



Standards Committee

Agenda and Reports

For consideration on

**Thursday, 15th September
2011**

In Committee Room 1, Town Hall, Chorley

At 2.00 pm

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05 September 2011

Dear Councillor/Colleague,

STANDARDS COMMITTEE - THURSDAY, 15TH SEPTEMBER 2011

You are invited to attend a meeting of the Standards Committee to be held in Committee Room 1, Town Hall, Chorley on Thursday, 15th September 2011 commencing at 2.00 pm.

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 - 4)**

To confirm the minutes of the Standards Committee meeting held on 16 June 2011 as a correct record for signing by the Chair.

4. **Update on the Abolition of the Standards Regime (Pages 5 - 6)**

To consider the enclosed report of the Monitoring Officer.

5. **Sub Committee's Update**

A verbal update will be reported at the meeting.

6. **Feedback from visits to Town and Parish Councils**

Members of the Committee will give feedback on their visits to Town and Parish Councils.

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

Yours sincerely



Gary Hall
Chief Executive

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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 Chris Moister (Head of Governance / Monitoring Officer) and Dianne Scambler (Democratic and Member 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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کیجئے:

Standards Committee**Thursday, 16 June 2011**

Present: Councillors Debra Platt (Vice Chair in the Chair), Marie Gray, Stella Walsh, Gwynne Furlong (Independent Member), Bill Mason (Parish Council representative) and Tony Wilson (Parish Council Representative)

Officers in attendance: Dianne Scambler (Democratic and Member Services Officer) and Alex Jackson (Senior Lawyer)

11.S.01 APPOINTMENT OF CHAIR

The Vice Chair, Councillor Debra Platt took the Chair.

11.S.02 APOLOGIES FOR ABSENCE

Apologies for absence were received from the Chair Tony Ellwood and Hugh Evans (Independent Members) and Councillors Cath Hoyle and Marion Lowe.

11.S.03 DECLARATIONS OF ANY INTERESTS

No declarations of any interest were received.

11.S.04 MINUTES

That the minutes of the Standards Committee meeting held on 9 December 2010 be held as a correct record for signing by the Chair.

11.S.05 CURRENT STATE OF THE STANDARDS REGIME

The Senior Solicitor, Alex Jackson provided Members with an update on the abolition of the Standards Regime. It was explained that there are provisions in the Localism Bill:

- to abolish Standards for England
- to remove the Standards for England jurisdiction over member conduct
- to remove the national Code of Conduct for councillors and the requirement to have a standards committee
- to allow councils to choose whether or not they wish to have a local code or a standards committee
- to create a criminal offence relating to failure to register or declare interests. Prosecutions will only be able to be brought with permission of DPP (fine £5000)

Provisionally the Standards Board anticipate that they will stop investigating complaints in late 2011 and be abolished in early 2012.

Transitional arrangements are now in place and Members considered the impact of these particularly in view of the fact that under the new arrangements Parish Councils would be responsible for their own conduct issues.

RESOLVED – That the information be noted.

11.S.06 ASSESSMENT COMMITTEE UPDATE REPORT

The Committee received a report updating them on the progress of matters considered by the Standards Assessment Sub Committee.

The Assessment Sub Committee had been convened on two occasions since the last meeting of the Standards Committee on 9 December 2010.

The first matter had been referred to the Monitoring Officer for investigation and in consultation with the Chair of Standards Committee and the Members of the Sub Committee, had now been discontinued.

The second matter had also been referred for investigation and was still progressing. The Monitoring Officer expected to report on his findings to the next Committee.

RESOLVED – That the report be noted.

11.S.07 TRAINING UPDATE REPORT

The Committee were informed of the training that had been provided to new Members of the Borough and Parish Councils.

At the recent local elections 7 new Members were elected on to Chorley Council. A training session was held on 6 June 2011, aimed specifically at the new Members but open to all Members of the Council and newly elected Parish Councillors.

The session was presented by the Council's Monitoring Officer along with the Chair of the Standards Committee, and provided an overview of the Council's Code of Conduct. Handouts were provided and a copy of the slide show presentation was obtained from Standards for England.

Scenarios were also used in the training to enable those attending to put the principle considered into practice.

The session was well attended with 10 Borough Members and 7 Parish Councillors attending. All but one of the new Chorley Councillors attended and a further session will be provided on a one-to-one basis for the Member concerned.

RESOLVED – That the report be noted.

11.S.08 TOWN AND PARISH COUNCILS MENTORING SCHEME

The main aim of the scheme is to was promote awareness of the Code of Conduct and the Chorley Standards Committee.

The mentors would act as a contact point for queries and attend meetings of their allocated Town and Parish Councils at least once a year. Mentors would not give advice on specific cases or deliver detailed training as these should be referred to the Monitoring Officer. Members of the Committee had been allocated different Parish Councils so that they could widen their experiences.

The mentoring scheme was offered in addition to the training every year for Parish Councils.

RESOLVED – That the Democratic and Member Services Officer would write to Committee members and Parish Council clerks to confirm the details.

11.S.09 STANDARDS FOR ENGLAND - CASES UPDATE

The Committee received a verbal report outlining recent cases that had been considered nationally by the First –tier Tribunal (Local Government Standards in England) around treating Members with respect.

RESOLVED – That the report be noted.

11.S.10 APPOINTMENT OF STANDARDS SUB COMMITTEE

The Chair advised the Committee that the purpose of the Sub-Committee was to review the financial and other interests registers for both Borough and Parish Councillors.

Most of the annual returns had been receipted and would soon be ready for inspection.

The meetings of the Sub-Committee had already been agreed as part of the calendar of meeting for the year and were to be held on 7 September 2011 and 22 February 2012.

RESOLVED

- 1. That the update be noted.**
- 2. That the membership of the Standards Sub-Committee for the ensuing Municipal Year be Tony Ellwood (Independent Member), Gwynne Furlong (Independent Member) and Bill Mason (Parish Councillor)**

Chair

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Report of	Meeting	Date
Monitoring Officer	Standards Committee	15 September 2011

UPDATE ON THE ABOLITION OF THE STANDARDS REGIME

PURPOSE OF REPORT

1. To update members' on the abolition of the Standards regime and proposals for replacement at local level on a voluntary basis.

RECOMMENDATION(S)

2. To note the content of the report.

EXECUTIVE SUMMARY OF REPORT

3. Members received a verbal update on the impending abolition of the current regime at Standards Committee on 16 June 2011 and an earlier written report on 9 December 2010. The Localism Bill includes the following provisions:
 - to abolish Standards for England (formerly known as the Standards Board for England)
 - to remove the Standards for England jurisdiction over member conduct
 - to remove the National Code of Conduct for councillors and the requirement for councils to have a standards committee
 - to allow councils to choose whether or not they wish to have a local code or a standards committee
 - to create a criminal offence relating to failure to register or declare interests. Prosecutions will only be able to be brought with permission of the Director of Public Prosecutions (with a maximum fine of £5000 and/or disqualification from being elected or co-opted to local office of up to 5 years)

Provisionally the Standards Board anticipate that they will stop investigating complaints in late 2011 and be abolished in early 2012. This timetable is subject to the provisions becoming law and then being brought into force. The relevant provisions are expected to become law at the end of this year or early in 2012.

There will no successor body to Standards for England.

4. Details of the proposed transitional arrangements have been published. If complaints are made under the current rules and are still being investigated on the date that the legislation comes into force then the complaints will still be investigated but only by the Council. There will be no appeal to the Standards Board after the legislation comes into force and the Council will only be able to censure members or recommend training and not suspend them. No complaints under the current standards regime will be possible once the legislation is brought into force.

5. After abolition of the current system standards will be dealt with locally. Authorities will be under a legal duty to promote high standards amongst members and co-opted members but there will be no legal requirement to have standards committees or an enforceable code of conduct. Councils can devise their own procedures. The adoption of a code or revision or withdrawal of the current code must be published locally although the means by which changes are published is not prescribed. They may choose to retain a standards committee. The standards committee will not be able to suspend or disqualify members. The Council will no longer be under duty to advise parishes in relation to conduct issues. Consequently there will be no need for parish representation on any retained standards committee.

A voluntary code could be adopted by full Council if members thought it appropriate. It may not include the sanctions of suspension or disqualification.

The Monitoring Officer will still maintain a Register of Members' Interests. Failure to declare interests without reasonable excuse will constitute a criminal offence as described in paragraph 3 above.

Report Author	Ext	Date	Doc ID
Alex Jackson	5166	***	***

Background Papers			
Document	Date	File	Place of Inspection
Letter from Communities and Local Government	8 March 2011	***	Legal Services Town Hall