

STANDARDS COMMITTEE

HELD: 1 JUNE 2006

Start: 7.30pm

Finish: 8.05pm

PRESENT

Independent Members: Mr. J. Cailes (Chairman)
Mr. Hanmer (Vice Chairman)
R Chester
R Merry

Councillors Mrs Atherley
Dereli
Grant

Parish Councillors Hammond

Officers: Council Secretary & Solicitor
Assistant Member Services Manager

1. APOLOGIES

There were no apologies for absence.

The Chairman welcomed Parish Councillor Hammond to his first meeting as the newly elected Parish Council representative on the Standards Committee.

Members considered the start time for future meetings and agreed that future meetings would be held at 4.30pm.

2. URGENT BUSINESS, IF ANY, INTRODUCED BY THE CHAIRMAN

There were no items of urgent business.

3. DECLARATIONS OF INTEREST

Councillors Grant, Mrs Atherley and Dereli and Parish Councillor Hammond declared a personal interest in item 9 on the agenda, 'Parish Councils – Constitutional Training' as Members of a Parish Council.

Councillors Grant and Atherley declared a personal and prejudicial interest in item 11 on the agenda, 'Development of Hattersleys Site, Burscough Road, Ormskirk – Application for Dispensation', as they had both made an application.

4. MINUTES

RESOLVED That the minutes of the meeting held on 20 December 2005 be approved as a correct record and signed by the Chairman.

5. STANDARDS COMMITTEE - APPOINTMENTS

The Committee considered a report of the Council Secretary and Solicitor which advised Members of a report that was submitted to Council on 17 May 2006 in respect of the Standards Committee appointments.

RESOLVED A That the report submitted to Council on 17 May 2006, 'Standards Committee – Appointment of Independent and Parish Councillor Representatives' be noted.

B That the following minute of Council held on 17 May 2006 be noted:

“RESOLVED A That the Committee continue to comprise 11 members, namely 5 independent members, 2 Parish representatives, 2 Conservative members and 2 Labour members.

B. That Paul Hanmer be appointed to serve for a further term as an independent member on the Standards Committee until the date of the Annual Meeting of the Council in May 2009.

C That Parish Councillor Kitson and Parish Councillor Hammond, the two Parish Councillors with the highest number of votes, be appointed to serve for a two year term as the Parish Councillor representatives on the Standards Committee until the date of the Annual Meeting of the Council in May 2008.

D. That the appointment of all other members of the Standards Committee be as indicated on the Appendix circulated earlier in the meeting for the terms of office indicated in paragraphs 5.2 and 6.3 of the report.

E. That John Cailles and Paul Hanmer be appointed as Chairman and Vice-Chairman respectively for the period ending with the next Annual Meeting of the Council.

F. That the Standards Sub-Committee continue to operate as set out in the Constitution.”

C That the following changes to the membership of the Standards Committee be noted:
Councillor Nolan replaces Councillor Maguire; and
Parish Councillor Hammond replaces Parish Councillor Joan Draper.

6. PROTOCOL ON THE USE OF ICT BY MEMBERS

The Committee considered a report of the Assistant Chief Executive which sought approval of a revised Protocol for the use of ICT by members of the Council.

The Council Secretary and Solicitor advised that the recommendations in the report had been approved at Cabinet on 23 May 2006 subject to the following:

- the Assistant Chief Executive in consultation with the Portfolio Holder for Finance clarifying the appropriate wording in the first sentence of paragraph 4.2, which had been changed to read “the Council” rather than “the Councillor”; and
- the inclusion in paragraph 4.3 of “commercial” in place of ‘non-Council’

RESOLVED A That the attached protocol, as agreed at Cabinet, be approved and included in Part 5 of the Council’s Constitution.

B That delegated authority is given to the Assistant Chief Executive in consultation with the Portfolio Holder for Finance to review and update the Protocol as appropriate.

7. STANDARDS BOARD CONFERENCE - 16TH & 17TH OCTOBER 2006

The Council Secretary and Solicitor advised members of the Committee that the Standards Board Annual Conference was being held on 16 & 17 October 2006.

RESOLVED That any members of the Committee, wishing to attend the conference, should contact the Council Secretary and Solicitor.

8. SBE 11605.05 - RESPONSE FROM HALSALL PARISH COUNCIL

The Committee considered the report of the Council Secretary and Solicitor which advised members of the response received from Halsall Parish Council following the decision taken at a meeting of the Committee on 20 December 2005 in relation to Standards Board Enquiry SBE11605.05.

RESOLVED That the letter received from Halsall Parish Council and the progress made by the Parish Council in implementing the recommendations of the Committee, be noted.

9. PARISH COUNCILS - CONSTITUTIONAL TRAINING

The Committee considered the report of the Council Secretary and Solicitor on the use of the “Parish Council Toolkit” and whether the District Council should fund training for the Parish Councils on constitutional matters.

RESOLVED A That the Council Secretary and Solicitor

- (1) write to all Parish Council Clerks with a copy of the ‘Parish Council Toolkit’ to assist Parish Councils to develop their own protocols and also make it available in electronic form.

(2) seek the views of each Parish Council on whether they would wish the District Council to provide constitutional training for Parish Councils and what form they would find most helpful with a view to assisting Parish Councils develop their own protocols.

B That the Standards Committee make a decision on the potential form and content of such training prior to requesting any necessary funding from the Council after giving consideration to the views expressed to the Council Secretary and Solicitor by the Parishes.

10. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of that Act.

11. DEVELOPMENT OF HATTERSLEYS SITE, BURSCOUGH ROAD, ORMSKIRK - APPLICATION FOR DISPENSATION

Councillors Dereli, Independent Member Roger Merry and Parish Councillor Hammond took no part in the item and left the room whilst it was being considered in connection with the advice on the appearance of bias.

Councillors Grant and Mrs Atherley took no part in the item and left the room whilst it was being considered as a result of their earlier declarations.

The remaining Members of the Committee considered the report of the Council Secretary and Solicitor which detailed a written request from all conservative Councillors on West Lancashire District Council (except Councillor Ainscough) for a dispensation to permit them to participate in all matters relating to the development of the Hattersleys site, Burscough Road, Ormskirk.

RESOLVED A That in accordance with Section 81(4) of the Local Government Act 2000 and Regulation 3(1)(a)(i) of the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002, dispensation be granted, until the next annual meeting of the Council in 2007, to Councillors Ashcroft, Mrs Atherley, Bailey, Mrs Baldock, Mrs Blake, Mrs Colling, Collinson, Cropper, Mrs Edwards, Mrs Evans, Forshaw, Gartside, Grant, Greenall, Griffiths, Mrs Hopley, Kay, Lea, Mee, Ms Melling, O'Toole, Owens, Pope, G M Roberts, Mrs Stephenson, Swiffen, Mrs Taylor, D Westley and Mrs Westley to participate in consideration of all matters in relation to the Hattersleys premises, Burscough Road, Ormskirk.

(NB The dispensation only applies to interests arising from 72 New Court Way as factually reported to this Committee.)

- B That the dispensations should be granted, having given particular weight to the reasons set out below and to maximising full and balanced Member involvement in the decision making process in the interests of local democracy:
- a) the basis of , and reasons for, those applications;
 - b) the size and composition of the Planning Committee;
 - c) the fact that the Council has a single party Cabinet which would be making the decision in relation to the Local Plan;
 - d) the reasons why the Standards Committee was created, in particular to allow local determination of the issue of whether participation is acceptable to the local community despite the existence of interests;
 - e) the need for confidence in the decision making process to be maintained, including by the supervision of, and protection through, the Standards Committee;
 - f) the need for decisions to be reached, and seen to be reached, impartially;
 - g) the need to ensure political balance and the consequent integrity of any decision;
 - h) the need for permitting local representation and the difficulty of the use of substitutes;
 - i) the placing of the Labour opposition in a difficult position of some possible apparent bias if the dispensation is not granted;
 - j) consistency with previous practice;
 - k) the absence of further compounding elements of predetermination or bias; and
 - l) Counsel's advice received by the Committee on 22 March 2005.

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CHAIRMAN