

STANDARDS COMMITTEE

10.00 A.M.

23RD MARCH 2007

PRESENT:- Councillors Paul Gardner (substitute for John Harrison), Tony Johnson (substitute for Roger Mace), David Kerr, Janie Kirkman and Ron Sands (substitute for Roger Sherlock)

Independent Members Stephen Lamley (Chairman), Tony James and Fiona Humphreys (LAPTC)

Apologies for Absence

Councillors Keith Budden, Jean Dent (intended substitute for Keith Budden), Gina Dowding, John Harrison, Roger Mace and Roger Sherlock.
Independent Member Sue McIntyre

Officers in attendance:-

Gillian Noall	Head of Democratic Services and Deputy Monitoring Officer
Alan Humphreys	Legal Services Manager
James Doble	Principal Democratic Support Officer

10 MINUTES

The minutes of the meeting held on 23 February 2007 were agreed and signed as a true and accurate record.

11 DECLARATIONS OF INTEREST

Councillors on the Committee wished it to be placed on record that they had not been involved in the cases before the Standards Committee and had not discussed the cases with Members of their groups.

The Deputy Monitoring Officer declared an interest in item 6 on the agenda and withdrew from the meeting at that point.

12 EXCLUSION OF THE PRESS AND PUBLIC

Resolved:

That in accordance with Section 100A (4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the ground that it could involve the possible disclosure of exempt information as defined in paragraphs 1 and 7c (in respect of Minute 13) of Schedule 12A of that Act.

13 CONSIDERATION OF THE MONITORING OFFICER'S REPORT IN RESPECT OF A MATTER REFERRED FOR LOCAL INVESTIGATION

The Committee considered the report of the Deputy Monitoring Officer and the Monitoring Officer's investigation report with regard to the matter referred by the

Standards Board for local investigation. The Committee considered the evidence and on balance accepted the Monitoring Officers findings that there had been no breach of the Code of Conduct. The Committee did not feel that there were any other enquiries that the Monitoring Officer could have made which might have led to a different conclusion. The Committee did not feel that there were any other considerations that led them to feel a hearing would be justified. The Committee did however feel that there was a danger in Councillors reporting issues based on hearsay or third hand and that members who are present at a meeting should be encouraged to raise concerns they have about interests and seek advice from Officers. It was agreed that this issue should be reflected in the proposed member training on the code of conduct.

Resolved, unanimously:

- (1) That the findings of the Monitoring Officer of 'no failure' be accepted.
- (2) That the issues of hearsay and encouraging Councillors to raise issues of concern regarding interests be included in the proposed member training on the code of conduct.

14 CONSIDERATION OF THE MONITORING OFFICER'S REPORT IN RESPECT OF AN ALLEGATION OF BREACH OF LOCAL PROTOCOL

(The Deputy Monitoring Officer declared an interest and left the meeting)

The Committee considered the report of the Legal Services Manager with regard to the allegation of a breach of a local protocol, and the Monitoring Officer's investigation report. The Committee considered the evidence available and on balance and with reluctance felt there was no option but to accept the Monitoring Officers findings that there had been no clear evidence to substantiate a breach of a local protocol. However, this finding was made with a degree of concern and sadness as to the damage this matter had caused to the reputation of the Council.

The Committee did not feel that there were any other enquiries that the Monitoring Officer could have made which might have led to a different conclusion. The Committee did not feel that there were any other considerations that led them to feel a hearing would be justified. The Committee did however feel that clarification was required on the definition of a 'member of the public' in the local protocol and that consideration should be given to amending the protocol to include:

'..... the Members should not make the complaint or allegation known to the public in any forum or cause it to be made known.'

It was agreed that this issue should be considered by the Monitoring Officer.

In accordance with Rule 19.5 of the Council Procedure Rules, Councillors Kirkman and Johnson wished it to be recorded that they had abstained.

Resolved:

- (1) That on balance, with reluctance and with no clear evidence to substantiate a

breach, the findings of the Monitoring Officer of 'no breach of the protocol' be accepted.

- (2) That the Monitoring Officer report back to the Committee on possible amendments to the protocol in light of this investigation.

Chairman

(The meeting ended at 10.45a.m.)

**Any queries regarding these Minutes, please contact
James Doble, Democratic Services - telephone (01524) 582057 or email
jdoble@lancaster.gov.uk**