

## STANDARDS COMMITTEE

*At a meeting of the Standards Committee Wednesday, 13 February 2013 The Board Room - Municipal Building, Widnes*

Present: Councillors P. Lloyd Jones (Chairman), M. Bradshaw, Cole, J. Lowe, Parker, Woolfall, Mr A. Luxton (Co-optee) and Mrs A. Morris (Co-optee)

Apologies for Absence: Councillors Gerrard, McDermott and Wainwright

Absence declared on Council business: None

Officers present: M. Reaney and A. Scott

Also in attendance: Professor D Norman, Mrs D Howard, Mr R Radley

### ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

*Action*

#### STC10 MINUTES

The minutes of the meeting held on 7 November 2012, having been printed and circulated, were signed as a correct record.

In considering the minutes, it was noted that the Chairman would discuss Councillor Gerrards' future membership of the Committee with the Labour Group Chief Whip, as it had proved impossible for him to be able to attend due to a clash of work commitments.

#### STC11 ROLE OF THE PARISH COUNCIL CLERK

The Committee considered a report of the Monitoring Officer on the role of the Parish Council Clerk.

Members were advised that the purpose of the Parish Clerk was to ensure that the Parish Council as a whole conducted its business properly, and to provide independent, objective and professional advice and support. A summary of duties was provided in the report for information. In addition, there was a legal requirement for a Parish Council to appoint such officers as it believed were necessary for the proper discharge of its functions. It was noted that this included the appointment of an officer responsible for the proper administration of financial affairs.

It was reported that the National Association of Local Councils and the Society of Local Council Clerks had negotiated a national agreement on salaries and conditions of service for local council clerks in England and Wales. In addition, they negotiated annually on a salary award and had also agreed a comprehensive model contract of employment and job description.

In discussion, the following points were raised:

- whether there was a model code of conduct under which Parish Clerks should operate;
- the requirement for Parish Clerks, as employees of the Parish Council, to register, record and declare interests; and
- the potential conflict of interests that existed for a Parish Chairman and his/her ability to express a personal opinion.

RESOLVED: That

- 1) the report be noted; and
- 2) the Committee place on record their concern about the Parish Council Register of Interest forms which remained outstanding and that they be requested to return these by 31 March 2013.

## STC12 REPORT FROM THE COMMITTEE ON STANDARDS IN PUBLIC LIFE

The Committee considered a report of the Monitoring Officer on the recently published report of the Committee on Standards in Public Life (the report).

The Committee on Standards in Public Life (the Committee) had published its report on 13 January 2013, which provided an overview of where the Committee felt standards lay in light of its previous reports and Government actions. The Committee was of the view that standards of behaviour had improved significantly in many areas of public life since it first reported in 1995, and believed that the considerable effort and expense devoted to the objective had not been wasted.

A copy of the report was attached at Appendix A. In brief, the Committee had highlighted the following areas:

- significant concerns about large political donations;
- instances of unacceptable behaviour;

- improvements in arrangements for making public appointments; and
- recent significant public scandals, which continued to occur.

It was noted that the Committee was of the opinion that the way forward was for individuals to take personal responsibility and for active management and constant vigilance.

In discussions, members of the Standards Committee considered an invitation could be extended to the Leader of Halton Borough Council and to the Chief Executive, to attend a future meeting of the Standards Committee to discuss their roles and responsibilities relating to leadership in public office.

RESOLVED: That the report be noted.

#### STC13 DISPENSATIONS IN BUDGET DECISIONS

The Committee considered a report of the Monitoring Officer on recent developments with regard to the requirement of dispensations for Members taking part in budget decisions.

Under the previous Standards regime, an exemption was specifically granted in legislation to enable Members to take part in budget decisions, without declaring interests. It was noted that the Localism Act did not contain such provision with the legislation as drawn, leading to the conclusion that all Councillors residing in the Borough would have a disclosable pecuniary interest in budget decisions involving Council Tax setting.

In April 2012, full Council granted power to the Monitoring Officer to grant dispensations in cases where the number of declarations of interest would affect the quorum at meetings. This arrangement would allow Members to seek dispensations quickly and simply and avoid difficulties at the full Council meeting.

Members were advised that the Local Government Minister, Brandon Lewis M.P. had written a letter, a copy of which was attached at Appendix 1 to the report, expressing the view that dispensations were not required in budget and precept settings. The Association of Council Secretaries and Solicitors had published an open letter in response (attached at Appendix 2), setting out the Association's position that the

legislation, as enacted, required declarations to be made and therefore dispensations needed to be sought.

The Committee was advised that many local authorities in the region had accepted this view and would provide dispensations to Members, and that to date, approximately 40 Members of Halton Borough Council had requested and been granted dispensations prior to the Council meeting on 6 February 2013.

RESOLVED: That the report be noted.

#### STC14 STANDARDS UPDATE

The Monitoring Officer provided the Committee with an update on recent decisions taken in other parts of the country, which provided an insight into the kind of issues faced and the manner in which they had proceeded.

Details on recent cases were given from the following authorities:

- Norfolk;
- Cheshire West and Chester;
- Cornwall;
- Greenwich;
- Wigan; and
- Camberley.

The Committee commented that they found these reports to be very useful and helpful in terms of Members' learning and development, and that there was potential to share best practice.

RESOLVED: That the report be noted.

*Meeting ended at 3.45 p.m.*