

MINUTES OF: STANDARDS COMMITTEE

Date of Meeting: 30th March 2006

**PRESENT: Mr A Neville (in the Chair)
Councillors Atkinson, Entwistle (for J Pawson), P Steen, Unsworth,
Young,
Councillor K Heakin (Whitworth Town Council), Mr A Nixon**

**IN ATTENDANCE: Linda Fisher – Head of Legal and Democratic Services
Julian Joinson – Democratic Services Manager**

BUSINESS MATTERS

1. APOLOGIES

Apologies for absence were received on behalf of Councillors Crosta and J Pawson.

2. MINUTES

Resolved:

That the minutes of the meeting of the Committee held on 5th October 2005 be signed by the Chair as a correct record.

3. DECLARATIONS OF INTEREST

No declarations of interest were made.

4. PUBLIC QUESTION TIME

No members of the public were present at the meeting.

ORDINARY ITEMS OF BUSINESS

5. GREATER MANCHESTER INDEPENDENT MEMBERS' FORUM

The Chair indicated that he had attended a meeting of the above Forum on 8th March 2006. That body comprised independent members of Standards Committees from Manchester, Merseyside, Cheshire and Lancashire. The meeting had been well attended and a number of monitoring officers had also been present. Sir Anthony Holland, Chair of the Standards Board for England, had given a presentation at the meeting.

Topics discussed had included the following:- the number of independent Chairs of Standards Committees, which was around 20% nationally; a review of the electoral system; a review of the systems of public appointments; the 10th Annual Report of the Standards Board; the backlog of Standards Board cases and possible involvement of local Standards

Committees; improving public perceptions of public office; funding issues; a recent case involving the Mayor of London; and levels of Council support for the development of Standards Committees. It was suggested that monitoring officers should inform the Chair of their Standards Committee of any issues at the earliest opportunity.

Resolved:

To note the report of the Chair on the meeting of the Greater Manchester Independent Members' Forum held on 8th March 2006.

6. THE STANDARDS BOARD FOR ENGLAND CASE REVIEW NO. 3

The Head of Legal and Democratic Services gave a verbal report on the Case Review No. 3 booklet, which had been circulated with the Agenda. The document, which was published periodically, contained a number of useful examples of Standards Board cases. Mrs Fisher indicated that there were some useful examples on the subject of confidentiality, which had been the subject of some interest in Rossendale recently. The revised regulations were less prescriptive and had introduced a public interest test concerning confidential information.

Members raised a number of questions including:- access to summary information, the availability of precedents from other Standards Committees if more local determinations were made; the need to encourage Members to come forward about any breaches of the Code made in error and in good faith. Mrs Fisher indicated that the Standards Committee would continue to build up its knowledge and experience over time.

Resolved:

To note the report of the Head of Legal and Democratic Services and the accompanying Case Review No. 3 document.

7. AMENDMENTS TO CONSTITUTION/SCHEME OF DELEGATION

The Committee considered a report of the Head of Legal and Democratic Services outlining proposed amendments to the Council's Constitution. The Scheme of Delegation would be amended to include additional powers for Rossendale Borough Council under the Clean Neighbourhoods and Environment Act 2005, the Anti-Social Behaviour Act 2003 and the Gambling Act 2005. The report also included details of the changes to the confidentiality rules in the light of the Local Government (Access to Information) Variation Order 2006.

The Committee also considered a proposal to introduce a procedure for questions by Members to the Leader and written questions by Members to full Council. In addition, Members considered proposals to extend the terms of reference of the Overview and Scrutiny Committees to include the audit function. An Accounts Committee would also be established to approve the annual statement of accounts.

Members asked a number of questions including the process for dealing with minor amendments to the Constitution; the level of detail recorded in respect of the powers delegated to officers; the implications of greater enforcement powers on staffing resources; and the facility to give notice by e-mail of Members' written questions.

Resolved:

That the Council be recommended:-

1. That the Constitution and Scheme of Delegation to officers contained within the Council's Constitution be amended to include additional powers granted under the provisions of the Clean Neighbourhoods and Environment Act 2005/Anti Social Behaviour Act 2003 as detailed in Appendix A. Also to amend the Scheme of Delegation to introduce the powers contained within the Gambling Act 2005 as outlined at Appendix A.
2. To amend the confidentiality rules in light of the changes introduced by the Local Government (Access to Information) Variation Order 2006 as outlined within this report at Appendix B.
3. To amend the Constitution at paragraph 10 to add a procedure to provide for "Questions by Members to the Leader". Any such question asked by Members at Full Council will be addressed to the Leader and answered by the Leader or in his absence the Deputy Leader or such other Cabinet Member elected by them to answer the question submitted. Only questions should be submitted at this stage and statements should not be made by those asking the question.
4. To amend the Constitution at paragraph 10 to add a procedure to provide for "Questions by Members to full Council". Any such question shall be in writing the Member having given 3 clear working days notice to the Democratic Services Manager. The question to be answered by the Cabinet.
5. That the agenda of all Full Council meetings will hear public questions before Member questions on notice. Paragraph 9.8 will be amended to provide that the Leader of the Council will determine which Cabinet Member or officer will answer a particular question.
6. To amend Article 7 of the Constitution "Overview and Scrutiny Committee" to insert the words "act as an Audit Committee". The terms of reference for the Audit Committee will be:-

To oversee all arrangements for both the internal and external audit of the Council's accounts and financial records;

To consider and make recommendations to Cabinet on the accounts and to consider the following:-

The annual audit report and the management letter of the external auditor;

Any other statutory report of the external auditor;

Any internal audit report that may be referred by the Chief Executive, the Director of Finance, the Head of Legal and Democratic Services (as Monitoring Officer).

7. To establish an Accounts Committee. The terms of reference for the Accounts Committee will be:-

To approve the annual accounts and report of this Council (with delegated power);

To approve the Council's statement of accounts pursuant to regulation B(2) of the Accounts and Audit Regulations 1996.

The Leader / Deputy Leader / Portfolio Holder for Finance and Risk Management / Leader of the Opposition / Deputy Leader of the Opposition will constitute the Committee.

8. CRIMINAL RECORDS BUREAU DISCLOSURE CHECKS FOR MEMBERS

The Committee considered a report of the Head of Legal and Democratic Services in respect of Criminal Records Bureau Checks for Members, together with a guide to the process for criminal records checks. Mrs Fisher reminded Members that they had previously received a report setting out Counsel's Opinion regarding the introduction of a system of CRB checks for councillors. Counsel had indicated that it was likely that checks could only be made by way of a voluntary scheme.

Members discussed what sanctions could be employed against those councillors who had refused to undergo a CRB check. The question was raised as to whether such councillors should be allowed to serve on outside bodies, such as school governing bodies. The uptake of CRB checks could be publicised in the Councillors area of the website. A suggestion was made that nomination papers for local election candidates should include reference to the fact that successful candidates would be subject to a CRB check. Political parties could help in ensuring that only suitable candidates were nominated. Members enquired about what safeguards would be in place to ensure that irrelevant information discovered during a CRB check was not disclosed.

Resolved:

1. To approve, in principle, the Members' Criminal Records Bureau Guide at Appendix 1.
2. That the Head of Legal and Democratic Services be requested to seek further clarification from Counsel as to whether CRB checks could be mandatory and on the question of including information in the nomination form for local election candidates.
3. That subject to the outcome of 2 above, that Cabinet be recommended to determine whether or not Members should be required to undergo a Criminal Records Bureau check and to agree that a copy of the Guide, amended as necessary, be forwarded to each Member.

9. EDGESIDE PARK REVIEW TEAM / SCHEME OF DELEGATION REGARDING COUNCIL OWNED LAND

The Committee considered a report of the Head of Legal and Democratic Services on the recommendations of the Edgeside Park Review Team that consideration be given to the interpretation of the Constitution/Scheme of Delegation, in relation to planning applications on

Council-owned land, by or on behalf of the Council, its partner organisations or other agents. That Review Group had recommended an amendment to the Council's Constitution to provide that such applications be determined by the Development Control Committee, rather than an officer.

Resolved:

1. To agree a minor amendment to the Constitution/Scheme of Delegation to the effect that all planning applications on Council-owned land, by or on behalf of the Council, its partner organisations, or other agents, should be excluded from the Scheme of Delegation and be determined by the Development Control Committee.
2. To amend the Scheme of Delegation to provide that applications for planning permission on behalf of the Council may be submitted by the Head of Service and in the case of applications on land owned by the Council by the Head of Legal and Democratic Services.

10. CONSTITUTIONAL WORKING GROUP

The Head of Legal and Democratic Services provided a verbal report on the review of the Constitution which was currently taking place. Following the adoption of Executive Arrangements the Council had introduced a revised Constitution. That document needed to evolve as experience was gained of the new political governance arrangements. It was proposed to establish a Working Group to oversee the review of the Constitution.

Resolved:

To request the Head of Legal and Democratic Services to establish a Working Group to oversee the review of the Constitution and to determine the membership of the Working Group.

11. DATE OF NEXT MEETINGS

It was noted that the next meetings of the Committee had been set provisionally for 13th July and 12th October 2006.

(The meeting started at 6.30pm and finished at 7.45pm)