

DECLARATION OF INTEREST --- CHECKLIST FOR ASSISTANCE OF MEMBERS

Name: Councillor

Cabinet/Council/Committee:

Date:

Item No:

Item Title:

A Member with a personal interest must disclose the existence and nature of that interest.

A Member with a prejudicial interest must withdraw, must not exercise executive functions in relation to the matter and must not seek to improperly influence a decision.

Please tick relevant boxes

Notes

Please tick relevant boxes		Notes
	General (not at overview & scrutiny)	
1.	I have a personal interest in the matter but it is not prejudicial.	<i>You may speak and vote</i>
2.	I have a personal interest in the matter and it is prejudicial.	<i>You cannot speak or vote and must withdraw unless you have also ticked 3(a) (b) (c) (d) (e) (f) (g) or 4 below</i>
3.	I regard myself as <u>not</u> having a prejudicial interest* in the matter as it relates to:-	
(a)	another Relevant Authority of which I am a Member;	<i>You may speak and vote</i>
(b)	another Public Authority in which I hold a position of general control or management;	<i>You may speak and vote</i>
(c)	a body to which I have been appointed or nominated by the Council as its representative;	<i>You may speak and vote</i>

* Please note you should not automatically regard yourself as not having a prejudicial interest in the circumstances described at (a) to (c). It may be inappropriate to take advantage of this exemption eg where there is a clear conflict of interest such as in commercial negotiations with a Parish Council or where the decision will affect the business of the body in question eg future closure or grants

(d)	the Housing functions of the Council where I hold a tenancy or lease with the Council, and I do not have arrears of rent of more than 2 months and those functions do not relate particularly to my tenancy or lease.	<i>You may speak and vote</i>
(e)	the functions of the Council in respect of school meals, transport and travelling where I am a guardian or parent of a child in full time education and it does not relate particularly to the school which the child attends.	<i>You may speak and vote</i>
(f)	Statutory sick pay where I am in receipt of such pay from the Council.	<i>You may speak and vote</i>
(g)	Members Allowances	<i>You may speak and vote</i>
4.	A Standards Committee dispensation applies.	<i>See the terms of the dispensation</i>

“Personal Interest” means

The matter relates to your entries in the Register of Interests,
or

A decision upon the matter might reasonably be regarded as affecting to a greater extent than other council tax payers, ratepayers or inhabitants of the Council’s area, the well-being or financial position of yourself, a relative or a friend or :-

- (a) any employment or business carried on by such a person;
- (b) any person 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 corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
- (d) any body listed under the definition of body below in which such persons hold a position of general control or management.

“relative” means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and “partner” means a member of a couple who live together.

“Prejudicial Interest” means

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 the member’s judgement of the public interest.

“Relevant Authority” See section 49 (6) of the Local Government Act 2000 e.g. County and Parish Councils.

“Public Authority” advice is awaited from DTLR, it would include a health trust, a health authority, the governing body of a school.

“Body” here means

- (a) a body to which you have been appointed or nominated by the Council as its representative;
- (b) a public authority or body exercising functions of a public nature;
- (c) a company, industrial and provident society, charity, or body directed to charitable purposes;
- (d) a body whose principal purpose includes the influence of public opinion or policy;
- (e) a trade union or professional association.

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.

STANDARDS COMMITTEE

AGENDA ITEM: 4

HELD: 20 DECEMBER 2005

Start: 7.30pm

Finish: 8.40pm

PRESENT

Independent Members:	Mr. J. Cailes (Chairman) Mr. Hanmer (Vice Chairman) R Merry B Molyneux
Councillors	Dereli Grant
Parish Councillors	J Draper D Kitson
Officers:	Council Secretary & Solicitor Assistant Member Services Manager

15. APOLOGIES

Apologies for absence were received on behalf of Independent Member, R Chester and Councillor Mrs Atherley.

16. URGENT BUSINESS, IF ANY, INTRODUCED BY THE CHAIRMAN

There were no items of urgent business.

17. DECLARATIONS OF INTEREST

1. The following Members of the Committee declared that they did not intend to participate in item 5 'Local Investigation – SBE 11605.05' for the reasons indicated:

Councillor Grant	The husband of the Parish Councillor who was the subject of the investigation is a Cabinet Member with him on the Council.
Parish Councillor Kitson	The husband of the Parish Councillor who was subject of the investigation is a Parish Councillor with whom he attends meetings.
Independent Member R Merry	The husband of the Parish Councillor who was the subject of the investigation, was known to him.

2. Councillor Dereli declared a personal interest in item 6 'Standard Board Decisions – Various' in relation to SBE 6815.03, as she was a Burscough Parish Councillor.

3. Independent Member Brian Molyneux declared in relation to item 6 'Standard Board Decisions – Various' in relation to SBE 4339.03 and SBE 8566.04, he was a resident of Hesketh Bank.

18. MINUTES

The Council Secretary and Solicitor advised the Committee that in respect of:

1. Minute 14 B (1) & (2), she had written to the Standards Board for England with the Committees comments.
2. Minute 14 C, the Standards Board for England had not revised the case summary referred to.

RESOLVED That the minutes of the meeting held on 30 June 2005 be approved as a correct record and signed by the Chairman.

19. LOCAL INVESTIGATION - SBE 11605.05

The Committee considered the report of the Council Secretary and Solicitor which presented a copy of Eversheds' final report arising from the local investigation in respect of an allegation by Parish Councillor John Stephenson that Parish Councillor Marilyn Westley may have failed to comply with Halsall Parish Council's Code of Conduct.

Robin Mosley attended and drew to members' attention to the detail of the report and submitted further correspondence for the committees' consideration.

- RESOLVED
1. That the Committee accepts the Investigating Officer's finding that the Councillor has not failed to comply with the Code of Conduct for Members as set out in the allegation.
 2. That the reasons for the finding are that on the facts found there has been no breach of the code.
 3. That in relation to the Investigating Officer's recommendations to the Parish Council, these be endorsed as follows and the Parish Council be asked to consider:
 - (a) training for all Members regarding their roles and responsibilities and standards expected of them as Members of Halsall Parish Council, including respect for the Chairman in managing meetings;
 - (b) a review of all the procedures and rules of the Parish Council and the drafting of an appropriate scheme of delegation of functions to ensure that the Parish can operate effectively on a day-to-day basis and that they present good practice;

- (c) training for all Members in relation to approval of expenses and the correct procedures for expending money with reference to any current or revised Financial Regulations, Procedure Rules and Scheme of Delegation;
 - (d) training for all Members in relation to dealings with employees; and
4. That the Council Secretary and Solicitor look at whether it would be possible for the Council to organise and fund constitutional training for all Parish Councils.

(Note: Councillor Grant, Parish Councillor Kitson and Independent Member Roger Merry, left the room whilst this item was under consideration and took no part in the debate.)

20. STANDARDS BOARD DECISIONS - VARIOUS

The Committee considered the report of the Council Secretary and Solicitor which provided details of the decisions taken by the Standards Board for England in relation to SBE 4339.03 – Parish Councillor Lesley Standish-Gore (ref 70), SBE 6815.04 – former Parish Councillor Alistair MacAulay (ref 54) and SBE 8566.04 – Parish Councillor Paul Sergeant (ref 66).

RESOLVED That the content of the report and the following comments be noted:

- 1. that the reports were too brief with not enough detail;
- 2. that the decisions not to take any action, particularly just because the Member is no longer in office, were inappropriate; and
- 3. that the length of time taken to investigate the complaints was unacceptable.

21. CODE OF CONDUCT - MEMBERS' TRAINING - MONITORING

The Committee considered the report of the Council Secretary and Solicitor in respect of how members should be trained in the requirements of the Code of Conduct and to evaluate the effectiveness of the training undertaken to date.

- RESOLVED
- 1. That the training undertaken and the evaluation be noted.
 - 2. That given the success and content of the training to date the next Seminar on the Code of Conduct be held on a date to be agreed by the Council Secretary and Solicitor in consultation with the Chairman of the Standards Committee.

22. FEEDBACK FROM FOURTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

The Committee considered the report of the Council Secretary and Solicitor which provided a summary of the Fourth Annual Assembly of Standards Committees.

The Council Secretary and Solicitor advised members of the Committee that she had received a consultation document entitled 'Code for Standard of Conduct in English Local Government – The future', raised at the Conference, and made copies available for comment.

- RESOLVED
1. That the contents of the report be noted.
 2. That any comments on the consultation document 'The Code for Standards of Conduct in English Local Government – The Future' be forwarded to the Council Secretary and Solicitor.
 3. That the Council Secretary and Solicitor in consultation with the Standards Committee Chairman, respond to the document.

23. PLANNING APPLICATIONS - MEMBERS' RIGHTS TO SPEAK

The Committee considered an item raised by Councillor Dereli in respect of the principal of Members' rights to speak at Planning Committee when they had been consulted on a particular planning application and a discussion followed.

The Council Secretary and Solicitor advised that she understood that issues such as these were being considered in the current review.

- RESOLVED That the issue and comments raised be noted.

THE CHAIRMAN



AGENDA ITEM: 5

**STANDARDS COMMITTEE:
1 JUNE 2006**

Report of: The Council Secretary and Solicitor

**Contact for further information: Mrs G L Rowe (Extn. 5004) and
Mrs J Denning (Extn. 5384)**

SUBJECT: STANDARDS COMMITTEE – APPOINTMENTS

District wide interest

1.0 PURPOSE OF THE REPORT

1.1 To advise Members of the report that was submitted to the Council on 17 May 2006 in respect of the Committee's appointments.

2.0 RECOMMENDATIONS

2.1 That the report of the Council Secretary and Solicitor attached as an appendix to this report and the minute of the Council meeting held on 17 May 2006 detailed in paragraph 4.1 of the report, be noted.

2.2 That the change of membership detailed in paragraph 4.2 of the report, be noted.

3.0 BACKGROUND

3.1 The report of the Council Secretary and Solicitor to consider the appointment of Parish Councillor representatives, the re-appointment of an Independent Member and the appointment of the Chairman and Vice Chairman of the Standards Committee for 2006/7 was submitted to the annual meeting of the Council held on 17 May 2006.

4.0 CURRENT POSITION

4.1 Minute 12 of the Council meeting held on 17 May 2006 reads as follows:

- “RESOLVED A That the Committee continue to comprise 11 members, namely 5 independent members, 2 Parish representatives, 2 Conservative members and 2 Labour members.
- B. That Paul Hanmer be appointed to serve for a further term as an independent member on the Standards Committee until the date of the Annual Meeting of the Council in May 2009.
- C That Parish Councillor Kitson and Parish Councillor Hammond, the two Parish Councillors with the highest number of votes, be appointed to serve for a two year term as the Parish Councillor representatives on the Standards Committee until the date of the Annual Meeting of the Council in May 2008.
- D. That the appointment of all other members of the Standards Committee be as indicated on the Appendix circulated earlier in the meeting for the terms of office indicated in paragraphs 5.2 and 6.3 of the report.
- E. That John Cailes and Paul Hanmer be appointed as Chairman and Vice-Chairman respectively for the period ending with the next Annual Meeting of the Council.
- F. That the Standards Sub-Committee continue to operate as set out in the Constitution.”

5.0 CONCLUSION

- 5.1 Councillor Nolan replaces Councillor Maguire and Parish Councillor Hammond replaces Parish Councillor Joan Draper on the membership of the Standards Committee.
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Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

Appendices

Report of the Council Secretary and Solicitor.



AGENDA ITEM: 12

COUNCIL: 17 May 2006

Report of: The Council Secretary and Solicitor

Contact for further information: Mrs Jacky Denning (Extn. 5384)

**SUBJECT: STANDARDS COMMITTEE – APPOINTMENT OF INDEPENDENT
AND PARISH COUNCILLOR REPRESENTATIVES**

District wide interest

1.0 PURPOSE OF THE REPORT

- 1.1 To consider the re-appointment of an Independent Member, the appointment of two Parish Councillor Members and the appointment of the Chairman and Vice Chairman of the Standards Committee for 2006/07.

2.0 RECOMMENDATIONS

- 2.1 That the Committee continues to comprise 11 members namely 5 independent members, 2 Parish Councillor representatives, 2 Conservative and 2 Labour members.
- 2.2 That Paul Hanmer be appointed to serve for a further term as an independent member on the Standards Committee until the date of the Annual Meeting of the Council in May 2009.
- 2.3 That the two Parish Councillors with the highest number of votes, be appointed to serve for a two year term as the Parish Councillor representatives on the Standards Committee until the date of the Annual Meeting of the Council in May 2008.
- 2.4 That the appointment of all other members of the Standards Committee be as indicated on the Appendix circulated earlier in the meeting.

- 2.5 That John Cailles and Paul Hanmer be appointed as Chairman and Vice-Chairman respectively for the period ending with the next Annual Meeting of the Council.
- 2.6 That the Standards Sub-Committee continue to operate as set out in the Constitution.
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3.0 BACKGROUND

- 3.1 The Council appointed its Standards Committee with independent members in 1999, in advance of the statutory requirement arising from the Local Government Act 2000.
- 3.2 The Relevant Authorities (Standards Committee) Regulations 2001 set out the rules governing the size and membership of the Standards Committee and how it should run its business.
- 3.3 Under the Local Government Act, Standards Committees have five 'statutory functions'. They must:
- Give the council advice on adopting a local code of conduct;
 - Monitor the effectiveness of the code;
 - Train members on the code, or arrange for such training;
 - Promote and maintain high standards of conduct for members; and
 - Help members to follow the code of conduct.
- 3.4 Standards Committees can also grant 'dispensations' so members can be included in meetings they would not normally be able to attend due to a prejudicial interest. The Standards Committee can only grant dispensations in the circumstances set out in the Regulations.
- 3.5 The introduction of Regulations has provided for Ethical Standards officers, from the Standards Board for England, to refer reports for local investigation and determination, a Sub-Committee has been established to deal with these issues.
- 3.6 Standards Committees can also have other functions. The Standards Board for England believe that Standards Committees should be proactive by introducing change rather than reacting to events and that ultimately, Standards Committees should aim to create and maintain ethical organisations.

- 3.7 Creating and maintaining an ethical organisation is not just about adopting a code of conduct for Members. It is also about relationships both internally between Members and Officers, and externally with members of the public. It is about how the Council relates to the community and improves the service it provides. It involves the input and dedication of both Members and Officers.
- 3.8 At least two of the Standards Committee members must be Councillors; at least 25% must be 'independent representatives', (there is no limit on the number you can have); and at least one member must be a parish council representative. The parish council representative must not also be a member of West Lancashire District Council.
- 3.9 The current Committee comprises 11 members namely 5 independent members, 2 parish representatives, 2 Conservative and 2 Labour Councillors.

4.0 TERMS OF REFERENCE

- 4.1 The Role and Functions of the Standards Committee is detailed in "Section 3.9 of the Constitution, Article 9 – The Standards Committee".

5.0 INDEPENDENT REPRESENTATIVES

- 5.1 This Council decides how long an independent representative should sit on the Committee. The Standards Board advice is that this should be long enough for them to gain an understanding of the committee, the council and its workings, but not so long that they lose their independence.
- 5.2 This Council has appointed 5 Independent Representatives to its Standards Committee, using a statutory procedure. Current terms of office and details of when members were first appointed are as follows:

Independent Member	Appointed until the date of the annual meeting of the Council in:	First Appointed as an Independent Member
Mr John Cailes (Chairman)	2008	1999
Mr Paul Hanmer (Vice-Chairman)	2006	2003
Prof. Roy Chester	2007	2004
Mr Roger Merry	2007	2004
Mr Brian Molyneux	2007	2004

- 5.3 The Term of office for Independent Member, Paul Hanmer, who is also the Vice-Chairman of the Committee is due to expire at today's Annual Meeting. Paul Hanmer is an experienced member of the Committee and he has

advised that he is willing to continue as an Independent Member and Vice-Chairman of the Standards Committee.

- 5.4 The Council needs to be mindful of the advice from the Standards Board for England regarding the length of time Independent Members serve on the Standards Committee, which is as mentioned above, that the length of time should be long enough for members to gain an understanding of the committee, the council and its workings, but not so long that they lose their independence. Paul Hanmer has served for 3 years and has been appointed as Vice-Chairman for this period, however I do not feel that a further term of office would compromise his independence.

6.0 PARISH REPRESENTATIVES

- 6.1 The Council consulted parish councils within its area to help decide if there should be a parish sub-committee, the number of representatives and how long they should serve on the committee. The Council arrange its own recruitment process, the Parish Councils are involved in the selection process and it is fair and open.
- 6.2 This Council have not established a parish sub-committee. The Parish Council Joint Liaison Committee requested a two-year term of office for Parish Representatives.
- 6.3 The Standards Board for England encourage the appointment of more than one representative and in West Lancashire we have decided to appoint 2 using an approved procedure. Current terms of office and details of when members were first appointed are as follows:

Parish Council Representative	Appointed until the date of the annual meeting of the Council in:	First Appointed
Parish Councillor Joan Draper	2006	2001
Parish Councillor David Kitson	2006	2004

- 6.4 The Term of office for both Parish Councillor Representatives are due to expire at today's Annual Meeting.
- 6.5 All Parish Clerks have been contacted inviting their Parish Council to submit the name of a member they would wish to see appointed to serve on the Standards Committee. In that invitation Parish Clerks were advised that the member nominated should not be a District Councillor and ideally should not be a close friend of any member or officer of the District Council. All nominees were required to prepare a brief personal profile.
- 6.6 Upon receipt of the nominees Parish Clerks were contacted once more requesting their Parish Council to vote for two candidates from the list of

nominations. They were advised that the two candidates with the highest number of votes would be appointed to serve on the Standards Committee for 2006/2007 and 2007/2008.

6.7 The list of nominees are as follows:

NAME OF CANDIDATE
(all Parish Councillors)
Joan Draper
Eamon Duffy
Michael Hammond
David Kitson

6.8 The number of votes received will be reported at the meeting. The two nominees with the highest number of votes should be appointed.

7.0 COUNCILLORS

At least two members of the committee must be Councillors. Appointments to the Committee are reviewed annually in accordance with Council procedures. As the Council is currently operating a Leader with Cabinet model of executive arrangements, there can only be one executive member on the Standards Committee. That member must not be the Leader and cannot be the Chairman of the Committee. The Council has agreed that substitutes on the Standards Committee will not be permitted, in accordance with Standards Board recommendations.

8.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

8.1 Promotion of high ethical standards at a local level assists in demonstrating that the Council is an ethical organisation.

9.0 FINANCIAL AND RESOURCE IMPLICATIONS

9.1 Allowances are paid to the following members of the standards committee in recognition of their respective roles and are covered in existing budgets as follows:

Role	Allowance per annum
Independent Member	£200
Parish Council Representative	£200
Chairman	£400
Vice Chairman	£200

10.0 RISK ASSESSMENT

10.1 There are no significant management risks arising from this report.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

Appendices

None



AGENDA ITEM: 6

CABINET: 23rd May 2006
STANDARDS COMMITTEE:
1st June 2006

Report of:	Assistant Chief Executive
Relevant Portfolio Holder:	Councillor A. Owens
Contact for further information:	Mr C.J. Isherwood (Extn. 5083)

SUBJECT: PROTOCOL ON THE USE OF ICT BY MEMBERS

District wide interest

1.0 PURPOSE OF THE REPORT

1.1 To seek Members agreement to the above protocol.

2.0 RECOMMENDATIONS

2.1 That the attached Protocol be approved and included at Part 5 of the Council's Constitution.

2.2 That delegated authority is given to the Assistant Chief Executive in consultation with the Portfolio Holder for Finance to review and update the Protocol as appropriate.

3.0 BACKGROUND

3.1 The current ICT Security Policy was approved by Council in April 2002 and subsequently re-issued in June 2003. The policy had been written following advice from District Audit and with regard to best practice procedures in ICT Security.

3.2 The policy covered both the aspects of physical security, required to guard against theft and other fraudulent loss, together with the use of e-Mail and Internet access.

4.0 PROTOCOL

4.1 A new protocol on the use of ICT by Members has been prepared to take account of the increased use of ICT systems throughout the Authority.

5.0 PROPOSALS

5.1 It is proposed the protocol will be issued to all Members and shown on the intranet.

5.2 This protocol will be subject to an annual review due to the speed and growth in potential new technologies and updated when necessary.

6.0 SUSTAINABILITY IMPLICATIONS

6.1 There are no sustainability implications arising from this report..

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

7.1 There are no direct financial or resource implications arising from this report.

8.0 RISK ASSESSMENT

8.1 Failure to have an adequate ICT Security Protocol in place could result in losses both financially and to the Council's reputation, in the event of data or I.C.T. equipment being lost, stolen or destroyed.

8.2 The protocol will assist Members in complying with their obligations under the code of conduct.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

Appendices

A) Protocol on the use of ICT by Members

Appendix A

**WEST LANCASHIRE DISTRICT COUNCIL
PROTOCOL ON THE USE OF ICT BY MEMBERS
APRIL 2006**

Protocol on the use of ICT by Members

1.0 Introduction

- 1.1 The Council provides Councillors with computers to use at home to facilitate the performance of their duties as Councillors. The Council is committed to the development of e-Working to increase the range of information which is available to Councillors electronically and to enable Councillors to conduct more of their business remotely. The use of these computers can make Councillors much more effective, but there are risks associated with such use. This protocol sets out the conditions on which such computers are provided, in order to minimise those risks both to the Council and to individual Councillors.
- 1.2 Each Councillor is required to sign a copy of this protocol as a condition of being provided with the computer and must comply with the terms of this protocol. For this purpose, "Computer" means the computer or Personal Digital Assistant (PDA) handheld device provided to the Councillor by the Council, together with any equipment, software or materials provided for use with the computer.
- 1.3 It is intended that this protocol will be subject to an annual review by the e-Government Programme Manager due to the speed and growth in potential new technologies.

2.0 Security of the Computer

- 2.1 The Councillor accepts responsibility for the safekeeping of the computer made available for their use. The computer should be kept in a secure environment. It should not be exposed to extremes of heat or humidity, nor should it be exposed to water, dust or dirt. Drinks and food should be kept well away from the computer.
- 2.2 If the computer is left unattended it should be kept in a securely locked building or room.
- 2.3 **When the computer is being transported a carrying case should preferably be used to reduce the risk of accidental damage. The computer must not be left unattended in a vehicle unless all doors, windows and other means of access have been secured and locked and all keys of the vehicle removed to a place of safety, and the equipment placed in the boot of the vehicle. The insurers accept that the rear compartment of a hatchback vehicle is considered to be the boot as long as the equipment is stored under the factory fitted cover. Failure to adhere to this will mean that insurance cover will not be available and that the Council may look to the Councillor for indemnity.**
- 2.4 The users of the computer in a public place should be vigilant as theft is common. Sensitive information (e.g. personal data or confidential information) should not be displayed in a public place where it could be overlooked.

- 2.5 The Councillor should not use the computer if there is any doubt as to its safety. The Councillor should contact the ICT Services Help Desk on extn. 5078 for advice. Equipment should only be repaired by ICT Services staff or organisations approved by ICT Services. New equipment must not be used under any circumstances until it has been electronically tested (PAT tested) by a qualified electrician.
- 2.6 Access to the Council's information systems via the computer is subject to password security. The Councillor shall ensure that no-one other than the Councillor is given access to those Council information systems and shall not reveal any such password to any other person.
- 2.7 Deliberate unauthorised access to copy, alter or interfere with any computer system, program or data is prohibited.
- 2.8 Most proprietary software used by the Authority is licensed for use on a single computer system only. Copies of software should not be made (except for backup purposes) without the written permission of the Assistant Chief Executive.

3.0 Use for Council Business

- 3.1 The computer is provided to the Councillor specifically to facilitate the discharge of the Councillor's functions as a Councillor. The Councillor must therefore not use the computer in any manner which will prevent or interfere with its use for that purpose.
- 3.2 Accordingly, the Councillor must not:
 - 3.2.1 Misuse the computer in such a manner as to cause it to cease to function.
 - 3.2.2 Install or use any equipment or software which may cause the computer to malfunction.
- 3.3 The Councillor must:
 - 3.3.1 Ensure that the computer is maintained in a working condition.
 - 3.3.2 Report any faults promptly to the ICT Services Help Desk.
 - 3.3.3 Provide regular access to Council officers to service, maintain and repair the computer.
 - 3.3.4 Accept responsibility for the content of all text, audio or images that they place or send over the Authority's e-mail and Internet. No e-mail or other electronic communications may be sent which hides the identity of the sender or represents the sender as someone else. All messages communicated on the Authority's e-mail and Internet system should contain the Councillor's name. Information sent to another

individual outside the Authority via e-mail are statements that reflect on the Authority.

3.3.5 Ensure that all communications sent comply with this and other Council policies and may not disclose any confidential or propriety Council information.

3.4 The Council provides the computer together with ancillary equipment and materials required for the Councillor's functions as a Councillor. Accordingly, the Council may decline to provide further equipment or material beyond a certain allowance where the use of such equipment or material appears to the Council to be required for private (non-Council) use.

3.5 Each Councillor will have their computer training needs assessed and will be provided with the appropriate training. Additional training can be arranged by contacting the ICT Help Desk on ext. 5078 or email ithelpdesk@westlancsdc.gov.uk

4.0 Other Use

4.1 Where the computer is not required for Council business, the Councillor may use it for private and personal purposes and may permit members of his/her immediate family to use the computer for private or personal purposes, but is then responsible for their use of the computer.

4.2 The Councillor is prohibited from publishing any material of a party-political nature. If the Councillor uses the computer for the preparation of any material of such nature, he/she must make it clear that such material is published in a private capacity and not by or on behalf of the Council, and that no costs have been incurred by the Council as a consequence of its publication.

4.3 The Council has obtained the necessary software licenses for the use of the computer by the Councillor in a private capacity, but not for any non-Council business use of the computer. **The computer should not be used for any non-Council business use.**

4.4 The Council accepts no responsibility for such private use of the computer or any loss, costs or liability which the Councillor or any other person may suffer as a result of the use of the computer.

5.0 Bringing the Council into Disrepute

5.1 The Councillor shall not use the computer or permit its use, in any manner which may bring the Council or Councillor into disrepute.

5.2 The Council's e-mail and Internet access must not be used for transmitting, retrieving or storage of any communications of a discriminatory or harassing nature or materials that are obscene or X-rated. Councillors accessing websites or receiving e-mails of an obscene or X-rated nature should contact the ICT Help Desk immediately. Harassment of any kind is prohibited. No

messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes or sexual preference shall be transmitted. No abusive, profane or offensive language is to be transmitted through the Council's e-mail or Internet system. Electronic media may also not be used for any other purpose which is illegal or against the Council's policy or best interest. All Councillors have a responsibility to maintain and enhance the Council's public image and to use the Council's e-mail and access to the Internet in a productive manner.

6.0 Inspection and Audit

- 6.1 The Council reserves the right to inspect the computer at any time. The Councillor is required to give Council officers access at any reasonable time for such inspection and audit, which may be undertaken remotely and without notice to the Councillor. Councillors are advised that the computer includes a history file which records its use, and particularly any websites which it has accessed.
- 6.2 E-mail is **not** confidential and should not be treated as such. The Council will routinely monitor usage patterns for e-mail and Internet communication. The reasons for monitoring are many, including cost analysis/allocation and the management of the Authority's gateway to the Internet. All messages created, sent or retrieved over the Authority's e-mail and Internet are the property of the Council and should be considered public information. The Council reserves the right to access and monitor all messages and files on the Authority's e-mail and Internet. Councillors should not assume electronic communications are totally private and should communicate confidential data in other ways.

7.0 Costs

- 7.1 In relation to Council use only, the Council will meet the cost of providing the computer, together with a limited supply of paper and printer cartridges (contact the ICT Help Desk on ext. 5078 or email ithelpdesk@westlancsdc.gov.uk if you need some more). The Council will provide a broadband link for the Councillor to dial in to the Council offices to access the Council systems for E-mail, intranet and Internet access. This link should never be used for the purpose of making telephone calls. Any telephone call charges will be re-charged to Councillors.
- 7.2 Each Councillor is responsible for his/her own electricity bill.

8.0 Return and Recovery of the Computer

- 8.1 The computer remains the property of the Council.
- 8.2 The Council reserves the right to require the Councillor to return the computer at any time and the right to recover the computer from the Councillor.
- 8.3 The Councillor is required to return the computer to the Council upon ceasing to be a Councillor.

9.0 Confidentiality

- 9.1 The Councillor will be able to access confidential Council information using the computer. The Councillor is responsible for ensuring the continued security of any such confidential information which he receives, including the security of any storage of such information on the computer. The Councillor is reminded of his/her obligations under the Council's Code of Conduct for Councillors not to disclose such confidential information to any third party.
- 9.2 Some of this information may be personal information relating to individuals. The unauthorised processing or disclosure of such information is prohibited under the Data Protection Act and the Councillor is responsible for ensuring that there is no such unauthorised disclosure from or processing via the computer. Councillors should be aware that failure to observe these requirements may result in actions including criminal sanctions. Councillor can obtain advice on the Act from the Council's Data Protection Officer.
- 9.3 Councillors holding information in relation to their duties as a Councillor should be aware that that information is potentially disclosable under the terms of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. Councillor should assist the Council in dealing with any requests under the aforementioned legislation within the statutory timescales.

10.0 Restriction of Use

- 10.1 The Council reserves the right to restrict the use of the computer if it has reason to believe that the use of the computer is likely to offend any provision of the Protocol. In particular, the Council reserves the right to:
- 10.1.1 remove or disable any software or equipment.
 - 10.1.2 remove any information stored on the computer.

Signed by

Councillor

Date:



AGENDA ITEM: 8

**STANDARDS COMMITTEE:
1 JUNE 2006**

Report of: Council Secretary and Solicitor

**Contact for further information: Mrs G L Rowe (Extn 5004) and
Mrs J Denning (Extn 5004)**

SUBJECT: SBE 11605.05 – RESPONSE FROM HALSALL PARISH COUNCIL

The following wards are affected:- Halsall

1.0 PURPOSE OF THE REPORT

1.1 To advise the Committee of the response received from Halsall Parish Council following the decision taken at the meeting held on 20 December 2005 in relation to SBE 11605.05.

2.0 RECOMMENDATIONS

2.1 That the letter received from Halsall Parish Council and the progress made by the Parish Council in implementing the recommendations of this Committee, be noted.

3.0 BACKGROUND

3.1 The Committee at its meeting held on 20 December 2005 considered the report of the Council Secretary and Solicitor which presented a copy of Eversheds' final report arising from the local investigation in respect of SBE 11605.05.

3.2 In relation to the Investigating Officer's recommendations to the Parish Council, these were endorsed by the Committee and the Parish Council were asked to consider:

“(a) training for all Members regarding their roles and responsibilities and standards expected of them as Members of Halsall Parish Council, including respect for the Chairman in managing meetings;

- (b) a review of all the procedures and rules of the Parish Council and the drafting of an appropriate scheme of delegation of functions to ensure that the Parish can operate effectively on a day-to-day basis and that they present good practice;
- (c) training for all Members in relation to approval of expenses and the correct procedures for expending money with reference to any current or revised Financial Regulations, Procedure Rules and Scheme of Delegation;
- (d) training for all Members in relation to dealings with employees.”

4.0 CURRENT POSITION

- 4.1 The Council Secretary and Solicitor contacted Halsall Parish Council via a letter and a written response has been received which is attached at appendix 1.

5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 5.1 These matters relate to the promotion of high ethical standards at a local level.

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 6.1 There are no financial or resource implications arising from this report.

7.0 RISK ASSESSMENT

- 7.1 Statutory procedures have been followed in relation to the local investigation.

8.0 CONCLUSIONS

- 8.1 Halsall Parish Council have made significant progress as a result of the investigation undertaken.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

Appendices

1. Letter from Halsall Parish Council – 14 March 2006
2. Letter from the Council Secretary and Solicitor to Halsall Parish Council - 21 December 2005

HALSALL PARISH COUNCIL

Clerk to the Council
D G Dalgoutte
61 Swanpool Lane
Aughton
Ormskirk
Lancs. L39 5AY
Tel 01695 424720
E-mail dalgoutte@lineone.net

14th March 2006

Ms G Rowe
West Lancashire District Council
52 Derby Street
Ormskirk
Lancs
L32 2DF



Dear Ms Rowe,

Your letter re Standards Committee Resolution in Relation to
SBE 11605.05

Thank you for your letter of the 21st December 2005. My apologies for the delay in replying to you but it has only been possible to recently discuss the Committee's recommendations at a recent meeting of the Council.

The Council has made good progress since the middle of last year in establishing formal procedures.

It reviewed and adopted a set of Standing Orders and Financial Regulations at its meeting on the 14th September and at the same meeting approved a formal contract of employment for the Clerk.

Both the Financial Regulations and the Clerk's contract set out the expenses which can be claimed by the Clerk and the method of their approval. Other expenses have to be approved by the Council but the Clerk has delegated authority to expend certain amounts in an emergency.

These procedures are operating satisfactorily and Council believes address points 3(b) and (c) of your letter.

In relation to dealing with employees 3(d), the Clerk's contract sets out the basis for formal appraisal and also the handling of Grievance and Discipline - Dispute Resolution. The Council did not feel that additional formal training in handling employees was required.

In relation to point 3(a), training in roles and responsibilities and standards expected of them... the Council considered this and made reference to the Good Councillor's Guide which was felt to set out clearly

the roles and responsibilities of Councillors. The Council members also agreed to consider attendance at future training events organised by WLDC.

In conclusion the Council agreed that it should move forward on a positive basis.

Council hopes this addresses the recommendations made by the Investigating Officer and endorsed by the Standards Committee.

Yours sincerely,

A handwritten signature in black ink, appearing to read "David G Dalgoutte". The signature is written in a cursive style with a large, looping initial 'D'.

David G Dalgoutte
Clerk to the Council

gill.rowe@westlancsdc.gov.uk

21 December 2005

Mrs G L Rowe
585004

GLR/JL

Mr David Dalgoutte
61 Swanpool Lane
Aughton
Lancs
L39 5AY

Dear Mr Dalgoutte

STANDARDS COMMITTEE MEETING – 20 DECEMBER 2005
SBE 11605.05

Further in this matter, I write to confirm that at the Committee meeting last evening the Committee resolved as follows.

- 1 That it accepts the Investigating Officer's finding that the Councillor has not failed to comply with the Code of Conduct for Members as set out in the allegation.
- 2 That the reasons for the finding are that on the facts found there has been no breach of the Code.
- 3 That in relation to the Investigating Officer's recommendations to the Parish Council these be endorsed as follows and the Parish Council be asked to consider:
 - (a) training for all Members regarding their roles and responsibilities and standards expected of them as Members of Halsall Parish Council, including respect for the Chairman in managing meetings;
 - (b) a review of all of the procedures and rules of the Parish Council and the drafting of an appropriate scheme of delegation of functions to ensure that the Parish can operate effectively on a day to day basis and that they represent good practice;
 - (c) training for all Members in relation to approval of expenses and the correct procedures for expending money with reference to any current or revised Financial Regulations, Procedure Rules and Scheme of Delegation;

(d) training for all Members in relation to dealings with employees.

For completeness I enclose a copy of additional information circulated at the meeting.

I should be grateful if you would take the recommendations to Halsall Parish Council, as set out above, to the Parish Council and advise me of the outcome.

Kind regards.

Yours sincerely

Gillian L Rowe LL.B
Council Secretary and Solicitor

dalgoutte211205



AGENDA ITEM: 9

**STANDARDS COMMITTEE:
1 JUNE 2006**

Report of: Council Secretary and Solicitor

Contact for further information: Mrs G L Rowe (Extn 5004)

SUBJECT: PARISH COUNCILS – CONSTITUTIONAL TRAINING

District wide interest

1.0 PURPOSE OF THE REPORT

1.1 To consider the use of the “Parish Council Toolkit” and whether the District Council should fund training for the Parish Councils on constitutional matters.

2.0 RECOMMENDATIONS

2.1 That the Council Secretary and Solicitor

- (a) write to all Parish Council Clerks with a copy of the Parish Council Toolkit for their use, and
- (b) seek the views of each Parish Council on whether they would wish the District Council to provide constitutional training for Parish Councils and what form they would find most helpful.

2.2 That the Standards Committee make a decision on the potential form and content of such training prior to requesting any necessary funding from the Council after giving consideration to the views expressed to the Council Secretary and Solicitor by the Parishes.

3.0 BACKGROUND

- 3.1 Councillor Dereli asked at the last Standards Committee that consideration be given to whether there was anything the District Council could do to facilitate training for Parish Councils.

4.0 CURRENT POSITION

- 4.1 Councillor Dereli has provided me with a note of her ideas and she can perhaps assist us with this at the meeting.

- 4.2 Members initial views are sought on the training suggested. In advance of proceeding with such a proposal it would be sensible to seek the views of the Parish Councils on whether they would find such training helpful and their advice on the form and content of such Constitutional training.

5.0 PARISH COUNCIL TOOLKIT

- 5.1 In addition or as an alternative to this course of action Members might also wish to give consideration to the use of the ACSeS Parish Council Toolkit. The Toolkit is intended for Parish Clerks but is also useful for Parish Councillors. It includes information and advice on Parish Council employees, ensuring effective governance of Parish Councils, danger zones, the role and responsibilities of Parish Councillors and elections of Parish Councillors. Details will be available at the meeting. The Pack was updated in February 2006 so would be useful to use at this point in time.

6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 6.1 This report seeks to assist in improving the governance arrangements of Parish Councils.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 7.1 Funding for any such training would have to be met from the District Council's Members Training Budget. I would estimate that to hire a hall and facilitator for such a session would cost in the region of £2,500. There would be some staff time involved in arranging such a training session but these costs would be accommodated within existing resources. Alternatively a growth bid could be put in for the 2007/8 budget.

8.0 RISK ASSESSMENT

- 8.1 Promoting high standards within Parish Councils should reduce complaints of misconduct to the Standards Board.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

Appendices - None

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