



Standards Committee

Agenda and Reports

For consideration on

Thursday, 16th June 2011

In Committee Room 1, Town Hall, Chorley

At 2.00 pm



www.chorley.gov.uk

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08 June 2011

Dear Councillor/Colleague,

STANDARDS COMMITTEE - THURSDAY, 16TH JUNE 2011

You are invited to attend a meeting of the Standards Committee to be held in Committee Room 1, Town Hall, Chorley on Thursday, 16th June 2011 commencing at 2.00 pm.

AGENDA

1. **Welcome and Introductions**
2. **Apologies for absence**
3. **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.

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

To confirm the minutes of the Standards Committee meeting held on 9 December 2011 (enclosed)

5. **Current state of the Standards regime**

The Monitoring Officer will present a verbal update.

6. **Assessment Committee Update Report (Pages 3 - 4)**

To receive and consider the enclosed report of the Monitoring Officer.

7. **Training update report (Pages 5 - 24)**

To receive and consider the enclosed report of the Monitoring Officer.

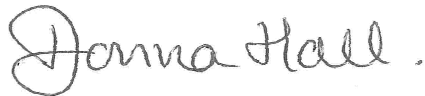
8. **Town and Parish Councils Mentoring Scheme (Pages 25 - 26)**

The Committee will receive and consider the enclosed allocation of mentors to the 22 Parish Councils within Chorley for this municipal year.

9. **Appointment of Standards Sub Committee**

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

Yours sincerely



Donna Hall CBE
Chief Executive

Dianne Scambler
Democratic and Member Services Officer
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Distribution

1. Agenda and reports to all Members of the Standards Committee (Tony Ellwood (Chair), Councillor Debra Platt (Vice Chair) and Councillors Marie Gray, Catherine Hoyle, Marion Lowe, Stella Walsh, Hugh Evans (Independent Member), Gwynne Furlong (Independent Member), Bill Mason (Parish Council representative) and Tony Wilson (Parish Council Representative) for attendance.
2. Agenda and reports to Dianne Scambler (Democratic and Member Services Officer) and Alex Jackson (Senior Lawyer) for attendance.
3. Agenda and reports to Chris Moister (Head of Governance) for information.

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 آپکی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون
کیجئے: 01257 515823

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Standards Committee**Thursday, 9 December 2010**

Present: Tony Ellwood (Independent Chair), Councillor Debra Platt (Vice-Chair) and Councillors Marie Gray, Laura Lennox, Stella Walsh, Hugh Evans (Independent Member), Gwynne Furlong (Independent Member), Eileen McGhee (Parish Council Representative), Bill Mason (Parish Council representative) and Tony Wilson (Parish Council Representative)

Officers in attendance: Chris Moister (Head of Governance / Monitoring Officer) and Dianne Scambler (Democratic and Member Services Officer)

10.S.157 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Judith Boothman.

10.S.158 DECLARATIONS OF ANY INTERESTS

No declarations of any interest were declared.

10.S.159 MINUTES

RESOLVED – That the minutes of the Standards Committee meeting held on 16 September be held as a correct record for signing by the Chair.

10.S.160 NEWS FROM STANDARDS FOR ENGLAND

The Monitoring Officer circulated information that had been received by the Council on the future proposals regarding the abolition of the Standards Board regime.

It was reported that subject to Parliament approving the necessary legislation, the changes would be as follows:

- The Relevant Authorities (General Principles) Order 2001, which sets out the principles which govern the conduct of members and co-opted members of relevant authorities in England and police authorities in Wales be revoked.
- The Local Authorities (Model Code of Conduct) Order 2007 which prescribes the model code of conduct to apply to members of relevant authorities, will be revoked.
- The requirement for local authorities to have standards committees will be abolished.
- Standards for England (formally known as the Standards Board for England) will be abolished. Established by the Local Government act 2000 and the regulator for local authority standards committees, the Standards Board requires primary legislation to abolish it and its legislative functions. None of the Standards Boards functions will be transferred to other bodies.
- The First-tier Tribunal (Local Government Standards in England), the independent judicial tribunal established as a disciplinary body to hear and determine references and appeals concerning the conduct of local authority councillors, will lose its jurisdiction over the conduct of local authority members.

It is intended to effect the abolition of the Standards Board regime through the Localism Bill. It is anticipated that the Bill would be laid before Parliament in December and would receive Royal Assent in late 2011.

RESOLVED – That the information be noted.

10.S.161 CASES UPDATE

The Monitoring Officer presented a verbal report outlining recent cases which had been considered nationally.

RESOLVED – That the report be noted.

10.S.162 THE NUMBER OF ALLEGATIONS RECEIVED AND ASSESSED BY THE STANDARDS COMMITTEE SINCE THE LAST MEETING.

Four

10.S.163 FEEDBACK FROM VISITS TO TOWN AND PARISH COUNCILS

Members updated the Committee on their visits to Parish Councils. The feedback was positive and the visits achieved the aim of raising awareness of the Committee and its role.

The remaining two Parish Councils would be allocated to the newly appointed Member of the Standards Committee.

RESOLVED 1. That the schedule recording the visits to Parish Councillors be updated, including Committee Members who were not present at the meeting.

2. That the Democratic and Member Services Officer would provide the details of the remaining two Parish Council to the newly appointed Member of the Standards Committee.

10.S.164 WORK UNDERTAKEN TO PROMOTE THE CODE OF CONDUCT

The Monitoring Officer provided a verbal report of the Code of Conduct for Parish Councillors training session that had taken place on 8 December 2010. Seven parish councillors/clerks had attended the session and the feedback had been extremely positive.

RESOLVED – That the report be noted.

10.S.165 STANDARDS COMMITTEE WORK PROGRAMME

The Committee discussed the Work Programme and following the recent news that the Standards Board regime was to be abolished the Committee decided to consider an alternative proposal that could be submitted to the Executive Cabinet on a local alternative.

RESOLVED – That the Work Programme be amended.

Chair

Report of	Meeting	Date
Monitoring Officer	Standards Committee	16/06/2011

UPDATE : MATTERS RECEIVED BY THE ASSESSMENT SUB-COMMITTEE

PURPOSE OF REPORT

To update the Standards Committee on the progress of matters received by the Assessment Sub-Committee.

RECOMMENDATION(S)

To note the content of the Report.

REPORT

1. The Assessment Sub-Committee has been convened on 2 occasions since the last meeting of the Standards Committee.
2. The first matter was referred to the Monitoring Officer for investigation and in consultation with the Chair of the Standards Committee and the members of the Assessment Sub-Committee, has now been discontinued.
3. The second matter was also referred for investigation. The investigation is now progressing and the Monitoring Officer expects to be reporting to the Committee shortly.
4. Further details will be provided to the Committee in due course.

Chris Moister

Monitoring Officer

Report Author	Ext	Date	Doc ID
CHRIS MOISTER	5160	6 June 2011	

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Report of	Meeting	Date
Monitoring Officer	Standards Committee	16 June 2011

STANDARDS TRAINING

PURPOSE OF REPORT

To inform the Standards Committee of the training provided to new members and new parish members.

RECOMMENDATION(S)

To note the content of the Report.

REPORT

1. At the recent local elections 7 new members were elected to Chorley Council. A training session was organised aimed specifically at the new members but being open to all members of the Council and to Parish Members.
2. The session formed part of the Council's member development programme.
3. The session was presented by the Council's Monitoring Officer and provided an overview of the Council's Code of Conduct and made specific reference to:-
 - a. The 10 General Principles of Public Life;
 - b. Personal Interests;
 - c. Prejudicial Interests;
 - d. Registration of Interests;
 - e. Common Law Bias and Predetermination.
4. Handouts were provided to include a 2 page summary of the code prepared by the Monitoring Officer and a copy of a slide show presentation obtained from Standards for England.
5. Scenarios were also used in the training to enable those attending to put the principles considered into practice.
6. Copies of all the training materials are attached to this report for information.
7. The session was well attended and received with 10 members and 7 parish members attending. All but one of the new Chorley Council members attended and there will be a further session provided, to be arranged directly with the member concerned.

Chris Moister

Monitoring Officer

Report Author	Ext	Date	Doc ID
CHRIS MOISTER	5160	6 June 2011	

Standards

What is the Code of Conduct?

Document issued by central government and adopted by Councils

What is its purpose?

To provide acceptable standards of behaviour.

Is a shield rather than a sword.

What is it made up of?

10 principles of Public life (1)**General Obligations**

- Treat others with Respect
- Complying with equality laws
- Bullying or Harassment
- Not to Compromise the impartiality of officers of the authority
- Not to disclose confidential information (subject to exceptions)
- Not to prevent access to information
- Not to bring office or authority into disrepute
- Not to use position improperly
- Not to misuse council resources (political elements)
- To consider and have regard to advice received from the MO and CFO

Consideration of Business

- Personal Interests
 - o Interests registered
 - o Interests that affect your financial position or well-being or that of your family or close associates more than the majority of your ward residents or authority area
- effect is that you must declare but may remain and speak on the business
- Prejudicial Interest
 - o Personal Interest that
 - Affects your personal financial position or someone through whom you have a personal interest
 - Affects licence permission or consent for which you have a personal interest
 - Is so significant a member of the public in possession of all relevant facts would think your judgement of the public interest is affected.
- you should declare and leave the meeting, although you have the same rights to address the meeting as a member of the public, ie you should leave the meeting during any deliberation and decision.

**Code of Conduct only applies where you are acting in the course of your business as a councillor or holding yourself out as such.
Common Law**

Bias and Predetermination

This is triggered where a member expresses a view on council business prior to its consideration.

Members are allowed to have a lawful predisposition – recognises that members may be elected on certain platforms or are there to represent communities.

Not allowed to have an unlawful predetermination.

Difference?

Predisposition means member open to persuasion just that is their starting position

Predetermination means they are unlikely to be persuaded away from their stance (closed mind).

Code – v – Common Law

Code is personal to members if breached sanctions are against the member personal and can lead to disqualification as a councillor

Common Law affects decisions of the council and can lead to the challenge of those decisions.



Standards
for England



The Code of Conduct

Training presentation

Introduction

- Model Code of Conduct came into force on 3 May 2007
- Available from the Standards for England's website www.standardsforengland.gov.uk
- Code applies to all members and co-opted members of local authorities. Code does NOT apply to authorities as a whole or to officers or employees of authorities

General obligations

- treat others with respect
- comply with equality and discrimination laws
- don't bully any person
- don't intimidate or attempt to intimidate any person involved or likely to be involved in a Code complaint
- don't compromise the impartiality of officers

General obligations continued...

- don't prevent access to information
- members must not use their position improperly
- use resources for proper purposes only
- consider advice provided and give reasons for decisions taken

Confidential information

Members must not disclose confidential information except where:

- they have the consent of the person authorised to give it
- they are required by law to do so
- the disclosure is reasonable and in the public interest and made in good faith and does not breach any reasonable requirements of the authority

Personal interests

A member has a personal interest where the matter:

- relates to an interest they must register
- affects the well-being or financial position of them, members of their family or their close associates, *more than it would affect the majority of people in the ward / parish affected by the decision*
- if a member declares a personal interest they can remain in the meeting, speak and vote on the matter – unless the personal interest is also prejudicial

Exemption to the rule on declaring personal interests

- An exemption to declaring a personal interest applies when the interest arises solely from a member's membership of or position of general control or management on:
- any other body to which they have been appointed or nominated by the authority
 - any other body exercising functions of a public nature (e.g. another local authority)

Exemption to the rule on declaring personal interests continued...

- in these exceptional cases, provided the member does not have a prejudicial interest, they only need to declare their interest if they speak
- if the member does not want to speak to the meeting, they may still vote on the matter without making a declaration

Prejudicial interests

A personal interest is prejudicial if all of the following conditions are met:

- the matter affects the member or a relevant person or body's financial affairs and/or
- the matter relates to the determining of any approval, consent, licence, permission or registration that is brought by the member, a relevant person or body

(Continued on next slide)

Prejudicial interests continued...

- a member of the public who knows the relevant facts would reasonably think the personal interest is so significant that it is likely to prejudice the member's judgement of the public interest
- the matter does NOT fall within one of the exempt categories of decisions under paragraph 10(2)(c)

Prejudicial interests and paragraph 12(2)

- A member with a prejudicial interest may make representations, answer questions and give evidence before leaving the room, provided that members of the public are allowed to attend for the same purpose

What can a member do/not do when they have a prejudicial interest?

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What a member cannot do:

- exercise executive functions in relation to that business
- seek to improperly influence a decision about that business
- stay in the room when the business is being discussed (after speaking if they have been allowed to)

What can a member do/not do when they have a prejudicial interest?

What a member can do:

- make written representations in their private capacity
- use a professional representative to act on their behalf
- get another member to represent the views of their constituents

Parish Councils and paragraph 12(2) (optional slide)

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- parish councils not covered by 12(2) if they adopt Model Code
- members will not be able to speak when they have a prejudicial interest unless the council has adopted 12(2)
- parish councils can adopt Standards for England's Model Code for parishes which includes 12(2)

Gifts and hospitality

- members must register gifts and hospitality worth £25 or over that they receive
- the source of the gift must be registered
- the gift and source must be registered within 28 days of receiving it
- members have a personal interest in a matter that is likely to affect the source of their gift
- after 3 years the obligation to disclose the interest at meetings ceases

Resources on the Code

- Standards Board guidance at www.standardsforengland.gov.uk
- The Code of Conduct: Guide for members
- Pocket guide to the Code of Conduct
- Training DVD
- Case Review 2007 – Code Q&A





Parish Council Mentoring 2011/2012

Parish Council	Committee Mentor
Adlington	Bill Mason
Anderton	Marie Gray
Astley Village	Tony Wilson
Bretherton	Debra Platt
Brindle	Cath Hoyle
Charnock Richard	Bill Mason
Clayton-Le-Woods	Stella Walsh
Coppull	Cath Hoyle
Croston	Marie Gray
Cuerden	Gwynne Furlong
Eccleston	Tony Ellwood
Euxton	Marion Lowe
Heapey	Hugh Evans
Heath Charnock	Tony Ellwood
Heskin	Stella Walsh
Hoghton	Debra Platt
Mawdesley	Marion Lowe
Rivington	Hugh Evans
Ulnes Walton	Debra Platt
Wheelton	Tony Wilson
Whittle-Le-Woods	Tony Ellwood
Withnell	Gwynne Furlong

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