

STANDARDS COMMITTEE

HELD: 22 JULY 2013

Start: 5.30pm

Finish: 6.00pm

PRESENT:

Councillors: Grant (Chairman)

Mrs Atherley Kay
Davis Wright

In attendance: Mr S Ibbs (Independent Person)
Mr S Garvey (Reserve Independent Person)

Officers: Managing Director (People and Places) (Mrs G Rowe)
Borough Solicitor (Mr T Broderick)
Principal Overview and Scrutiny Officer (Mrs C A Jackson)

1. APOLOGIES

Apologies for absence were submitted on behalf of Councillor Bell.

2. URGENT BUSINESS

There were no items of urgent business.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. MINUTES

RESOLVED: That the minutes of the Standards Committee meeting held on 20 February 2013 be received as a correct record and signed by the Chairman.

5. SUBSTITUTIONS

Consideration was given to Council Procedure Rule 4.1, that sets out the process relating to the nomination of one or more substitute members for any meeting of a committee or sub-committee. This rule did not apply in respect of the Standards Committee in accordance with Standard Board requirements.

Members discussed the advantages/disadvantages of changing the rule as it applied to this Committee and concluded that in exceptional circumstances and with appropriate training, substitutes should be allowed.

RESOLVED: A. That Council Procedure Rule 4.1 be amended to allow substitutes to be nominated by each political group, in exceptional circumstances and if the nominated substitute has been appropriately trained.

6. STANDARDS REGIME ARRANGEMENTS - CONSTITUTION 3.9

Consideration was given to the revisions to Article 9 relating to the Standards Regime Arrangements, as set out at paragraph (f), relating to the Independent Person arrangements as part of the new standards arrangements.

RESOLVED: That the amendments to Article 9 of the Constitution be noted.

7. STANDARDS COMMITTEE - ANNUAL REPORT

Consideration was given to the joint report of the Managing Director (People and Places) and Borough Solicitor providing details of the work undertaken by the Committee during 2012/13.

RESOLVED: That the Standards Committee Annual Report 2012/13, attached at Appendix 1 to the report, be noted and published on the Council's website.

8. SEVEN PRINCIPLES IN PUBLIC LIFE - REISSUE OF ANNEX TO THE MEMBERS' CODE OF CONDUCT

Consideration was given to the joint report of the Managing Director (People and Places) and Borough Solicitor that advised members of the update of the Committee on Standards in Public Life's to the descriptions of the seven principles of public life as set down at Appendix 1 to that report.

It was noted that Parish Councils, through the Parish Clerks, would also be advised of these changes and be requested to reissue the Annex to the Parish Council's Code of Conduct, to their Members.

It was further noted that the Annex to the Members' Code of Conduct had been reissued as part of Constitution updates. However, it was agreed that it would be useful for a separate reminder to be sent out to all Borough Members.

RESOLVED: A. That the Committee on Standards in Public Life's update to the descriptions of the seven principles in public life be noted.

B. That it be noted that the Managing Director (People and Places) had reissued the Annex to Constitution 16.1 Members Code of Conduct, as part of changes to the Constitution and would write to Borough Councillors, under separate cover, to advise them of the amendments to the principles and updated Annex.

C. That the Managing Director (People and Places) write to all Parish Clerks of Parish Councils within the Borough to advise them of the reissue of the Annex to the West Lancashire Borough Code and the need to reissue the Annex to the Parish Council's Code of Conduct.

9. INDEPENDENT PERSON - PROTOCOL

Consideration was given to the joint report of the Managing Director (People and Places) and Borough Solicitor that set out proposals in relation to the agreeing of an Independent Person (IP) Protocol following the introduction of the statutory role of an Independent Person under Section 28(7) of the Localism Act 2011.

Members discussed the contents of the Protocol and agreed that references relating to confidential information at paragraph 5.1 be extended to reflect requirements relating to the handling of confidential information.

Further, it was agreed that the IP an RIP should be asked to sign the IP Protocol, and future updates to the same.

RESOLVED: A. That the Independent Person Protocol attached as Appendix 1 to the report be endorsed subject to:

(i) paragraph 5.1 being revised to read:

“The IP and Reserve have the right of access to confidential information required to carry out their role. Access to such information shall be agreed with the MO. In carrying out the role the IP and Reserve shall keep confidential all confidential information they shall receive or become aware of in undertaking their duties. Access to such information shall be agreed with the MO except where it shall otherwise come into the possession of the IP or Reserve in the course of performing their role”.

(ii) the Annex to the Members’ Code of Conduct being also annexed to the IP Protocol.

10. PROBITY IN PLANNING - 2013 UPDATE

Consideration was given to the joint report of the Managing Director (People and Places) and Borough Solicitor that advised Members of the publication of the Local Government Association (LGA) update of its guidance note ‘Probity in Planning’ and of forthcoming training, to be organised by the Assistant Director Planning.

It was agreed that it would be useful to all Members to receive the link to the guidance note earlier than the annual Planning training session to ensure Members, particularly those on the Planning Committee, remain up-to-date with changes.

RESOLVED: A. That the contents of the LGA’s update on the guidance note ‘Probity in Planning’ be noted.

B. That the annual Planning training session, to be organised by the Assistant Director Planning later in the year, be noted.

C. That the link to the LGA guidance note ‘Probity in Planning’ be circulated to all Members for information.

11. COMPLAINTS - STATISTICS

The Committee considered the circulated complaints statistics for 2012/13 and 2013/14 to 11 July 2013 as set out at pages 35 to 36 of the Book of Reports. Members were advised that 5 complaints had been received in 2012/13, one in May 2012 under the previous local arrangements (no action) and four under the new arrangements. The four outstanding complaints from 2012/13 carried forward to 2013/14 had been determined by the Monitoring Officer (MO), in consultation with the IP, and in all cases it was determined that the complaints did not merit further action. In 2013/14 one complaint has been received, the decision on which is pending.

The Chairman, on behalf of the Committee, thanked the IP for the work he had undertaken to date in relation to the complaints.

RESOLVED: That the statistics be noted.

12. WORK PROGRAMME

The Committee considered the Work Programme for 2013/14.

Members noted the date of the Code of Conduct Seminar (20 November 2013); the Annual Monitoring of Training Report (January 2014) and an additional item, The review of the IP Protocol after 12 months.

RESOLVED: That the Work Programme, as updated, for 2013/14 be agreed.

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Chairman