

MINUTES OF: MEETING OF THE STANDARDS COMMITTEE

Date of Meeting: 22nd September 2008

PRESENT: Mr A Neville, Independent Member (Chairman)
Councillors Aldred, A. Barnes, Cheetham, Morris, Pilling,
H. Steen and Sandiford
Councillor D. Barnes, Whitworth Town Council
Councillor Grogan, Whitworth Town Council
Mr F B Divine, Independent Member
Mr A Nixon, Independent Member

IN ATTENDANCE: Linda Fisher, Executive Director – Business (Monitoring Officer)
Heather Moore, Committee and Member Services Manager

ALSO PRESENT: 1 member of the public

1. APOLOGIES FOR ABSENCE

All Committee Members were present.

2. URGENT ITEMS

The Chair reported that there were no urgent items of business.

3. DECLARATIONS OF INTEREST

No declarations were made.

4. MINUTES OF PREVIOUS MEETINGS

Resolved:

That the Minutes of the Meeting held on 17th June 2008 be agreed as a correct record.

5. CHAIR'S UPDATE

The Chair provided an update on actions from the last meeting as set out below:-

- Response times to gully complaints submitted via the Member Enquiry Service. It was reported that out of the 7 enquiries which had been made, 6 had been responded to within the Customer Service Standards and 1 was outside this timeframe as digging down to the gully was required and the footpath needed to be closed. It was accepted by the Committee that the list of queries required consideration as there were others outstanding as several members raised concerns at the meeting.

- Compliance with the Freedom of Information Policy. A report would be submitted to Policy Overview and Scrutiny in November and an update would be presented to the Standards Committee at its next meeting.
- Member Development Strategy. It was reported that Cabinet had agreed the Strategy in July and it was now mandatory for Members to take part in 5 development sessions per year and this would be monitored by the Member Development Working Group.
- Standards Committee Members' Training. The Chair referred to the joint training on Hearings with Burnley and Pendle held on 8th September. He reminded the Committee about the training which the Monitoring Officer was providing on the 25th September on the Code of Conduct and the Planning Code of Good Practice and he encouraged Committee Members to attend. Further, it was proposed that joint training with other authorities would be held, possibly in October on conducting assessments and the Committee and Member Services Manager would circulate information.
- Probity in Planning and Use of Resources Assessment. The Chair informed the Committee that the Council was awaiting final reports from the Audit Commission and these would be considered at a future Committee. The Planning Code was also deferred pending receipt of the Probity in Planning report.

In response to the Chair's update a number of Committee Members raised concerns about the standards in relation to response times when dealing with blocked gully complaints and requested a copy of the County Council's gully cleaning programme.

A question was raised about whether sanctions were imposed for those Members that did not undertake 5 sessions of learning per year. It was reported that Members were committed to their own personal development and generally Councillors were complying.

Resolved:

1. That the Chair's update be noted.
2. That the Committee note with concern the issues raised by Members in respect of standards relating to response times for dealing with blocked gully complaints and that the Committee request from the County Council a copy of their gully cleaning programme so that this can be circulated to all Elected Members.

6. PUBLIC QUESTION TIME

No questions were raised under this item.

7. STANDARDS COMMITTEE MEMBERS' PROTOCOLS

The Committee considered the report of the Executive Director – Business which set out proposals to introduce Protocols for Standards Committee Members.

The Executive Director – Business informed the Committee that the Protocols would provide clarity on roles and responsibilities.

A Member suggested that the Protocols be produced in a booklet style which could then be referred to as a useful guide.

Councillor A. Barnes requested that her reservation be minuted in respect of Independent Members being able to serve as independent member of another relevant authority's standards committee. It was noted that the Standards Board guidance on the role and make up of Committees stated that independent members may also sit on other Committees.

Resolved:

That the Protocols be agreed.

8. REGULATIONS OF INVESTIGATORY POWERS (RIPA) INSPECTION

The Committee considered the report of the Executive Director – Business which detailed the findings and recommendations from the Office of Surveillance Commissioners, following their recent inspection.

The Executive Director – Business reported that the Office inspected the Council every two years and interviewed all officers at the Council who were involved with using the Regulation of Investigatory Powers Act 2000 (RIPA).

The Executive Director – Business reported that one recommendation had been made regarding reorganisation of the policy document to improve the content of authorisation forms. The necessary changes had been made and one policy document was in place therefore the recommendation could be considered as discharged. A central database was held by the Executive Director – Business and robust procedures were in place regarding use of the powers.

The Committee discussed the use of RIPA in terms of numbers and categories of activity.

Resolved:

1. That the Performance Overview and Scrutiny Committee be asked to consider a report on numbers and categories of activity that have been investigated under RIPA.
2. That the Executive Director – Business accepts the recommendations and communicates them to all staff concerned.

9. CONFIDENTIAL INFORMATION PROTOCOL

The Committee considered the report of the Executive Director – Business which recommended a short protocol for dealing with situations where a Member may wish to release information which is believed to be confidential.

The Executive Director – Business reported that the Protocol would support Members and it was important to seek the advice from the Monitoring Officer.

A suggestion was made by a Member that the information be included in the booklet referred to earlier in the meeting.

Resolved:

That the Protocol be agreed.

10. REAL-LIFE STANDARDS DECISION

The Chair informed the Committee that the Standards Board had prepared a number of Case Studies to be used as part of training for Standards Committee Members dealing with complaints.

The Committee discussed Case Study D in detail and put points forward on how they would have determined the complaint.

A copy of the Standards Board decision was circulated to the Committee.

11. STANDARDS BOARD BULLETIN

A copy of the latest Standards Board Bulletin was circulated for the consideration of the Committee.

The Chair reported that the Standards Board was seeking views from Authorities on adjourning local assessment decisions. He indicated that the Officer presenting the report to the Sub-Committee should give sufficient information to support that Sub-Committee in making its decision and he did not support that adjournment should take place to ascertain whether the member was willing to cooperate.

Resolved:

That the report be noted.

12. LOCAL GOVERNMENT OMBUDSMAN ANNUAL LETTER FOR THE YEAR ENDED 31ST MARCH 2008 AND COUNCIL'S ANNUAL COMPLAINTS REVIEW

The Committee considered the report of the Executive Director – Business which highlighted the improvements detailed in the Local Government Ombudsman's Annual Letter together with information relating to the Council's complaints procedure.

The Committee noted that the report had also been considered by the Performance Overview and Scrutiny Committee.

In considering the report the Committee discussed the following:-

- Comparison with complaint information from the previous year, which showed a reduction in the number of complaints
- Encouraging report in terms of response times and improvement
- Maladministration and ensuring the learning points were taken forward.

Resolved:

1. That the report be noted.
2. That the Committee place on record their thanks to the Local Government Ombudsman's Office for their support and guidance over the past year.
3. That the Officers be commended for working hard to achieve the improvements.

(The meeting commenced at 6.30pm and concluded at 8.00pm)

CHAIR