



William J Taylor BA (Hons), M Soc Sc, FIPD  
Chief Executive

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24 October 2006

TO:

**INDEPENDENT MEMBERS:** MR CAILES (CHAIRMAN)  
MR HANMER (VICE CHAIRMAN)  
PROF. CHESTER, MR MERRY AND  
MR MOLYNEUX

**COUNCILLORS:** MRS ATHERLEY, DERELI, GRANT AND NOLAN

**PARISH COUNCILLORS:** HAMMOND AND KITSON

Dear Member,

A meeting of the **STANDARDS COMMITTEE** will be held in the **COUNCIL CHAMBER, 52 DERBY STREET** on **WEDNESDAY 1 NOVEMBER 2006** at **4.30pm** at which your attendance is requested.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'W J Taylor', written over a horizontal line.

William J Taylor  
Chief Executive

**A G E N D A**  
**(Open to the Public)**

- 1. APOLOGIES**
- 2. URGENT BUSINESS, IF ANY, INTRODUCED BY THE CHAIRMAN**

Note: No other business is permitted unless, by reason of special circumstances, which shall be specified at the meeting, the Chairman is of the opinion that the item(s) should be considered as a matter of urgency.

### **3. DECLARATIONS OF INTEREST**

If a member requires advice on Declarations of Interest he/she is advised to contact the Council Secretary and Solicitor in advance of the meeting.

(For the assistance of Members a checklist for use in considering their position in relation to any particular item is included at the end of the agenda sheet.) **Pages 97 to 98**

### **4. MINUTES**

To receive as a correct record the minutes of the meeting held on 1 June 2006. **Pages 99 to 104**

### **5. STANDARDS COMMITTEE - PROACTIVE WORK PROGRAMME 2006/7**

To consider the report of the Council Secretary and Solicitor.  
**Pages 105 to 108**

### **6. CONSTITUTIONAL TRAINING FOR PARISH COUNCILS**

To consider the report of the Council Secretary and Solicitor.  
**Pages 109 to 118**

### **7. ANNUAL STANDARDS BOARD CONFERENCE**

To consider the report of the Council Secretary and Solicitor.  
**Pages 119 to 150**

### **8. VISITS - PARISH AND DISTRICT COUNCIL MEETINGS**

To consider the report of the Council Secretary and Solicitor.  
**Pages 151 to 158**

### **9. COMPLAINTS TO THE STANDARDS BOARD - UPDATE**

The current statistics will be circulated at the meeting. 3 complaints have been made to the Standards Board this year and these were not referred for investigation.

### **10. CODE OF CONDUCT SEMINAR - ARRANGEMENTS**

To consider the report of the Council Secretary and Solicitor.  
**Pages 159 to End**

### **11. STANDARDS COMMITTEE INVESTIGATIONS AND HEARINGS - DVD**

To note that we will view the training DVD from the Standards Board for England when a complaint is received which requires investigation.

**FIRE EVACUATION PROCEDURE:** Please see attached sheet.  
**NO SMOKING:** The Council has a no smoking policy which applies to all meetings.  
**MOBILE PHONES:** These should be switched off at all meetings.

*For further information, please contact:-  
Jacky Denning on 01695 577177 ext 5384  
or email  
[Jacky.Denning@westlancsdc.gov.uk](mailto:Jacky.Denning@westlancsdc.gov.uk)*



**FIRE PRECAUTIONS ACT 1971  
FIRE EVACUATION PROCEDURE FOR:  
COUNCIL MEETINGS WHERE OFFICERS ARE PRESENT (52 DERBY STREET,  
ORMSKIRK)**

**PERSON IN CHARGE:** Most Senior Officer Present

**FIRE MARSHAL:** Member Services Officer / Lawyer  
**DOOR WARDEN(S)** Usher / Caretaker

**IF YOU DISCOVER A FIRE**

1. Operate the nearest **FIRE CALL POINT** by breaking the glass.
2. Attack the fire with the extinguishers provided only if you have been trained and it is safe to do so. **Do not** take risks.

**ON HEARING THE FIRE ALARM**

1. Leave the building via the **NEAREST SAFE EXIT**. **Do not stop** to collect personal belongings.
2. Proceed to the **ASSEMBLY POINT** on the car park and report your presence to the **PERSON IN CHARGE**.
3. **Do NOT** return to the premises until authorised to do so by the **PERSON IN CHARGE**.

**NOTES:**

Officers are required to direct all visitors regarding these procedures i.e. exit routes and place of assembly.

The only persons not required to report to the Assembly Point are the Door Wardens.

**CHECKLIST FOR PERSON IN CHARGE**

1. Advise other interested parties present that you are the person in charge in the event of an evacuation.
2. Make yourself familiar with the location of the fire escape routes and inform any interested parties of the escape routes.
3. Make yourself familiar with the location of the assembly point and inform any interested parties of that location.
4. Make yourself familiar with the location of the fire alarm and detection control panel.
5. Ensure that the fire marshals and door wardens are aware of their roles and responsibilities.
6. Arrange for a register of attendance to be completed (if considered appropriate / practicable).

**IN THE EVENT OF A FIRE, OR THE FIRE ALARM BEING SOUNDED**

1. Ensure that the room in which the meeting is being held is cleared of all persons.
2. Evacuate via the nearest safe Fire Exit and proceed to the **ASSEMBLY POINT** in the car park.
3. Delegate a person at the **ASSEMBLY POINT** who will proceed to the **WARDENCALL SECTION** in Westec House in order to ensure that a back-up call is made to the **FIRE BRIGADE**.
4. Delegate another person to ensure that **DOOR WARDENS** have been posted outside the relevant Fire Exit Doors.

5. Ensure that the **FIRE MARSHAL** has reported to you on the results of his checks, **i.e.** that the rooms in use have been cleared of all persons.
6. If an Attendance Register has been taken, take a **ROLL CALL**.
7. Report the results of these checks to the Fire Brigade on arrival and inform them of the location of the **FIRE ALARM CONTROL PANEL**.
8. Authorise return to the building only when it is cleared to do so by the **FIRE BRIGADE OFFICER IN CHARGE**. Inform the **DOOR WARDENS** to allow re-entry to the building.

**NOTE:**

The Fire Alarm system will automatically call the Fire Brigade. The purpose of the 999 back-up call is to meet a requirement of the Fire Precautions Act to supplement the automatic call.

### **CHECKLIST FOR FIRE MARSHAL**

1. Carry out a physical check of the rooms being used for the meeting, including adjacent toilets, kitchen.
2. Ensure that **ALL PERSONS**, both officers and members of the public are made aware of the **FIRE ALERT**.
3. Ensure that **ALL PERSONS** evacuate **IMMEDIATELY**, in accordance with the **FIRE EVACUATION PROCEDURE**.
4. Proceed to the **ASSEMBLY POINT** and report to the **PERSON IN CHARGE** that the rooms within your control have been cleared.
5. Assist the **PERSON IN CHARGE** to discharge their duties.

It is desirable that the **FIRE MARSHAL** should be an **OFFICER** who is normally based in this building and is familiar with the layout of the rooms to be checked.

### **INSTRUCTIONS FOR DOOR WARDENS**

1. Stand outside the **FIRE EXIT DOOR(S)**
2. Keep the **FIRE EXIT DOOR SHUT**.
3. Ensure that **NO PERSON**, whether staff or public enters the building until **YOU** are told by the **PERSON IN CHARGE** that it is safe to do so.
4. If anyone attempts to enter the premises, report this to the **PERSON IN CHARGE**.
5. Do not leave the door **UNATTENDED**.

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**

**HELD: 1 JUNE 2006**

Start: 7.30pm

Finish: 8.05pm

### **PRESENT**

Independent Members:	Mr. J. Cailles (Chairman) Mr. Hanmer (Vice Chairman) R Chester R Merry
Councillors	Mrs Atherley Dereli Grant
Parish Councillors	Hammond
Officers:	Council Secretary & Solicitor Assistant Member Services Manager

### **1. APOLOGIES**

There were no apologies for absence.

The Chairman welcomed Parish Councillor Hammond to his first meeting as the newly elected Parish Council representative on the Standards Committee.

Members considered the start time for future meetings and agreed that future meetings would be held at 4.30pm.

### **2. URGENT BUSINESS, IF ANY, INTRODUCED BY THE CHAIRMAN**

There were no items of urgent business.

### **3. DECLARATIONS OF INTEREST**

Councillors Grant, Mrs Atherley and Dereli and Parish Councillor Hammond declared a personal interest in item 9 on the agenda, 'Parish Councils – Constitutional Training' as Members of a Parish Council.

Councillors Grant and Atherley declared a personal and prejudicial interest in item 11 on the agenda, 'Development of Hattersleys Site, Burscough Road, Ormskirk – Application for Dispensation', as they had both made an application.

### **4. MINUTES**

RESOLVED That the minutes of the meeting held on 20 December 2005 be approved as a correct record and signed by the Chairman.

**5. STANDARDS COMMITTEE - APPOINTMENTS**

The Committee considered a report of the Council Secretary and Solicitor which advised Members of a report that was submitted to Council on 17 May 2006 in respect of the Standards Committee appointments.

RESOLVED A That the report submitted to Council on 17 May 2006, 'Standards Committee – Appointment of Independent and Parish Councillor Representatives' be noted.

B That the following minute of Council held on 17 May 2006 be noted:

“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.”

C That the following changes to the membership of the Standards Committee be noted:  
Councillor Nolan replaces Councillor Maguire; and  
Parish Councillor Hammond replaces Parish Councillor Joan Draper.

**6. PROTOCOL ON THE USE OF ICT BY MEMBERS**

The Committee considered a report of the Assistant Chief Executive which sought approval of a revised Protocol for the use of ICT by members of the Council.

The Council Secretary and Solicitor advised that the recommendations in the report had been approved at Cabinet on 23 May 2006 subject to the following:

- the Assistant Chief Executive in consultation with the Portfolio Holder for Finance clarifying the appropriate wording in the first sentence of paragraph 4.2, which had been changed to read “the Council” rather than “the Councillor”; and
- the inclusion in paragraph 4.3 of “commercial” in place of ‘non-Council’

RESOLVED A That the attached protocol, as agreed at Cabinet, be approved and included in Part 5 of the Council’s Constitution.

B 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.

**7. STANDARDS BOARD CONFERENCE - 16TH & 17TH OCTOBER 2006**

The Council Secretary and Solicitor advised members of the Committee that the Standards Board Annual Conference was being held on 16 & 17 October 2006.

RESOLVED That any members of the Committee, wishing to attend the conference, should contact the Council Secretary and Solicitor.

**8. SBE 11605.05 - RESPONSE FROM HALSALL PARISH COUNCIL**

The Committee considered the report of the Council Secretary and Solicitor which advised members of the response received from Halsall Parish Council following the decision taken at a meeting of the Committee on 20 December 2005 in relation to Standards Board Enquiry SBE11605.05.

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

**9. PARISH COUNCILS - CONSTITUTIONAL TRAINING**

The Committee considered the report of the Council Secretary and Solicitor on the use of the “Parish Council Toolkit” and whether the District Council should fund training for the Parish Councils on constitutional matters.

RESOLVED A That the Council Secretary and Solicitor

- (1) write to all Parish Council Clerks with a copy of the ‘Parish Council Toolkit’ to assist Parish Councils to develop their own protocols and also make it available in electronic form.

(2) 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 with a view to assisting Parish Councils develop their own protocols.

- B 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.

## 10. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of that Act.

## 11. DEVELOPMENT OF HATTERSLEYS SITE, BURSCOUGH ROAD, ORMSKIRK - APPLICATION FOR DISPENSATION

Councillors Dereli, Independent Member Roger Merry and Parish Councillor Hammond took no part in the item and left the room whilst it was being considered in connection with the advice on the appearance of bias.

Councillors Grant and Mrs Atherley took no part in the item and left the room whilst it was being considered as a result of their earlier declarations.

The remaining Members of the Committee considered the report of the Council Secretary and Solicitor which detailed a written request from all conservative Councillors on West Lancashire District Council (except Councillor Ainscough) for a dispensation to permit them to participate in all matters relating to the development of the Hattersleys site, Burscough Road, Ormskirk.

RESOLVED A That in accordance with Section 81(4) of the Local Government Act 2000 and Regulation 3(1)(a)(i) of the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002, dispensation be granted, until the next annual meeting of the Council in 2007, to Councillors Ashcroft, Mrs Atherley, Bailey, Mrs Baldock, Mrs Blake, Mrs Colling, Collinson, Cropper, Mrs Edwards, Mrs Evans, Forshaw, Gartside, Grant, Greenall, Griffiths, Mrs Hopley, Kay, Lea, Mee, Ms Melling, O'Toole, Owens, Pope, G M Roberts, Mrs Stephenson, Swiffen, Mrs Taylor, D Westley and Mrs Westley to participate in consideration of all matters in relation to the Hattersleys premises, Burscough Road, Ormskirk.

(NB The dispensation only applies to interests arising from 72 New Court Way as factually reported to this Committee.)

- B That the dispensations should be granted, having given particular weight to the reasons set out below and to maximising full and balanced Member involvement in the decision making process in the interests of local democracy:
- a) the basis of , and reasons for, those applications;
  - b) the size and composition of the Planning Committee;
  - c) the fact that the Council has a single party Cabinet which would be making the decision in relation to the Local Plan;
  - d) the reasons why the Standards Committee was created, in particular to allow local determination of the issue of whether participation is acceptable to the local community despite the existence of interests;
  - e) the need for confidence in the decision making process to be maintained, including by the supervision of, and protection through, the Standards Committee;
  - f) the need for decisions to be reached, and seen to be reached, impartially;
  - g) the need to ensure political balance and the consequent integrity of any decision;
  - h) the need for permitting local representation and the difficulty of the use of substitutes;
  - i) the placing of the Labour opposition in a difficult position of some possible apparent bias if the dispensation is not granted;
  - j) consistency with previous practice;
  - k) the absence of further compounding elements of predetermination or bias; and
  - l) Counsel's advice received by the Committee on 22 March 2005.

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CHAIRMAN





**AGENDA ITEM: 5**

**STANDARDS COMMITTEE:  
1 November 2006**

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**Report of: Council Secretary and Solicitor**

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

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**SUBJECT: STANDARDS COMMITTEE - PROACTIVE WORK PROGRAMME  
2006/7**

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District wide interest

**1.0 PURPOSE OF THE REPORT**

1.1 To adopt a Work Programme for the Standards Committee for 2006/7.

**2.0 RECOMMENDATIONS**

2.1 That the Work Programme attached as Appendix 1 be agreed incorporating the proactive initiatives set out therein.

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**3.0 BACKGROUND**

3.1 The Standards Committee at West Lancs aspires to be a proactive Committee and to this end I would suggest that, each year, it produces a Work Programme

**4.0 CURRENT POSITION/PROPOSAL**

4.1 A draft Work Programme for 2006/7 is attached for Members' consideration at Appendix 1. This includes ideas previously discussed for a proactive Standards Committee together with some new ideas and an indication of items which can be publicised and the appropriate method.

## **5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 5.1 There are no significant sustainability/community strategy implications arising from this report.

## **6.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 6.1 The contents of the Work Programme will be resourced from existing budget with the exception of investigations and hearings which it has been agreed will be funded from contingencies should matters arise during the year. Detailed resources for local filtering will need to be given during the year.

## **7.0 RISK ASSESSMENT**

- 7.1 A proactive Standards Committee will ensure high ethical standards are promoted within the Council with all the consequent benefits that flow from the same.
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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.

### **Appendix**

Appendix 1 – Standards Committee Work Programme 2006/7



Standards Committee Work Programme 2006/7

	<b>Timescale</b>
1 Lessons to be learned from reported complaints/monitoring of compliance with the Code	As and when required
2 New/Revised Protocols	As and when required
3 Annual Monitoring of Training Report	April 2007
4 Code of Conduct Seminar for Officers, District and Parish Councillors (Press Release to be issued – Details on website)	Usually November but may be later this year due to revision of Code Possibly April 2007
5 Report on Annual Standards Board Conference (Para for 7 Days)	November 2006
6 Programme of visits by individual Members to District and Parish Council Meetings (Press Release to be issued and put on website)	Autumn 2006
7 Update on Whistleblowing Code	Spring 2007
8 Hearings and Investigations	As and when required
9 Consideration of applications for dispensations	As and when required

<p>10 Standards Committee meeting inviting Parish Clerks to discuss new Code and annually thereafter (Press Release to be issued)</p>	<p>Spring/Summer 2007</p>
<p>11 Revised Code of Conduct (Press Releases to be issued)</p>	<p>Consultation – December 2006?? Final Version – March 2007??</p>
<p>12 Annual Meeting Standards Committee and the Chief Executive and the Leaders of 2 Political Groups to discuss ethical governance (Press Release to be issued and para for 7 Days and on website)</p>	<p>Spring/Summer 2007</p>

stdsctteeWP



**AGENDA ITEM: 6**

**STANDARDS COMMITTEE:  
1 November 2006**

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**Report of: Council Secretary and Solicitor**

**Contact for further information: Mrs G L Rowe (Ext 5002)**

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**SUBJECT: CONSTITUTIONAL TRAINING FOR PARISH COUNCILS**

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District wide interest

**1.0 PURPOSE OF THE REPORT**

- 1.1 To assess the need and demand from Parish Councils for constitutional training, before deciding whether to request the Council to provide funding for such training.

**2.0 RECOMMENDATIONS**

- 2.1 That given the response from Parish Councils and the availability of constitutional training from the LAPTC no further action be taken.
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**3.0 BACKGROUND**

- 3.1 At Committee on 1 June 2006 I was asked to write to each Parish Council in West Lancashire seeking their views on whether they would wish the District Council to provide constitutional training for Parish Councils and what form they would find most helpful, with a view to assisting Parish Councils develop their own protocols. A copy of the letter I sent out is attached as Appendix 1. I sent out a reminder to relevant Councils on 26 July 2006.

**4.0 CURRENT POSITION**

- 4.1 Details of the responses from the Parish Councils are attached as Appendix 2.
- 4.2 In summary the responses were as follows:

Yes – no suggestions : 3  
Yes – suggestions : 1

No : 3  
No reply : 9  
No – unless majority view : 1  
No – initially : 1  
Not decided : 1

## **5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

5.1 There are no significant sustainability or community strategy implications arising from this report.

## **6.0 FINANCIAL AND RESOURCE IMPLICATIONS**

6.1 There would be financial implications if training were to be organised which would need prior approval from the Council.

## **7.0 RISK ASSESSMENT**

7.1 There are no risks to the District Council's business arising from this report.

## **8.0 CONCLUSIONS**

8.1 Given the lack of support for constitutional training from the Parish Councils there seems little point in pursuing this initiative further.

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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**

Appendix 1 – Letter to Parish Councils – 2 June 2006  
Appendix 2 – Schedule of Responses  
Appendix 3 – Summary of Responses

gill.rowe@westlancsdc.gov.uk

2 June 2006

**Mrs G L Rowe**  
**585004**

GLR/JL

**To: All Parish Clerks**

Dear Colleague

**CONSTITUTIONAL TRAINING FOR PARISH COUNCILS**

At Standards Committee on 1 June 2006 I was asked to write to each Parish Council in West Lancashire seeking their views on whether they would wish the District Council to provide Constitutional training for Parish Councils and what form they would find most helpful, with a view to assisting Parish Councils develop their own Protocols.

I should be grateful if you could let me have the views of your Parish Council on this issue. This will then enable the Standards Committee to assess the need and demand for such training before deciding whether to ask the District Council to provide funding for this training.

In addition, Members thought it would be helpful if I provided you with a copy of the ACSeS Parish 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. I enclose two copies of the Toolkit, one for yourself and one for your Chairman. I hope that you find it useful.

If you would like a copy of the Toolkit in electronic form please do not hesitate to contact my Secretary Julie Lacey, on 585002 after 14 June 2006, or by email on [julie.lacey@westlancsdc.gov.uk](mailto:julie.lacey@westlancsdc.gov.uk).

Kind regards,

**Gillian L Rowe LL.B**  
**Council Secretary and Solicitor**

Parishclerksjune06



Parish Council	Date	Comment
<p>Wrightington</p> <p>(Yes – no suggestions)</p>	<p>27/6/06 – letter</p>	<p>The Council would like to thank you for the ACSeS Parish Toolkit which appears to be most useful.</p> <p>With regard to the provision of Training the Parish Council are of the opinion that this could prove very useful however, it would depend upon the cost implications for the Parish Council and the level of commitment required from Councillors as it can prove difficult for those with full time jobs and families to commit themselves.</p> <p>The Council look forward to more detailed information in relation to this suggestion in due course.</p>
<p>Hesketh with Becconsall</p> <p>(No)</p>	<p>4/7/06 – email</p>	<p>This Council considered your letter regarding the above at their July meeting.</p> <p>The Council has however opted to arrange such training, within the Parish, through the 'Lancashire Training Partnership' which all Councillors have signified they will attend.</p> <p>I would comment that your letter did concentrate the minds of Councillors on the need for training, something I have struggled with since being appointed.</p>
<p>Bickerstaffe</p> <p>(No)</p>	<p>July 2006 – phone call</p>	<p>Arthur Gore rang, he had received the Toolkit in the post.</p> <p>With regards to training he will be attending a meeting on Monday and will pass the information on.</p> <p>He is also attending a Local Government Admin Course, which covers most of the training in the Toolkit, which he mentioned was very helpful.</p> <p>Further phone call 2/8/06 Constitutional training not required.</p>

<p>Aughton</p> <p>(Yes – similar format to Code of Conduct Seminar)</p>	<p>18/8/2006?</p>	<p>At our last Parish Council Meeting held earlier this week, it was felt that some training would be helpful for members particularly if it was offered in the same form as the annual Seminar at Edge Hill College for Code of Conduct training.</p> <p>Parish Councils, through their membership of the Lancashire Association of Parish &amp; Town Councils, are offered training for a reasonable fee through the Lancashire &amp; Merseyside County Training Partnership on most subjects. However, training on particular constitutional matters would benefit some Councillors.</p> <p>Thank you for enclosing copies of the ACSes Parish Toolkit which I have not seen before but will be a useful reference. However, I have only glanced through the document but have noted that some of the guidance may be 'best practice' but it is not 'the law', eg 'Guidance for Parish Councils on Communication Matters' – Page 15. No doubt this will be discussed by the Parish Clerks when they get together later in the year.</p>
<p>Burscough</p>		<p>No response</p>
<p>Dalton</p> <p>(Yes – no suggestions)</p>	<p>Email 31/7/06</p>	<p>More than happy to accept constitutional training so long as dates and times are convenient they would endeavour to attend.</p> <p>Found the sessions organised by WLDC at Edge Hill extremely helpful. Found the lecture last year less entertaining than the scenario approach used previously. The smaller groups allowed for more interaction between Councillors and brought the added value of networking.</p>



Downholland (No – initially)		The Council did not initially feel that specific Constitutional Training was needed, but I wonder whether you could elaborate on your thoughts on this? We have, I think, a fairly robust set of Standing Orders and Financial Regulations based on the SLCC/NALC model and I hope to undertake further training at a personal level to attain the CiLCA qualification. How do you see your proposed training in this context?
Great Altcar		No response
Halsall		No response
Hilldale		No response
Lathom		No response
Newburgh  (No demand but if majority view then yes)	7/8/06	Newburgh Parish Council is functioning in an efficient and proper manner and at this stage, we have not identified any demand for constitutional training.  However, we are conscious of the importance of this subject and if the majority of Parish Councils express an interest, then we would support in principle, the development of a training package.

North Meols (No)	2/8/06	Considered by Parish Council 1/8/06. Agreed that any training provided would be a duplication of training currently provided by NALC and CAPTC. The Parish Council is satisfied with the level of training it now receives.
Parbold (Yes – no suggestions)	Email 31/7/06	As Dalton
Rufford	24.8.06	The Parish Council have still not come to any decision on this matter.
Scarisbrick		No response
Simonswood		No response
Tarleton		No response
Up Holland		No response

PCcomments

Summary of ResponsesNo

Hesketh with Beconsall	
Bickerstaffe	(3)
North Meols	

No Reply

Burscough	
Great Altcar	
Halsall	
Hilldale	
Lathom	(9)
Scarisbrick	
Simonswood	
Tarleton	
Up Holland	

Yes – No Suggestions

Wrightington	
Dalton	(3)
Parbold	

Yes – Suggestion

Aughton	(1)
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No – unless Majority View Yes

Newburgh	(1)
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No – Initially

Downholland	(1)
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Not Decided

Rufford	(1)
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**AGENDA ITEM: 7**

**STANDARDS COMMITTEE:  
1 November 2006**

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**Report of: Council Secretary and Solicitor**

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

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**SUBJECT: ANNUAL STANDARDS BOARD CONFERENCE**

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District wide interest

**1.0 PURPOSE OF THE REPORT**

- 1.1 To receive a report on the Standards Board Conference held on Monday, 16 and Tuesday, 17 October 2006 in Birmingham.

**2.0 RECOMMENDATIONS**

- 2.1 That the contents of the report be noted.
- 
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**3.0 CURRENT POSITION**

- 3.1 The Standards Board Conference was held in Birmingham on Monday 16 and Tuesday 17 October 2006. A copy of the programme is attached at Appendix 1. It was most disappointing that the revised Code had not been issued and therefore could not be handled at the Conference. Useful sessions were however held on the anticipated changes and on the proposed local filter from 2008.
- 3.2 A copy of Patricia Hughes' speech is attached at Appendix 2. The BMG research on Standards Committees was presented to the Conference and a copy of the key findings are attached at Appendix 3. Some useful, if confusing, screens on the potential revisions to the Code are also attached at Appendix 4.

#### **4.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 4.1 There are no substantial sustainability/community strategy implications arising from this report.

#### **5.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 5.1 There are no financial and resource implications arising from this report.

#### **6.0 RISK ASSESSMENT**

- 6.1 Regular attendance at the Conference means that officers and Members keep up to date with ethical issues for the Council and also this year be better placed to address the current imminent legislative changes.

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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**

Appendix 1 – Programme

Appendix 2 – Bridging the Gap : towards strategic regulation – Patricia Hughes,  
Deputy Chair

Appendix 3 – Standards Committee : a national snapshot

Appendix 4 – The Revised Code???

# Monday 16 October 2006

**8.30 – 10.15**

## **Registration**

Light breakfast available.



**9.15 – 10.00**



## **Getting up to speed**

David Prince, Chief Executive, The Standards Board for England

An introductory welcome from the chief executive for those new to the Code of Conduct or conference. Attendance optional. All welcome.

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## **An effective ethical environment: where are we going?**

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**10.15 – 10.25**

### **Welcome**

**Hall 1**

Sir Anthony Holland, Chair, The Standards Board for England

**10.25 – 10.40**

### **Setting the standard**

**Hall 1**

Phil Woolas MP, Minister for Local Government

The minister opens the conference by setting out his proposals for the future of the ethical framework.

**10.40 – 10.55**

### **Bridging the gap: towards strategic regulation**

**Hall 1**

Patricia Hughes, Deputy Chair, The Standards Board for England

An update on the revised Code of Conduct, its implications and the timetable for implementation. And an overview of the Standards Board's plans for transformation into a strategic regulator.

**10.55 – 11.25**

### **What will an effective ethical environment look like?**

**Hall 1**

Three key local government figures present their visions of the components of an effective ethical environment: from setting and leading the culture of an authority, to understanding the relationship between ethical standards and the performance of an authority.

**11.25 – 11.45**

### **Question time**

**Hall 1**

An opportunity to pose questions to the morning's speakers.

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**11.45 – 12.00**  
**Comfort break**



**12.00 – 13.00**  
**SESSION 1 Implications of the revised Code and the future ethical environment**

Delegates debate the implications of the revised Code of Conduct, the local filter for complaints and the future ethical environment. Independent facilitators direct the sessions.

Up to ten workshops, each with a maximum of 80 delegates.

Delegates will choose between:

- > A monitoring officer focused session
- > A standards committee focused session
- > A mixed attendance session

Delegates should refer to the reverse of their conference name badge to find out which session they are pre-allocated to attend and its location. All delegates attend.

**13.00 – 14.15**  
**Lunch**



**Hall 3**



# Where are you now? Locating the gap

## 14.15 – 15.15

### **Standards committees: a national snapshot**

**Hall 1**

BMG Research present findings from research carried out earlier this year into the make-up, capacity and experience of standards committees. The research, commissioned by the Standards Board for England, provides the first national snapshot of standards committees and their work. Two local authorities give delegates a practical insight into how they fit into this national profile.

## 15.15 – 15.45

### **Comfort break**

Refreshments available.



## 15.45 – 16.45

### **SESSION 2 How do you measure up?**

Delegates discuss how their authority compares to the national picture of standards committees presented in the plenary at 14.15. The main focus of this workshop is then for individuals to carry out a practical analysis, identifying the strengths and weaknesses within their authorities, and establish key milestones for improving and moving forward. Independent facilitators direct the sessions.

Up to ten workshops, each with a maximum of 80 delegates.

Delegates will choose between:

- > A monitoring officer focused session
- > A standards committee focused session
- > A mixed attendance session

Delegates should refer to the reverse of their conference name badge to find out which session they are pre-allocated to attend and its location.

All delegates attend.

## 16.45 – 17.00

### **Comfort break**



## Tools to make the transition

**17.00 – 18.15**

### **SESSION 3 Bridging the gap: knowledge, techniques and skills**

Authorities have been able to carry out investigations, hold local hearings, reach determinations and decide on sanctions since the ethical framework was fully implemented in late 2004. And with the challenges of a revised Code of Conduct and a more locally focused system ahead, delegates need to be confident that they have the knowledge, skills and experience necessary to deliver on the ethical agenda to the standard required. In this part of the programme, sessions tackle a range of issues that are key to bridging these gaps. Delegates can choose to attend one of the following sessions.



#### **Case review – lessons learnt so far**

Drawing on four years' experience, this session considers the learning from significant cases, tribunals, local hearings and circumstances where an ethical standards officer has made the decision not to refer a matter for determination. [Useful for all delegates.](#)



#### **A robust filter**

From 2008, standards committees will be receiving complaints and deciding if they should be investigated and, if so, whether that investigation should either be carried out locally, or nationally by the Standards Board for England. Delegates consider the practicalities of a local filter: Could joint arrangements work? How? What types of cases should be investigated at a national level? [This session is primarily aimed at standards committee members.](#)



#### **Conducting an effective investigation**

Examination of the essential components of an effective investigation – from understanding the technical elements of the investigative process, to exploring key competencies, including timeliness and proportionality. Following the presentation, delegates are encouraged to share their experiences, with the aim of moving towards best practice. [Particularly useful for monitoring officers new to the investigative process and for those wanting a refresher.](#)



### **Holding an effective hearing**

This presentation explores the essential components of holding a fair and effective hearing – from understanding the framework that local hearings operate within, to exploring key principles of implementation, such as best practice for pre-hearing preparation, and identifying common pitfalls to avoid. Delegates have the opportunity to contribute their experiences. [Particularly useful for standards committee members new to the hearing process and for those wanting a refresher.](#)



### **Investigations – work through**

Delegates work through a case study, based on several problematic/topical areas of the Code of Conduct, applying the Code to reach a decision on a matter under investigation. This session also touches on key competencies of the investigative process and enables delegates to consider best practice approaches to some of the most frequently encountered difficulties in areas such as decision-making and report drafting. [Particularly useful for monitoring officers who want to develop their skills in this area.](#)



### **Hearings – work through**

Delegates work through a case study, based on issues that can affect the fairness and proportionality of a hearing and subsequent sanction, applying the Code to reach a decision on a matter under consideration at a fictional tribunal. This session also touches on some technical areas of the hearing process and encourages delegates to consider what constitutes a proportionate sanction. [Particularly useful for all those involved in the hearings process and who want to develop their skills in this area.](#)



### **The revised Code – declaring interests**

The definition of interests that must be declared is one of the most fundamental revisions proposed to the Code of Conduct. Using worked examples, this session considers the anticipated requirements, particularly in relation to planning and licensing. [A useful session for new monitoring officers and those wanting an in-depth refresher.](#)



### **Investigations – in-house or out-house?**

Authorities can conduct an investigation in one of three ways: by carrying it out themselves, by outsourcing the function, or by developing reciprocal arrangements with other authorities in their area. Several authorities share their experiences. What difficulties did they encounter? What advice would they give others? During this session, delegates consider the benefits and risks of each approach and discuss the circumstances within which each option may be most appropriate. [This session is primarily aimed at monitoring officers.](#)



### **General open house Q & A**

Open house for delegates to put questions relating to any topic to representatives from the Standards Board for England.

**18.15**

**Close of day one**

**18.30 – 19.30**

**Fringe events** (optional)

Various fringe events include:



**Association of Council Secretaries and Solicitors (ACSeS)**



**Improvement and Development Agency (IDeA)**



**Society of Local Authority Chief Executives and Senior Managers (SOLACE)**

**19.30 – 20.00**

**Drinks reception**



**20.00 – late**

**Conference dinner**

Free seating. Dress code is smart or smart-casual.

Cash bar available.

Live music from the Al Gurr Quartet, featuring Sarah Coleman on vocals.



# Tuesday 17 October 2006

**8.00 – 9.00**

## **Refreshments**

Tea and coffee available. Delegates attending for today only need to register at the Enquiries desk.



**9.00 – 10.15**

## **SESSION 4 Bridging the gap: knowledge, techniques and skills**

Authorities have been able to carry out investigations, hold local hearings, reach determinations and decide on sanctions since the ethical framework was fully implemented in late 2004. And with the challenges of a revised Code of Conduct and a more locally focused system ahead, delegates need to be confident that they have the knowledge, skills and experience necessary to deliver on the ethical agenda to the standard required. In this part of the programme, sessions tackle a range of issues that are key to bridging these gaps. Delegates can choose to attend one of the following sessions.



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Examination of the essential components of an effective investigation – from understanding the technical elements of the investigative process, to exploring key competencies, including timeliness and proportionality. Following the presentation, delegates are encouraged to share their experiences, with the aim of moving towards best practice.

Particularly useful for monitoring officers new to the investigative process and for those wanting a refresher.



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This presentation explores the essential components of holding a fair and effective hearing – from understanding the framework that local hearings operate within, to exploring key principles of implementation, such as best practice for pre-hearing preparation, and identifying common pitfalls to avoid. Delegates have the opportunity to contribute their experiences. Particularly useful for standards committee members new to the hearing process and for those wanting a refresher.



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### **General open house Q & A**

Open house for delegates to put questions relating to any topic to representatives from the Standards Board for England.

**10.15 – 10.45**

#### **Comfort break**

Refreshments available.



**10.45 – 11.45**

#### **When politics becomes personal:**

#### **is local level governance the panacea?**

**Hall 1**

Three opinion-formers contribute their differing views on this topical issue. Delegates are invited to pose questions to the panel.

**11.45 – 12.00**

#### **Comfort break**

**12.00 – 13.15**

## **SESSION 5 Bridging the gap: awareness, development, wider debate**

Authorities need to be confident that good conduct is both engrained within the culture of their authority from the top down and exists as a foundation, underpinning the partnerships that they build with other authorities in the area and with the local community. Sessions in this part of the programme, therefore, focus on bridging the gap between simply fulfilling the statutory obligations of carrying out investigations and hearings and moving towards taking a more holistic approach to integrating ethical standards into the corporate governance framework. Delegates can choose to attend one of the following sessions.



### **Corporate governance – integrating the ethical agenda**

This presentation explores the role of the ethical agenda as a crucial part of the wider governance framework of an authority. The joint Chartered Institute of Public Finance and Accountancy (CIPFA)/Society of Local Authority Chief Executives and Senior Managers (SOLACE) working group shares its understanding of effective corporate governance.

*Useful for all delegates.*



### **Freedom of expression – drawing the line**

Where is the line to be drawn between freedom of expression and causing offence to others? This session invites delegates to consider the views presented by a panel of key local government figures and then debate this fundamental issue and its implications for the Code of Conduct.

*Useful for all delegates.*



### **An inclusive approach to towns and parishes**

Brief presentations highlight a range of strategies that can be implemented to better engage with town and parish councils and raise the profile of these councils within a local community. Amongst the issues explored will be: providing proactive training and support arrangements, mentoring schemes, and model agreements between standards committees and county associations. Delegates are encouraged to develop a list of best practice approaches they can employ within their local area.

*Particularly useful for anyone who works with town and parish councils.*





### **Towns and parishes – when things go wrong**

Town and parish councils are increasingly important as the first tier of local government, but they can be vulnerable to infighting and conflict. Presentations from authorities, who have dealt with town or parish councils that have experienced problems, provide an insight into the difficulties that can occur and methods of tackling these issues effectively. What are the appropriate roles for standards committees, monitoring officers and the Standards Board for England in these situations? This session encourages delegates to explore the alternatives for handling circumstances where town or parish council relations have broken down. [Particularly useful for anyone who may work with town and parish councils that are experiencing problems and require support.](#)



### **Training the trainer**

Everyone agrees that good training is vital, but how best to provide it? This session, run by an independent trainer, offers practical advice on planning and running training sessions for members. [Particularly useful for anyone who is responsible for training others.](#)



### **Working proactively – the role of standards committees**

Standards committees have a far wider role than simply dealing with casework. In this session, two standards committees share their extended work programmes and explain what kinds of additional responsibilities they have taken on and how these work in practice. Delegates work together to explore some of the more proactive roles they play, including sharing good practice examples of how they promote and support high standards of conduct within their authorities. [A useful session for new standards committee members and those wanting a refresher.](#)



### **Standards committees – raising your profile**

In order to operate effectively, standards committees need to promote their role both within their authorities and to their local communities – but how? In this session, delegates are encouraged to identify and evaluate strategies for raising their profile. And, in light of the proposed local filter for allegations from 2008, delegates can take this opportunity to consider how they may publicise the new process to the public. [A useful session for all standards committee members.](#)



### Issues of independence

The role of the independent member is, undoubtedly, crucial to the effective operation of the ethical agenda. This session considers that role, the skills and competencies independent members need, how they can best be recruited, the support and training they require and their relationship with the authority and its elected members. Delegates are invited to contribute any key issues of concern with regard to these topics and share possible solutions and best practice. *This session is primarily aimed at independent members, and those involved in their recruitment and selection.*



### Monitoring officer open house Q & A

Open house for delegates to put questions relating to any topic to representatives from the Standards Board for England. *This session is primarily aimed at monitoring officers.*

**13.15 – 14.30**

**Lunch**



**Hall 3**

**14.30 – 15.45**

## **SESSION 6 Bridging the gap: awareness, development, wider debate**

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Useful for all delegates.



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Particularly useful for anyone who works with town and parish councils.



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### **Standards committee open house Q & A**

Open house for delegates to put questions relating to any topic to representatives from the Standards Board for England. [This session is primarily aimed at standards committee members.](#)

**15.45 – 16.00**  
**Comfort break**

**16.00 – 16.20**  
**Time to reflect**

**Hall 1**

Sir Anthony Holland, Chair, The Standards Board for England

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**16.20 – 16.30**  
**Moving forward**

**Hall 1**

David Prince, Chief Executive, The Standards Board for England

A reflection on the highlights of the past two days and a look ahead to taking the ethical agenda forward.

**16.30**  
**Close**  
Refreshments available.





**Fifth Annual Assembly of Standards Committees  
16-17 October 2006, ICC, Birmingham**

**Bridging the gap: towards strategic regulation**

Patricia Hughes, Deputy Chair  
The Standards Board for England

Welcome to our Fifth Annual Assembly of Standards Committees. First, may I thank you for your continuing support for these events. They give us a valued opportunity to share views, which in turn helps us to make changes and provide you with better help. We did say at the very beginning that we would try not to be an ivory tower regulator and this assembly is an important way in which we keep that promise.

As I'm sure you are all aware, the Standards Board is now in exciting times as we seek to rise to the challenges the minister has set out for us. But before I talk to you about the changes, what they will mean to both the Standards Board and local authorities, and how we shall set about bridging the gap, I would like to bring you up-to-date on our work since we last met.

Bridging the  gap

**Standards Board case handling**

In 2005/06:

- 3,836 complaints received
- 687 complaints referred for investigation
- 57 standards committee hearings
- 77 cases were presented by the Standards Board to the Adjudication Panel for a hearing

68% of cases are now dealt with at a local level

One thing which has not changed since we started operating in 2001 has been the volume of complaints, which remains remarkably stable from year to year. I guess that the reasons for that pattern are open to interpretation: my view is that it demonstrates a continuing need for people – mainly members of the public and councillors – to have somewhere to turn when they perceive a failing of some kind. And where, if the complaint is relevant and serious, there is the opportunity for redress.

In the 2005/06 financial year we handled over 3,800 allegations. Of these we referred 687 for investigation – that is 22% of those we received. This, I think, shows that our threshold for referring cases is high – and, in fact, we raised it still higher in 2005/06. It does mean that we do in effect reject 'trivia' – quite rightly – but we also lay ourselves open to much criticism from disappointed complainants. But then, nobody ever became a regulator to be loved.


Our policy is that allegations referred for investigation should be handled locally unless there is a particular reason why not – for example seriousness of the allegation, or local conflicts of interest. 68% of allegations referred for investigation are now dealt with at a local level.

It is also worth noting that 57 standards committee hearings were held in 2005/06. The range of standards committee sanctions went from suspension for three months in 19 cases, through to censure in 18 instances, and in the current year we have seen greater use of other sanctions such as imposition of additional training. All of this strikes me as a healthy indicator of local decision-making at work.

During the year, 77 cases were presented by the Standards Board to the Adjudication Panel for England and a finding secured in 69 of those cases. Sanctions were imposed on 64 members. This is, of course, only a tiny proportion of those complaints received – and that is exactly what we would expect and how it should be. But in those very few cases the complaints were about serious matters that were doing much harm to individuals affected, to local communities, and to the reputation of local government, so these outcomes are significant.

While I'm on statistics, I should say that ethical standards officers who, as I've already said, now deal only with the most complex and serious cases, now meet – or exceed – their target of completing 90% of cases in six months. Decisions on whether or not to refer an allegation for investigation now routinely better the target of ten days, averaging eight working days.

So that is a measure of the nature of the workload and we see no reason why it should change. That perhaps is an important context for our discussions over the next few days about how you will handle the system when it becomes locally based.

Bridging the  gap

### **Local investigations and hearings**

- Overall going well
- Some difficulties
- More guidance and support planned


And what has been our experience of locally handled cases so far? Well our view is that most of the cases we have seen handled locally have been done smoothly, efficiently and with common sense outcomes. We would of course find your views on this particularly valuable.



However, a few cases have had their problems and I'm sure you'll hear more about those in the next few days. This is of course inevitable under any new system, as we ourselves well know.

Some of those problems relate to delay in dealing with the case. There have been some concerns about the level of member cooperation. This seems to have been particularly so where cases have been delegated below monitoring officer level, which may need some consideration in our discussions. And I know that the president of the Adjudication Panel for England has expressed some concerns about procedures in some cases he has seen on appeal. The Adjudication Panel comment was that "the standards committees were having difficulties in getting to grips with procedure issues and with how to produce a reasoned decision. 38% of appeals cite procedural irregularities as grounds of appeal".

But these are the types of teething problems you might expect, and from which we will all learn during the conference, and in advice and guidance afterwards. I guess that issues of more pressing concern are the additional implications of local referral and in particular the volume of allegations that will be received. The evidence we've collected over the years on that is interesting.

Bridging the  gap

### **Local allegations in 2005**

- District councils averaged five allegations each
- County, unitary and metropolitan borough councils averaged six allegations each
- 15% of district councils had no allegations
- 34% of county, unitary and metropolitan borough councils had no allegations
- 551 parish and town councils averaged three allegations each

For example, it shows that in 2005, district councils were the subject of an average of five allegations each, although 15% of you didn't have any complaints.

For counties and unitaries, the average was nearer six allegations, although a third of you again didn't receive any.

And an average figure is of course misleading – we all know there is no such thing as 'an average authority' and I'm afraid the figures are skewed by a small handful of authorities subject to a rather larger number of complaints than the average.

Finally, of the eight and a half thousand parishes, we have received no complaints in respect of seven thousand during the whole of the period that the Code has been in force. Of the 1,500 about which we have received complaints, there are only a few which have generated large volumes of complaints. Indeed, during 2005, there were complaints about only 551 parishes with an average of around three per parish complained about.

Of course that may be scant consolation for those of you with a large number of parishes, but again our evidence shows that it is only when you are getting above 40 parishes that the average number of cases starts to rise. Below that number you may have an additional ten cases a year to deal with on top of your own. Above that number it starts to get nearer 20 additional cases. And please bear in mind that we are simply talking about allegations here – of which around three quarters are currently not referred for investigation by our Referrals Unit – not the numbers of investigations.

As to how to deal with large volumes of complaints, more later. Overall, however, we believe the situation looks more manageable for most authorities than it at first seemed. However for those of you with a large number of parishes and also for those very few of you where your own council will give rise to scores of complaints, there will be resource implications which we all need to address.

Bridging the  gap

**Challenges ahead**

- Local filter – making it work
- Balance between local discretion and consistency
- Revised Code of Conduct

So how do we use the time between the current system and one which is locally based – where referrals are made locally and most cases are investigated and decided upon locally? We are hopeful that legislation providing for the local filter will be in place by summer 2007 and the system in operation by 2008.

Well, at the Standards Board we are already adjusting the focus of our work away from the volume of cases we investigate and towards the provision of a stronger framework of support. An example is the training DVD – *Going Local - investigations and hearings* – which was released in January 2006 (and which, if you don't mind us blowing our own trumpet, I should say won a prestigious international award for training materials!). I understand that copies have been made available to all local authorities.

We have strengthened our support and guidance functions to help you with the transition to the new system and more immediately with the implementation of the revised Code. We will continue to monitor the national picture to help us assess the impact of the system on standards and, we hope, to identify good practice. We are ensuring that we are best placed to help the small number of councils which have real local difficulties. Again, we look forward to hearing from you about how you see our role in that.

Looking further forward, we are working closely with the minister's department to make sure the system is designed as effectively and flexibly as possible. This of course raises a number of issues for us as the Standards Board and for you. The first is the issue of striking an appropriate balance between the importance of the exercise of local discretion in decision-making on the local filter on the one hand, and the need for a degree of consistency and fairness on the other, so that there is not substantially unequal treatment of members from one authority to another.

We do believe that local discretion should be paramount, but we also think that the two principles can be reconciled to some extent by means of the guidance which we will issue. We will give guidance on matters such as thresholds for referral, which will be based on the experience we have gained from the thousands of complaints made to us over the years. To illustrate: we apply a higher threshold to complaints of rudeness by a member to another member, than to a member of the public, and we may well consider advising a similar approach in local referral. Your view on this approach will be welcomed since this may well be a crucial issue.

We have concluded over time that there are certain categories of complaint where some form of action other than investigation would be warranted. An example is where a very large number of complaints about one council suggest that there is something fundamentally amiss about the way it works rather than about the conduct of a number of individual councillors. In such cases, ethical standards officers have chosen to issue directions to the monitoring officer, about which incidentally you can read in the latest edition of our *Case Review* – which I promise makes engrossing reading. We think that the same discretion should be available locally and we are asking the minister to include that flexibility in the legislation.

We are also concerned about potential conflicts of interest that may arise when the system operates under the new local framework. For example, will a conflict arise if those taking the decision to refer a case, later hear the case? We believe that this can be avoided if the decisions on referrals and investigations are taken by small sub-committees, rather than the whole standards committee. We are also pressing the minister to ensure that the framework allows for joint working between standards committees and other options such as county-wide panels to deal with parish matters. What do you think?


Finally, as I have said, we are concerned about the resource implications for some districts if they are asked to filter parish cases, particularly if there is no joint working. Whilst we are fully convinced of the need for parishes to be within the system of regulation, our statistics do show that local filtering may place some strain on smaller districts with a large number of parishes. The strain of actually handling such cases currently referred by the Standards Board is already apparent among a handful of districts – and a similar strain is possible when future local referrals come in to force. Bear in mind that our research shows that this will be a problem only for a few authorities, but we do recognise that it could nevertheless be a considerable task for some of you. Again, possible solutions will be looked at over the next few days and your contribution will be essential.

Turning now to the other big gap we will all be bridging – the move from the current to the revised Code of Conduct. We are grateful to have heard from the minister that the Department for Communities and Local Government will now be consulting on the proposed revisions and I urge you all to consider it carefully with your colleagues. The proposed changes are far reaching and this is a unique opportunity for us all to get it right.

Last year, we reported back on the consultation we had run and I'm delighted the minister took all the points on board. Our starting aim was to be a light touch and liberalising wherever possible – and we believe that the draft fulfils that aim. You will hear more about the proposals over the next few days so I won't go into detail here.

However, there is one issue I want to raise now, namely the proposed changes to the rules in respect of declarations of interest. The issue of interests has caused the greatest concern and has undoubtedly proved far from easy to advise on, either for the Standards Board or for monitoring officers. We hope that the proposed changes go a long way to overcoming the difficulties. However I want to say at this point, even before the changes are made, that the purpose behind the current Code was to reinforce the presumption in favour of councillors, as democratically elected representatives, being able to talk about and vote on an issue unless there is a paramount public interest against it – in effect that they are patently operating in their own interest rather than the public good.

You will have seen the newspaper headlines about councillors being gagged – not being able to talk about phone masts because they own a mobile and so forth. A lot of this is of course nonsense but I'm afraid some of it does arise from some overly cautious monitoring officer advice which is clearly at odds with the purpose of the Code and tends to bring the whole framework into disrepute, and which in turn does local government a disservice. Maybe this will be an issue you will want to consider further in the context of our discussion on Code revision.

Bridging the  gap

### The Standards Board for England

- Increasingly strategic
- Investigating the vital few
- Ensuring public confidence in the system

So those are some of the challenges you will face over the coming year. What of the Standards Board in all this? Well, I leave you with how we see our role in the future.

As we move away from investigating a high volume of cases, we can become increasingly strategic in outlook, making sure the system is running well, issuing formal and informal guidance, and giving individual advice and support. We will retain a small team to deal with those cases which, for whatever reason, cannot be handled locally.

Then there is a gap of another kind which we will be seeking to bridge by next year which is the move of the organisation to Manchester. We've already got a bridgehead in place and we're looking forward to the move being complete by next summer.

And finally, we will continue to promote the importance of high standards of conduct in local government and to assist those who also work to promote them. That is why we place so much importance on events such as this where you play a large role in setting the agenda and we try as hard as we can to meet your needs.

So I hope very much you find the rest of the conference stimulating and enjoyable.





## Standards committees: a national snapshot

### Key findings to be presented at the Fifth Annual Assembly of Standards Committees

Monday 16 October 2006  
ICC, Birmingham

This document includes key findings of research into standards committees and monitoring officers within local authorities, further details of which will be presented at the conference session *Standards committees: a national snapshot*. It should be noted that these are initial findings and analysis is ongoing.

This research has been undertaken against a background of the shift in local ownership of the ethical agenda, and will provide valuable information on current activities of standards committees and future support needs.

Two surveys were administered: one targeted at monitoring officers within local authorities and the other at members of standards committees. The focus of the research incorporates several strands, including:

- profile of standards committee members and monitoring officers;
- training received and future training requirements;
- role of monitoring officers and members of standards committees;
- experiences of recruiting independent members;
- experiences of local investigations and hearings, and the level of confidence with which they are approached by authorities.

## Key findings

- Most standards committee members serve on the committee for between one and five years, with just under a quarter serving for five years or more.
- When standards committees meet, (nearly all had met at least once since January 2005) the majority of monitoring officers surveyed said they attend these meetings.
- Key functions of standards committees include monitoring the effectiveness of the Code of Conduct, arranging training or seminars on the Code and being involved in local hearings.
- Recruitment of independent members is generally seen as neither easy nor difficult. Advertisements in newspapers are the most common method for recruiting independent members and are also seen to be the most effective.
- Half of all authorities surveyed have undertaken a local investigation in the past, most of who feel it was undertaken to an acceptable standard. However, four in five monitoring officers report experiencing problems in the investigation process.
- Raising awareness of standards committees within the authority is seen to be the key benefit of investigations. However, one third of monitoring officers who responded said that investigations can have a negative impact on the relationship between them and members.
- Most monitoring officers and standards committee members have received training in how to undertake a local investigation. However, almost two-thirds would like more training. Monitoring officers who responded to the survey reported that training on ethics and the Code of Conduct has been delivered in their authority, and that attendance by standards committee members has been fairly or very good.
- Most standards committee members have received training on how to undertake a local hearing, and training in relation to other aspects of their role. Whilst three-quarters of standards committee members say they feel well prepared for their involvement in local hearings, two-thirds would like additional training relevant to their role.



- Standards committee members view their role positively, having good working relationships with their monitoring officer and receiving sufficient support from them.
- Three-quarters of standards committee members expect their workload to increase in the future and over two-thirds believe they will be able to cope with the changes.
- Monitoring officers are positive regarding: their working relationships; their role in the authority; resourcing; training; and support from their chief executive and the chief finance officer.
- Expectations are that workloads will increase following the proposed changes set out in the local government white paper *Standards of Conduct in English Local Government*. Less than half of monitoring officers surveyed feel confident they are fully prepared for these changes.
- Most monitoring officers are aware of the Ethical Governance Toolkit. Over a quarter have used some of the materials and over half plan to use the toolkit in the future.

**Please note: this document summarises only some of the key findings of this piece of research. The Standards Board for England is currently considering the full implications of the findings, its response and any possible future courses of action.**

**A full report will be available on the Standards Board for England's website – [www.standardsboard.co.uk](http://www.standardsboard.co.uk) – by the end of November 2006.**



## The revised Code – declaring interests

### Scenario

Councillor Andrews, Councillor Belsize, Councillor Craddock and Councillor Dibley require advice in relation to the following scenario:

Faraway International Airport is one of the UK's fastest growing airports. It employs over 400 people directly and over 7,000 indirectly. The airport is now one of the major economic drivers of the regional economy.

The airport is publicly owned by Faraway Metropolitan Borough Council (Faraway Council) but is operated, managed and developed by a private consortium – Faraway International Airport Operations Ltd (the airport company).

Each year, a member of Faraway Council is nominated to serve as non-executive director of the airport company. The current Faraway Council nominee is Councillor Belsize.

The airport company has submitted a planning application to Faraway Council for an extension to build a new runway, terminal and super-casino. The airport runway plans involve purchasing properties adjacent to the airport in the ward of Plumpton. The application has complied with all relevant regulatory assessments and procedures and is expected to go before the development control committee of Faraway Council for approval shortly. Among the existing membership of the development control committee are Councillor Andrews and Councillor Dibley.

Last year, the development control committee approved a related planning application to relax conditions restricting passenger numbers and air transport movement.

Alongside the proposals for the airport extension, the airport company will continue to provide significant financial contributions to meet the costs of regeneration plans surrounding the airport and in the Faraway city centre, particularly improving transport links. Over the last two years, the airport company has given substantial donations to a number of community projects and Faraway Primary School.

Councillor Craddock is a Local Education Authority (LEA) nominated school governor of Faraway Primary School. He was recently elected as a borough councillor on the single issue of "Stop the Airport Runway" and is also a parish councillor, but not for a ward directly affected by the airport redevelopment. He has given notice of his intention to attend the meeting on behalf of the people of Plumpton.

Councillor Andrews' sister owns an orchard, which will be compulsorily acquired to extend the airport runway extension. Councillor Andrews campaigned in the election against the building of the runway. She is also a member of the environmental group Friends of the Earth and has taken a leading role in the group's campaign against the airport expansion.

continues overleaf

Councillor Belsize is a cabinet member for regeneration and environment. In 2002, she was appointed to the board of a regeneration company set up to facilitate a large-scale land purchase to enable development of the northern part of the town centre. She has given notice of her intention to attend the planning meeting to put the case for the airport extension.

Councillor Dibley's mother-in-law is the chair of the board of the airport company. Councillor Dibley is also the owner of a much despised local business that breeds animals for drug testing.

### **Warning**

**It should be noted that this scenario is based on our best understanding of how the Code of Conduct is likely to change. Should the changes to the Code of Conduct be different to those we have anticipated, the specific examples in this scenario will become redundant.**



**AGENDA ITEM: 8**

**STANDARDS COMMITTEE:  
1 November 2006**

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**Report of: Council Secretary and Solicitor**

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

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**SUBJECT: VISITS – PARISH AND DISTRICT COUNCIL MEETINGS**

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District wide interest

**1.0 PURPOSE OF THE REPORT**

1.1 For Members to consider a way forward with regard to visits to meetings of Parish and District Council Meetings.

**2.0 RECOMMENDATIONS**

2.1 That the proposals set out at Paragraph 5 be agreed.

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**3.0 BACKGROUND**

3.1 The Committee have previously resolved that as part of being proactive in relation to ethical matters, Members of the Standards Committee be invited to observe conduct at Council, Cabinet, Committee and Parish Council meetings.

3.2 Such visits would raise the profile of the Standards Committee and enable Members to report back on their findings.

**4.0 CURRENT POSITION AND ISSUES**

4.1 District Council Meetings

4.1.1 The timetable for District Council Meetings is fixed and is attached for Members at appendix 1.

#### 4.2 Parish Council Meetings

There are 19 Parish Councils in the West Lancashire District and a Parish Meeting, see appendix 2.

### **5.0 PROPOSALS**

5.1 In relation to visits to District Council meetings it is proposed that these should be undertaken by the independent and Parish Members as District Councillors are already familiar with the workings of Council meetings.

5.2 The Chairman and Vice-Chairman of the Committee could start these visits off by attending Council on Wednesday, 13 December 2006. Two members could then attending Planning committee on 15 February 2007, two members could attend the Internal Review Committee on 6 March 2007 and then two members could attend the Overview and Scrutiny Committee on 12 April 2007. It would not be necessary for members to observe the whole of the meeting, it would be for them to judge how long to stay. The Assistant Member Services Manager would liaise to organise these visits.

5.3 It is suggested that over the next 12 to 18 months a programme of visits to Parish Councils is also arranged. Two members of the Standards Committee should visit a Parish Council together. As we have 11 members this would mean approximately 4 visits per member over that period.

5.4 The Assistant Member Services Manager will prepare a programme by liaising with the Parish Clerks and then establish the availability of Standards Committee members. Due to the resourcing implications it would not be practicable for members to be accompanied by officers.

5.5 The visiting members will be asked to give feedback on their observation of the relevant meeting at the following meeting of the Standards Committee.

### **6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

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

### **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

7.1 There will be some financial and resource implications arising from this report with regard to arranging and conducting visits, these will be met from existing resources.

## **8.0 RISK ASSESSMENT**

- 8.1 In terms of the likely benefits that the activities may provide compared to the time and resources spent in their undertaking. On balance, it is considered of practical benefit for members to gain first hand experience of Members conduct at both District and Parish level, as well as gain an insight into different approaches within each of the authorities visited.

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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**

1. Timetable of District Council Meetings 2006/2007
2. List of Parish Councils in West Lancashire District





WEST LANCASHIRE DISTRICT COUNCIL

Appendix 1

**Timetable of Meetings of Council, Cabinet and Committees - 2006/2007**

<b>MEETING</b>	MAY 2006	JUN 2006	JUL 2006	AUG 2006	SEPT 2006	OCT 2006	NOV 2006	DEC 2006	JAN 2007	FEB 2007	MAR 2007	APR 2007	MAY 2007
Council (7.30 pm, Wednesday)	17 Annual		19			4		13	31#	28		18	16 Annual
Cabinet (7.30 pm, Tuesday)	23		11	<b>R</b>	19		14		16		27		
Overview & Scrutiny Committee (7.30 pm, Thursday)		8	27	<b>E</b>		5	30			1		12	
Internal Review Committee (7.30 pm - Tuesday)		20??		<b>C</b>	26			5			6		
External Review Committee (7.30 pm - Tuesday)		27		<b>E</b>			7				13		
Licensing and Appeals Committee (7.30 pm, Tuesday)		6		<b>S</b>	12		21			6		10	
Planning Committee (7.30 pm, Thursday)	25	22	20	<b>S</b>	7	12	16	14	18	15	15	19	24
Parish Council Joint Liaison Committee (7.30pm, Thursday)		15											

**Notes:**

1. Dates for all other meetings, including the Licensing Committee (2003), Standards Committee, Audit and Governance Committee and site visits for the Review Committees, will be convened on an ad-hoc basis.
2. Public Holidays are 29 May, 28 August, and 25 & 26 December 2006 and 1 January, 6 & 9 April and 7 May 2007.
3. # denotes Council Meeting as an Assembly.

**IMPORTANT – please refer to the Green document “A Guide for report authors in the preparation of reports”, (dated March 2006) to ensure all relevant issues are taken into account and that the correct template for the report is used.**



**PARISH COUNCILS**

**AUGHTON**  
**BICKERSTAFFE**  
**BISPHAM**  
(Parish Meeting)  
**BURSCOUGH**  
**DALTON**  
**DOWNHOLLAND**  
**GREAT ALTCAR**  
**HALSALL**  
**HESKETH- WITH-BECCONSALL**  
**HILLDALE**  
**LATHOM**  
**NEWBURGH**  
**NORTH MEOLS**  
  
**PARBOLD**  
  
**RUFFORD**  
**SCARISBRICK**  
**SIMONSWOOD**  
**TARLETON**  
**UP HOLLAND**  
**WRIGHTINGTON**





**AGENDA ITEM: 10**

**STANDARDS COMMITTEE:  
1 November 2006**

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**Report of: Council Secretary and Solicitor**

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

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**SUBJECT: CODE OF CONDUCT SEMINAR - ARRANGEMENTS**

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District wide interest

**1.0 PURPOSE OF THE REPORT**

1.1 To update Members on arrangements for the Annual Code of Conduct Seminar given the imminent revision to the Code of Conduct.

**2.0 RECOMMENDATIONS**

2.1 That the update be noted.

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**3.0 BACKGROUND**

3.1 Traditionally we have, each November, had Seminars for all District and Parish Councillors and relevant officers on the Code of Conduct, which have been most successful. More recently the venue being Edge Hill.

3.2 The Committee agreed to delegate to myself in consultation with the Chairman arrangements for the next Conference given the potential revisions to the Code and the uncertainty of the timing of this.

#### **4.0 CURRENT POSITION**

- 4.1 The revised Code has not yet been published by the Government but the Minister indicated at the Standards Board Conference that he would like Councils to adopt the New Code at their Annual Meetings in May 2007. If this were to be the case then we would need to train Members on the content of the New Code in March/April 2007.
- 4.2 Given that the revised Code has not yet been published for consultation this timescale may be unrealistic. However, at present, the Chairman and I are working on the Seminar being held at Edge Hill in late March/April 2006.

#### **5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 5.1 Training on the revised Code will assist Members in achieving high ethical standards.

#### **6.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 6.1 The costs of holding the Annual Seminar will be met from existing budgets.

#### **7.0 RISK ASSESSMENT**

- 7.1 Training is particularly important this year so that District and Parish Councillors can comply with the revised requirements.

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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** – None