

**MINUTES OF: STANDARDS COMMITTEE**

**Date of Meeting: 8<sup>th</sup> March 2007**

**PRESENT: Mr A Neville (in the Chair)  
Councillors Smith, Starkey (for J Pawson), Thorne, Unsworth and  
Heakin (Whitworth Town Council) and Mr A Nixon (Independent)**

**ALSO PRESENT Councillors Entwistle, Lynskey and Neal.**

**IN ATTENDANCE: Linda Fisher – Head of Planning, Legal and Democratic Services  
Julian Joinson – Democratic Services Manager**

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**BUSINESS MATTERS**

**1. APOLOGIES**

Apologies for absence were received on behalf of Councillors Crosta, P Gill, and J Pawson.

**2. URGENT ITEMS**

The Chair indicated that the Council had been invited to send four representatives to a Roadshow on Standards issues on 6<sup>th</sup> June 2007, in Liverpool. Any nominations should be submitted to the Head of Planning, Legal and Democratic Services or Democratic Services Manager.

**3. DECLARATIONS OF INTEREST**

Councillor Heakin declared a personal and prejudicial interest in item C7, 'Local Standards Hearing', on the basis that the item directly concerned him.

The Chair underlined the importance of Members declaring interests. He reiterated that in cases of doubt it was often advisable to err on the side of caution and make a declaration. As an illustration, he said that at a meeting of the Cabinet at which Members' Allowances had been discussed, he had declared an interest because it was unclear as to whether the general dispensation for councillors applied equally to co-opted Members.

Mr Nixon indicated that although Members filed in the declaration form upon accepting their office, it was easy to forget to keep this information up to date. A reminder had been circulated recently and it was suggested that Members should be asked to review this information on an annual basis to coincide with the Elections. The Head of Planning, Legal and Democratic Services indicated that the rules in relation to declarations were contained within the each Council's Constitution. It was also intended to add Councillors declaration forms to Rossendale Council's website so that the information was widely available.

Councillor Heakin indicated that he would welcome the attendance of the Chair and the Head of Planning, Legal and Democratic Services at a meeting of Whitworth Council to answer councillors questions in respect of Standards issues.

#### **4. MINUTES**

The Chair indicated that the Standards Committee Bulletin had now been circulated to all Members. Members requested that this also be circulated to officers.

In respect of CRB checks, it was reported that all Members had been invited before Christmas 2006 to submit an application for a CRB check. To date 11 responses had been received. In response to a question by Councillor Heakin, Members were informed that for Rossendale Borough Members the fee for a standard check, in the sum of £31, was being funded by the Council. It was noted that checks were not valid for a specific time period as they were a snapshot in time. However, it was likely that the checks would be undertaken every one or two years.

Officers agreed to forward a copy of the information on the voluntary scheme to Whitworth Town Council for their consideration.

#### **Resolved:**

That the minutes of the meeting of the Committee held on 12<sup>th</sup> October 2006 be signed by the Chair as a correct record.

#### **5. PUBLIC QUESTION TIME**

No members of the public were present at the meeting.

#### ORDINARY ITEMS OF BUSINESS

#### **6. REVISED MEMBER CODE OF CONDUCT**

The Committee considered a report of the Head of Planning, Legal and Democratic Services on the Government's consultation paper on a revised Code of Conduct for Members. The Chair indicated that the Government was seeking to consolidate the four existing Members' Codes of Conduct in relation to public bodies. The original Members' Code of Conduct for local authorities had been criticised for being too complex and outdated. The consultation was an attempt to update this document. The Chair indicated that the North West Independent Members' Association was due to meet tomorrow and would comment on the consultation.

The Head of Planning, Legal and Democratic Services reported that the main changes to the Code were summarised in the consultation document. The Department for Communities and Local Government had also asked some specific questions within the consultation. Members agreed to comment generally on the document rather to answer each question. The Head of Planning, Legal and Democratic Services highlighted some of the proposed changes to the Code.

Members in particular discussed the need for more guidance in respect of the ability to disclose confidential information which was in the public interest. A further area of concern was the failure of the revised Code to relax the rules in relation to prejudicial interests as widely as had been anticipated. In addition, there was some ambiguity as to the definition of lobbying and other bodies with regard to the new rules on public sector interests. There was

also some uncertainty about the requirement for Members not to improperly influence a decision in the case of a public sector interest.

**Resolved:**

1. To note the report and the consultation document on revisions to the Members' Code of Conduct.
2. To authorise the Head of Planning, Legal and Democratic Services, in consultation with the Chair of the Committee, to submit a response to the consultation.

**7. CODE OF CORPORATE GOVERNANCE**

The Committee considered a report of the Head of Planning, Legal and Democratic Services on the results of separate reviews of the Corporate Code of Governance by both the Head of Planning, Legal and Democratic Services and the Head of Financial Services. Members were informed that this was the second update to the Code which outlined the main documents comprising the Corporate Governance Framework. Detailed information regarding community focus; service delivery arrangements; structures and processes; risk management and internal control; and standards of conduct, was provided within the main document.

In response to a question by the Chair, the Head of Planning, Legal and Democratic Services reported that officers were not under any legal duty to report instances of wrongdoing, however they were encouraged to do so under the Whistleblowing Policy.

**Resolved:**

To note the report on the Code of Corporate Governance and to authorise the Leader of the Council and the Chief Executive to sign a Statement of Assurance on the basis of the contents of the report.

**8. ADVICE TO MEMBERS ON ROLE ON OUTSIDE BODIES**

The Committee considered a general guidance note by the Interim Legal and Democratic Services Manager on the role of elected Members on Outside Bodies. Members were informed that the note had now been circulated to all Members. The guidance dealt with the role and responsibilities of Members and included the types of outside bodies, the rules in relation to personal and prejudicial interests and the prevailing duty to act in the interest of the organisation concerned, not the Council.

The Head of Planning, Legal and Democratic Services reported that further training about outside bodies would be provided to Members in the near future, including a session by the I&DeA next week.

**Resolved:**

To note the general guidance note on the role of elected Members on Outside Bodies.

## **9. STRENGTHENING LINKS BETWEEN THE STANDARDS COMMITTEE AND OVERVIEW AND SCRUTINY COMMITTEE**

The Committee considered a report by the Head of Planning, Legal and Democratic Services on the relationship between this Committee and Overview and Scrutiny and proposals to ensure there was a strong working relationship between the two. The Head of Planning, Legal and Democratic Services reported that one of the recommendations of the recent health check on Corporate Governance undertaken by the Audit Commission concerned the strengthening of these arrangements. It was anticipated that the role of the Standards Committee would increase over the next year and that embedding ethical governance would continue to gain importance.

Members were informed that Standards Committee could refer matters to Overview and Scrutiny, such as how successful the Local Standards Hearings procedures had been, or the effectiveness of sickness absence recording, or the level of use of the Whistleblowing Policy. It was proposed that the Chairs of both Standards and the Audit Scrutiny Committee should meet to discuss joint working in more detail.

### **Resolved:**

1. To note the report on strengthening the links between the Standards Committee and Overview and Scrutiny and to approve the suggested approach outlined in the report.
2. To agree that the Head of Planning, Legal and Democratic Services arranges a meeting between the Chairs of the Standards Committee and Audit Scrutiny Committee.

## **10. USE BY MEMBERS OF COUNCIL FACILITIES**

Members considered a report of the Head of Planning, Legal and Democratic Services on the introduction of a formal policy concerning the use of Council facilities by Members. Councillors were informed that this matter had also arisen from the Audit Commission's health check on Corporate Governance, which had identified that the Council had no written procedures in relation to what services and facilities it provided to elected Members.

The Chair provided a summary of the services listed in the Policy and Guidance Notes document. The Democratic Services Manager outlined the guidance on the general use of facilities by Members, the Members' Support Service, advice from Council officers, party political workers, photocopying and use of rooms. In particular, the guidance emphasised the restrictions as to the use of Council facilities and services for political purposes. Elements of the guidance were covered in more detail in other policies, such as the ICT Security Policy.

Members discussed whether a similar document might be produced for Whitworth Town Council. It was noted that a Charter had recently been agreed between Whitworth Town Council and Rossendale Borough Council which envisaged joint working and shared training initiatives.

It was suggested that a guidance document for officers using Council facilities might also be produced.

**Resolved:**

1. To approve the introduction of the policy and guidance notes on the Members' Use of Council Facilities.
2. To request the Democratic Services Manager to liaise with the Clerk to Whitworth Town Council about the possibility of adapting the document for use in Whitworth.

**11. PROTOCOL – PUBLICITY DURING ELECTIONS**

The Committee considered a report of the Head of Planning, Legal and Democratic Services on a protocol in relation to publicity during the Elections. Head of Planning, Legal and Democratic Services reported that the guidance note had now been circulated to all officers in view of the proximity of the forthcoming Election. Councillor Neal encouraged Members to act appropriately in their dealings with officers before the Elections, so as not to compromise their integrity.

**Resolved:**

To note the Protocol on Council Publicity and Elected Members.

**NOTE:** With the approval of the meeting it was agreed to change the order of the agenda to exchange the last two items of business.

**12. INVESTIGATION BY THE STANDARDS BOARD – SBE15084.06**

The Head of Planning, Legal and Democratic Services reported that the Standards Board for England had undertaken an investigation into the above case and had concluded that no action needed to be taken in relation to the matters which were the subject of the investigation.

**NOTE:** Councillor Heakin declared a personal and prejudicial interest in the following matter and left the meeting taking prior to the item being discussed.

**13. LOCAL STANDARDS HEARING – SBE14024.06**

The Head of Planning, Legal and Democratic Services reported that a Local Hearing had taken place involving Members of the Committee. The Panel had reached a decision to uphold the allegation as to a breach of the Code of Conduct. However, the period allowed for appeal had not yet expired. Accordingly, it would not be appropriate to discuss the merits of case until that time had elapsed. It was intended to publish a notice in relation to the Panel's decision in the near future.

Members were invited to comment generally about how the Council might learn from individual hearings. There was little information available yet on the results of local determinations across Lancashire. However, information on Standards Board cases was available in the Members' Library and on their website.

The Chairman stressed the need for Members to adhere to the Code of Conduct. The Head of Planning, Legal and Democratic Services indicated that where Members were unclear about any aspect of the Code of Conduct they should contact her for advice. Although at times the advice given might be construed as being restrictive, in fact it was based upon a sound interpretation of the law and was intended to prevent councillors exposing themselves to unnecessary risks.

Councillor Unsworth enquired about whether the Council had a policy which dealt with the harassment of Members on Council business. It was understood that a policy was in existence and the officers agreed to look into this matter.

**Resolved:**

To note the general comments made about local determinations.

The Chairman indicated that at the next meeting it was intended to consider the Committee's work programme for 2007/08.

**(The meeting started at 6.30pm and finished at 8.00pm)**