

MINUTES OF: THE MEETING OF THE STANDARDS COMMITTEE

Date of Meeting: 31st January 2011

**PRESENT: Councillors Aldred, A. Barnes, Cheetham, Gill, McInnes, Sandiford and H Steen
Whitworth Town Councillor D. Barnes
Mrs I Divine, Independent Member (Chair)
Mr A Neville, Independent Member
Councillor Essex (Portfolio Holder for Finance and Resources)**

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

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies had been received from Mr Keith Pilkington, Councillor Grogan and Councillor P Steen (Councillor H Steen substituting).

The Committee extended their best wishes to Councillor Grogan.

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 2nd November 2010 be confirmed as a correct record.

5. CHAIR'S UPDATE

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

Changes to Work Programme

The work programme at November's meeting contained 2 items for consideration in January 2011, being the Review of Protocols for Non-Elected Independent Members and the Draft Standards Handbook. In view of the decisions that the must be made on the future of the Standards Committee it was noted that these items would be deferred until such time as a decision on the future of the Committee had been made.

Proposed Changes in Standards

This is covered at paragraph 7.

Publicity for meetings

Following the last meeting, a monthly meeting summary sheet was produced and placed in the Neighbourhood Noticeboards alongside the annual committee schedule. This summary sheet has been sent to all the Communities Team, Greenvale Homes, Rossendale Libraries and Rossendale Radio with a request that they display it. In addition it has been sent to the Town Clerk at Whitworth and also to all Members who have been invited to ask for more copies to display in appropriate places. To date, 1 member has asked for additional copies.

Positive feedback has been received from the Town Clerk and 2 Councillors. Suggestions have been taken on board to list Whitworth's meetings separately to avoid confusion, to send to Rossendale Radio and also to put a 1 line summary underneath each meeting to explain to the public what it is about. These suggestions have been actioned.

Equalities Act

A Member Briefing Note has been sent out which summarises the Act. A training session will take place for Members on 2nd March 2011.

The Head of Legal also took up the issue of the age query at November's which was found in the Government Guidance Notes. The Head of Legal has liaised with the Government Equalities Office who have clarified the position as follows:

The summary guides focus on changes for organisations delivering services and public functions, giving an overview of relevant measures implemented on 1st October 2010. The measures implemented in October do not include the ban on age discrimination in services and public functions. This is the reason for age not being included in the guides.

The Government is currently considering further how the ban on age discrimination in services and public functions could be implemented in the best way for business and others involved. Implementing this ban would require secondary legislation to be made, setting out the circumstances in which it would remain lawful to use age as a reason for treating people differently. This would need to be the subject of public consultation.

Dual Hatted Members

The guidance was circulated to all Members. A training session which will include dual-hatted members will take place on 8th February 2011.

Standards Complaints Update

The Protocols for Standards complaints were circulated to all Members and Non-elected Members following the last meeting. The report which will be dealt with in the confidential section of the agenda incorporates the changes discussed at the last meeting.

Members were invited to comment on the Chair's Update and it was noted that increasing public attendance at meetings may be difficult to achieve for those who live in outlying areas of the Valley, who were dependent upon public transport.

6. PUBLIC QUESTION TIME

A member of the public asked questions regarding the future of the Standards Committee and clarification was given. It was noted that it was hoped that a Voluntary Code of Conduct would be established and that the business of the Standards Committee would continue when the relevant legislation received royal assent.

7. FUTURE OF THE STANDARDS COMMITTEE

The Head of Legal outlined the report which updated Members on the abolition of the Standards Board regime as outlined in the Localism Bill and to outline proposed alternative arrangements for replacing the Code of Conduct and the Standards Committee.

It was anticipated that the Localism Bill would receive Royal Assent in late 2011 and a summary of the decision as outlined by the Department for Communities and Local Government was appended to the committee report and discussed.

The abolition of the Standards Board would mean that the Code of Conduct for Councillors would no longer exist and the requirement for local authorities to have a Standards Committee would cease. However, local authorities would be free to adopt their own voluntary Code of Conduct and establish a voluntary Standards Committee, to consider complaints about the conduct of elected and co-opted Members.

It was noted that Members would still be required to continue to register and declare personal interests.

It was proposed that the new arrangements would create a new Standards Committee which would consider complaints made against Elected Members, which would have the power to censure and/or refer Members for training. The Committee would comprise 12 Members, which would be made up of 3 independent (co-opted) Members, 2 Elected Members from Whitworth Town Council and 7 Members of Rossendale Borough Council. A typical panel would consider of 3 Members and where the complaint concerned a Whitworth Town Councillor, a Town Council representative would be required on the Panel.

The Head of Legal provided a further update following a training session regarding the Localism Bill that she had attended in January 2011, and it was noted that wilful failure to disclose an interest could be considered a criminal offence under the new proposals laid out in the Localism Bill.

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

- It was noted that the word 'regime' would be substituted for 'process' in future documents.
- Concerns regarding the practicalities and costs of taking Councillors to Court.
- The Code of Conduct would be voluntary and Members would not be compelled to sign up.
- Concerns regarding the lack of power of the Committee, with censure and referral for training being the only courses of action available.
- The difficulties of proving wilful failure to disclose interests.
- Consultation process and queries regarding green/white paper publication by the

Department of Communities and Local Government.

- Importance of making the Council's views known to the Department of Communities and Local Government via a response group.

Resolved:

1. That the Head of Legal and the Chair of the Standards Committee clarify if there is a planned timetable for consultation regarding green and/or white papers for Standards Committee matters with the Department of Communities and Local Government.
2. That a Response Group be established to provide a response to the Department of Communities and Local Government, taking in the views of all Members of the Standards Committee, regardless of whether an official consultation process is carried out.
3. That any decision on the future of the Standards Committee at Rossendale Borough Council be deferred pending further investigation into any legislative changes and the Standards Committee will continue in its present form.

8. EQUALITIES TRAINING ATTENDANCE

The Chair noted that this had been addressed in her Update at paragraph 5.

9. 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.

10. STANDARDS COMPLAINTS UPDATE

The Assistant Head of Legal provided Members with a verbal update on complaints to the Standards Committee since the last meeting.

Resolved:

1. That the update is noted.

The meeting commenced at 6.30pm and concluded at 7.35pm

CHAIRMAN