

Standards Committee

Thursday, 18 June 2009

Present: Tony Ellwood (Independent Chair), Councillor Mike Devaney (Vice-Chair) and Councillors Judith Boothman, Catherine Hoyle, Debra Platt, Joan Geddes (Parish Council Member), Bill Mason (Parish Council representative) and Alan Platt (Parish Council representative)

Officers in attendance: Andrew Docherty (Director of Governance - Monitoring Officer), Alex Jackson (Senior Lawyer) and Ruth Rimmington (Democratic and Member Services Officer)

09.S.81 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the meeting, in particular the new Committee members.

09.S.82 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Stella Walsh and John Cree (Independent Member).

09.S.83 MINUTES

RESOLVED – That the minutes of the meeting of the Standards Committee held on 5 March 2009 be confirmed as a correct record and signed by the Chair.

09.S.84 DECLARATIONS OF ANY INTERESTS

No Members declared an interest in items under consideration on the agenda.

09.S.85 NEWS FROM THE STANDARDS BOARD

The Monitoring Officer presented recently published guidance on other action which offered information on when “other action” would be appropriate. This included systemic problems and where several members, or indeed a whole authority, could be included in action the Monitoring Officer could be asked to take.

Once an allegation had been referred to the Monitoring Officer to take steps other than investigation, those steps were limited to arranging for training, a process of conciliation or such other steps considered appropriate. There was not a power that allows the case to be referred on for investigation if these options were subsequently perceived to have failed.

The Committee discussed the possibility of an adjournment to seek information from the Member on the acceptance of training or reconciliation. It was noted that other action would only be appropriate in limited circumstances.

The Monitoring Officer also reported that recent research showed 90% of Councillors support the standards regime and nearly 90% support the move to local investigation.

RESOLVED – That the update and other action guidance be noted.

09.S.86 ANNUAL RETURN TO THE STANDARDS BOARD FOR ENGLAND

The annual return to the Standards Board was considered. The Committee noted that, along with the annual report, the information evidenced how proactive the Committee had been this year.

RESOLVED

- 1. The annual return be noted.**
- 2. The annual return be added to the annual report it be reported to Council in July.**
- 3. To enclose the annual return and annual report to the Parishes in the Chorley area.**

09.S.87 CASES CONSIDERED BY THE ADJUDICATION PANEL FOR ENGLAND

The Committee received the report of the Monitoring Officer advising of recent cases which have been considered nationally.

Ten decisions of the Adjudication Panel had been published since the last meeting of the Standards Committee. Six of these related to appeals against a Standards Committee decision and the remaining four were cases investigated in the first instance by Ethical Standards Officers.

The Ellistown and Westbury decisions essentially highlighted the same issue, relating to the need for investigator's reports and Standards Committee's findings to demonstrate clearly what evidence was relied upon to establish breaches of the Code.

The Middlesborough case was the most recent in a line of decisions from both the Panel and Courts dealing with the vexed question of when a Councillor was acting in his or her official capacity.

According to statistics recently published by the Standards Board only 6.2% of cases considered by Standards Committees were now being referred to the Standards Board for investigation.

RESOLVED – That the report be noted.

09.S.88 THE STANDARDS COMMITTEE (FURTHER PROVISIONS) (ENGLAND) REGULATIONS 2009

The Monitoring Officer presented an information report advising Members of new Regulations which allow the Standards Board for England to suspend the initial assessment functions of local authorities and enable authorities to set up joint Standards Committees. The Regulations also empowered Standards Committees to grant dispensations to Members who would otherwise not be able to participate in authority business because of a prejudicial interest. The Regulations came into force on 15 June 2009. The Committee had considered the consultation paper in relation to these Regulations in February 2008.

Members noted that some Standards Committees in Lancashire have considered joint Committees. This would be useful for dealing with a dual hatted Members, but the Regulations don't allow this.

RESOLVED – That the report be noted.

09.S.89 PARISH COUNCIL MENTORING

The Chair outlined the background to the mentoring scheme, advising it had been in operation successfully for the previous two years. The main aim of the scheme was promoting awareness of the Code of Conduct and the Chorley Standards Committee.

The mentors acted as a contact point for queries and attend meetings of the Parish Council 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.

The mentoring scheme was in addition to the training offered every year for Parish Councils. Members noted that differing responses are received from each parish.

The Committee allocated mentors to the 22 Parish Councils within Chorley for this municipal year.

RESOLVED –

1. The Parish Council mentor allocation be confirmed as:

Parish Council	Committee Mentor
Adlington	Stella Walsh
Anderton	Joan Geddes
Astley Village	Tony Ellwood
Bretherton	Bill Mason
Brindle	Debra Platt
Charnock Richard	Gwynne Furlong
Clayton-Le-Woods	Judith Boothman
Coppull	Alan Platt
Croston	Hugh Evans
Cuerden	Tony Ellwood
Eccleston	Gwynne Furlong
Euxton	Judith Boothman
Heapey	Mike Devaney
Heath Charnock	Stella Walsh
Heskin	Debra Platt
Hoghton	Cath Hoyle
Mawdesley	Joan Geddes
Rivington	Alan Platt
Ulnes Walton	Cath Hoyle
Wheelton	Bill Mason
Whittle-Le-Woods	Hugh Evans
Withnell	Mike Devaney

2. The Democratic and Member Services Officer to write to Committee members and Parish Council clerks to confirm the details.

09.S.90 WORK UNDERTAKEN TO PROMOTE THE CODE OF CONDUCT

Officers advised that all Borough Councillors had been requested to review their register of financial and other interests following the Annual Meeting. The Bulletin from the Standards for England was now forwarded to Parish Council clerks in addition to the Committee members, it also featured on intheknow (the fortnightly Members ezine).

Confirmation of the names of all Parish Councillors would be requested from each Parish Council clerk in the next few weeks, with a reminder for Parish Councillors to ensure the Monitoring Officer held a copy. The provision of training for Parishes would be considered at a later item.

The annual report of the Committee would be considered at the Council meeting in July.

RESOLVED – That the update be noted.

09.S.91 UPDATE ON THE RECRUITMENT OF ADDITIONAL MEMBERS OF THE STANDARDS COMMITTEE

The Chair, on behalf of the Committee, expressed his thanks to John Cree who had been an Independent Member of the Committee for a number of years. John had now retired as the Rector of St Laurence and also from the Committee.

The Monitoring Officer advised that the recruitment process for additional Independent Members had been ongoing since the last meeting. Members of the Local Strategic Partnership had been contacted to canvass interest. Three candidates had been interviewed on Monday, two of which were outstanding.

Gwynne Furlong was a long standing Chorley resident and was the Honorary President of the Chorley Chamber of Trade and Commerce. He had experience of Codes of Conduct, working within legal guidelines and chairing meetings.

Hugh Evans was the Deputy Chief Executive of the North and Western Lancashire Chamber of Commerce. He had experience of reviewing evidence, making unbiased decisions and working within legal guidelines.

The appointments would be considered by Council on 14 July.

RESOLVED –

- 1. The Committee write to John Cree to thank him for his contribution over the years and to wish John and his family best wishes for the future.**
- 2. The Committee support a recommendation to Council that Gwynne Furlong and Hugh Evans be appointed to the Standards Committee, bringing the Committee membership to three Independent Members in line with guidance from Standards for England.**

09.S.92 EMAIL, INTERNET AND TELEPHONE POLICY

The Monitoring Officer introduced the item and advised that the enclosed draft policy would be used by Council staff.

Comments from the Committee from an ethical point of view were requested plus any suggestions for updates required to enable it's use by Members.

It was suggested that "sexist or racist" be added to paragraph 2.6. It was noted that breaching equal opportunity policies could amount to a breach of criminal law.

It was noted that paragraph 3.10 regarding the “use of Council facilities be used in connection with...party political activities” would need to be outlined clearly here for Members. Paragraph 5.1 and 5.2 relating to the use of telephones and mobile phones would also need to be reworded for Members.

AGREED – That the policy would be ideal for staff, and for Councillors subject to some amendments.

09.S.93 STANDARDS COMMITTEE WORK PROGRAMME

It was noted that the Committee had set the work programme at this meeting for the last few years.

It was AGREED to include training in the work programme going forward and that a training session would be provided for Borough and Parish Councils once the revised Code of Conduct had been adopted. It was anticipated this would be in the autumn. Training would be given to the newly elected Borough Councillor and offered to new Parish Councillors. The Committee discussed the anticipated amendments to the Code of Conduct relating to criminal convictions.

Members noted that a training session on assessing complaint locally would be held on Thursday, 2 July commencing at 9.30 in Committee Room 1.

It was AGREED that the recently published Local Government Association Probity in Planning revised guidance and the Member/Officer relations document from the Council’s constitution be considered at the next meeting.

The Monitoring Officer updated the Committee on current cases and advised that one case had been referred to the Standards Board for England, one case was in the process of being investigated locally and two cases would be considered by an Assessment Sub-Committee on the conclusion of this meeting.

RESOLVED – That the work programme be updated as discussed at the meeting and the case update be noted.

Chair