

STANDARDS COMMITTEE

HELD: 14 JUNE 2012

Start: 4.30pm

Finish: 5.35pm

PRESENT

Independent Members: J Cailes (Chairman)
P Hanmer (Vice Chairman)
S Ibbs
B Winstanley

Councillors: Mrs U Atherley J Coyle
R Bailey

Parish Councillors: B Bailey J Citeralla

Officers: Managing Director (People and Places) (Mrs G Rowe)
Legal and Member Services Manager (Mr M Jones)
Assistant Member Services Manager (Mrs J Denning)
Principal Overview and Scrutiny Officer (Mrs C Jackson)

1. APOLOGIES AND WELCOME TO NEW MEMBERS

Apologies for absence were submitted on behalf of Councillor J Davis and Parish Councillor D Gallagher and the Committee welcomed new Member Councillor J Coyle and Parish Councillor B Bailey.

2. URGENT BUSINESS

There were no items of urgent business.

3. DECLARATIONS OF INTEREST

1. Councillor Mrs Atherley declared that in relation to items 7, 8, 9 and 10 associated with the introduction of the new Standards regime as a Member of the Council she would be considering these matters at a special meeting to be held on 19 June 2012.
2. Councillor R Bailey declared that in relation to items 7, 8, 9 and 10 he had agreed the new Standards regime as required by the Localism Act for Lancashire County Council (LCC) as a Member of that Council.

4. MINUTES

RESOLVED: That the minutes of the Standards Committee meeting held on 15 December 2011 be received as a correct record and signed by the Chairman.

5. ANNUAL COUNCIL - MINUTE AND REPORT ON STANDARDS COMMITTEE UNTIL 30 JUNE 2012

The Managing Director (People and Places) explained the background to the item in relation to the decision of Council to continue the operation of the current Standards Committee until the 30 June 2012 pending the new Standards regime coming into effect from 1 July 2012. She expressed her sincere thanks for the excellent work Chairman John Cales and Vice-Chairman Paul Hanmer had put into the Standards Committee and expressed thanks to them on behalf of the Council for continuing in the role until July 2012.

RESOLVED: That the decision of Council and the comments from the Managing Director (People and Places) be noted.

6. COMPLAINTS - STATISTICS

The Committee considered the complaints statistics for 2011/12 as set out at pages 49 to 52 of the Book of Reports. Members were advised that 2 complaints had been received in 2011/12 which had been considered by the Assessment Sub-Committee whose decisions (no action) were and subsequently reviewed by the Review Sub-Committee. One decision was upheld and the other was referred to the Monitoring Officer for other action. The Consideration Sub-Committee met in October 2011 and found no breach in relation to a complaint originally considered through the complaints processes in 2010/11.

It was further reported that one allegation in 2012/13 had recently been received which would be considered on 26 June 2012.

RESOLVED: That the statistics be noted.

7. LOCALISM ACT 2011 - THE NEW STANDARDS REGIME - DUTY, STANDARDS COMMITTEE AND ARRANGEMENTS

Consideration was given to the joint report of the Managing Director (People and Places) and the Borough Solicitor which detailed proposals in relation to the introduction of a new Standards regime as required by the Localism Act 2011 (the Act) including establishing a Standards Committee and related arrangements as set out at pages 9 to 22 of the Book of Reports.

RESOLVED: A. That from 1 July 2012 the Council establish a Standards Committee, with an independent Chairman and Vice-Chairman, comprising 4 elected members appointed proportionally, but if the Council agree, by equal representation from both political Groups, and the Leader of the Council be requested to nominate to the Committee only one member who is a member of the Cabinet.

B. That the independent Chairman and Vice Chairman be co-opted to the Committee as non-voting members, in future using the same procedure as adopted to date, but from 1 July 2012 existing Independent Members XX and YY be appointed for a term of 3 years and 2 years as Chairman and Vice Chairman respectively.

- C. That the Parish Councils be invited to nominate a maximum of 3 Parish Councillors to be co-opted as non-voting members of the Committee from 1 July 2012, using the same procedure as adopted to date, and until such appointments are made the terms of office of existing Parish representatives on the Standards Committee namely Parish Councillors Jackie Citarella, Brian Bailey and David Gallagher be extended and the Parish Councils be advised accordingly.
- D. That the "Standards Regime Arrangements" attached as Appendix 1 be approved and the Managing Director (People and Places) work with the Parishes on these new arrangements.
- E. That the updated Functions of the Standards Committee as set out in Article 9, the updated Constitution 4.1 and the updated extract from the Scheme of Delegation to the Managing Director (People and Places) attached as Appendices 2, 3 and 4 respectively be approved.

(Note: Councillors Mrs Atherley, R Bailey and Coyle abstained from voting on the resolutions at this time.)

8. CODE OF CONDUCT FOR MEMBERS

Consideration was given to the joint report of the Managing Director (People and Places) and the Borough Solicitor as contained on pages 23 to 30 of the Book of Reports which detailed proposals in relation to the introduction of a new Code of Conduct for Members as required by the Localism Act 2011 (the Act).

- RESOLVED: A. That the Code of Conduct for Members attached as Appendix 1 be adopted with effect from 1 July 2012 and that the Managing Director (People and Places) be authorised to publicise the Code.
- B. That, as the Disclosable Pecuniary Interests Regulations have been published, the Managing Director (People and Places), after consultation with the Chairman of the Standards Committee and the Leader of the Council add to the Code the provisions which are considered to be appropriate for the registration and disclosure of interests other than Disclosable Pecuniary Interests (DPIs).
 - C. That all Parish Councils in West Lancashire be urged to adopt the Code adopted by the Borough Council with effect from 1 July 2012.

(Note: Councillors Mrs Atherley, R Bailey and Coyle abstained from voting on the resolutions at this time.)

9. APPOINTMENT OF INDEPENDENT PERSON AND RESERVE INDEPENDENT PERSON

Consideration was given to the joint report of the Managing Director (People and Places) and the Borough Solicitor which detailed arrangements relating to the appointment of an Independent Person and Reserve Independent Person as required by the Localism Act 2011 (the Act).

- RESOLVED: A. That the actions of the Managing Director (People and Places) in advertising a vacancy for the appointment of an Independent Person and a Reserve Independent Person, short-listing and interviewing candidates be noted and endorsed.
- B. That the Council on 19 June 2012 appoint XXX as the Independent Person and YYY as the Reserve Independent Person with effect from 1 July 2012.
- C. That an allowance of £500 be paid to the Independent Person and £250 to the Reserve Independent Person.

10. REGISTRATION AND DISCLOSURE OF INTERESTS AND DISPENSATIONS

Consideration was given to the joint report of the Managing Director (People and Places) and the Borough Solicitor, as contained on pages 35 to 40 of the Book of Reports, that detailed proposals regarding the introduction of provisions relating to the registration and disclosure of interests and granting of dispensations as required by the Localism Act 2011 (the Act).

- RESOLVED: A. That the Managing Director (People and Places) (a) prepare and maintain a new register of members interests to comply with the requirements of the Act and of the Council's Code of Conduct, and ensure that it is available for inspection as required by the Act and that all members are informed of their duty to register interests; and (b) prepare and maintain new registers of members' interests for each Parish Council to comply with the Act and any Code of Conduct adopted by each Parish Council, ensure that it is available for inspection as required by the Act; and arrange to inform and train Parish Clerks on the new registration arrangements.
- B. That the Managing Director (People and Places) prepare a Council Procedure Rule (effective from 1 July 2012) which equates to the current Code of Conduct requirement that a member must withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of business in which he/she has a Disclosable Pecuniary Interest (DPI), except where he is permitted to remain as a result of the grant of a dispensation.
- C. That the power to grant dispensations be delegated to the Standards Committee.

11. MINUTES OF THE SUB-COMMITTEES

The Committee considered the Minutes of the Assessment Sub-Committee meetings held on 19 December 2011 and 10 May 2012 and the Review Sub-Committee meetings held on 6 February and 29 May 2012.

RESOLVED: That the Minutes be noted.

12. CLOSING REMARKS

As it was likely to be the final meeting of the Standards Committee under the existing Standards regime the Chairman thanked the Vice-Chairman, the Managing Director (People and Places) and all her staff for their help and assistance during his term of office. Thanks was also given to Councillors, Independent Members and Parish representatives, both past and present for their service to the Committee.

Councillor Mrs Atherley asked that her thanks to the Chairman and Vice-Chairman for their service to the Committee be recorded.

In conclusion the Chairman wished everyone all the best for the future.

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Chairman