

STANDARDS COMMITTEE

MEETING, 8TH SEPTEMBER, 2011

Present – Councillors Mrs Brierley, A.Connell and Hayes

Independent Members

Dr. R. Aston (Chairman)
Ms. J. Parr (Vice-Chairman)
Dr.R. Oxtoby

Town Council Representatives

Councillor Cunliffe (Blackrod Town Council)
Councillor Williams (Westhoughton Town Council)

Also in Attendance

Mr. A. Eastwood - Director of Chief Executive's
Department/Monitoring Officer
Mrs. S. Bailey - Principal Democratic Services Officer

An apology for absence was submitted on behalf of Councillor Flanigan (Horwich Town Council).

Dr. Aston in the Chair.

1. MINUTES

The minutes of the proceedings of the meeting of the Committee held on 1st February, 2011 were submitted and signed as a correct record.

2. MAINTAINING HIGH ETHICAL STANDARDS IN LOCAL GOVERNMENT

The Director of Chief Executive's Department submitted a report which had been produced by the Association of Council Secretaries and Solicitors and which summarised the latest position regarding the Localism Bill and the implications for the

standards regime.

The Localism Bill had been published on 13th December, 2010 and contained proposals to abolish the Standards for England regime. The changes were as follows:

- Standards for England would cease to operate;
- Councils would no longer be required to have a Standards Committee;
- the National Code of Conduct for elected members would be dispensed with; and
- council's would be allowed to adopt voluntary codes of conduct.

Following the abolitions of the standards regime, councils would no longer have a single body of law to refer to when dealing with conduct but would instead be able to call on a range of remedies, including existing criminal and civil law provisions and the provisions contained in the Localism Bill.

These included:

- the register of interests;
- fiduciary duty of Councillors;
- criminal and civil law including discrimination and electoral offences;
- the Local Government Ombudsman;
- Audit Commission powers; and
- the Common Law position of bias, predisposition and predetermination.

It would remain open to councils to agree local arrangements whereby councillors could be censured for breaching local codes of conduct and other local protocols including other activity regarded as inappropriate and to remove councillors from committee, outside bodies and other appointments, where appropriate.

Whilst there would be a need for local authorities to reflect constitutional changes as a result of the abolition of the current standards regime, other local protocols covering

member/officer relations and guidelines regarding the use of council resources, would continue to have effect and be subject to any local sanctions adopted by individual councils. However, there would be no statutory sanctions against an offending member and no powers to suspend or disqualify.

Resolved – (i) That the report be noted; and

(ii) That the Committee feels that it is important to retain a Standards Committee at a local level and that the Monitoring Officer be requested to obtain the views of the Town Councils on whether a local standards regime would be beneficial.

3. UPDATE ON LOCALISM BILL AND FUTURE OF STANDARDS

The Director of Chief Executive's Department updated the Committee on the latest position regarding the future of standards following the publication of the Localism Bill.

The Director advised members that the Bill was making slow progress through Parliament and was at the second reporting stage. There was no date for implementation as yet.

Members were reminded that although the Bill contained proposals to abolish the standards regime, there was still a duty on authorities to maintain standards of conduct. There was an assumption that individual councils would adopt a voluntary code.

It was anticipated that individual councillors would sign up to a voluntary code of conduct although it was unclear whether elected members could choose not to abide by it.

The Director also advised that the Bill was silent on the subject of the Monitoring Officer whose status was currently through the Local Government Act 2000. In addition, it was unclear whether the role of Monitoring Officer would extend to Town Councils. Further, there was no mention in the Localism Bill of Town Councils being required to maintain standards although there was an assumption that this would be the case.

The Director also advised that there had been no clarification on any of the issues raised by monitoring officers regarding standards.

Resolved - That the report be noted.

4. TRAINING – TOWN COUNCILS

The Director of Chief Executive's Department reported that he would be undertaking a training session with the Town Councils on Tuesday, 4th October, 2011 as there were a number of new members.

Resolved – That the report be noted.

14. EXCLUSION OF PRESS AND PUBLIC

Resolved - That, under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as specified in paragraph 7a of Part 1 of Schedule 12A to the Act; and that it be deemed that, in all the circumstances of the case, the public interest in its exemption outweighs the public interest in its disclosure.

15. UPDATE ON COMPLAINTS

The Director of Chief Executive's Department gave a brief overview of the complaints received to date.

Resolved – That the report be noted.

(The meeting started at 4.00pm and finished 4.30pm)

PP5

NOTES