

**MINUTES OF: STANDARDS COMMITTEE**

**Date of Meeting: 10<sup>th</sup> August 2005**

**PRESENT: Councillor Graham (in the Chair)  
Councillors Atkinson, Crosta, J Pawson, Unsworth, Young  
Mr A Neville, Mr A Nixon**

**IN ATTENDANCE: Councillor Entwistle  
Mark Weston – Head of Legal and Democratic Services  
Elaine Newsome - Administrative Assistant**

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**150. MINUTES**

**Resolved:**

That the minutes of the meeting of the Committee held on 15<sup>th</sup> June 2005 be signed by the Chair as a correct record.

**151. DECLARATIONS OF INTEREST**

No declarations of interest were made.

**152. PUBLIC QUESTION TIME**

No members of the public were present at the meeting.

**153. STANDARDS BOARD CASE SUMMARIES**

The Head of Legal and Democratic Services requested consideration of proposals to bring details of Standards Board case summaries in respect of Rossendale and Whitworth Town Councillors to future meetings of the Standards Committee.

Members were advised of the processes undertaken by the Standards Board to investigate complaints made in respect of Elected Members, and that their practices undertook to promote confidence and transparency in local democracy.

**Resolved:**

1. That the Standards Committee resolve to consider any case studies published by the Standards Board in respect of Rossendale Borough and Whitworth Town Councillors.

**154. OFFICER AND MEMBER INDEMNITIES**

The Head of Legal and Democratic Services submitted a report on The Local Authorities (Indemnity for Members and Officers) Order 2004. The report outlined additional powers

available to the Council which provide additional indemnity for Officers and Members, acting on behalf of their Authority, in good faith, should legal proceedings subsequently determine their actions to be unlawful.

In response to a question from a Member, the Head of Legal and Democratic Services advised that the powers were not applicable in situations where an officer or Member undertook an act which was found to be criminal, or undertaken with the intention of being fraudulent or reckless

**Resolved:**

That the Committee approve the extension of the present indemnity cover to Officers and Members in respect of the following circumstances, save that any such indemnity will not be given in respect of criminal acts, any other intentional wrongdoing, fraud, recklessness, or in relation to the bringing of (but not the defence of) any action in defamation:-

1. Any action of, or failure to act by the Member or Officer which
  - a) is authorised by the Council or
  - b) occurs when the Member or Officer acts in any other capacity at the request of the Council, i.e. as a director of a company or the Council's nominated representative on an outside body.
2. Where the action or inaction complained of is outside the powers of the Councils itself or outside the powers of the Officer or Member individually (*ultra vires*), provided that the Officer or Member reasonably believed that the matter was not outside those powers at the time at which they acted, the Council would indemnify the Officer or Member.
3. Where an Officer or Member makes a statement that certain steps have been taken or requirements fulfilled, but it later becomes clear that this is not the case, provided that Officer or Member indemnified reasonably believed that the statement was true when it was made.

**155. CRIMINAL RECORDS BUREAU DISCLOSURE CHECKS FOR MEMBERS**

The Head of Legal and Democratic Services submitted a report requesting the views of the Committee on the provision of criminal records bureau disclosure checks for Elected Members. He identified an initial cost of £29 per Member for a standard disclosure check, and advised that the programme had been identified to further strengthen community confidence in Councillor integrity.

The Head of Legal & Democratic Services further advised that the programme would be implemented on a voluntary basis, and that a Members guide to procedures would be drafted

**Resolved:**

That it be a recommendation of this Committee to Council that:

1. All Councillors should be requested to undergo a standard Criminal Records Bureau Disclosure Check
2. An Elected Members guide to criminal records checks be drawn up for approval by the Standards Committee
3. That Members be requested to undergo a criminal records check once the guide to in (2) above has been approved.

**(The meeting started at 6.30pm and finished at 7.20pm)**