

MINUTES OF: THE MEETING OF THE STANDARDS COMMITTEE

Date of Meeting: 29th November 2011

**PRESENT: Mrs I Divine, Independent Member (Chair)
Councillors Crawforth, Essex, Gill, McInnes, Morris, Shipley and M.Smith
Whitworth Town Councillor D. Barnes
Mr A Neville, Independent Member
Mr K Pilkington, Independent Member**

**IN ATTENDANCE: Sian Roxborough, Head of Legal and Democratic Services
Carolyn Sharples, Committee and Member Services Manager**

ALSO PRESENT: 1 member of the public

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies had been received from Councillors Cheetham (Councillor Morris substituting), Kenyon (Councillor Crawforth substituting) and Whitworth Town Councillor Mellor.

2. MINUTES OF THE PREVIOUS MEETING

Resolved:

That the minutes of the Standards Committee held on 20th September 2011 be confirmed as a correct record.

3. URGENT ITEMS

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

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. PUBLIC QUESTION TIME

A member of the public asked questions regarding standards complaints in relation to what constituted a complaint, how complaints were registered and what the procedure was.

The Chair confirmed that standards complaints concerned the behaviour of councillors whilst undertaking council business, and compliance with the Code of Conduct and the ten principles of public life. The Code of Conduct and the hearings procedure was included in the Council's Constitution. There were changes planned for the Code of Conduct and the hearings procedure and further details would be included with the Localism Act update which was on the agenda.

6. CHAIR'S UPDATE

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

Recommendations from Internal Audit

Following the concerns raised at the last meeting and the size of the Council agenda, the Recommendations from Internal Audit report was pulled from the Council agenda and would be re-presented at this meeting, ahead of the committees recommendations to full Council in December.

Annual Complaints Update

Following the retirement of Mike Gibbons in the Service Assurance Team, the administration of complaints against the Council would be administered by the Committee and Member Services Team. The reporting process would be streamlined but members would continue to receive an annual update.

7. LOCALISM ACT – VERBAL UPDATE

The Head of Legal and Democratic Services gave a verbal update on the Localism Act which gained Royal Assent on 15th November 2011. The brief guidance from the Department of Communities and Local Government, the relevant extracts of the Act in relation to Predetermination and Standards, and draft ACSes Code of Conduct were circulated to members.

The following requirements of the Act were noted:

- The two main issues of the Act were around the Code of Conduct and pre-determination.
- A decision maker is not to be seen as having a closed mind and predetermined because of something they had done e.g. take part in discussions or expressed opinions to represent their constituents. Members will be able to act on issues they care about and will allow more freedom of discussion.
- This could be controversial on planning matters as bias is usually the main reason for legal action and judicial review.
- Pre-determination – Section 25 would come into force on 15th January 2012.
- Authorities must continue to promote high standards of conduct by adopting a Code of Conduct for Members/Co-opted Members. This was no longer a voluntary code.
- Authorities can revise the existing Code of Conduct or adopt one to replace the existing one.
- The code must include seven principles: selflessness; integrity; objectivity; accountability; openness; honesty and leadership.
- These requirements would come into force by order of the Secretary of State.
- It includes the requirement to register and declare interests.
- These requirements would help avoid ill founded and petty accusations.
- It would be a criminal offence to deliberately withhold or misrepresent a financial interest. Serious matters such as this would be dealt with by the Director of Public Prosecution in the Magistrates Court.
- Fine of up to £5,000.

Members discussed the update and the following comments were made:

- Difference between the draft Code of Conduct and the existing one.
- Which of the ten principles had been removed?
- Will there be public consultation on the new Code of Conduct?
- Cost of public consultation and need for one when adopting a Code of Conduct is a legal requirement?
- Openness and transparency.
- Document would be published prior to adoption.
- The national Code of Conduct is already on the web site and publicly available.
- The current Code of Conduct was not pre-set and there was a public consultation. Each authority could adapt the Code of Conduct anyway before adopting it.
- Best to wait for further guidance.
- Gifts and hospitality limit of £50.

In response to questions from members the Chair confirmed that information would be circulated detailing the differences between the draft and existing Code of Conduct and the reduction in the principles of public life. It would be for members to decide who to consult and whether to open it up to public consultation.

The Head of Legal and Democratic Services informed that in relation to sanctions, members and co-opted members could be disqualified for up to 5 years as well as fined. It was good practice to disclose small gifts which were received on a regular basis. Further guidance on standards matters and implementation dates would be circulated once they became available.

Resolved:

1. That the update be noted.
2. That information would be circulated to members detailing the differences between the new draft Code of Conduct and the existing code.
3. That committee members would feed back their views on the new draft Code of Conduct to The Head of Legal and Democratic Services by 1st February 2012.

8. MEMBER TRAINING UPDATE

The Committee and Member Service Manager outlined the report which informed of attendance by members at training sessions including mandatory training sessions. Elected members were expected to attend a minimum of five training sessions each municipal year, in line with the requirements of the Member Training and Development Strategy. Since the beginning of the year 14 training/briefing sessions had been delivered, with some members attending one-to-one, or external training sessions. 72% of members had achieved five training sessions, compared to only 30% for the same period in 2010.

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

- What was meant by mandatory training?
- What would happen if a member did not attend mandatory training for a committee they were on?

- Updates on policies.
- Good to get back to basic training.
- What happened if members did not attend the 5 training sessions?

In response to questions from members the Committee and Member Service Manager confirmed that if mandatory committee training was not attended then the member would not be able to serve on that committee until they had completed the necessary training e.g. regulatory committees. If for any reason a member was unable to attend the mandatory training, a one-to-one training session would be available. If other training was flagged as “mandatory” it was because it was in the best interests of the councillors to attend. If there were any concerns regarding any member and their training attendance, the Committee and Member Services Officer would raise it with the appropriate group leader.

The Chair commented that it was encouraging to see good training attendance and members commitment to training.

Resolved:

That the report be noted.

9. RECOMMENDATIONS FROM INTERNAL AUDIT

The Head of Legal and Democratic Services introduced the report which had returned to the committee to clarify the arrangements of members interests being published on the web. At the last committee concerns were raised in relation to the publication of personal information. Since the publication of the report, the Localism Act had gained Royal Assent and there was now a requirement for members interests to be published on the web and this was detailed in section 29. Data protection, human rights and security still applied regarding personal/ sensitive issues, and as detailed in the report, exclusion of certain details would be at the discretion of the Monitoring Officer. A sample declaration form was attached to the report. Other authorities varied in whether they published interests on the web in full/part, or kept a hard copy which was available to view.

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

- When would the requirement to publish on the web come into force?
- Concerns were expressed regarding the publishing on the website, particularly with regard to personal safety and security as information was available world wide.
- Publication of personal address and email details.
- Councillors choice how to deal with personal information.
- Most councillors addresses and emails are already on the internet.
- Further information on the disclosure form and whether it could be split into two sections.
- Further information was requested on the guidelines for specifying actual addresses or employer on the web.
- Lancashire County Council have been publishing their information for some time. Not aware of any issues.
- More accessibility and transparency.

The Head of Legal and Democratic Services informed that the Secretary of State would confirm when this requirement would come into force, and at this stage, it still appeared that individual matters would be considered on a case by case basis. There may be further guidance issued in due course.

Resolved:

That a report is brought back to the Standards Committee detailing the legal opinion concerning what should be disclosed on the web and taking into account the new legislation.

10. 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.

11. STANDARDS COMPLAINTS UPDATE

The Head of Legal and Democratic Services provided members with a verbal update on complaints to the Standards Committee since the last meeting.

Resolved:

That the update be noted.

The meeting commenced at 6.30pm and concluded at 7.20pm

CHAIRMAN