMINAL RECORDS BUREAU CHECKS**

The Chair reported that on 15<sup>th</sup> November 2006 the Standards Committee had resolved that the Authority would carry out Criminal Records Bureau (CRB) Disclosure Checks on Elected Members with the consent of the Member in respect of Members joining the Council after the date of the decision. However, in March 2007 the Authority was contacted by the Criminal Records Bureau and advised that the role of a District Local Authority Councillor was not eligible for a Higher Level Disclosure as this was not included within the Rehabilitation of Offenders Act 1974 (Exclusions) Order 1975. The Authority was further advised that requesting disclosures for ineligible positions was a breach of the Rehabilitation of Offenders Act 1974, Part V of the Police Act 1997 and the Human Rights Act 1998.

In response to concerns raised by Members, it was noted that the Authority had attempted to pursue the matter; however, the Authority had to accept the decision of the Criminal Records Bureau.

**Resolved:**

That, following the advice received from the Criminal Records Bureau, the Authority ceases to carry out Criminal Records Bureau Disclosure Checks on Elected Members.

**10. CHECKLISTS FOR LOCAL ASSESSMENTS  
CONSULTATION ON NEW REVISED LOCALLY BASED ETHICAL REGIME  
STANDARDS BOARD BULLETIN**

The Committee agreed that these items would be considered together. The Chair provided a brief overview of the reports, proposed changes and noted that the Authority was required to provide a response to the Standards Board consultation documents by 15<sup>th</sup> February 2008. It was noted that the Standards Board intended to implement any new regime by Spring 2008.

The Chair highlighted a change to the complaints investigation procedure and it was anticipated that all complaints would be forwarded to the Authority in the first instance to determine whether there was a prima facie case to answer, and if this was determined, then an investigation would take place, followed by a full Hearing. It was believed that two Sub-Committees might be required.

In response to a question raised by a Member, the Chair noted that, in the first instance, the complaint would be looked at anonymously. If it was determined that there was no case to answer, then the details would not be released.

It was noted that a Working Group would need to be established, comprising of the Executive Director of Regulatory Services, the Chair of the Standards Committee, the Portfolio Holder for a Well Managed Council and an Opposition Spokesperson who would be nominated by Councillor A Barnes.

**Resolved:**

1. That a Working Group be established comprising of the Executive Director of Regulatory Services, the Chair of the Standards Committee, the Portfolio Holder for a Well Managed Council and an Opposition Spokesperson.
2. That the Working Group would meet and provide a response by 15<sup>th</sup> February 2008.
3. That an Opposition Spokesperson be nominated to attend the Working Group.

**11. MINUTES OF THE AUDIT SCRUTINY COMMITTEE HELD ON 6<sup>TH</sup> DECEMBER 2007**

**Resolved:**

That the Minutes of the Audit Scrutiny Committee held on 6<sup>th</sup> December 2007 be noted.

**12. COMPLAINT TO THE STANDARDS BOARD**

The Interim Legal and Democratic Services Manager stated that there was no reason to consider this item in private.

**Resolved:**

That the Item be heard in public.

The Report was outlined and it was noted that this was a complaint made against a former Whitworth Town Councillor by Former Whitworth Town Councillor, Mrs E Kershaw, for an alleged breach of the Code of Conduct for Members. In August 2007 Mrs Kershaw contacted the Standards Board to withdraw her complaint, however the Council was advised that there was no facility to withdraw a complaint once it had been made. The matter was passed to the Authority for investigation and the Interim Legal and Democratic Services Manager has concluded that there was no breach of the Code of Conduct for Members.

**Resolved:**

That the Code of Conduct for Members had not been breached.

**(The meeting started at 6.30pm and finished at 7.45pm)**