

# Standards Committee

**Monday, 3 September 2007**

**Present:** Mr Ellwood (Independent Chair), Councillor Alan Cain (Vice-Chair) and Councillors Judith Boothman, Keith Iddon, Thomas McGowan, Rev John Cree (Independent Member) and Mrs Joan Geddes (Parish Council Member)

**Officers in attendance:** Andrew Docherty (Director of Customer, Democratic and Legal Services (Monitoring Officer)) and Ruth Hawes (Assistant Democratic Services Officer)

**Also in attendance:** Alan Cornwell (Charnock Richard Parish Councillor)

## **07.S.30 WELCOME AND INTRODUCTIONS**

The Chair welcomed everyone to the meeting and introduced Parish Councillor Alan Cornwell from Charnock Richard Parish Council. There was an item on the agenda to consider the appointment of Parish Councillor Cornwell as the Parish Council reserve member for the Standards Committee.

## **07.S.31 APOLOGIES FOR ABSENCE**

No apologies for absence were submitted.

## **07.S.32 DECLARATIONS OF ANY INTERESTS**

In accordance with the provisions of the Local Government Act 2000, the Council's Constitution and Members' Code of Conduct, Councillors Judith Boothman and Alan Cain declared a personal interest in relation to the request for a dispensation from Members of Chorley Borough Council included on the meetings agenda for determination.

## **07.S.33 MINUTES**

**RESOLVED - That the minutes of the meeting of the Standards Committee held on 14 June 2007 be confirmed as a correct record and signed by the Chair.**

## **07.S.34 REQUEST FOR DISPENSATION FROM MEMBERS OF CHORLEY BOROUGH COUNCIL**

(Councillors Judith Boothman and Alan Cain declared a personal interest in the following item).

The Committee considered a request for a dispensation from Members of Chorley Borough Council allowing participation in Council meetings at which matters relating to the concessionary travel scheme are discussed.

The Monitoring Officer reported that at a recent Council meeting a notice of motion had been considered relating to the concessionary travel scheme. As over half of the Councillors would have a personal and potentially a prejudicial interest the item was adjourned.

The Committee noted that there was a need to have regard to the request for the dispensation, the reasons for the request and the fact that the Council would be impeded in conducting its business if more than half of the members had to declare a prejudicial interest.

The request was as follows: "I hereby apply to the Standards Committee for a dispensation allowing me to participate in Council meetings at which matters relating to the concessionary travel scheme are to be discussed.

"I believe this dispensation is desirable because of the number of Members of the Council who would be prevented from participating in such debates without there being a dispensation. The Code of Conduct already allows Members to participate in some similar situations, for example, with regard to parents whose children attend school and debates relating to school meals. Therefore, there is a precedent for Members being able to participate in this type of situation".

**RESOLVED – That a dispensation be granted to the 24 Members of the Council who had applied for a dispensation allowing participation in Council meetings at which matters relating to the concessionary travel scheme are to be discussed for a three year period.**

#### **07.S.35 FEEDBACK FROM THE LANCASHIRE STANDARDS CONFERENCE**

The Chair gave an update from the Lancashire Standards Conference, hosted by Lancashire County Council, on 9 July held at Woodlands, Chorley.

The Chair, a member of the Committee and several officers had attended the Conference and found it useful, particularly the afternoon session as Paul Hoey from the Standards Board for England had attended for a question and answer session.

It was **AGREED** to note the information attached to the agenda.

#### **07.S.36 UPDATE ON ADOPTION OF THE REVISED CODE OF CONDUCT BY PARISH COUNCILS**

The Monitoring Officer advised that seventeen of the twenty-three Parish Councils within the Borough had adopted the Revised Code of Conduct. This information would be published in the local press, as required by the Regulations surrounding the adoption of a Revised Code of Conduct.

The Committee noted that a document detailing the names of Parish Councillors within each Parish had been sent to Parish Clerks to be checked. An update on the receipt of financial and other interests forms would be presented to the next meeting.

**RESOLVED – That**

- 1. That the update be noted,**
- 2. A letter be sent to the Parish Council that does not intend to adopt the Revised Code of Conduct before October to stress the importance of the Code of Conduct to elected Members and to remind the requirement for each Parish Councillor to complete the financial and other Interests form within 28 days of the adoption of the Revised Code.**

#### **07.S.37 FEEDBACK FROM THE TRAINING EVENT FOR PARISH COUNCIL CLERKS**

The Monitoring Officer reported that the training session held for Parish Council clerks on 23 July had been well received with ten of the clerks in attendance. More than half of the Parishes were represented as a few clerks act for several Parish Councils.

Positive feedback had been received from the clerks including some scenarios to make the training session on 19 September more relevant for Parish Councillors. It was noted that the Borough Councillors who had not attended the training session in May and Members of the Standards Committee had been invited to the session.

It was **AGREED** that the update be noted.

#### **07.S.38 APPOINTMENT OF RESERVE PARISH COUNCIL MEMBER**

The Committee considered the appointment of Parish Council reserve member for the Standards Committee.

A Parish Council representative was required to be in attendance if the Committee were considering items relating to Parish Councils. In the event of the Parish Council member having a personal interest in an item it was desirable to have a reserve member to stand in their place.

The Regulations require consultation with the Parish Councils on the appointment of Parish Council representatives and a request had been made to the Lancashire Association of Parish and Town Councils to nominate a reserve. The nomination was for Parish Councillor Alan Cornwell from Charnock Richard Parish Council.

The Committee noted that when the local filtering arrangements came into force there would be a need to increase the number of Committee Members, as there would then be three Sub-Committees, to filter, determine and appeal. It was suggested that the number of Independent Members and Parish Council representatives be increased as well as the Borough Members.

**RESOLVED – That Parish Councillor Alan Cornwell from Charnock Richard Parish Council be appointed as the Parish Council reserve member.**

#### **07.S.39 PARISH COUNCILS - THE WAY FORWARD FOR MENTORING**

The Chair led a discussion on the way forward for mentoring Parish Councils. At the last meeting of the Committee it was agreed that as part of the work programme a draft schedule would be drawn up allocating Parish Councils to Standards Committee Members.

The Standards Committee Member would attend each Parish Council allocated to them at least once a year. The role would be to raise awareness of the Committee and its role, future developments relating to Standards and to act as a contact point. It would not be appropriate to give advice on specific cases or deliver detailed training.

**RESOLVED – That**

- 1. The schedule allocating Parish Councils to Standards Committee Members be confirmed subject to the agreed amendments,**
- 2. A briefing note be prepared by officers outlining the purpose of the mentoring,**
- 3. Officers confirm in writing to the Committee the Parish Councils allocated to them, the contact details of the relevant Parish Council Clerks and the briefing note prepared by officers,**
- 4. Officers write to all Parish Council Clerks advising the purpose and proposed way forward on mentoring.**

#### **07.S.40 DATABASE AND REGISTER OF INDEPENDENT MEMBERS OF STANDARDS COMMITTEES**

The Committee considered a letter from the Association of Independent Members of Standards Committees in England requesting the details of Independent Members.

**RESOLVED – That it was not appropriate to provide the personal details of the Independent Members on the Chorley Standards Committee at this time.**

**07.S.41 STANDARDS COMMITTEE WORK PLAN**

The Committee considered the work programme drafted from the discussions at the last meeting of the Committee.

**RESOLVED – That the work programme be noted.**

**07.S.42 THE NUMBER OF ANY ALLEGATIONS REFERRED TO THE STANDARDS BOARD SINCE THE LAST MEETING**

2.

**07.S.43 THE NUMBER OF ANY ALLEGATIONS REFERRED BACK TO THE MONITORING OFFICER WHERE THERE IS NO FURTHER ACTION TO BE TAKEN**

2.

**07.S.44 BRIEF RESUME OF DETAILS REGARDING ANY ALLEGATIONS REFERRED BACK TO THE MONITORING OFFICER WHERE ACTION IS TO BE TAKEN EITHER BY THE COMMITTEE OR MATTERS BEING REFERRED TO THE ADJUDICATION PANEL**

The Chair reported the following decision of the Adjudication Panel for England on the appeal against the sanction determined by the Standards Committee on 20 March 2007 to censure the Appellants and require them to send an apology to the Clerk of Wheelton Parish Council in respect of their failure to declare a personal interest.

The appeal was determined under Part 3 of the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 (“the Regulations”) on written representations. The Appeals Tribunal considered the matter afresh and decided on the papers whether the above sanction was an appropriate one.

The Appeals Tribunal upheld the sanction imposed by the Standards Committee. It was of the view that the combination of a censure and a requirement for an apology was an appropriate sanction in this matter.

The Appeals Tribunal noted that this was at the lower end of the seriousness of sanctions available to Standards Committees under the Regulations. It noted that Regulation 7 allowed any one of any combination of the penalties set out there. Regulation 7(3)(i) provided for a censure and (v) for a requirement that a member submit a written apology.

The sanction imposed by the Standards Committee was appropriate given that the breach had been inadvertent and there had been no adverse consequences as a result of the breach. That said the Tribunal was of the view that this was not an insignificant breach. This was, as found by the Standards Committee, clearly a personal interest which should have been disclosed.

**RESOLVED – That**

- 1. The update be noted,**
- 2. Officers contact the Clerk of Wheelton Parish Council to confirm that the letter of apology had been received from the appellants.**

#### **07.S.45 NEWS FROM THE STANDARDS BOARD/ADJUDICATION PANEL**

The Monitoring Officer distributed "Bulletin 35" from the Standards Board for England, the bimonthly round-up of news and guidance for officers and members.

It was **AGREED** that officers email the members of the Committee with the Bulletin in future.

The Monitoring Officer advised that the Standards Board had issued some guidance, largely relating to the attendance of Executive Members at Overview and Scrutiny meetings.

The Revised Code applies to Members who are simply *present at* the meeting where the business of the Overview and Scrutiny Committee relates to a decision or action taken by another Committee of which they are a member or, in the case of Executive members, by the Executive.

This will most commonly arise where a decision is called in or where an Executive Member is asked to attend Scrutiny to explain the Executive's response to a Scrutiny report. In either of those cases though the Code is overridden by the provisions of the Local Government Act 2000 which allows Overview and Scrutiny Committees to require the attendance of Members and Officers to answer questions.

#### **07.S.46 DATES OF FUTURE MEETINGS**

It was noted that the dates for the Standards Committee meetings were 13 December 2007 at 2.00 pm and 6 March 2008 at 2.00 pm.

Chair