

SOUTH RIBBLE BOROUGH COUNCIL

Standards Committee

Minutes of the meeting held at 4.30pm on Thursday 2 December 2010

Present:-

Mr R Atkinson (Independent Chairman) in the chair

Independent Member Mr Ellison
Borough Councillors Breakell, Foster, Heyworth, Otter, Palmer and Mrs Robinson
Parish Councillors Mrs Gelder, Mrs Houghton and Mitchell

In attendance:-

Maureen Wood (Director of Corporate Governance), David Whelan (Legal Services Manager), Darren Cranshaw (Community Engagement Manager) and Andy Houlker (Senior Democratic Services Officer)

Public attendance:- None

Other Members & Officers:- None

Minute No.	Description/Resolution
19	<p>Apologies for Absence There were no apologies for absence.</p>
20	<p>Declarations of Interest There were no declarations of interest other than Councillor Otter referred to the item relating to the proposed Parish Charter and stated that in his capacity as a county councillor he was the county council's Parish Champion. It was not felt this was in any way prejudicial.</p>
21	<p>Minutes of the Last Ordinary Meeting of the Standards Committee UNANIMOUSLY RESOLVED: that the minutes of the last ordinary meeting held on 28 September 2010 be signed by the Chairman.</p>
22	<p>Update Report a) Meeting with Standards for England b) Future of the Standards Regime</p> <p>The Independent Chairman (Russell Atkinson), Independent member (John Holt), Maureen Wood (Director of Corporate Governance) and David Whelan (Legal Services Manager) last month met with representatives of Standards for England (SfE). The purpose of the meeting was primarily to discuss the outcomes of the two appeals to the former Adjudication Panel that had been brought against decisions of Standards Committee – clarification was being sought on a number of issues arising from these appeals. The intention was to obtain guidance as to the way forward, not to challenge the actual appeal decisions. The SfE representatives were appreciative and sympathetic about the issues raised (the former Adjudication Panel (now First Tier Tribunal) was independent of SfE). A general discussion took place over the question of when a member is acting in his official capacity. The question of what constitutes confidential material was also discussed. It is understood that an updated case review will shortly be published which will, amongst other things, provide greater clarity on a number of issues including "official capacity."</p> <p>In respect of the reported demise of the Standards regime it was expected this would be included in the Localism Bill anticipated to be published later this month. A copy of the Department for Communities and Local Government's most recent update was circulated to the committee. From</p>

	<p>this it is apparent that the Government intends to revoke the Model Code of Conduct for Elected Members, abolish the requirement for councils to have a Standards Committee, abolish Standards for England and also the First Tier Tribunal would no longer have authority to hear appeals relating to councillors. However, there would still be a duty to register personal interests, and a new criminal offence would be created for some forms of conduct. The government's emphasis was that councillors would be primarily responsible to their electorate and be answerable at the ballot box. Whilst it was understood a local council could retain a Standards committee, however, based on current information it would only have the power to censure. It was thought that the Localism Bill would receive Royal Assent in late 2011 and become effective in early 2012.</p> <p>The committee discussed at length the announced proposed changes to the standards regime. The committee expressed disquiet about the announced changes to the regime which it felt might have a negative effect on member conduct whilst accepting that the standards system had at times been used inappropriately. Unfortunately at this stage the detailed implications of the proposed Localism Bill were unknown.</p> <p>UNANIMOUSLY RESOLVED:</p> <ol style="list-style-type: none"> 1. that the information on the meeting with representatives of Standards for England be noted; and 2. that the committee looked forward to the publication of the Localism Bill and the opportunity to comment on its proposals.
23	<p>Report of Monitoring Officer – Other Action Taken</p> <p>The Monitoring Officer reported to the committee on the action she had taken following the decision of the Assessment Sub Committee held on 2 September. At the sub-committee stage there were no findings of fact (this was not its purpose) – the members in question had not been found to be in breach of the Code. The sub-committee had decided not to carry out a further investigation but to request the Monitoring Officer to give appropriate advice/training. The basis for the sub-committee's decision was that if an investigation had found/proven a breach of the Code the outcome was likely to have been conciliation/training.</p> <p>The Monitoring Officer had subsequently met the subject members independently and based on these discussions she was satisfied that they were suitably aware of the relevant items of the Code relating to use of council resources. It was felt that further training was not necessary and would have been a waste of resource. A letter was also received from a resident accepting responsibility for having placed the political newsletter on a council notice board.</p> <p>However, important lessons had been learned by this process as it was fairly clear neither the complainant nor subject members could be said to be wholly satisfied. Also the wording of the sub-committee's Decision Notice needed to be clearer (particularly regarding the matter of finding of fact). As a result there appeared to have been a misunderstanding of the sub-committee's outcome/decision.</p> <p>This had been the first time the council had used the option to refer to the Monitoring Officer for other action. Lessons would be learned from the experience.</p> <p>UNANIMOUSLY RESOLVED: that the report and the lessons learned from this particular case be noted and used.</p>
24	<p>Parish and Town Councils</p> <p>a) Parish and Town Council Liaison</p> <p>b) Proposed Parish & Town Council Charter</p> <p>Darren Cranshaw (Community Engagement Manager) thanked the committee for the invitation to the meeting and circulated a copy of the proposed Parish & Town Council Charter. He explained that in his role he worked very closely with members and other external organisations such as the county council, parish & town councils, police, community, faith and voluntary sector groups etc,</p>

	<p>to see how the council could help/motivate/develop matters to improve the community. He also worked with the council's Citizens' Panel . On a personal level he had been a parish councillor (Brindle Parish Council) for 10 years and that council's Chairman for the last 4 years.</p> <p>South Ribble worked very closely with the seven parish & town councils in the borough in particular developing a successful relationship over the last 2 years with the parish/town clerks. He referred to the cover of the proposed charter commenting on the extent the borough was parished. There was a network with the clerks who regularly contacted borough council officers such as in planning and neighbourhood services. The borough council also attended meetings of the Lancashire Association of Local Councils (LALC). The borough council had supported the parish councils in producing their village plans. The borough council's area committees were also an opportunity to engage local communities and involve parish councils.</p> <p>The proposed Parish & Town Council Charter incorporated work with the parish & town councils and was part of charters covering the three tiers of local government. Any views by the committee on the charter were welcomed. It covered areas such as communication, information & consultation; developing & monitoring strategies & plans; local governance; providing support & devolving services; training & development and; service standards, complaints and reviewing. It was aimed to help remove barriers in local government and it was anticipated that the borough council would establish a Parish Champion (probably a Cabinet member). The charter was envisaged as the footprint for future working relationships with parish & town councils in the future. It was considered that this document might assist in upholding ethical standards by members.</p> <p>It was proposed that the charter would be submitted to the next cycle of meetings of the parish & town councils. When finalised each parish & town council and the borough council would sign the charter.</p> <p>UNANIMOUSLY RESOLVED: That the Community Engagement Manager be thanked for his attendance and providing the committee with detailed information on working with parish & town councils and the production of the Parish & Town Council Charter.</p>
<p>25</p>	<p>Member Induction – May 2011</p> <p>It was agreed standards and ethics should be Included as part of Member Induction after the Borough Elections in May 2011. However, in view of the current lack of detailed implications of the proposed Locality Bill it was suggested Member Induction be given further consideration at the next meeting of the committee when it was expected to be a clearer picture.</p> <p>UNANIMOUSLY RESOLVED: that an item on Member Induction be considered at the next meeting of the committee to be held on 3 March 2011.</p>

..... (Chairman)

The meeting finished at 5.35pm