

# 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

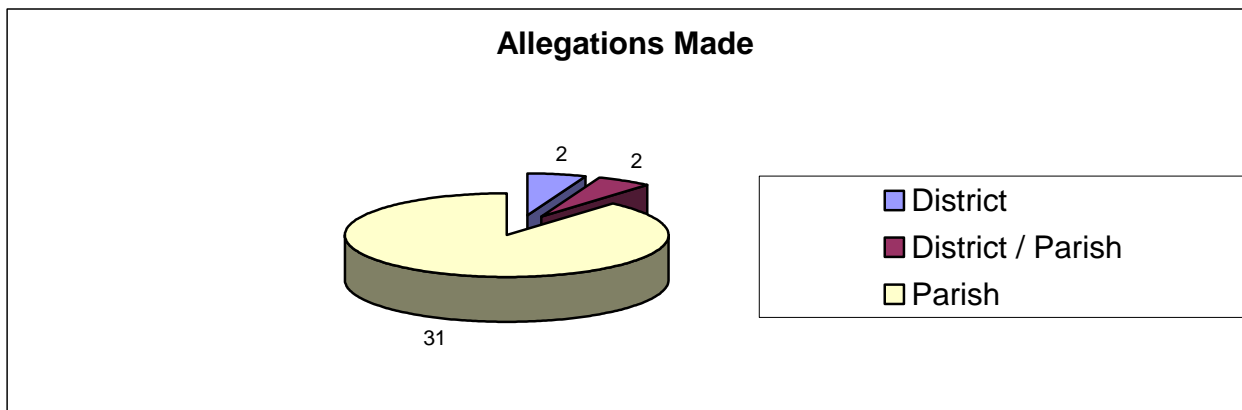
for Standards Committees and was previously undertaken centrally by the Standards Board for England.

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.