

STANDARDS COMMITTEE

10.00 A.M.

19TH JANUARY 2012

PRESENT:-

Councillors

Chris Coates, Sheila Denwood, John Harrison, Billy Hill, Roger Mace, Roger Sherlock and Joyce Taylor

Independent Members

Stephen Lamley (Chairman) and Tony James (Vice-Chairman)

Parish Council Representatives

Frank Senior

Apologies for Absence

David Jordison and Sue McIntyre

Officers in attendance:-

Sarah Taylor

Monitoring Officer and Head of Governance

Peter Baines

Senior Democratic Support Officer

34 MINUTES

The minutes of the previous meeting, held on Thursday 6th October 2011, were approved as a correct record.

35 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

There were no items of urgent business.

36 DECLARATIONS OF INTEREST

There were no declarations of interest.

37 LOCALISM ACT 2011 - IMPLEMENTATION OF THE AMENDED STANDARDS REGIME

The Chairman introduced a report on the changes to the standards regime being introduced by the Localism Act 2011. It was noted that the Committee were invited to make recommendations to Council on the implementation of a new regime, which was likely to take effect from 1st July 2012, subject to Regulations and Orders being in place.

Resolved:

- (1) That Council be recommended to authorise the Monitoring Officer to commence the recruitment process for the independent person and up to two reserves. The shortlisting/selection panel should comprise the Chairman and two other members of the Committee; one independent and one elected, to be appointed by the Committee. The Panel would make a recommendation to Council for appointment;

- (2) That Council be recommended to authorise the Monitoring Officer to consult with the Lancashire Association of Local Councils, on the future standards regime for parish councils;
- (3) That Council be recommended to authorise the Monitoring Officer to proceed with drafting a code of conduct, arrangements for dealing with complaints of misconduct, and consequential constitutional amendments;
- (4) That it be noted that, at this early stage, best practice was still being discussed by relevant national and professional bodies, and Regulations were still awaited, particularly with regard to the registration of interests, but that the Committee's preliminary views for consideration by Council were as follows:
 - (a) That a Standards Committee be retained comprising seven elected members on a PR basis, and that examples of best practice should be investigated with regard to the co-option of parish council members;
 - (b) That paragraphs 3-7 of the current Code of Conduct should be retained within the future version, with paragraph 5 revisited in order to review the definitions of 'bringing the council into disrepute';
 - (c) That the Monitoring Officer should receive complaints of misconduct and seek informal resolution wherever possible, or in consultation with the Independent Person, the Chairman (or Vice Chairman) and, if appropriate, the Chief Executive, determine whether complaints merit formal investigation;
 - (d) That, where an investigation finds 'no failure to comply', the Monitoring Officer be authorised to close the matter. This would be done in consultation with the Independent Person, Chairman (or Vice Chairman) and, if appropriate, the Chief Executive. The outcome would be reported to the Standards Committee;
 - (e) That, where an investigation finds a failure to comply with the Code, the Monitoring Officer (in consultation with the Independent Person, Chairman or Vice Chairman and, if appropriate, the Chief Executive) should seek local resolution to the satisfaction of the complainant where appropriate. Where resolution is not possible, the matter would be referred to the Standards Committee for hearing. The Chairman or Vice Chairman, having previously been consulted, would not participate in the hearing;
 - (f) That the Standards Hearing Committee should take decisions on the action to be taken in respect of a member who, following a hearing, had been found to have failed to comply with the Code;
 - (g) That, in developing the above arrangements, the Monitoring Officer should give consideration to, and report back to the Committee on, the circumstances in which the name of a member complained of, or a complainant, would be identified to the Committee or the public, and any amendment required to the Standards Press Protocol;

- (h) That, subject to Regulations to be made with regard to interests, the Council Procedure Rules should require a member to withdraw from the meeting room (including public gallery) during the whole consideration of any item of business which the member had disclosed a pecuniary interest in;
- (i) That the Standards Committee be responsible for granting dispensations, subject to consultation with the Independent Person, prior to granting the dispensation.

38 WHISTLEBLOWING POLICY

The Monitoring Officer introduced a report on the operation of the Council's Whistleblowing Policy, and it was noted that there had been one reported incident that was tantamount to whistleblowing over the past twelve months.

Resolved:

That the report be noted.

39 SUMMARY OF COMPLAINTS

The Chairman introduced a summary report of complaints against elected members who were alleged to have breached the Code of Conduct.

Resolved:

That the report be noted.

Chairman

(The meeting ended at 11.20 a.m.)

**Any queries regarding these Minutes, please contact
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email:pbaines@lancaster.gov.uk**