

DECLARATION OF INTEREST - CHECKLIST FOR ASSISTANCE OF MEMBERS – 2007

Name: Councillor

Cabinet/Council/Committee:

Date:

Item No:

Item Title:

Nature of Interest:

**A Member with a personal interest in any business of the Council must disclose the existence and nature of that interest at commencement or when interest apparent except:**

- Where it relates to or is likely to affect a person described in 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose the existence and nature when you address the meeting on that business.
- Where it is a personal interest of the type mentioned in 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- Where sensitive information relating to it is not registered in the register, you must indicate that you have a personal interest, but need not disclose the sensitive information.

A Member with a prejudicial interest must withdraw, **either** immediately after making representations, answering questions or giving evidence where 4 below applies **or** when business is considered and must not exercise executive functions in relation to that business and must not seek to improperly influence a decision.

Please tick relevant boxes

Notes

	<b>General (not at overview &amp; scrutiny)</b>		Notes
1.	I have a personal interest* but it is not prejudicial.	<input type="checkbox"/>	<i>You may speak and vote</i>
2.	I have a personal interest* but do <u>not</u> have a prejudicial interest in the business as it relates to the functions of my Council in respect of:		
(i)	Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease.	<input type="checkbox"/>	<i>You may speak and vote</i>
(ii)	school meals, or school transport and travelling expenses where I am a parent or guardian of a child in full time education, or are a parent governor of a school, and it does not relate particularly to the school which the child attends.	<input type="checkbox"/>	<i>You may speak and vote</i>
(iii)	Statutory sick pay where I am in receipt or entitled to receipt of such pay.	<input type="checkbox"/>	<i>You may speak and vote</i>
(iv)	An allowance, payment or indemnity given to Members	<input type="checkbox"/>	<i>You may speak and vote</i>
(v)	Any ceremonial honour given to Members	<input type="checkbox"/>	<i>You may speak and vote</i>
(vi)	Setting Council tax or a precept under the LGFA 1992	<input type="checkbox"/>	<i>You may speak and vote</i>
3.	I have a personal interest* and it is prejudicial <b>because</b> it affects my financial position or the financial position of a person or body described in 8 overleaf <b>and</b> the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest  <b>or</b> it relates to the determining of any approval consent, licence, permission or registration in relation to me or any person or body described in 8 overleaf <b>and</b> the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest	<input type="checkbox"/>  <input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 4 or 5 below</i>  <i>You cannot speak or vote and must withdraw unless you have also ticked 4 or 5 below</i>

4.	I have a personal and prejudicial interest in the business but I can attend to make representations, answer questions or give evidence as the public are also allowed to attend the meeting for the same purpose	<input type="checkbox"/>	<i>You may speak but must leave the room once you have finished and cannot vote</i>
5.	A Standards Committee dispensation applies.	<input type="checkbox"/>	<i>See the terms of the dispensation</i>

\* **“Personal Interest”** in the business of the Council means either it relates to or is likely to affect:

- 8(1)(a)(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) any body -
- (aa) exercising functions of a public nature;
  - (bb) directed to charitable purposes; or
  - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
- (iii) any employment or business carried on by you;
- (iv) any person or body who employs or has appointed you;
- (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
- (vi) any person or body who has a place of business or land in your authority’s area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
- (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
- (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
- (ix) any land in your authority’s area in which you have a beneficial interest;
- (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
- (xi) any land in the authority’s area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer.

**or**

A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision.

**“a relevant person”** means

- (a) a member of your family or any person with whom you have a close association, or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph 8(1)(a)(i) or (ii).

**“body exercising functions of a public nature”** means

Regional and local development agencies, other government agencies, other Councils, public health bodies, council-owned companies exercising public functions, arms length management organisations carrying out housing functions on behalf of your authority, school governing bodies.

A Member with a personal interest who has made an executive decision in relation to that matter must ensure any written statement of that decision records the existence and nature of that interest.

NB Section 21(13)(b) of the LGA 2000 overrides any Code provisions to oblige an executive member to attend an overview and scrutiny meeting to answer questions.



## Independent Member Role Description

### Standards Committee

**POSITION:** Independent Member of the Standards Committee

#### **MAIN ROLE**

1. To attend regularly and participate in meetings of the Standards Committee and any Sub-Committees (NOTE: meetings are normally held at 4.30pm but may be held during the day and may occasionally be called at short notice).
2. To participate in and /or chair Sub-Committee meetings in relation to complaints of member misconduct under the Code of Conduct.
3. To actively promote ethics and standards within the Borough Council and Parish Councils within West Lancashire.
4. To develop and apply knowledge of the Code of Conduct in relation to matters brought before the Standards Committee, including the determination of allegations of member misconduct.
5. To analyse and exercise fair and impartial judgement on conduct issues and to set standards of ethical behaviour.
6. To provide a view on the governance of the Council from an external perspective which will better enable the Committee to advise the Council on conduct issues.
7. To develop a sound understanding of the ethical and wider regulatory framework within which the Council operates and to contribute to the overall effectiveness of the full scope of the work of the Committee.
8. To be aware of the views of the local community on ethical standards and to reflect these in the activities of the Committee.
9. Be prepared to undertake training and to participate in training events organised to promote awareness of the Code of Conduct.
10. To attend meetings of the Borough Council, Parish Councils and civic and other functions in order to raise the profile of ethics and standards within the authority.

**Date job description prepared/updated:** October 2009

**Job description prepared by:** Assistant Member Services Manager





**INDEPENDENT MEMBER  
PERSON SPECIFICATION**

Standards Committee

<b>PERSON SPECIFICATION FOR: INDEPENDENT MEMBER OF THE STANDARDS COMMITTEE</b>
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<b>REQUIREMENTS</b>	<b>ESSENTIAL (E) / DESIREABLE (D)</b>
<b>Qualifications:</b> <ul style="list-style-type: none"> <li>• No specific qualifications or background is required.</li> </ul>	
<b>Knowledge and Skills:</b> <ul style="list-style-type: none"> <li>• A good communicator with questioning skills</li> <li>• Assertive</li> <li>• Inquisitive, open-minded and non-judgemental</li> <li>• Perception of the potential contribution of Independent Members appointed to the Committee</li> <li>• Understanding of the Standards Committee's main functions</li> <li>• General understanding of the principles behind the Members' Code of Conduct</li> <li>• Awareness of the background to the introduction of the new ethical framework for local government</li> </ul>	(E) (E) (E) (D) (E) (E) (D)
<b>Experience:</b> <ul style="list-style-type: none"> <li>• A demonstrable interest in local issues</li> <li>• Experience in committee working/weighing evidence and dealing with ethical issues</li> <li>• An interest in public service and local government in particular</li> <li>• Live and/or work in the area</li> </ul>	(D) (D) (E) (D)
<b>Competencies:</b> <ul style="list-style-type: none"> <li>• A person in whose impartiality and integrity the public can have confidence</li> <li>• Understand and comply with confidentiality requirements</li> <li>• Able to make a significant contribution to the work of the committee</li> </ul>	(E) (E) (E)

<b>APPROVED BY : COUNCIL SECRETAR AND SOLICITOR</b>	<b>DATE: October 2009</b>
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## STANDARDS COMMITTEE

### APPOINTMENT OF INDEPENDENT MEMBERS

1. In accordance with the provisions set out in The Standards Committee (England) Regulations 2008, the Council has established a Standards Committee with 5 Independent Members, 3 Parish Council Representatives and 4 Borough Council Members. Two of these Independent Members are appointed as Chairman and Vice Chairman of the Committee.
2. 'Independent Member' means a person appointed to the Standards Committee or Sub-Committee of the Standards Committee who is not a Member or Officer of West Lancashire Borough Council or any other Local Authority, which includes parish, district, county and unitary councils as well as Police and Fire Authorities. However, a person who is an Independent Member of a Standards Committee of another Local Authority may be appointed.
3. No person who has been a Member or Officer of the Borough Council, within the period of 5 years preceding the date of appointment, may be appointed as an Independent Member of the Standards Committee. For the guidance of applicants, this period would be from 19 May 2005 to 19 May 2010.
4. No person who is a relative or close friend of a Member or Officer of the Council may be appointed as an Independent Member of the Standards Committee. For the guidance of applicants, the Regulations define "relative" as a partner (spouse, civil partner or someone that person lives with in a similar capacity), parent, parent of partner, son, daughter, stepson, stepdaughter, the child of a partner, brother, sister, a brother or sister of a partner, grandparent, grandchild, uncle, aunt, nephew, niece and the partners of any of the preceding persons. The Regulations do not provide a definition of a 'close friend'.
5. Only those persons who submit a completed application to the Council may be considered for appointment as an Independent Member of the Standards Committee.
6. Membership of a political party does not automatically bar applicants from being an Independent Member of the Standards Committee. However, the more politically active a member is, the less likely they will be seen as being independent.
7. Independent Members should preferably have some knowledge of local government and the way it works. Lack of familiarity with the functions of Councils, however, will not be a bar to appointment.

8. Independent Members should ideally reside in West Lancashire.
9. Independent Members will
  - (a) be appointed for a four year term of office.
  - (b) At the end of the term of office the Council shall either re-appoint the retiring member, if that member is prepared to be re-appointed, or take steps to appoint a replacement.
  - (c) After the first term of office, any subsequent period will be up to four years for each member, but no longer than eight years in total
10. The Council may remove an Independent Member from the Committee if he or she becomes discredited (for example if an Independent Member is found guilty of a criminal offence) or if an Independent Member fails to perform the duties required of them.
11. Independent Members must not misuse any information gained in the course of their service on the Committee for example for personal gain or political purpose, nor seek to use the opportunity of service on the Standards Committee to promote their private interests or those of connected firms, businesses or other organisations. A member who has any contractual relations with the Council is less likely to be seen as being independent.
12. Independent Members of the Committee must at all times observe the highest standards of impartiality, integrity and objectivity in relation to the work of the Committee. In this respect the Independent Members will themselves be required to formally agree to abide to and act in accordance with the Council's Code of Conduct for Members including completing a Declaration of Personal Interests Form. This register is available to be viewed by members of the public on request.
13. It is likely that Independent Members will need to attend several meetings of the Committee and Sub-Committees during the year. Expenses are currently paid in accordance with the scheme approved by the Council to the independent Chairman and independent Vice Chairman (currently £600 and £400 respectively). Allowances will also be paid to other independent members (currently £200).
14. The Chairman of the Standards Committee is always an Independent Member as is the Vice Chairman who will Chair meetings of the Committee in the absence of the Chairman.
15. Short listed applicants who have not previously served on the Committee will be invited to attend a short interview in relation to their application. It is anticipated that such interviews will take place on Thursday, 14 January 2010. Applicants are requested to indicate if they are NOT available.



# THE ROLE AND MAKE-UP OF STANDARDS COMMITTEES

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# introduction

This guidance is on the Standards Committee (England) Regulations 2008 (the regulations). It gives our view on the role and make-up of standards committees. The regulations are mandatory. This guidance must be taken into account by your authority. It is aimed primarily at members of standards committees and monitoring officers but will also provide a useful reference tool for all members and officers.

It applies to:

- district, unitary, metropolitan, county and London borough councils
- English police authorities
- fire and rescue authorities (including fire and civil defence authorities)
- the London Fire and Emergency Planning Authority
- passenger transport authorities
- the Broads Authority
- national park authorities
- the Greater London Authority
- the Common Council of the City of London
- the Council of the Isles of Scilly

Members of parish and town councils may also find this guide useful.

The Local Government Act 2000 says that your authority must set up a standards committee. The regulations set out the rules governing the size and composition of a standards committee and should be read alongside this guidance.

Throughout this guidance we use the term ‘independent member’ to describe members appointed by the authority under Section 53(4)(b) of the Local Government Act 2000, and Regulation 5 of the regulations.

You may also like to consult our guidance **Local assessment of complaints** available from our website [www.standardsboard.gov.uk](http://www.standardsboard.gov.uk).

You can contact the Standards Board for England on **0845 078 8181** or email [enquiries@standardsboard.gov.uk](mailto:enquiries@standardsboard.gov.uk)

# functions of standards committees

The main role of a standards committee is to promote and maintain high standards of conduct throughout its authority. One of the aims of setting up a standards committee is to create a sense of 'ethical well-being' in the authority.

The Standards Board for England believes there needs to be a culture of high standards in every authority. Each authority has the opportunity to reinforce its position as a leader in standards of conduct, setting an example to other bodies it works with, and to the community at large.

Standards committees, and indeed monitoring officers, are at the heart of the standards framework. They promote, educate and support members in following the highest standards of conduct and ensuring that those standards are fully owned locally.

Standards committees have a key role to play in creating an ethical organisation and setting an example for their councils. Indeed, creating and maintaining an ethical organisation is not just about adopting and enforcing the Code. It is also about relationships, both internally between members and authority staff, and externally with members of the public and other stakeholders. It is about how the authority relates to the community and other stakeholders, and improves the service it provides.

Standards committees have the following functions:

## Main functions

- to promote and maintain high standards of conduct for members
- to help members to follow the Code of Conduct

## Specific functions

- to give the council advice on adopting a local Code
- to monitor the effectiveness of the Code
- to train members on the Code, or arrange for such training
- to assess and review complaints about members
- to conduct determinations' hearings
- to grant dispensations to members with prejudicial interests
- to grant exemptions for politically restricted posts

The functions set out in this section should be included in the committee's 'terms of reference'. Standards committees can also undertake other functions as their authority considers appropriate.

The Audit Commission has recommended that authorities set up audit committees. The role of the standards committee should complement the role of the audit committee. While the audit committee

# functions of standards committees

should oversee the financial processes, standards committees should take the lead on promoting good ethical conduct. It is important that committees are clear about their roles and responsibilities, and that there are clear distinctions in their terms of reference. This will avoid confusion, disputes and possible duplication.

If you change the terms of reference of your standards committee, you must send a copy of the amended terms of reference to us. We are happy for you to email this to us at [enquiries@standardsboard.gov.uk](mailto:enquiries@standardsboard.gov.uk)

## Adopting the Code of Conduct

Your authority must have adopted a local Code of Conduct by 1 October 2007, or as soon as possible after this date. In order to adopt a Code your standards committee must become familiar with the Model Code. Your local Code must include all of the provisions of the Model Code, and these cannot be changed. All of the provisions in the Model Code automatically apply, even if you do not adopt them all in your local Code. Your authority may also adopt extra provisions in its Code to suit local circumstances as long as those provisions are consistent with the Model Code.

You can amend and readopt your local Code at any time as long as it still contains all of the mandatory provisions of the Model Code.

We believe that all members should be judged by the same standards. If you add provisions to the Model Code, you should be aware that members will be

assessed against these extra provisions. If you do add extra provisions, we advise you obtain legal advice to make sure these provisions can be enforced and do not breach any relevant law or regulation, such as the Human Rights Act.

Standards committee members can act as examples to other members by supporting the adoption of the Code, and by discussing ethical issues widely with their colleagues. They should lead by example in declaring the existence and nature of their interests at meetings, and by supporting and promoting attendance at training events. This will help keep the principles which govern the conduct of members and the Code at the centre of the authority's culture and values.

## Publicising adoption of the Code of Conduct

When your authority has adopted a Code of Conduct or a revised Code, the monitoring officer must publish a notice in one or more local newspapers. This notice should say that a Code has been adopted and that it is available for public inspection. If your council publishes its own paper and prints a notice in that paper, it must also print a notice in another local paper. The notice must say that it can be seen by members of the public at all reasonable hours. We would expect you to place the notice on your website, with links to your complaints' process and forms.

Parish and town councils have the same duty as principal authorities to publish a notice in one or more local newspapers

# functions of standards committees

when they have adopted the Code. Your authority can help the parish and town councils in your area to do this. Advertising can be expensive, so bear in mind that one advertisement can publicise Codes for several authorities in your area, for example, several parish and town councils.

If you decide to do this, the advertisement could simply list the authorities in the area that have adopted the Code and where it is available for the public to view. The advertisement should be placed in a publication covering all of the authority's area. Your authority can also advertise the Code on its website. But it must additionally publish its Code in one local newspaper, which excludes the newspaper in your own council.

If you make amendments to your Code, you must send a copy of the Code you have adopted to the Standards Board for England. If you add provisions to the Model Code, you should highlight any changes before sending them to us.

We are happy for you to email amended Codes to us at [enquiries@standardsboard.gov.uk](mailto:enquiries@standardsboard.gov.uk)

## Training members on the Code of Conduct

Standards committees are responsible for training members on matters relating to the Code of Conduct, or for arranging appropriate training to be provided. Training is an excellent way for your authority to set out the standards of conduct it expects from its members.

The training should ensure that members know about the workings and implications of the Code, as they are required to sign an undertaking to comply with it.

It would be good practice for standards committees to issue guidance notes or memos through their minutes to run alongside the Code. These could include guidance or protocols on local issues and an explanation of any extra provisions proposed to be added to the Code. This guidance could also be included in a members' handbook and placed on your website.

If your authority is responsible for any parish or town councils, it must also make sure that training is available to members of those councils. You may want to consult county associations to see if they provide any training.

We strongly encourage different tiers of local government to work together on ethical matters, particularly with training. This is because all members should know their rights and responsibilities, regardless of the type of authority.

Standards committees may like to base the training around some examples of potential ethical misconduct. This will allow members to see some of the provisions in action. Case summaries of completed investigations into misconduct are available on our website at [www.standardsboard.gov.uk](http://www.standardsboard.gov.uk).

Alternatively, you can consult our *Case Review* publication which is also available on our website.

# functions of standards committees

Monitoring officers should be able to provide their standards committee with the training materials published by the Standards Board.

## Monitoring the effectiveness of the Code of Conduct

Standards committees need to monitor how effectively members are adhering to the Code of Conduct, the type of complaints received and how quickly these complaints are dealt with. This will help identify where problems are and what should be included in future guidance and training. Monitoring officers may provide overview reports to the committee highlighting these issues.

Monitoring officers will also make quarterly and annual returns to the Standards Board for England on the operation of the Code in their authority and the standards framework locally.

The Standards Board consulted authorities to determine how they will tell us that the local arrangements are working. We have designed a monitoring system based on what standards committees need locally. The system enables authorities to provide information to the Standards Board as simply as possible. Authorities will be able to use the system locally for their own records, to keep standards committees informed of the authority's ethical activities.

## Giving standards committees a wider role

The Local Government Act 2000 allows your authority to give the standards committee extra functions to give them a wider governance role. Some standards committees do take on extra functions.

These may include:

- dealing with the protocol for members and authority employees' relations
- receiving reports on complaints procedures and/or reports from the Local Government Ombudsman or external auditors
- setting up the independent remuneration panel
- commenting on recommendations on members' allowances
- advising the council on the appointment of independent members

We believe that giving standards committees wider-reaching responsibilities is a positive step and will help promote confidence in local democracy. It will also provide a workload which is regular and interesting, and should in turn aid the recruitment and retention of independent members.

Authorities should review their constitutions regularly, at least once every five years. A constitution should be a living document provided to members, available



# functions of standards committees

to the public and staff, and placed on your website. You may want to consider making the standards committee responsible for ensuring the constitution is designed to reduce the opportunity for misconduct and to promote effective governance. This will also mean that processes are properly accountable to both members and the public, and that relations with outside organisations are properly managed.

A wider role for standards committees can also be valuable for the following reasons:

- a work programme prevents ethics slipping off the agenda
- periodic ethical audits highlight any systemic weaknesses
- standards committees provide a useful structure for learning from the experiences and cases in other authorities
- standards committees can provide support to relevant officers when faced with a highly politicised environment

## Granting dispensations

Members can apply to their standards committee for a dispensation to allow them to attend meetings where they would otherwise be excluded because they have a prejudicial interest. This can happen when more than 50% of the council or a committee would be prevented from taking part in a meeting because of prejudicial interests, or when the political balance of the council or committee would be upset.

Dispensations must be applied for in writing individually, and not as a group or authority. If the standards committee approves the application, it must grant the dispensation in writing and before the meeting is held.

Only the standards committee can grant the dispensation and will do so at its discretion. Standards committees will need to balance public interests when granting dispensations. They will have to balance the public interest in preventing members with prejudicial interests from taking part in decisions, against the public interest in decisions being taken by a reasonably representative group of authority members. If a failure to grant a dispensation will result in an authority or committee not achieving the minimum number of members required for the group, this may be sufficient grounds for granting a dispensation.

However, paragraph 12(2) of the 2007 Model Code of Conduct enables members to represent their community and speak on issues important to the community and themselves, even when they have a prejudicial interest. This is to support members' roles as community advocates.

If members have a prejudicial interest, under paragraph 12(2), they will be able to make representations, answer questions or give evidence relating to that business. This is provided that members of the public are also allowed to attend the meeting for the same purpose.



# functions of standards committees

**Note:** there is a problem with the drafting of the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002. The political balance criterion for granting dispensations is linked to an authority being able to comply with its duty under the Local Government and Housing Act 1989.

This duty requires the appointment of committees that reflect the overall political balance of an authority. However, the duty does not arise in relation to individual meetings, either of the authority or its committees. For this reason, it is difficult to envisage circumstances in which the criterion would be met.

## Politically restricted posts

The Local Government and Public Involvement in Health Act 2007 imposed new duties in relation to politically restricted posts under the Local Government and Housing Act 1989 on standards committees. These are outside the scope of this guidance, but should be included in the standards committee's terms of reference.

# size & composition

You must have at least three people on your standards committee. It must include at least two members of the authority and at least one independent member. At least 25% of the members of the standards committee must be independent members.

Please see the section on **Parish and town council representatives** on **page 16** for further information.

The chair of the standards committee must always be an independent member. You may therefore also want to appoint an independent member to act as vice chair of the committee in case the chair is unable to attend.

If your authority has executive arrangements, you are permitted to have one executive member on the standards committee. However, this executive member must not be the elected mayor or leader.

As the standards committee carries out a number of functions including the assessment of complaints and determination hearings, we recommend that your authority has at least six members on your standards committee. This is because different members will be required to carry out the different functions to avoid conflicts of interest.

If your authority is responsible for any parish or town councils, at least two representatives from those parish or town councils must be appointed to your standards committee and they cannot also be members of your authority. A parish or town council representative must sit on the standards committee at all times when parish matters are being discussed.

# independent members

Independent members are important in helping increase public confidence in local government. They provide a clear signal that the standards committee acts fairly and impartially. Independent members also bring a wider perspective from their outside experiences. There is no limit to the number of independent members you can have on your standards committee. Indeed some authorities may wish to have a majority of independent members.

Your authority decides how to select independent members and how long an independent member should sit on the committee. We recommend that you set a fixed period of four years. This will be long enough for them to gain an understanding of the committee, the authority and its workings, but not so long that they could be perceived as losing their independence.

When re-appointing an independent member, you should bear in mind that we recommend that independent members should serve no longer than two terms, which is a maximum of eight years. It may be helpful for independent members to be appointed for differing lengths of time so that the experience they gain is not all lost simultaneously.

## Choosing an independent member

Independent members must be chosen in a fair and open way.

A person can only be an independent member if that person:

- has not been a member or employee

of your authority within the five years before the date of appointment

- is not a member or officer of that or any other relevant authority. Please see the section **Recruiting independent members from another standards committee** on **page 13** for further information on when this does not apply
- is not a relative or close friend of a member or employee of your authority
- has applied for the appointment
- has been approved by a majority of the members of the council
- the position has been advertised in at least one newspaper distributed in your authority's area, and in other similar publications or websites that the authority considers appropriate. The decision on which other publications or websites to use may be something that the authority delegates to the standards committee.

The regulations say that a 'relative' means:

- a partner (a spouse, civil partner or someone a person lives with in a similar capacity)
- a parent
- a parent of a partner
- a son or daughter
- a stepson or stepdaughter
- the child of a partner
- a brother or sister
- a brother or sister of a partner

# independent members

- a grandparent
- a grandchild
- an uncle or aunt
- a nephew or niece
- the partners of any of the people mentioned above

The regulations do not provide a specific definition of a close friend. The Standards Board for England's publication the *Case Review 2007* includes a section on defining a close associate, which might be helpful in identifying a close friend. The *Case Review 2007* is available at [www.standardsboard.gov.uk](http://www.standardsboard.gov.uk).

The regulations require a majority of all members of the authority to approve the appointment. However, we believe that in practice, a report only needs to go to full council when selecting independent members. If so, we recommend that the monitoring officer ensures the majority of members approve, not just those attending the meeting.

We recommend that the power to assist the recruitment of independent members is delegated to the standards committee by the authority and is included in the committee's terms of reference. A standards committee may appoint a sub-committee to take on some of its functions, for example, if your standards committee is asked to advise members of the council on the appointment of independent or parish members. If so, then the standards committee may set up a sub-committee of suitably trained members to shortlist and interview candidates and make recommendations to council. The sub-committee may find it

helpful to have the monitoring officer and a human resources officer present to provide advice and assistance.

An individual's membership of a political party does not automatically bar them from being an independent member of a standards committee. However, the more politically active an independent member is the less likely they will be seen as being independent. You should consider public perception before making an appointment of this sort.

If you are finding it difficult to attract suitable people to become independent members, you should review the criteria in your advertisement to make sure they are reasonable. For example, you should make sure that the time you are asking the member to invest is reasonable for the role.

You may also want to consider additional methods of attracting candidates. This could include:

- placing articles in the local press about the role of an independent member
- placing advertisements on your website or on your local radio station
- placing flyers in libraries, adult learning centres or places of worship
- advertising through other authorities' partnerships or through the local voluntary or community sector
- approaching your citizen's panel
- the personal approach. For example,

# independent members

contacting neighbouring authorities which may have more suitable candidates than they can appoint.

- approaching a person who is an independent member of a standards committee of a different authority. This person may also be appointed as an independent member of the standards committee of your authority. This is unless they were a member or officer of your authority within the five years preceding the appointment, or are a relative or a close friend of a member or officer of your authority.

Remember that all the selection criteria for the position will still apply, so even if you approach someone directly, they must still make a formal application.

We recommend that the application form includes sections on:

- personal details
- qualifications
- summary of experience
- relevant expertise/skills

Accepting a CV with an application form may make the process easier for busy candidates. You may also want to consider online applications. We recommend that the monitoring officer should be involved throughout the recruitment process to advise the panel and the authority.

## Skills and competencies of independent members

The competencies you should look for in an independent member include:

- a keen interest in standards in public life
- a wish to serve the local community and uphold local democracy
- high standards of personal integrity
- the ability to be objective, independent and impartial
- sound decision making skills
- questioning skills
- leadership qualities, particularly in respect of exercising sound judgment
- the ability to act as the chair of an assessment or review sub-committee or a determination hearing

Please see the section **The role of the chair** on **page 13** for further information on acting as a chair.

You should assess candidates looking for these qualities in interviews and any other assessment process you carry out. You also need to ensure that your authority complies with its duties under the Equality Act 2006. The human resources department of your authority may be able to advise you further on this matter.

# independent members

For further information on the recruitment of independent members, you may want to look at the recruitment pack produced by the Association of Council Secretaries and Solicitors (ACSeS). The pack provides practical advice on how to set about recruiting independent members, together with their roles and responsibilities. The pack can be downloaded at [www.acses.org.uk](http://www.acses.org.uk)

## Recruiting independent members from another standards committee

An independent member of one standards committee may also sit on other standards committees. For example, the member can sit on county and district, or county, police and fire authorities' standards committees.

Independent members may also be temporarily appointed to another standards committee to consider a particular assessment, review or hearing or for a particular period of time. For example, it would be appropriate to appoint an independent member of a neighbouring standards committee for a short period in situations where the permanent member is unwell or if there is a conflict of interest. These appointments can be made without needing to advertise the position. The appointments do not need to be ratified by a majority of the members of the authority, but proper procedures should be in place to appoint independent members on a temporary basis.

Independent members appointed on a temporary basis cannot have been a member or officer of that authority in their

five years before the appointment, and cannot be a close friend or a relative of a member or officer of that authority. They must also comply with the Code of Conduct of each authority whose standards committee they sit on.

## Ceasing to be an independent member

Under the regulations, any person appointed as an independent member who becomes a member or officer of an authority, or a relative of a member or officer of that authority, will no longer be able to be an independent member of that authority's standards committee.

## The role of the chair

It is a legal requirement that the chair of the standards committee must be an independent member. It is important for the chair to be independent because of the key role they play in the business of the standards committee. By being independent, the chair can ensure that the standards committee's business is conducted in such a way that no one can question its integrity.

Authorities should aim to select a person who will command the respect of members and the local community. We recommend that the decision on who should be appointed as chair be taken by the full council or delegated to the standards committee. You may also choose to appoint an independent vice chair for the reasons discussed in the section on **Size and composition** on [page 9](#).



# independent members

An effective chair will ensure that the business of the meeting is completed while allowing a fair and balanced debate and any professional advice to be taken into account. The chair may summarise the points put to the committee, and will ensure that the meeting is run correctly from a procedural point of view. They will also ensure that the decisions made are accurately recorded. The chair is responsible for keeping order and adjourning meetings where necessary. They should also have a good level of assertiveness. It is also the chair's responsibility to ensure that members of the public and press leave the meeting when a private report is being considered. Please see the section **Skills and competencies of independent members** on **page 12** for further information.

Preliminary matters will often arise in relation to hearings. The chair, with the advice of the monitoring officer, may make initial process decisions in relation to such matters. However, it is important that the hearing committee or sub-committee considers and approves such arrangements.

Ultimately, it is the way the chair operates independently, and is seen to operate independently, that should enhance confidence in the integrity of the standards committee. It is also the chair's status as an independent member, a role drawn from outside the authority and independent from the authority that should provide a clear signal that the committee is fair.

## **Induction of independent members**

While it is not mandatory, we recommend that an induction programme should be provided for independent members. This should include training on the Code of Conduct and the functions of standards committees. Inductions should also include attendance at authority meetings, such as meetings of planning and licensing committees and the full council. If authorities are operating executive arrangements, then attendance at cabinet meetings and overview and scrutiny committee meetings should be part of the induction.

Independent and parish representatives should also receive a copy of the authority's constitution. In addition, they should receive a copy of the Code of Conduct that has been adopted by your authority, the protocol for member/officer relations and any other protocol in use.

The constitution should also include the authority's scheme of delegations of functions. Whistle-blowing policies, any policies and procedures under the Equality Act 2006, and the authority's anti-bullying policy should also be included. It may be helpful to add an A-Z of people in the authority, a list of authority services and the municipal calendar.

There are a number of regional independent member organisations. Many authorities use a mentoring system to assist new independent members of standards committees. In some parts of the country regional groups of independent

# independent members

members have been established. Information relating to these will be helpful as may a list of useful websites.

To find out if there is a regional group of independent members in your area you should contact the Standards Board for England. The Association of Independent Members of Standards Committees in England (AIMSce) may also be able to provide support. Information about AIMSce can be found at [www.aimsce.org.uk](http://www.aimsce.org.uk) Authorities may also want to consider making members' IT facilities available to both their independent and parish representatives.

## **Remuneration for independent members**

Authorities must introduce an annual scheme for the payment of a basic allowance to their members, based on the recommendations of an independent remuneration panel. The annual scheme can also extend to the payment of other allowances, including a co-optee's allowance. A co-optee's allowance relates to a person who is not a member of the authority but is a member of a committee or sub-committee, for example an independent member of a standards committee.

We recommend that independent members should be able to claim for financial loss, travel and subsistence. This will help attract those people that may have been deterred from the role because of the costs involved. Each authority must consider the recommendations of its panel

as to whether it should provide for the payment of a co-optee's allowance and of travelling and subsistence expenses.

## **Indemnities for independent members**

Where independent members are carrying out their statutory duties, they may be protected by their authority's indemnity arrangements under the Local Authorities (Indemnities for Member and Officers) Order 2004. We recommend that all authorities include independent members in their indemnity arrangements.

## **Complying with the Code of Conduct and the register of members' interests**

Independent members must sign an undertaking to comply with the Code of Conduct and disclose their interests in the register of members' interests maintained by the monitoring officer, in the same way as other members. Complaints about the conduct of independent members must be treated in the same way as that of other members.



# parish and town council representatives

If your standards committee is responsible for parish or town councils we recommend you have a minimum of three parish or town council representatives on your standards committee, though the legal minimum is two.

A standards committee with three parish or town council representatives will provide you with flexibility. It should allow the local assessment of complaints to be carried out if a parish or town council representative is unavailable or conflicted out. You may wish to increase the number further to avoid situations where the parish or town council representative is conflicted out, and to prevent the parish or town council representatives from feeling isolated. It will also avoid meetings having insufficient members, if the parish or town council representative is not present when issues affecting parish or town councils are discussed.

This will bring the recommended total number of people on your standards committee to nine members.

Having nine members means that you can meet the requirement of having a different parish or town council representative when the committee's sub-committees carry out each of the separate assessment and review functions. Please see our guidance **Local assessment of complaints** for further information.

Your council must consult parish and town councils within its area to help decide if there should be a parish sub-committee to deal with some of its functions relating to

parish and town council matters. Any parish sub-committee must include at least one parish or town council representative and at least one independent member. In addition, your council must consult parish and town councils to determine how many parish and town council representatives are needed and how long they should serve on the committee.

## Choosing parish and town council representatives

Your authority must decide how to recruit and appoint parish or town council representatives. Your parish and town council representative should have the trust of town and parish councils in your area, so you should involve them in the selection procedure.

If you are finding it difficult to find a parish or town council representative, your local county association of local councils may be able to help you. For example, the county association may be able to give you a list of possible candidates. They may also be prepared to conduct an election process for you.

This process should receive the support of the parish and town councils in the area and show that you want to appoint standards committee members in a fair and open way.

# other members

## **Executive members on the standards committee**

If the authority is operating executive arrangements, the standards committee does not need to include a member of the executive. However, you should consider whether it is appropriate to appoint an executive member. Appointing an executive member might show that the committee is supported and respected by all parts of the authority. Not having an executive member could reflect a degree of independence from the political leadership of the authority. Nevertheless, this is ultimately a decision for the authority.

## **Elected members on the standards committee**

Standards committees need not reflect the political balance of the authority. This is because the standards committee should be above party politics and its members need to have the respect of the whole authority, regardless of the governing political party. It may be helpful to remind elected members of this when committee appointments are being made.

It would be useful for your standards committee to include members who are supported by all political parties, particularly when the local assessment of complaints is carried out. This is so that greater trust and confidence can be established in the decision-making process among all political members.

Standards committees should be seen as making judgments impartially and without

regard to party loyalty. Elected members should consequently be mindful of this when serving on a standards committee. Elected members on standards committees should not be subject to a party whip. In other words, they should not be told how to vote on matters. Members should also remember that they must adhere to the Code of Conduct when serving on a standards committee.

It is important when assessing complaints, reviewing assessment decisions and holding determination hearings that the sub-committee is properly constituted and that members are trained on the Code and the relevant legislation. We recommend that you keep a clear record of the training of all standards committee members. Some authorities provide refresher training before hearings.

## **Substitute members**

Some authorities operate a substitute system. This allows a substitute member to attend a meeting of the committee or sub-committee whenever a regularly appointed member cannot be present. This is often done to maintain the political composition.

However, we do not recommend the use of substitutes for standards committees. Standards committees are not intended to operate along party political lines and therefore it is not necessary to ensure a political balance.

In instances where all your independent members are unavailable, you would be

# other members

able to substitute your independent members with independent members from another authority. Please see the section on **Recruiting independent members from another standards committee** on **page 13** for further information.

It should also be noted that nothing in the regulations requires a sub-committee of a standards committee to have fixed membership or chairmanship.

# supporting standards committees

## The role of the monitoring officer

Your monitoring officer plays an important role in helping the standards committee to carry out its functions. The monitoring officer should have the necessary knowledge, skills and experience to do this. They are the link between your members and the standards committee. Your monitoring officer also plays an important role in the relationship between parish and town councillors and the standards committee.

Under the Local Government Act 2000, monitoring officers are responsible for investigating allegations and they receive directions to carry out actions other than an investigation. It is for this reason that they are well placed to monitor the effectiveness of the Code of Conduct. Please see our guidance **Local assessment of complaints** for further information on other action.

Monitoring officers must also maintain the register of members' interests. Monitoring officers may appoint deputies to help them fulfil their roles. They may, for example, appoint a deputy to conduct an investigation on their behalf, or to write a report to the standards committee.

Your monitoring officer may also want to arrange training on standards matters for standards committees or for other members. Under the Code, members must have regard to the advice of the monitoring officer when it is given as part of the monitoring officer's statutory duties.

# operation of standards committees

## Validity of meetings

The requirements in relation to membership and composition of standards committees are set out in the section on **Size and composition** on **page 9** of this guidance. All members of sub-committees must be drawn from and appointed by the standards committee.

A standards committee **must** appoint a sub-committee to:

- assess new complaints
- review decisions to take no action over a complaint

A standards committee **can** appoint a sub-committee to:

- consider a monitoring officer's final investigation report
- consider determination hearings

For the meeting of the sub-committee to be valid at least three members of the standards committee must be present throughout. These three members must include at least one member of the authority and one independent member, who must be the chair.

Meetings of the standards committee must include at least three members of the committee and be chaired by an independent member. The requirement to have an independent chair does not apply to other sub-committees of the standards committee.

A member of an assessment sub-committee cannot be present at the review sub-committee meeting when it considers a complaint that the assessment sub-committee decided no action should be taken on. Please see our guidance **Local assessment of complaints** for further information.

If the standards committee appoints a sub-committee to consider matters relating to parish and town councils, and the members of those councils, the sub-committee must have at least three members who are present throughout the meeting, including a parish or town council representative and an independent member.

At least one parish and town council representative must be present when matters relating to parish and town councils are being discussed by any meeting of the standards committee or one of its sub-committees.

## Agendas and reports for standards committee meetings

Standards committee agendas should be open for inspection five days before the meeting and a copy should be sent to parish and town councils that the authority is responsible for. Meetings of the assessment and review sub-committees are closed and therefore agendas for these meetings do not come under this rule. Many councils place agendas on their website.

# standards operation of committees

Copies of meeting reports should also be available for inspection. If the monitoring officer is a **proper officer** they can decide to exclude the whole report or any part of it, if they believe the meeting where the report(s) will be discussed is unlikely to be open to the public. These might include confidential or exempt items, or parts of reports that if disclosed might be in breach of the Data Protection Act.

If the chair believes, by reason of special circumstances specified in the minutes, that an item should be considered as a matter of urgency, this can be considered, despite it not having appeared on the agenda for the meeting.

Meeting minutes should be available for six years after the meeting, unless they relate to a part of the meeting that the public was excluded from, in which case they should not be made available.

Please see our guidance **Local assessment of complaints** for further information on access to meetings of the assessment and review sub-committees.

# notes





# STANDARDS COMMITTEE

## ANNUAL REPORT 2008/09

### INTRODUCTION

In accordance with the Local Government Act 2000 the Council is required to establish a Standards Committee. The main role of the Committee is to promote and maintain high standards of conduct throughout the authority and create a sense of 'ethical well-being'. The Standards Committee and the Monitoring Officer are at the heart of the standards framework. They promote, educate and support all Borough and Parish Councillors within West Lancashire in following the highest standards of conduct.

### Role and Function

- (a) promoting and maintaining high standards of conduct by councillors and co-opted members;
- (b) assisting councillors and co-opted members to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation and effectiveness of the Members' Code of Conduct;
- (e) advising, training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct;
- (f) granting dispensations to councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) dealing with any reports from a case tribunal or interim case tribunal, and any report from the monitoring officer on any matter which is referred by an ethical standards officer to the monitoring officer;
- (h) setting up procedures for the initial assessment, and review of complaints of alleged breaches of the Codes of Conduct for Members;
- (i) setting up procedures for the investigation of and subsequent report on, alleged breaches of the Codes of Conduct for Members;
- (j) the exercise of (a) to (i) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils;
- (k) advising the Council on the adoption and subsequent review of a Code of Conduct for officers;
- (l) advising, training or arranging to train officers on matters relating to the Code of Conduct for officers;

- (m) advising the Council on the adoption and subsequent review of the Council's Whistleblowing Code;
- (n) dealing with applications from officers for exemptions from political restrictions in respect of their posts;
- (o) where appropriate, issuing direction to include a post in the list of politically restricted posts it maintains;
- (p) advising, following consultation with appropriate parties, on the application of criteria for designation of a politically restricted post;
- (q) responding to consultation from the ombudsman when carrying out investigations in accordance with Section 196 of the LGPIH Act 2007 (commencement No. 2 and Savings) Order 2008.

### **Membership**

The Standards Committee is made up of 5 Independent Members, 3 Parish representatives and 4 Borough Councillors. The Chairman and Vice-Chairman are both Independent Members.

### **Independent Members**

The Council appoints Independent members by advertising the positions in the local newspaper, a press release is also produced and information is made available on the Council's web site. A Panel has been established this year to short list and interview candidates and make recommendations to Standards Committee and Council on future appointments.

### **Parish Representatives**

Parish Councils nominate and vote on the appointment of Parish Representatives to the Committee, which are formally approved by Council. The number of Parish Representatives has been increased from 2 to 3 over recent years.

## **OVERVIEW OF THE WORK OF THE COMMITTEE – 2008/09**

The main functions of the Committee have not changed during the year. Its main responsibility is still to promote and maintain high standards of conduct for Borough and Parish Councillors within West Lancashire. It does this primarily through providing training and support to Members. However, the Committee also has a reactive role by investigating complaints and if necessary imposing sanctions.

### **Local Assessment of Complaints Made Against Councillors**

In May 2008 new Regulations came into force requiring the Committee to implement a locally based system for the assessment, referral, investigation and hearing of complaints of Member misconduct. From this date, any one who considers that a Member may have breached the Code of Conduct may make a complaint to that Member's local Standards Committee. Each complaint must then be assessed to see if it falls within the authority's jurisdiction. The assessment of complaints is a new function

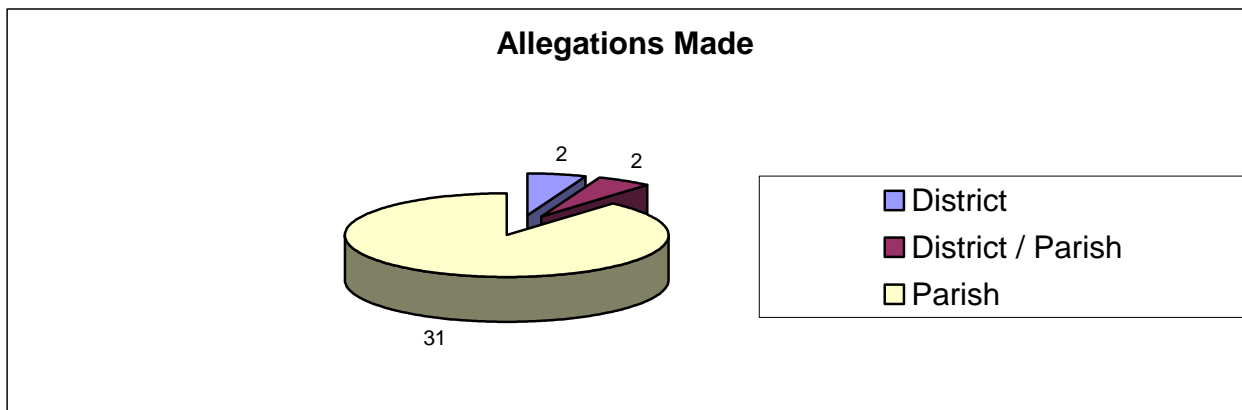
for Standards Committees and was previously undertaken centrally by the Standards Board for England.

The first year of carrying out Local Assessment of complaints has worked well despite a very heavy workload. The hard work put into preparing for change has paid dividends with the procedures adopted proving successful. However, as a Council we are always looking for ways to improve and the Committee is no different. The procedures are kept under review and are amended as and when necessary in order to improve the way in which complaints are dealt with.

Dealing with Local Assessment has given the Committee an interesting insight into the range of complaints received.

### Number of Complaints received during 2008/09

In 2008/09 a very high number of complaints were received, particularly between August and November 2008. A total of 35 complaints were made against Councillors in West Lancashire. The split between Parish and Borough Councillors is shown in the table below:



All 35 complaints were assessed through the Assessment Sub-Committee, 2 were referred for other action and 7 were referred for investigation. The Review Sub-Committee has also dealt with 13 reviews of assessment decisions. The 7 Investigation Reports were considered by the Standards Committee/Consideration Sub-Committee and 6 cases the Investigating Officers finding of 'no breach' was accepted. In relation to the 7<sup>th</sup> matter a Hearing was held and the Hearings Sub-Committee found no breach of the Code.

### Sub-Committees

- Assessment Sub-Committee  
'To carry out the initial assessment of allegations.'  
9 meetings
- Review Sub-Committee  
'To carry out reviews.'  
5 meetings
- Hearings Sub-Committee

‘To hear cases referred to it and decide whether a member has breached the Code of Conduct and, if so, to decide if a sanction should be applied and what form the sanction should take.’

None of these took place during 2008/09, however a Hearing was held in July 2009 in relation to a 2009/09 case.

- Consideration Sub-Committee (established in May 2009)  
 ‘To consider an Investigation Report following an investigation by the Monitoring Officer or referred to the Monitoring Officer by the Standards Board’s Ethical Standards Officer and to determine:
  - (i) when the Investigating Officer’s report finds a failure to comply with the Code, whether the matter should be referred to the Hearings Sub-Committee or to the Adjudication Panel for England;
  - (ii) when the investigating Officer’s report finds no failure to comply with the Code, whether it accepts the finding or, if it does not, whether the Hearings Sub-Committee or the Adjudication Panel for England should hear the case.’
 2 meetings In 2008/09, however 1 meeting was held in June 2009 to consider 2008/09 cases.

## Training

The following training has been provided during 2008/09:

<b>DATE</b>	<b>SUBJECT</b>	<b>ATTENDEES</b>
12 September 2008	Assessment Of Complaints and Standards Committee Hearings	Standards Committee and Legal and Member Services Officers.
16 October 2008	Refresher – Local Assessment Procedures	Standards Committee and Legal and Member Services Officers
11 November 2008	Local Assessment of Complaints	Standards Committee and Legal Member Services Officers
20 November 2008	Annual Code of Conduct Training	Borough and Parish Councillors, Standards Committee, Divisional Managers and Legal and Member Services Officers
January 2009	Local Authority Governance – Current Issues	Legal and Member Services Officers
19 February 2009	Planning Code of Good Practice	Borough Councillors and relevant Officers

When training is provided ‘Training Packs’ are provided to all attendees including those who were invited to attend but were unable to attend.

## **Promoting Standards**

The Standards Committee, supported by the Council Secretary and Solicitor, work hard to promote the role of the Committee and to ensure high ethical standards are promoted within West Lancashire in the following manner:

### **Visits to Borough and Parish Council meetings**

Standards Committee members have agreed to undertake a series of visits to Borough and Parish Council meetings as observers, with the intent that it would increase their understanding of the way Councils are operating in West Lancashire and also to raise the profile of the Standards Committee. Members feedback into a general discussion on their visits on an annual basis. Members felt it was also important that Parish Councils are advised that these were not formal inspection visits.

### **The Council's Website**

More information has been provided on the dedicated Standards Committee area of the Council's website this year and it is regularly updated.

### **Parish Clerks Meeting**

The Monitoring Officer held a meeting with Parish Clerks in June 2008 to discuss the standards regime. A meeting with the Standards Committee and Parish Chairmen will be arranged as part of the Committee's Work Programme.

### **Local Democracy Week**

Schools are invited to attend the Council Offices to take part in a debate and are given information on the Code of Conduct and Declaration of Interest.

### **Other Organisations – Monitoring Officer presentation**

The Monitoring Officer has attended on request and given presentations on issues including Standards to other organisations such as Women's Register and Ormskirk Rotary Club and is to attend on Thursday 15 October 2009 the West Lancs Area Committee of Parish and Town Councils.

### **'7 Days'**

Regular articles on the work of the Committee and the Monitoring Officer are included in the Chief Executive's weekly newsletter to all Councillors and Officers.

### **Press Releases**

Regular articles are produced on the work of the Committee.

## **Proactive Work Undertaken during 2008/09**

The Committee, supported by the Monitoring Officer, has been active in considering a range of issues which relate to the openness, integrity, and accountability of the Council. As part of its work programme in addition to the above, the following has been achieved:

- A new Declaration of Interest Checklist for the assistance of Members has been produced.
- The Committee responded to a Consultation Paper published by the Department for Communities and Local Government on issues relating to proposed new Codes of Conduct for Local Authority Members and Employees.
- The Committee established a work programme for the Committee for 2009/10.

- The Committee reviewed the number of Parish Councils who had achieved 'Quality Parish Council' status and those working towards it.
- The Monitoring Officer wrote to Parish Council Clerks explaining the importance of good governance documents in the context of the maintenance of high standards.
- The Monitoring Officer, the Leader and the Chairman of the Committee met with three representatives from the Standards Board to discuss Standards issues at the local level.
- The Standards Board Annual Return was completed on time.
- Quarterly returns of complaint statistics to the Standards Board were completed within the performance time frame specified and all complaints assessed with the required performance target.
- The Committee considered a letter from the Department of Communities and Local Government in respect of local determinations and associated costs.

### Dispensations

No applications for dispensations were received in 2008/09.

### **REGISTER OF MEMBERS' PERSONAL INTERESTS**

Members are reminded annually of their requirement to ensure that their Register of Personal Interests Form is up-to-date. Newly elected members receive a letter advising them of the 28-day deadline for completing their Register of Personal Interest Form.

These details are not included on the website following guidance received from the Standards Board in 2007 that there is a risk of breaching the Data Protection Principles if details are published without the prior permission of the Members concerned.

An item is included on every Borough Council, Cabinet, Committee, Working Group and Panel agenda to remind Members of the importance of declaring interests and a check list is included to assist Members in deciding if they have any.

### **THE CONSTITUTION**

Sections 16 and 17 of the Council's Constitution contain various Codes and Protocols relevant to the functions of the Committee, as follows:

- Borough and Parish Members Codes of Conduct
- Protocol on Member/Officer Relations
- Planning Code of Good Practice
- Protocol on the use of ICT by Members
- Officers' Code of Conduct
- Whistleblowing Code
- Indemnity 2008

## THE YEAR AHEAD

The Committee has developed a Work Programme for the 2009/10 municipal year to ensure that standards are maintained and enhanced. Details of these are set out below:

- 1 Continue to monitor lessons to be learned from reported complaints/monitoring of compliance with the Code
- 2 Implement any changes to the Code of Conduct for Members and Officers
- 3 Consider the Annual Monitoring of Training Report
- 4 Provide the Code of Conduct Seminar for Standards Committee, Officers, Borough and Parish Councillors  
(Press Release to be issued – Details on website)
- 5 Consider a report on the Annual Standards for England Conference  
(Paragraph for 7 Days)
- 6 Continue visits by individual Members to Borough and Parish Council Meetings  
(Press Release to be issued and put on website)
- 7 Update the Whistleblowing Code
- 8 Conduct Hearings and Investigations
- 9 Consider applications for dispensations
- 10 Monitoring Officer meeting with Parish Clerks to discuss Standards regime
- 11 Standards Committee annual meeting inviting Parish Clerks and Parish Chairman to discuss Code  
(Press Release to be issued)
- 12 Standards Committee – Annual Report
- 13 Annual Meeting  
Standards Committee and the Chief Executive and Leaders of 2 Political Groups to discuss importance of ethical governance and Annual Report  
(Press Release to be issued and Para for 7 Days and on website explaining how much the Chief Executive and Leader support and encourage high ethical standards)
- 14 Consider involvement of the Standards Committee in the Officer Code and Political Restrictions
- 15 Consider use of the ethical governance toolkit
- 16 Look at conducting research in relation to opinions of conduct in West Lancashire
- 17 Look at the potential involvement of the Standards Committee in complaints handling and review of Ombudsman decisions
- 18 Local Filter – implementation, assess, review, consider, investigate and hear appropriate complaints in accordance with the target timescales
- 19 Continue to provide and update information on the dedicated Standards Committee area of the Council's website.
20. Provide specific training to Members of the Committee on how to deal with the initial assessment, review and hearings in respect of complaints made about Councillors alleging a breach of the code of conduct.
21. Establish a timetable for the appointment of Independent Members to serve on the Standards Committee in February 2010.
22. Establish a work programme for the Committee for 2010/11.
23. Complete the Standards for England Annual Return
24. Complete quarterly statistical returns in accordance with Standards for England targets.
25. Invite local schools during Local Democracy Week schools to attend the Council Offices to take part in a debate and provide information on the Code of Conduct and Declarations of Interest.





## Part 5 - Codes and Protocols

### WEST LANCASHIRE DISTRICT COUNCIL MEMBERS' CODE OF CONDUCT

#### Part 1

#### General provisions

#### Introduction and interpretation

1.—(1) This Code applies to **you** as a member of an authority.

(2) You should read this Code together with the general principles prescribed by the Secretary of State(a).

(3) It is your responsibility to comply with the provisions of this Code.

(4) In this Code—

“meeting” means any meeting of—

(a) the authority;

(b) the executive of the authority;

(c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

“member” includes a co-opted member and an appointed member.

(5) In relation to a parish council, references to an authority's monitoring officer and an authority's standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

#### Scope

2.—(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—

(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or

(b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- (5) Where you act as a representative of your authority—
  - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
  - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

### **General obligations**

**3.—(1)** You must treat others with respect.

(2) You must not—

- (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006**(b)**);
- (b) bully any person;
- (c) intimidate or attempt to intimidate any person who is or is likely to be—
  - (i) a complainant,
  - (ii) a witness, or
  - (iii) involved in the administration of any investigation or proceedings,in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

- (3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

**4. —You must not—**

- (i) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature except where—
- (i) you have the consent of a person authorised to give it;
  - (ii) you are required by law to do so;
  - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
  - (iv) the disclosure is—
    - (aa) reasonable and in the public interest; and
    - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
- (ii) prevent another person from gaining access to information to which that person is entitled by law.

**5. —You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.**

**6. —You—**

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of your authority—
- (i) act in accordance with your authority's reasonable requirements;
  - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986(c).

**7.—(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—**

- (a) your authority's chief finance officer; or
  - (b) your authority's monitoring officer,  
where that officer is acting pursuant to his or her statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

## Part 2

### Interests

#### Personal interests

8.—(1) You have a personal interest in any business of your authority where either—

- (a) it relates to or is likely to affect—
  - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
  - (ii) any body—
    - (aa) exercising functions of a public nature;
    - (bb) directed to charitable purposes; or
    - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),  
of which you are a member or in a position of general control or management;
  - (iii) any employment or business carried on by you;
  - (iv) any person or body who employs or has appointed you;
  - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
  - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

- (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
  - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
  - (ix) any land in your authority's area in which you have a beneficial interest;
  - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
  - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—
- (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
  - (ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or
  - (iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

(2) In sub-paragraph (1)(b), a relevant person is—

- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

**Disclosure of personal interests**

- 9.—(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000(d).

**Prejudicial interest generally**

- 10.—(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business—
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;

- (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
- (c) relates to the functions of your authority in respect of—
  - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
  - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
  - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
  - (iv) an allowance, payment or indemnity given to members;
  - (v) any ceremonial honour given to members; and
  - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

### **Prejudicial interests arising in relation to overview and scrutiny committees**

- 11.** — You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
  - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

### **Effect of prejudicial interests on participation**

- 12.—(1)** Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—

- (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
  - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;
- unless you have obtained a dispensation from your authority's standards committee;
- (b) you must not exercise executive functions in relation to that business; and
  - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

### **Part 3**

#### **Registration of Members' Interests**

##### **Registration of members' interests**

**13.—**(1) Subject to paragraph 14, you must, within 28 days of—

- (a) this Code being adopted by or applied to your authority; or
- (b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

- (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

##### **Sensitive information**

**14.—**(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.



- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.
- (3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.
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- (a) See the Relevant Authorities (General Principles) Order 2001 (S.I. 2001/1401).
- (b) 2006 c.3.
- (c) 1986 c.10.
- (d) See the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations (S.I.2000/3272).

## **ANNEX TO THE CODE**

### **TEN GENERAL PRINCIPLES**

The ten general principles govern the conduct of members and underpin the Code of Conduct.

They apply to members when acting in an official capacity, except that the requirement to act with honesty and integrity and the duty to uphold the law applies at all times.

#### **Selflessness**

Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

#### **Honesty and Integrity**

Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

#### **Objectivity**

Members should make decisions on merit, including when making appointments, awarding contractors, or recommending individuals for rewards or benefits.

#### **Accountability**

Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

#### **Openness**

Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

#### **Personal Judgement**

Members may take account of the views of others, including their political groups, but should reach their own conclusion on the issues before them and act in accordance with those conclusions.

**Respect for Others**

Members should promote equality by not discriminating unlawfully against any person, any by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory offices, and its other employees.

**Duty to Uphold the Law**

Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

**Stewardship**

Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

**Leadership**

Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.