

STANDARDS COMMITTEE

HELD: 10 DECEMBER 2008
Start: 4.00pm
Finish: 4.45pm

PRESENT:

Independent Members: J Cailes (Chairman)
P Hanmer (Vice Chairman)
R Chester
R Patterson

Councillors: Mrs Atherley
Rice
G M Roberts

Parish Councillors: Hammond
Kitson

Officers: Council Secretary and Solicitor
Assistant Member Services Manager

19. APOLOGIES

Apologies for Absence were received on behalf of Independent Member Mr P Hayman, Councillor Whitby and Parish Councillor Cheetham.

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

There were no items of urgent business.

21. DECLARATIONS OF INTEREST

There were no declarations of interest.

22. MINUTES

RESOLVED: That the minutes of the Standards Committee held on 22 July 2008 be approved as a correct record and signed by the Chairman.

23. STANDARDS COMMITTEE COMPLAINTS

The Committee considered the report of the Council Secretary and Solicitor which in Appendix 1 to the report detailed the number of complaints received by the Standards Committee since 8 May 2008, in particular the number of complaints received in respect of Halsall Parish Council. The Committee was advised that 3 further complaints had been received and a further review since preparing the statistics.

RESOLVED: A. That the number of complaints received by the Standards Committee be noted with concern.

B. That the number of reviews requested and investigations required also be noted.

- C. That the Council Secretary and Solicitor bring a report forward on the current position in West Lancashire on Parish Council's achieving 'Quality Parish Council' status, with a view to possibly writing to all Parish Council's regarding obtaining this mark achievement in the context of the high numbers of complaints.

24. CODE OF CONDUCT TRAINING - DISTRICT AND PARISH COUNCILLORS

Members of the Committee provided feedback from the Code of Conduct Training Session held at Edge Hill University on 20 November 2008, in particular:

- attendance levels
- the success of the training session and workshop
- complimentary letters received
- the introductory session by the Chairman of the Committee

The Council Secretary and Solicitor advised that every District and Parish Councillor who had not been able to attend the session had been sent an individual training pack for information.

RESOLVED: That the feedback be noted.

25. CONSULTATION ON CODES OF CONDUCT FOR LOCAL AUTHORITY MEMBERS AND EMPLOYEES

The Committee considered the report of the Council Secretary and Solicitor which provided a draft response to the consultation paper from the Department for Communities and Local Government on revising the model code of conduct for local authority members, the general principles which govern the conduct of local authority members and on the introduction of a requirement for a code of conduct for employees.

The Council Secretary and Solicitor advised Members that the report was also being submitted to Council on 17 December 2008.

RESOLVED: That the response, attached at Appendix 2 to the report, be sent to the Department for Communities and Local Government by Wednesday, 24 December 2008 subject to the inclusion of the following paragraph at Question 9:

"Yes, two months is consistent with existing statutory provisions and we do not see any difficulty in this; although there may be no need to 're-impose' this requirement if the existing declarations can be interpreted to include revisions to the Code of Conduct for Members. Accordingly, the Government should avoid a 'fresh' round of signatures when existing ones are sufficient for such purposes."

26. CODE OF CONDUCT INVESTIGATION, DETERMINATION, PRE-HEARING AND HEARING PROCEDURES

The Committee considered the report of the Council Secretary and Solicitor which set out the Investigation, Determination, Pre-Hearing and Hearing Procedures to apply where the Assessment Sub-Committee has referred a complaint of alleged breach of the Code of Conduct for investigation. The Council Secretary and Solicitor submitted an amendment to paragraph 6 of the investigation procedure.

RESOLVED: That the Investigation Procedure (as amended), the Determination, Pre-Hearing and Hearing Procedures attached at Appendices 1 - 4 to the report be approved and the Council Secretary and Solicitor, in consultation with the Chairman of the Standards Committee be given delegated authority to update them as required.

27. LOCAL DETERMINATION - COMPLAINTS FORM

The Council Secretary and Solicitor referred to the very high number of complaints received in respect of District and Parish Councillors under the Code of Conduct and sought the views of Members on the inclusion of the following paragraph on the Complaints Form should the number of complaints continue to rise at that level, as follows:

“Whilst not wishing to deter complaints please be aware that the costs of handling complaints are substantial and borne by Council Taxpayers in West Lancs. You are urged to balance the seriousness of your complaint and the costs aspect in the public interest before submitting your complaint. The Assessment Sub-Committee will bear this factor in mind when deciding whether to take action on a complaint.”

The Council Secretary and Solicitor was however concerned that it could be seen as dissuading members of the public from making genuine complaints.

RESOLVED: A. That the inclusion of the paragraph be considered in six months and if at that time members wish to go down this route the Council Secretary and Solicitor contact the Standards Board for their view as to whether it would be appropriate to include such a paragraph on the complaints form.

28. MINUTES OF SUB-COMMITTEES

The Committee considered the minutes of the Assessment Sub-Committee meetings held on 15 and 17 September, 2 and 9 October, 5 November and 1 December 2008 and the Review Sub-Committee meetings held on 21 and 25 November 2008.

RESOLVED: That the minutes of the meetings be noted.

29. VISITS - PARISH AND DISTRICT COUNCIL MEETINGS

The Committee considered the report of the Council Secretary and Solicitor which provided an update on visits being undertaken by Members of the Standards Committee to District and Parish meetings.

- RESOLVED: A. That the current position in relation to visits to District and Parish Council meetings as set out in paragraph 4 of the report be noted.
- B. That Members notify the Assistant Member Services Manager of any future meetings they are able to attend.

30. WORK PROGRAMME

The Committee considered the updated work programme for the Standards Committee 2009/10, as contained on pages 165 to 166 of the Book of Reports.

RESOLVED: That the work programme for 2009/10 be approved.

THE CHAIRMAN