

STANDARDS COMMITTEE

At a meeting of the Standards Committee Tuesday, 17 July 2012 The Boardroom - Municipal Building, Widnes

Present: Councillors P. Lloyd Jones (Chairman), M. Bradshaw, J. Lowe, Parker, Wainwright and Woolfall

Apologies for Absence: Councillors Gerrard and McDermott

Absence declared on Council business: None

Officers present: M. Reaney and A. Scott

Also in attendance: Three members of the public

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

		<i>Action</i>
STC1	MINUTES	
	<p>The minutes of the meeting held on 22 February 2012, having been printed and circulated, were signed as a correct record.</p>	
STC2	STANDARDS COMMITTEE ANNUAL REPORT	
	<p>The Committee considered a report of the Operational Director, Legal and Democratic Services/ Monitoring Officer, which summarised the work of the Committee in the last Municipal Year.</p> <p>The Committee noted that there had been three meetings in 2011/12. Details of membership and the role of the Committee were outlined in the report. During the year, Members had received a report outlining the application of systems for Declaration of Interests of Members. Much of the workload during the year was taken up with the changing landscape of the Standards Regime, which culminated in a presentation by the Monitoring Officer which dealt with the Localism Act and its effect on the Standards framework.</p> <p>It was noted that one complaint had been received during the year by a member of the public, which was</p>	

considered by the Assessment Sub-Committee; the Committee concluded that there was no breach of the Code of Conduct and therefore no further action was taken. It was further noted that as the Localism Act involved the abolition of Standards for England and the former Standards Regime, the statutory role of Independent Members of the Committee and the Parish Council Members would cease to have effect, and that those Members had stood down at the end of the Municipal Year.

RESOLVED: That the report be noted and referred to Council for information.

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STC3 LOCALISM ACT 2011 - NEW CODE OF CONDUCT

The Committee considered a report of the Operational Director, Legal and Democratic Services/ Monitoring Officer, on the adoption of a new Code of Conduct as required by the Localism Act 2011.

Members were advised that under the Localism Act 2011, all Councils (including Parish Councils), had a duty to promote and maintain high standards of conduct by Elected Members and Co-opted Members. The Code of Conduct, to be adopted by the Council, set out the requirements of Members whilst acting in an official capacity, and should be consistent with the Nolan Principles of:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

Attached at Appendix 1, was a draft new Code of Conduct for Members' consideration which aimed to:

- Be consistent with the Nolan Principles and develop them into Member obligations;
- Balance light, tough regulation with clear guidance;
- Include the obligations set out in the Communities and Local Government document; and
- Contain matters set out in the Local Government Association Template regarding Members' behaviour.

The report also identified additional matters which required consideration, and which included the withdrawal of a Member from a meeting during items of business where they had a pecuniary interest, the disclosure of all registered interests, the requirement for Members to keep their register up to date, and the disclosure of gifts or hospitality to the value of £25 or greater.

RESOLVED: That, subject to the removal of the word 'but' in paragraph 13 of the Draft Code of Conduct, Council

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- 1) adopt the Draft Code of Conduct, attached at Appendix 1 to the report; and
- 2) approve the changes to the Constitution contained in paragraph 4 of the report, which were:-
 - Members should be excluded from meetings where they had a Disclosable Pecuniary Interest, whilst that item is under discussion and/or voted on;
 - a Standing Order be made which requires disclosure of all registered Interests of Members in all circumstances;
 - Members should update and/or notify any changes to their Register of Interests within 28 days of the change taking place;
 - Disclosure be made of gifts or hospitality to the value of £25 or greater.

STC4 DECLARATION OF INTERESTS OF MEMBERS

The Committee considered a report of the Operational Director, Legal and Democratic Services/ Monitoring Officer, on the local application of the systems for Declarations of Interest by Members, in order to maintain the values of good governance and ethical behaviour.

Members were reminded that the third annual report on Declarations of Interest by Members was considered at the meeting on 25 May 2011. This highlighted the importance of integrity in local government and provided guidance on the definition of both personal and personal and prejudicial interests. It was noted that the Council had a challenging culture of declaration of interests for which prime

responsibility rested with individual Members. However, the report outlined how the practical expression of the culture operated, which included a reminder at the start of each meeting, guidance available from the Monitoring Officer, the annual opportunity to update a Declaration form as well as engaged involvement by the Standards Committee.

The Committee also noted that all newly elected Members received advice on this requirement as part of the Council's Member Induction Programme which took place in May 2012. However, the adoption of a new Code of Conduct (which was considered elsewhere on this agenda), would require all Members to update their Register of Interests taking account of the provisions of the Localism Act 2011, which it was noted came into effect from 1 July 2012. This required the publication on the Council's website of Members' interests, and those of Parish Councillors. A new category of interests - Disclosable Pecuniary Interests - had been introduced, and Members were advised that failure to disclose them or to take part in decisions when they existed, could amount to a criminal offence.

The report further updated Members on the register of Gifts and Hospitality in which Members (and Officers) declared any gifts or hospitality worth £25 or more, which had been received in connection with official duties. The Monitoring Officer regularly inspected the Register and it was reported that since 1 May 2011, there had been 12 entries by Members and 21 by Officers.

RESOLVED: That the report be noted.

STC5 STANDARDS COMMITTEE - CURRENT ISSUES

The Committee received a report of the Operational Director, Legal and Democratic Services/ Monitoring Officer, which advised Members on changes to legislation in the Standards Regime.

A detailed report had been submitted to Council on 18 April 2012, which set out details of these changes. In addition, at the same meeting, Council approved arrangements for dealing with complaints. Both of these documents were appended to the report. As a result of a subsequent commencement order, arrangements for dealing with complaints needed to be referred to the Standards Committee for further approval and subsequent adoption by Council. It was noted that the arrangements had been considered in detail by Executive Board, prior to submission to the Council meeting in April 2012.

The report advised Members that the Monitoring Officer had been asked to prepare a revised Code of Conduct, which took into account forthcoming regulations dealing with Declarable Pecuniary Interests. It was noted that the adoption of a revised Code was the subject of a separate item on the agenda. Once a new Code had been adopted, it was noted that the Monitoring Officer would take steps to ensure that Members' Declarations of Interests were maintained and publicised as required by the Localism Act 2011.

The report further advised Members about the arrangements for appointing up to three Independent Persons and the appointment of non –voting Co-optees and non-voting Parish Council Co-optees to the Committee. Members were advised that three applicants for the post of Independent Person had been shortlisted for interview, which would take place after the conclusion of the meeting.

RESOLVED: That Council

- 1) approve the current membership of the Committee as being nine Elected Members, with two non-voting Independent Co-optees (Mr Tony Luxton and Mrs Anita Morris, who were formerly Independent Members of the previous Standards Committee, which ceased to exist on 31 March 2012);
- 2) note that the Parish Councils will be asked again to put forward names for the two vacant Parish Co-optee places;
- 3) agree that the following persons be appointed as Independent Person(s) for the purposes of the Localism Act 2011:-
 - Professor David Norman
 - Ms Dee Howard
 - Mr Roy Radley
- 4) approves the arrangements for dealing with complaints as contained in Appendix 2 attached to the report; and
- 5) note that the Monitoring Officer will take steps to

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comply with the requirements of the Localism Act
2011 in respect of the Members Code of Conduct.

Meeting ended at 3.05 p.m.