

Standards Committee

Agenda and Reports

For consideration on

Monday, 3rd September 2007

In Committee Room 2, Town Hall, Chorley

At 10.00 am



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Chief Executive's Office

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Date: 22 August 2007

Chief Executive: Donna Hall

Chorley
Council

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Dear Councillor/Colleague,

STANDARDS COMMITTEE - MONDAY, 3RD SEPTEMBER 2007

You are invited to attend a meeting of the Standards Committee to be held in Committee Room 2, Town Hall, Chorley on Monday, 3rd September 2007 commencing at 10.00 am.

AGENDA

1. **Apologies for absence**

2. **Declarations of Any Interests**

Members are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda. If the interest arises **only** as result of your membership of another public body or one to which you have been appointed by the Council then you only need to declare it if you intend to speak.

If the personal interest is a prejudicial interest, you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

3. **Minutes (Pages 1 - 2)**

To confirm as a correct record the minutes of the meeting of the Standards Committee held on 14th June 2007 (enclosed).

4. **Request for dispensation from Members of Chorley Borough Council**

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

The Standards Committee will determine whether a dispensation is to be granted.

5. **Feedback from the Lancashire Standards Conference (Pages 3 - 10)**

Members of the Committee and officers will give an update from the Lancashire Standards Conference held on 9 July (feedback enclosed).

Continued....

6. **Update on adoption of the Revised Code of Conduct by Parish Councils**

The Monitoring Officer will update the Committee on the adoption of the Revised Code of Conduct by Parish Councils.

7. **Feedback from the training event for Parish Council clerks**

The Monitoring Officer will present feedback from the training session held for Parish Council clerks on 23 July.

8. **Appointment of reserve Parish Council Member**

To appoint Parish Councillor Alan Cornwell as the Parish Council reserve member. The Lancashire Association of Parish and Town Councils have nominated Parish Councillor Cornwell.

9. **Parish Councils - The way forward for Mentoring**

The Chair will lead a discussion on the way forward on mentoring Parish Councils.

10. **Database and Register of Independent Members of Standards Committees**

To consider a request from the Association of Independent Members of Standards Committees in England for details of Independent Members on the Chorley Standards Committee.

11. **Standards Committee Work Plan (Pages 11 - 12)**

The Committee will consider the draft work programme arising from the discussions at the last meeting of the Committee (enclosed).

12. **The number of any allegations referred to the Standards Board since the last meeting**

Verbal update from the Monitoring Officer.

13. **The number of any allegations referred back to the Monitoring Officer where there is no further action to be taken**

Verbal update from the Monitoring Officer.

14. **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**

Verbal update from the Monitoring Officer.

15. **News from the Standards Board/Adjudication Panel**

Verbal update from the Monitoring Officer.

16. **Any other item(s) that the Chair decides is/are urgent**

Yours sincerely



Chief Executive

Distribution

1. Agenda and reports to all Members of the Standards Committee (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)) for attendance.
2. Agenda and reports to Andrew Docherty (Director of Customer, Democratic and Legal Services (Monitoring Officer)) and Ruth Hawes (Assistant Democratic Services Officer) for attendance.

This information can be made available to you in larger print or on audio tape, or translated into your own language. Please telephone 01257 515118 to access this service.

આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپ کی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون

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Standards Committee**Thursday, 14 June 2007**

Present: Mr Ellwood (Chair), Councillor Alan Cain (Vice-Chair) and Councillors Judith Boothman, Rev John Cree and Mrs Joan Geddes (Parish Council representative)

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

07.S.21 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Keith Iddon and Thomas McGowan.

07.S.22 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest by Members relating to the items on the agenda.

07.S.23 MINUTES

RESOLVED – That the minutes of the meeting of the Standards Committee held on 11 May 2007 be confirmed as a correct record and signed by the Chair.

07.S.24 REVISED CODE OF CONDUCT

The Monitoring Officer advised that the Council adopted the revised Code of Conduct, with the ten general principles of public life as a preamble, on 15 May 2007. A training event had been held for Councillors on 17 May with 20 Councillors attending. The agenda item regarding declarations of interests on all committee agendas had been updated to reflect the revised Code.

The Council had written to all Parish Councils requesting them to confirm when the Code would be adopted and whether paragraph 12.2 had been adopted. The Council had offered to publish a notice in the press, on behalf of all Parishes, giving notice that a new Code had been adopted as required by Regulations.

Copies of the form for the registration of financial and other interests devised by the Council had been forwarded to all Parish Council clerks and an invitation to training sessions in July and September for clerks and Parish Councillors would be sent out in the next week.

Guidance from the Standards Board for England on the revised Code had been sent to all Borough and Parish Councillors.

RESOLVED – That

- 1. The update be noted,**
- 2. All Councillors who did not attend the training session on 17 May 2007 be requested to sign a confirmation slip confirmed that they had received and read the Guidance for Members on the Revised Code of Conduct.**

07.S.25 DEVELOPING A WORK PLAN FOR THE STANDARDS COMMITTEE

The Chair led a discussion on the creation of a work plan for the Standards Committee. The points would be formed into a draft work plan and presented to the next meeting of the Committee.

The topics included:

- Use of Council resources – protocols
- Guidance on confidential information
- Member/Officer protocol
- Developments from the Adjudication Panel (caselaw)
- Parish 'mentoring'
- Local filtering
- Partnerships
- Planning Code of Conduct

07.S.26 THE NUMBER OF ANY ALLEGATIONS REFERRED TO THE STANDARDS BOARD SINCE THE LAST MEETING

2.

07.S.27 THE NUMBER OF ANY ALLEGATIONS REFERRED BACK TO THE MONITORING OFFICER WHERE THERE IS NO FURTHER ACTION TO BE TAKEN.

2.

07.S.28 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.

An appeal on the recent Local Hearing would be heard by the Adjudication Panel.

07.S.29 ANY OTHER ITEM(S) THAT THE CHAIR DECIDES IS/ARE URGENT

The Chair highlighted the need for all Councillors to complete the 'financial and other interests form'.

The members were reminded that an event would be held on 9 July hosted by Lancashire County Council at the Woodlands Conference Centre. The event aimed to share experiences and formulate ideas for joint working and support on a range of standards issues. The revised Code and preparations for the local filtering of complaints from next year would also be considered.

The Committee discussed the work of the Standards Sub-Committee and its membership.

RESOLVED – That

1. **A reminder letter be sent to those Councillors who had not returned a completed financial and other interest form,**
2. **The Democratic Services officer contact the Councillors not present at the meeting to confirm their attendance at the event on 9 July,**
3. **The membership of the Standards Sub-Committee be Mr Ellwood, Rev Cree and Councillor Alan Cain.**

Chair

**Lancashire Standards Conference
Monday 9th July 2007**

Morning Workshops Feedback

Independent Members

General Issues

- Lack of public awareness
- Independent Members can do a lot to promote the background to Standards
- Improve Public Relations/Publicity
- Representation across all ages/ethnic groups/experience

Would you be prepared to sit on more than one Standards Committee?

- Demand on time
- Time available from employers – Industry/Commerce
- Fewer people prepared to do voluntary work

Would you have responded to an advertisement which sought Members for more than one Standards Committee?

- Depends on why people volunteered, for example whether they volunteered for their own Local Authority or whether it was skills for all
- All down to time
- Need to balance demands
- Only for own Local Authority

Do Independent Members feel they have sufficient awareness of how local government works?

- Training is ok at present
- Advertising should include more information about knowledge base

What difficulties do you see with the new code?

- Increased demand on time
- Precedents on previous decisions?
- Need to understand previous decisions
- An assessment/investigation would require different people

Would further training be helpful?

- Over trained already. A need to actually undertake the role

- Guidance from officers may be helpful
- Role play/Videos would help

Questions for Standards Board

- How long should the complaints process take?
- How do you deal with complaints which carry on without justification?
- Centralisation of Experience?
- Any video/training pack?

Elected Members

How do you see the role of the Standards Committee Members in guiding other Members of the authority? Should it be formal/informal? Does it work at the moment?

- Information meetings for all Councillors and Independent Members - informal
- Must invite Parish Councils and there must be training specifically for Parish Councils
- Formal and Informal meetings can work together
- It would be good training for District Councils to invite Parish Council Clerks
- Parish Councils are short of time - at least the Chair and Clerk of a Parish Council should be trained
- Neighbourhood forums/councils require some training too
- If cases are heard by neighbouring Authorities training is vital
- Training should be compulsory
- Code should apply to MPs too, refusals by Parish Councils to sign up to code until MPs do

What do you think about then new rules on declaring interests? Are there any potential areas of difficulty?

- Parish Councils see declaring membership of some bodies (National Trust) as petty
- Examples should be given of things which should be declared
- Often bullet points are too simple - need for greater elaboration

What could usefully be done to make sure Members of Authorities are clear about the provisions of the New Code?

- Training must ensure that Councillors know that outside bodies must be declared

- Need for a time limit - 3 months should be ample time for a complaint to be dealt with
- Councillors don't find out about complaints until too late in the process
- What is the difference between supporting residents at planning committees and prejudicial interest?
- Can legal action be taken if confidential information is disclosed at a Planning Committee

Do members of your Authority complain about different practice between Authorities?

- Difficult enough to understand your own Authority's practices
- Need to look into practice in across County boundaries
- It is only a problem being on different Authorities if ambiguities arise
- Need for greater and more obvious co-operation between Authorities

Is there anything in the Code you would like to see altered?

- Why are discussions between Developers and Councillors permissible?
- Why is a Cabinet Member with an agenda able to speak and vote?

What Joint Working between Authorities would you like to see?

- Should be self sufficient
- Must be designed that the public perceive fairness
- Confidentiality is vital if going outside your own Authority
- It is vital that papers do not go astray – scope for more confusion if more than 1 Authority involved

Officers

Members of more than one authority - Protocol required as to dealing with complaints?

- Need base regulations to help plan in good time
- What Guidance does the Standards Board for England use now?
- How is criminal conduct dealt with under different schemes?

Parish Issues

- How many complaints over the last 3 years – filtered; local and SBE
- Complaints are likely to rise
- Confusion/misunderstanding among complainants
- Major resource implications
- Clear Guidance on criteria is required
- Education of Parish Councils and Clerks
- Training
- Local filtering will give opportunity to work more closely with Parishes

Possible areas of joint working for example; Training, Investigations and Recruitment of Independent Members

- Informal joint working between Blackburn with Darwen and Burnley
- Time and human resources may make it difficult
- Where are the criteria and how do we have to follow them?
- Contracting out investigations to the private sector would be costly
- Insufficient resources for a cross Lancashire protocol
- One person to be employed across Lancashire? – variable workloads
- Capacity of Standards Committees - need to avoid creating a very large regional unit for joint working, small clusters would be preferable
- How to gain public and Members' credibility of investigations and findings
- Difficulties in recruiting Independent Members – possibly a register that other authorities could tap into
- Separate Standards Committees with some joint working for hearings

Knotty Issues

- Guidance p 25 - is there a conflict with the Act?
- Experience of “improperly influence” will be interesting
- If local rules restrict public speaking to certain categories – will Members have to meet these rules in order to speak
- Gifts and hospitality

Lancashire Standards Conference

Workshop Questions put to Paul Hoey, the Standards Board for England

Answers from Paul Hoey to each question are shown in *Italics*.

Elected Members

1. Why is it ok for Cabinet Members to sit on Planning Committees and not the reps from local representative groups?

More detailed Guidance to follow. Clearly there may be circumstances where Members are more affected than others.

2. How can the public be aware that Members have been advised by legal officers not to participate?

This relates to predetermination which is covered by common law. The Standards Board will issue further guidance.

3. Introduce time limits for consideration of complaints from beginning to end.

The vast majority of complaints are rejected at first stage. This will have to be developed locally on local issues and circumstances. Time limits should not be imposed but the Standards Board will monitor this.

4. Knowing about accusations as soon as possible and not midway through the investigation.

Initial consideration is given on whether there is a case to answer at all. The Standards Board view after early experience was that Members would only be notified at the stage when it is decided either not to pursue the case or refer for investigation.

5. Can Members be sued if they discuss confidential information in planning committees?

Members would need to take legal advice. A member would not be covered by qualified privilege.

6. Should there be a time limit for the submission of evidence in the support of a complaint?

Yes, but the period would depend on the nature of the case. The Standards Board has mechanisms for this. A Member under investigation will always know what the complaint is. Time limits will generally be imposed but discretion can't be fettered especially in serious cases.

Officers

1. Need data from the Standards Board on Parish complaints to assess resources.

Parish Council complaints make up about 80% of all complaints. The number in individual areas could be quantified.

2. Need clarification on advice in the guidance and code on a) speaking when Members have prejudicial interests and b) register of Gifts and hospitality c) clarification on what is meant by improperly influencing.

a) Speaking when having prejudicial interests is allowed where the public also have the right to speak.

b) The wording in the Code is awkward, but the Standards Board Guidance clarifies the position that it is the Gift that should be declared.

c) For instance a Leader could influence a position if he or she speaks on it - this is not allowed.

3. Concern at timing of new regulations on Local Filtering – need early to setup new procedures

It is expected that the Bill will receive Royal Assent in October and implementation by April 2008. The Standards Board agrees that early Regulations are required and are in discussions with the DCLG. Local Authorities could lobby direct on this issue.

4. Need protocols on dealing with complaints against dual-hatters – Standards Boards may have material.

The Standards Board is also concerned about this, and will be looking at it. There aren't any present ground rules.

Chairs Deputies

1. Should Chair/Deputy chairs be Independent? Will this be mandatory?

The Bill specifies that the Chair should be an Independent Member but not Deputy Chairs. However Local Authorities have local discretion on this.

2. Will there be a requirement that different Committee Members should deal with each stage of the process? Filtering/adjudication/appeal – if so there will be resource issues.

This may not be in statute but natural justice suggests that this should be the case. The Adjudication and Filtering stages could possibly involve the same Committee Members but it would be better to have a different membership. The Standards Board is very keen on Authorities having joint arrangements and are piloting on this issue.

Independent Members

1. Require Standards Board assistance with role play training/official DVD on role-play.

The Standards Board will be issuing Guidance on training. The Website does have access to some scenarios. Capacity limits the amount of training possible and therefore this will be focused at Regional level.

2. Guidance on how long the process should take from beginning to end?

The Standards Board will be monitoring this.

3. How to deal with vexatious litigants?

All complaints will have to be considered on merit, but Authorities might wish to have trigger mechanisms through databases/monitoring etc.

4. Need to centralise experience.

The Standards Board will be collating information on this for consistency and will test this out with some Authorities.

5. More publicity required from the Standards Board and Local Authorities on the standards regime and standards committees.

It is not the role of the Standards Board to communicate with the public. Publicity shouldn't make the area too easy nor too difficult.

6. Support from the SB in recruiting wider cross section of the public as Independent Members.

The Standards Board will look at this and share best practice information.

Standards Committee Work Programme 2007/200803-Sep-07

Request for dispensation from Members of Chorley Borough Council
 Feedback from the Lancashire Standards Conference
 Update on adoption of the Revised Code of Conduct by Parish Councils
 Feedback from training event for Parish Council clerks
 Appointment of reserve Parish Council Member
 Parish Councils - The way forward for Mentoring
 Database and Register of Independent Members of Standards Committees
 Standards Committee Work Plan
 The number of any allegations referred to the Standards Board since the last meeting
 The number of any allegations referred back to the Monitoring Officer where there is no further action to be taken
 or matters being referred to the Adjudication Panel
 News from the Standards Board/Adjudication Panel

13-Dec-07

Local filtering
 Feedback from the Standards Board for England Conference
 Use of Council resources – protocols, including the Members Induction Pack
 Guidance note on gifts/hospitality for the Mayor
 The number of any allegations referred to the Standards Board since the last meeting
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06-Mar-08

Partnerships

Publicity

Guidance on confidential information

The number of any allegations referred to the Standards Board since the last meeting

The number of any allegations referred back to the Monitoring Officer where there is no further action to be taken

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News from the Standards Board/Adjudication Panel

Other Topics

Planning Code of Conduct