

MINUTES OF: THE MEETING OF THE STANDARDS COMMITTEE

Date of Meeting: 2nd November 2010

**PRESENT: Councillors Aldred, A. Barnes, McInnes and Sandiford
Whitworth Town Councillors D. Barnes and Grogan
Mrs I Divine, Independent Member (Chair)
Mr A Neville, Independent Member
Mr K Pilkington, Independent Member**

**IN ATTENDANCE: Sian Roxborough, Assistant Head of Legal
Jenni Cook, Committee Officer
Councillor Essex**

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies had been received from Councillor Gill (Councillor Alyson Barnes substituting). Following the meeting, apologies were received from Councillor Cheetham.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. URGENT ITEMS

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

4. MINUTES OF THE PREVIOUS MEETING

Resolved:

That the Minutes of the Standards Committee held on 21st June 2010 be agreed as a correct record.

5. CHAIR'S UPDATE

The Chair of the Standards Committee provided Members with an update as follows:-

Media Protocol

It was confirmed that since the last meeting of the Standards Committee, the Media Protocol had been ratified by full Council in October 2010 and had been implemented.

Proposed Changes in Standards

The Chair confirmed that this matter was on the agenda.

Protocol on forms on address

The Chair confirmed that a short article on protocols and the correct civic form of address was sent out in the July edition of the Members' bulletin.

New Members

The Chair confirmed that following the by-election on 7th October 2010, 2 new councillors had been elected. It was confirmed that both of the new members had attended an induction session with Committee and Member Services and had signed the necessary paperwork.

Publicising Meetings

Discussion took place on the publicity surrounding Council Meetings. It was confirmed that a notice of meetings was posted on the One Stop Shop Noticeboard and agendas were published on the website and also emailed out to the press. Members suggested that a monthly summary of public meetings be posted on Neighbourhood Noticeboards to reach all areas of Rossendale and be emailed to libraries.

6. PUBLIC QUESTION TIME

There were no members of the public present.

7. STANDARDS FOR ENGLAND UPDATE (STANDARDS BULLETIN NUMBER 48)

The Assistant Head of Legal outlined the Standards Bulletin which noted that although changes within the organisation were occurring, Standards for England remained 'open for business'. It was noted that a timetable for closure would be made available to local authorities when it was available. The Bulletin estimated that this may be between December 2011 and March 2012.

The Bulletin confirmed that Standards for England would continue to provide its services to local authorities until its closure. In respect of monitoring returns, it was noted that these were no longer being recorded by Standards for England, however historical information was available on request.

The Assistant Head of Legal informed Members that the view of the Monitoring Officer was that the Standards Committee continues in the same vein and will continue to investigate complaints along the current guidelines.

Members discussed the Bulletin and the following comments were made:-

- Other Authorities' reaction to the closure of Standards for England. It was noted that the Standards Committees were established by an Act of Parliament and could only be dissolved by Parliament.
- Disappointment was expressed regarding the decision to abolish Standards for England and it was noted that good progress had been made regarding awareness of the Code of Conduct and the need to maintain high standards amongst Elected Members.

Resolved:

1. That the Bulletin is noted.
2. That the Chair and Vice Chair work with the Monitoring Officer to discuss alternatives for the Standards Committee.
3. That any consultation document published regarding the future of Standards for England and Standards Committees be commented upon by the Standards Committee.

8. EQUALITY ACT 2010

The Assistant Head of Legal Services outlined the report which informed Members of the implementation of the Equality Act 2010. The Act would replace existing anti-discrimination laws with this single Act. The Act included a new concept of dual discrimination, an extended public sector equality duty and a prohibition on age discrimination in services and public functions. The Act outlined protected characteristics which were disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Assistant Head of Legal noted that the Council was committed to promoting and maintaining equality issues. It was noted that the Act would have implications for the Council in respect of employment issues, for example, generally the Council were no longer able to ask for medical history prior to making an offer of employment.

The Assistant Head of Legal confirmed that training would be arranged for Officers and Councillors.

Members discussed the report and the following comments were made:

- Discrepancies between the definitions of protected characteristics in the Guidance. The Assistant Head of Legal agreed to take this matter up with the Government Equalities Office.
- The inclusion of pregnancy and maternity, in particular breastfeeding was discussed as an example of how the Act would have a positive impact on employees and public sector service users.
- The Council's excellent record of promoting equality issues and successful achievement of the Equality Standard.
- The importance of providing training as soon as possible and it was requested that the Committee's views on this be communicated to the Head of People and Policy.
- The Assistant Head of Legal confirmed that there some aspects of the Act which may be tested by case law and that the Legal Department would note any such information.

Resolved:

1. That the report is noted.

9. GUIDANCE FROM STANDARDS FOR ENGLAND FOR DUAL HATTED MEMBERS AND THE CODE OF CONDUCT

The Assistant Head of Legal outlined the report which informed Members of guidance available from Standards for England for Members who were considered to be 'dual hatted'.

Dual hatted was defined as 'members who serve on two or more relevant authorities, for instance a member who is both a district and parish council member'. Members were advised to consider the guidance and to seek advice from the Monitoring Officer if they had any queries or concerns. It was noted that if Members felt it necessary then the Member Development Working Group could be asked to consider a holding a training session.

Members discussed the report and the following comments were made:

- Concerns regarding advice given by Standards for England on specific issues and where that advice sat with this guidance note. It was noted that each situation was different and that Councillors should always raise any specific concerns with the Monitoring Officer or any member of the Legal Team.
- It was noted that this guidance applied to those Members who were Borough Councillors and Lancashire County Councillors and that Portfolio Holders who were also County Councillors should seek clarification from the Monitoring Officer regarding any concerns.

Resolved:

1. That the guidance is noted.
2. That the guidance is circulated to all Elected and Co-opted Members, and a summary be provided in the next Members' Bulletin, noting the date that the Guidance was published.

10. STANDARDS COMMITTEE WORK PROGRAMME 2010/11

The Standards Committee Work Programme for 2010/11 was considered. Discussions took place on the Work Programme and it was agreed that the following items be added:-

- Standards Committee 'The Way Forward'
- Frequency of Reports
- Purdah

A discussion took place regarding recent cancellation of Committee meetings due to the October by-election. The Committee acknowledged that politically sensitive decisions should be postponed at such times, however expressed dissatisfaction that some Committees had been cancelled. The Assistant Head of Legal advised Members that it was likely that Standards Committee, Development Control Committee and Licensing Committee would not be cancelled, subject to the agendas being checked by the Monitoring Officer.

Resolved:

1. That Work Programme is noted and the additions outlined above be added.
2. That the Monitoring Officer be informed of the Committee's wish that the Standards Committee continues during periods of 'purdah'.

11. EXCLUSION OF PUBLIC AND PRESS

Resolved:

That the public and press be excluded from the meeting during consideration of the following item of business on the grounds that it involves disclosure of exempt information relating to the financial or business affairs of any particular person (including the authority holding that information) under Part 1 Paragraph 2 of Schedule 12A to the Local Government Act 1972.

12. STANDARDS COMPLAINTS UPDATE

The Assistant Head of Legal provided Members with a verbal update on the number of complaints currently open.

Members discussed the report and the following comments were made:

- Publication of case studies. It was noted that as this was a smaller authority, it was likely that Councillors and complainants would be easily identified by this process.
- Clarification of and importance of adhering to timescales.
- Importance of the Chair being kept informed of complaints, whilst ensuring impartiality and not prejudicing the complaint should it be heard.

Resolved:

1. That the update is noted.
2. That future updates include the following information:
 - Number of complaints open
 - Which stage of the process each complaint was at.
3. That the Standards Committee Complaints Procedure be re-circulated to both Elected and Independent Committee Members.

The meeting commenced at 6.30pm and concluded at 8.05pm

_____ CHAIRMAN