

Standards Committee



Date	2 December 2008
Venue	Town Hall, St Annes
Committee members	Mr DDE Birchall (Chairman) Councillors Brenda Ackers, Paul Hayhurst, Howard Henshaw A D K (Malaysia), Kevin Eastham Mr A Marsh, Mr R Male, Mr G Driver Parish Councillor Richard Nulty
Others	
Officers	Ian Curtis, Clare Holmes, Christopher Kitchen

1. Declarations of interest

Members were reminded that any personal/prejudicial interests should be declared as required by the Council's Code of Conduct adopted in accordance with the Local Government Act 2000.

2. Substitute members

There were no substitute members.

Mr H Butler and Linda Burn sent their apologies.

3. Annual Report

Mr DDE Birchall (Chairman of the Standards Committee) introduced a report that presented the Draft Annual Report to the Committee. The Committee was asked to agree the Draft Annual Report or to make changes to it.

The Draft Annual Report highlighted the Committee's work in 2008 and also looked at the comparisons between Fylde and National Data.

Members raised several questions relating to the Analysis and comment section of the report. It was proposed that the following amendment to the wording be made to the final paragraph on page 11 of the agenda:

We considered the general conduct of that meeting at our meeting in May. While recognising that controversial and important questions were being

discussed, and that passions ran high, we considered that the conduct of the meeting reflected badly on the borough council as a whole.

Following discussion and clarification of the structure of the Sub Committees the Committee RESOLVED to adopt the Draft Annual Report for submission to the Full Council and Town and Parish Clerks.

4. Complaint Against a Councillor: Formal Report on Referral for Other Action

Ian Curtis (Monitoring Officer) introduced a formal report under the relevant regulations of a referral to the Monitoring Officer for action other than an investigation.

Under regulation 13(4)(c) of the regulations, the Monitoring Officer must, within the period of three months or as soon as is reasonably practicable thereafter submit a written report to the Standards Committee giving details of the action taken or proposed, to comply with the direction. This was that formal report.

The committee RESOLVED:

1. To notify the Councillor concerned, the complainants and the relevant Parish Council that the committee is satisfied with the action set out in the report.

5. Proposed Revision to the Code of Conduct: Government Consultation

Ian Curtis (Monitoring Officer) presented a report on the proposed revision to the Code of Conduct. The Government was consulting on proposals to revise its model Code of Conduct. The Committee was asked to respond to the consultation paper.

The Committee discussed the list of consultation questions as detailed below:

1. Do you agree that the members' code of conduct should apply to a member's conduct when acting in their non-official capacity?

The Committee agreed that the members' code of conduct should apply to a member's conduct when acting in their non official capacity.

2. Do you agree with this definition of 'criminal offence' for the purpose of the members' code? If not, what other definition would you support , for instance should it include police cautions?

The Committee agreed with the definition of 'criminal offence' however the Standards Committee would decide on the severity of the crime.

3. Do you agree with this definition of 'official capacity' for the purpose of the members' code? If not, what other definition would you support?

The Committee agreed with the definition of 'official capacity' for the purpose of the members' code.

4. Do you agree that the members' code should only apply where a criminal offence and conviction abroad would have been a criminal offence if committed in the UK?

The Committee agreed that the members' code should only apply where a criminal offence and conviction abroad would have been a criminal offence if committed in the UK.

5. Do you agree that an ethical investigation should not proceed until the criminal process has been completed?

The Committee agreed that an ethical investigation should not proceed until the criminal process had been completed.

6. Do you think that the amendments to the members' code suggested in this chapter are required? Are there any other drafting amendments which would be helpful? If so, please could you provide details of your suggested amendments?

The Committee agreed that the amendments to the members' code were required.

7. Are there any aspects of conduct currently included in the members' code that are not required? If so, please could you specify which aspects and the reasons why you hold this view?

The committee agreed there was no aspects of the members' code that was not required.

8. Are there any aspects of conduct in a member's official capacity not specified in the members' code that should be included?

The Committee agreed that they were no further amendments to make to the members' code.

9. Does the proposed timescale of two months, during which a member must give an undertaking to observe the members' code, starting from the date the authority adopts the code, provide members with sufficient time to undertake to observe the code?

The Committee agreed that proposed timescale of two months was sufficient unless there was exceptional circumstances.

10. Do you agree with the addition of this new general principle, applied specifically to conduct in a member's non-official capacity?

The Committee agreed that they did not agree with the addition of this new general principle, applied specifically to conduct in a member's non-official capacity.

11. Do you agree with this broad definition of 'criminal offence' for the purpose of the General Principles Order? Or do you consider that the 'criminal offence' should be defined differently?

The Committee agreed that there was need for the General Principles Order.

12. Do you agree with this definition of 'official capacity' for the purpose of the General Principles Order?

The Committee agreed that they did not agree with this definition of 'official capacity' for the purpose of the General Principles Order.

RESOLVED:

1. To respond to the consultation paper in as much as it relates to member conduct.