

MINUTES OF: THE MEETING OF THE STANDARDS COMMITTEE

Date of Meeting: 6th March 2012

**PRESENT: Mrs I Divine, Independent Member (Chair)
Councillors Cheetham, Essex, Kenyon, Oakes, Shipley, M Smith and Serridge
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
Michelle Hargreaves, Committee and Member Services Officer**

ALSO PRESENT: 1 member of the public

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies had been received from Councillor McInnes (Councillor Oakes substituting), Councillor Gill (Councillor Serridge substituting) and Whitworth Town Councillor J Mellor.

2. MINUTES OF THE PREVIOUS MEETING

Resolved:

That the minutes of the Standards Committee held on 29th November 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 a question following the removal of Standards, what would the new system be and what benefit would members of the public receive.

The Chair confirmed that there would be a system in place following new legislation, there would still be a code of conduct. As of 1st July 2012 failing to declare or register an interest would become a criminal offence and the sanctions of disqualification and suspension would be abolished. The local authority would have to draft its own Code of Conduct and independent members to work alongside the monitoring officer. Further guidance was awaited. The independent members positions would be advertised and interviewed for by 1st July 2012.

6. CHAIR'S UPDATE

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

1. The draft code was circulated at the end of the last meeting and members were asked to feed back their comments to The Head of Legal Services by the 1st February. The Chair confirmed that there were no comments received from members, however, since then a questionnaire was circulated by the Monitoring Officer regarding changes in relation to standards and these comments had been included as part of the Localism and Standards update at item D1. Public consultation would also be taking place and a questionnaire had been created by East Lancashire Collaborative Consultation and Research Service (CRACS) to gain public feedback.
2. Recommendations from Internal Audit – members asked for this report to come back taking into account the new legislation and what information about Councillors should be disclosed on the web for public consumption. Since the last meeting no further guidance had been issued so this report had not been brought back, however a brief Localism Act update had been included at item D1 which included provision for sensitive interests.

7. LOCALISM ACT 2011 AND STANDARDS ARRANGEMENTS UPDATE

The Head of Legal and Democratic Services outlined the report updating members of the requirements of the Localism Act 2011 in relation to standards arrangements.

It was recommended that the council appoints 2 new independent persons. It was noted that the Standards Board would be abolished as of the 31st March 2012 and a new regime would commence on the 1st July 2012. In relation to these new arrangements, councils would be expected to have new provisions in place to deal with standards issues. A new code of conduct would be adopted along with members interests published on the website and appointment of at least 1 independent person. Advertisements for the independent person would be done through the council's website, community groups, posters and also appealing to other independent members serving at neighbouring councils. The appointment/s must be agreed at full council and only travel expenses would be paid.

The Chair invited Andrew Neville to update the committee on some further information in relation to the appointment of independent members.

He expressed his view to the Committee in relation to some information he had received, as follows:

He referred to an article which suggested that people who had previously served as an independent member could be allowed to stand again. The Association of Council Secretaries and Solicitors (ACSES) had taken the view from a senior legal person that an independent person could restand in a neighbouring authority. This had been considered unfair as the same rule did not apply to councillors and valuable experience would also be lost. It was suggested that the matter could be put to judicial review. ACSES were asked to look again and provided that an independent member was not an independent member by 30th May 2012 they could stand at any local authority.

The Head of Legal Services advised that the Localism Act 2011 provided that independent members could not sit for the same authority if they had stood as independent members for that authority within the last 5 years.

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

- Length of time independent members appointed for
- Types of personal interests that should be declared
- Participation on bodies outside of the borough
- Seven Nolan Principals
- 'Respect for others' to be included in the Code of Conduct
- Amendment to wording of 5.6 of the report
- Minimum of 3 independent members
- Interview process
- Public consultation
- Removal of point 4 in the draft code of conduct in relation to gifts and hospitality
- Creation of sub committee to consist of 3 independent members and 1 member from both labour and conservative party, to be nominated by the group leader

Sian Roxborough clarified points raised above by the committee.

Resolved:

1. That members note the Localism Act 2011 update and the results of the Standards Survey.
2. That Council be recommended to maintain the existing Code of Conduct and current procedures for dealing with complaints at a local level until full guidance is available, when a further report will be brought to full Council.
3. That officers are recommended to start the advertising and recruitment process for up to three independent persons.
4. That a sub committee would be set up to look at matters raised from the public consultation and review the guidance as it filters through.
5. That the report be updated at 5.6 to state the following: 'The council will need to recruit independent person/s as per the legislation. In appointing independent persons, the council must advertise and applicants must submit an application and be selected to the post. It is proposed to advertise on the council website, through community groups, placing posters on neighbourhood notice boards, and also appealing to current independent members serving at neighbouring authorities (to maximize the chances of recruiting someone with existing experience of dealing with standards allegations). The appointment/s must be agreed by full Council and appointees will be paid travel expenses.'
6. That point four of the Draft Code of Conduct be removed.
7. That 'Respect for Others' be included in the Code of Conduct.

8. STANDARDS COMMITTEE ANNUAL REPORT 2011/12

The Head of Legal and Democratic Services outlined the purpose of the report which was to provide members with a brief overview of the work carried out by the Standards Committee during the 2011/12 municipal year.

Resolved:

That the content of the report and the work of the Standards Committee during 2011/12 be noted.

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 involved disclosure of exempt information relating to the financial or business affairs of any particular person (including the authority holding that information) under Part 1 Paragraphs 1 - 3 of Schedule 12A to the Local Government Act 1972.

10. STANDARDS COMPLAINTS UPDATE

The Chair 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 8.00pm

CHAIRMAN