



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

52 Derby Street
Ormskirk
West Lancashire
L39 2DF
Telephone 01695 585000
Fax 01695 585021

9 July 2007

TO:

INDEPENDENT MEMBERS: MR CAILES (CHAIRMAN)
MR HANMER (VICE-CHAIRMAN)
PROF. CHESTER AND DR HAYMAN

COUNCILLORS: MRS ATHERLEY, DERELI, GRANT AND NOLAN

PARISH COUNCILLORS: HAMMOND AND KITSON

Dear Member,

A meeting of the **STANDARDS COMMITTEE** will be held in **COMMITTEE ROOM 1, 52 DERBY STREET, ORMSKIRK, L39 2DF** on **TUESDAY 17 JULY 2007** at **4.30pm** at which your attendance is requested.

Yours faithfully,

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.

Pages 1 to 2

4. MINUTES

To receive as a correct record the Minutes of the Meeting of the Standards Committee held on Thursday 26 April 2007. **Pages 3 to 6**

5. MEMBERSHIP OF THE COMMITTEE

To thank Roger Merry for his service to the Committee and note that an advert has been placed for a new Independent Member to replace him.

6. UPDATE ON ADOPTION OF THE CODE OF CONDUCT

To consider and note the attached schedule. **Pages 7 to 8**

7. STANDARDS BOARD ROADSHOW - 6 JUNE

A copy of the agenda and presentation slides are attached. **Pages 9 to 20**

8. LANCASHIRE STANDARDS CONFERENCE - 9 JULY

To receive feedback.

9. CURRENT POSITION - VISITS BY INDIVIDUAL MEMBERS TO DISTRICT AND PARISH COUNCIL MEETINGS

To discuss the schedule. (To be circulated at the meeting.)

10. CODE OF CONDUCT - MEMBERS' TRAINING - MONITORING

To consider the report of the Council Secretary and Solicitor. **Pages 21 to 28**

11. NORTH WEST INDEPENDENT MEMBERS FORUM

To discuss the approach.

12. STANDARDS COMMITTEE - PROACTIVE WORK PROGRAMME 2007/8

To consider the report of the Council Secretary and Solicitor. **Pages 29 to End**

We can provide this document, upon request, on audio tape, in large print, in Braille and in other languages.

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

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

PERSON IN Most Senior Officer Present

CHARGE:

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**.

CODE OF CONDUCT 2007

Personal interests

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

(a) it relates to or is likely to affect—

- (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) any body—
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

- (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in your authority's area in which you have a beneficial interest;
 - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision;

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

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

Disclosure of personal interests

9.—(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000(d).

Prejudicial interest generally

- 10.—**(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business—
 - (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
 - (c) relates to the functions of your authority in respect of—
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

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

Effect of prejudicial interests on participation

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

STANDARDS COMMITTEE

HELD: 26 APRIL 2007

Start: 4.30pm

Finish: 5.00pm

PRESENT

Independent Members: Mr J Cailles (Chairman)
Mr P Hanmer (Vice Chairman)
R Chester
R Merry

Councillors: Mrs Atherley
Dereli
Grant

Parish Councillors: D Kitson

Officers: Council Secretary and Solicitor
Senior Member Services Officer (CAJ)

28. APOLOGIES

Apologies for absence were proffered on behalf of Parish Councillor M Hammond. The Committee extended its best wishes for a speedy recover to Parish Councillor Hammond. An apology for absence was also noted for Independent Member Brian Molyneux.

29. ANNOUNCEMENT

The Committee recorded its thanks to Independent Member Brian Molyneux, who was retiring at the end of the municipal year, for his contribution to the work of the Committee.

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

There were no items of urgent business.

31. DECLARATIONS OF INTEREST

There were no declarations of interest.

32. MINUTES

RESOLVED: That the minutes of the meeting of the Standards Committee held on 27 February 2007 be received as a correct record and signed by the Chairman.

33. NEW CODE OF CONDUCT - WEST LANCASHIRE DISTRICT COUNCIL

Consideration was given to the report of the Council Secretary and Solicitor as contained on pages 215 to 236 of the Book of Reports and pages 259 to 269 giving details of the revised Appendix 2. The report outlined the changes to the Model Code of

Conduct made on 2 April 2007 and explained the need for the Authority to adopt a new Code of Conduct in place of the existing Code.

In reaching the decision set out below, the Committee considered the details set out in the report before it and accepted the reasons contained in it, subject to any guidance issued by the Standards Board for England.

RESOLVED TO RECOMMEND TO COUNCIL: (A) That the Council adopt the Code as regards the conduct which is expected of members and co-opted members of the Council as set out in the revised Appendix 2, in place of the existing Code of Conduct from 16 May 2007.

(B) That the Code of Conduct be made available for public inspection, a notice be placed in the Advertiser, and the Standards Board be notified as required by the Local Government Act 2000.

(C) That the resolutions, as stated above, be subject to any guidance issued by the Standards Board.

34. NEW CODE OF CONDUCT - PARISH COUNCILS IN WEST LANCASHIRE

Consideration was given to the report of the Council Secretary and Solicitor as contained on pages 237 to 258 of the Book of Reports and pages 271 to 280 giving details of the revised Appendix 2. The report outlined the changes to the Model Code of Conduct made on 2 April 2007 and explained the need for the Parish Councils to adopt a new Code, which must contain the mandatory provisions set out in the Model Code of Conduct in place of the existing code.

In reaching the decision set out below, the Committee considered the details set out in the report before it and accepted the reasons contained in it, subject to any guidance issued by the Standards Board for England.

RESOLVED: (A) That the Parish Councils adopt the Code as regards the conduct which is expected of members and co-opted members of the Parish Council as set out in the revised Appendix 2, in place of their existing Code of Conduct as soon as possible – with or without paragraph 10(2) depending on whether or not the public are permitted by Standing Orders to attend meetings for the purpose of making representations, giving evidence or answering questions.

- (B) That the Code of Conduct be made available for public inspection, a notice be placed in the Advertiser or other appropriate newspaper, and the Standards Board be notified as required by the Local Government Act 2000.
- (C) That the resolutions, as stated above, be subject to any guidance issued by the Standards Board.

.....

Chairman



ADOPTION OF CODE OF CONDUCT

Parish Council	Intended Date	Actual Date
Aughton – Mrs Irene Roberts	14 May 2007	14 May 2007 (with)
Bickerstaffe – Mr A Gore	14 May 2007	14 May 2007 (with)
Burscough – Mr K Williams	11 June 2007 (with)	11 June 2007 (with)
Dalton – Mrs E A Broad	17 May 2007	17 May 2007 (with)
Downholland – Ms J Cavan	June 2007	12 June 2007
Great Altcar – Mrs C Kenyon		
Halsall – Ms C Fitzpatrick		
Hesketh with Beconsall – Mr I T Cropper	14 May 2007	14 May 2007 (without)
Hilldale – Mrs M Atherton	9 May 2007	9 May 2007 (with)
Lathom – Mrs I O'Donnell	25 June 2007	25 June 2007 (with)
Lathom South – Mr R Clayton	14 May 2007	14 May 2007 (with)
Newburgh – Mr B Howard	30 May 2007	30 May 2007 (with)
North Meols – Mr R Sears	17 May 2007	17 May 2007 (with)
Parbold – Mrs E A Broad	14 May 2007	14 May 2007 (with)
Rufford – Mr J Forshaw	21 May 2007	21 May 2007 (with)
Scarisbrick – Mr T Rimmer	9 May 2007	9 May 2007 (with)
Simonswood – Sue Smith		
Tarleton – Mr R Sears	15 May 2007	15 May 2007 (with)
Up Holland – Mr D M Hughes	8 May 2007	8 May 2007 (with)
Wrightington – Mrs C A Cross	21 May 2007	21 May 2007 (with)

ROADSHOW 2007

Programme		
13.00	Registration	Tea and coffee will be available.
14.00	Welcome and update	A summary of news from the Standards Board for England, and an update on key developments in the ethical environment.
14.30	The revised Code	An overview of the revised Code of Conduct, and how the changes will affect you. There will be an opportunity for questions.
15.15	Predetermination and bias	Although not part of the Code, the issues of predetermination and bias are important for members and monitoring officers. The Standards Board's view.
15.30	Break	Tea and coffee will be available.
15.45	Challenges for 2008	Looking to the year ahead, with challenges including the local filter for complaints and a more strategic role for the Standards Board for England.
16.10	Open house Q&A	An opportunity to ask questions of the Standards Board for England, on any topic.
16.30	End of formal session	Tea and coffee will be served, and representatives from the Standards Board for England will be available.
17.00	Close	

the Standards Board for England Confidence in local democracy

Roadshow 2007

Welcome and update

the Standards Board for England Confidence in local democracy

Local ownership and responsibility

- managing the change of system
- supporting the locally based framework
- strategic regulation

the Standards Board for England Confidence in local democracy

Local Government Bill

- Committee stages complete in June
- Royal Assent in July or October

the Standards Board for England Confidence in local democracy

Local Government Bill

Raft of detailed regulations, including:

- joint committees
- suspension of filtering powers
- standards committee sub-committees
- withdrawal of cases from the Adjudication Panel for England by an Ethical Standards Officer
- Adjudication Panel allowed similar sanctions to a standards committee

the Standards Board for England Confidence in local democracy

The Standards Board

- defining what the standards regime should deliver
- issuing statutory and other guidance
- providing advice and support

the Standards Board for England Confidence in local democracy

The Standards Board

- developing a framework for training requirements
- monitoring local performance
- carrying out investigations that can't be done locally

Annual Assembly

Down to detail – making local regulation work

- identifying challenges to all of the new system
- in-depth sessions for each key stage of the process
- details from the pilots

Moving forward

- Evidence of improvement.
- Increasing public confidence.
- Major changes for all of us.
- How we can work together?

Any questions?

The Revised Code of Conduct

Timetable

- Transition period - 3 May to 1 October 2007.
- Mandatory parts automatically apply on 1 October 2007.
- Allegations are assessed against the Code of Conduct in place at the time of the alleged misconduct.

General obligations – what's the same?

- Treating others with respect – paragraph 3(1).
- Compromising the impartiality of officers of the authority – paragraph 3(2)(d).
- Preventing access to information – paragraph 4(b).
- Using your position improperly – paragraph 6(a).

General obligations – what’s changed?

- Complying with equality (anti-discrimination) laws.
- Bullying and intimidation.
- Disclosing confidential information.
- Disrepute and scope of the Code.
- Using the authority’s resources.
- Considering advice provided to you and providing reasons.

Complying with equality laws (anti-discrimination)

Previous Code obligation:

- to promote equality by not discriminating unlawfully

New Code obligation:

- to not do anything which may cause your authority to breach any of the “equality enactments”

Complying with equality laws

It covers:

- equal pay
- sex discrimination
- race discrimination
- disability discrimination
- sexual orientation – employment related discrimination
- religion or belief – employment related discrimination
- age – employment related discrimination

Bullying and intimidation

Working definition:

“offensive, intimidating, malicious, insulting or humiliating behaviour, based on abuse or misuse of power or authority, which attempts to undermine an individual or a group”

Bullying – guidance to clarify.

Bullying and intimidation

Intimidation – applies to those involved in a standards case:

- complainant
- witness
- investigator
- anyone concerned with the administration of the case

Confidential information

Members must not disclose confidential information, except where:

- you have consent or required by law (no change)
- the disclosure is made to a third party to obtain professional advice
- the disclosure is reasonable and in the public interest and made in good faith and does not breach any reasonable requirements of the authority

Confidential information

Four stages to public interest disclosure:

- ask why this is confidential
- raise concerns through appropriate channels and seek advice
- consider circumstances - relevant whistleblowing and freedom of information protocols
- decide how much of the information needs to be disclosed

Disrepute and scope of the Code

- Code applies when acting in your official capacity.
- Disrepute and misusing your position provisions apply when performing the functions of being a councillor (which may be wider than “official capacity”).
- There is no change to this at present.

Disrepute and scope of the Code

After the new Bill is introduced:

- The Code applies to conduct in a private capacity which results in a criminal conviction – only if it involves disrepute, misusing your position or intimidation.
- The Code could potentially be amended to apply to any conduct in a private capacity, but government says it is only interested in conduct which results in a criminal conviction.

Using the authority's resources

- Resources cannot be used for political purposes “including party political purposes”.
- New Code deletes the following :
“unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the authority or of the office to which the member has been elected or appointed”

Advice of chief finance officer and monitoring officer

Previously:

- had to have regard to their advice when given under limited statutory duties

Now:

- have to have regard to advice given under any statutory duties and give reasons for decisions

For monitoring officers:

- advice regarding maintaining the register of interest (not general Code advice)

Personal interests

Two sorts of personal interest:

- registered
- *where the well-being or financial position of “relevant persons” is likely to be affected by the business of your authority more than it would affect the majority of people living in the ward affected by the decision*

Personal interests

If no ward:

- London – Greater London Authority – the constituency affected by the decision.
- Elsewhere – the authority's area (as it was under the old Code).

Personal interests

Effects of having a personal interest:

- need to declare the existence and nature of it as soon as possible unless an exemption applies
- where a public body exemption applies, you only need to make a declaration if you intend to speak on the issue

Personal interests

Other differences in the revised Code:

- sensitive information – you must disclose that you have an interest but do not need to disclose the sensitive information
- gifts and hospitality – did not previously amount to a personal interest

Prejudicial interests

- Prejudicial interests are personal interests which a member of the public, who knows the relevant facts, would reasonably think are so significant that they would be likely to prejudice your judgment of the public interest.

Prejudicial interests

Four questions to ask:

- Is there a personal interest?
- If so, does it fall within one of the exempt categories of decisions?
- If not, does it relate to the financial position of the interest or relate to deciding a regulatory matter?
- If so, what is the result of applying the general test?

Prejudicial interests

Prejudicial interest at a meeting, you can:

- attend the meeting, but only to make representations, answer questions or give evidence, if the public can do so for the same purpose (this does not give you the same rights to stay afterwards that the public might have)
- seek a dispensation from your standards committee to participate fully

Prejudicial interests

You can:

- make written representations in your private capacity
- use a professional representative to act on your behalf
- get another member to represent the views of your constituents

Prejudicial interests

You must not:

- stay in the room when the business is being discussed (after speaking if you have been allowed to)
- exercise executive functions in relation to that business
- seek to improperly influence a decision about that business

Any questions?

Bias and Predetermination

Bias and predetermination

- Not a Code issue.
- Common law natural justice.

Bias and predetermination

"...it is planning case law, not the code, that deals with predetermination."

Phil Woolas, Hansard 22 May 2007

Bias and predetermination

- Predisposition – no problem.
- Predetermination – problem.

Bias and predetermination

“The code of conduct does not prevent a member from having a predisposition towards a particular outcome for a planning proposal. However, where, for example, a councillor is strongly identified in favour of or against a particular planning proposal, that might amount to predetermination, were that member to participate in the decision on that application.”

Phil Woolas, Hansard 22 May 2007

Predisposition and predetermination

“A member who is considering an issue at a council meeting is entitled to have formed a preliminary view about how they will vote on the matter before they attend the meeting. They are entitled to express that view publicly. Indeed they may have been elected specifically because of their views on the issue.”

Philip Sales, QC, May 2007

Predisposition and predetermination

“What they must not do is finally make up their mind before the council meeting, so as not to be prepared to listen to the arguments and representations under consideration at the meeting. Also, they must not give the impression that this is their position.”

Philip Sales, QC, May 2007

How is bias avoided?

Also consider:

- membership of an organisation is not enough, unless it has a vested interest
- members who are seeking to influence decision makers different from decision makers

“We believe that it is the application of case law in much too restrictive a manner by monitoring officers that has led to a culture in which councillors have been unable to speak out.”

Phil Woolas, Hansard 22 May 2007

"It is clearly right that local councillors should be able to speak up for their constituents, but it is also right that people before a planning committee should have a fair hearing. I believe that we can square that circle."

Phil Woolas, Hansard 22 May 2007

Any questions?

Break

Roadshow 2007

Challenges for 2008

Challenges for 2008

- a locally based system
- making the new elements work
- piloting the new elements
- our approach to guidance and support

What can you expect?

- There has been at least one complaint about a member of each district council over five years.
- A quarter of all other principal authorities had no complaints made about their own members in five years.
- A principal authority can expect an average of six complaints about its own members each year.
- There have been no complaints about members of 80% of all parish councils over five years.
- A district council with 100+ parishes can expect around 18 allegations about them each year.

Receiving allegations – things to consider

- handling allegations - receipt and notifications
- decision to be taken by the standards committee
- criteria to use
- appeal mechanisms

Reporting on performance

- basic information required
- what other information the Standards Board will use
- when the Standards Board will require the information
- how the Standards Board will require the information

Intervention

- subject to regulations
- identifying triggers
- self assessment
- intervention - what it will look like

Guidance and advice

Covering each stage of the process:

- guidance on the legislation
- materials for local adaptation

New loose leaf format.

Ready by January 2008 – depending on the Regulations.

Issues to consider

- How many complaints?
- How will your standards committee filter?
- How long will you take?
- Consistency?
- Joint arrangements?

Tell us what works

- suggestions for guidance and support
- sharing good practice

Open house Q&A

Close



AGENDA ITEM: 10

STANDARDS COMMITTEE: 17 July 2007

Report of: Council Secretary and Solicitor

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

SUBJECT: CODE OF CONDUCT – MEMBERS’ TRAINING - MONITORING

District wide interest

1.0 PURPOSE OF THE REPORT

- 1.1 To consider further how Members should be trained in the requirements of the Code of Conduct and evaluate the effectiveness of the training undertaken to date.

2.0 RECOMMENDATION TO STANDARDS COMMITTEE

- 2.1 That the training undertaken and the evaluation of it be noted
- 2.2 That the next Seminar/Workshop on the Code of Conduct be held in the Autumn with greater time being devoted to case studies in Workshop format.

3.0 BACKGROUND

- 3.1 One of the key roles of the Standards Committee is to ensure that Members are properly trained in the requirements of the Code of Conduct. Section 54 of the Local Government Act 2000 says the Committee is responsible for:

- (a) promoting and maintaining high standards of conduct by the Members and co-opted Members of the Authority;
 - (b) assisting Members and co-opted Members of the Authority to observe the Authority's Code of Conduct;
 - (c) monitoring the operation of the Authority's Code of Conduct;
 - (d) advising, training or arranging to train Members and co-opted Members of the Authority on matters relating to the Authority's Code of Conduct.
- 3.2 A report presented to the Committee on 5th February 2002 suggested a training programme for the introduction of the Code. It was noted that it was essential that **all** Members receive training (including co-opted Members). A further report was presented on 25th June 2003 considering future training requirements and evaluating the training conducted to that date and annual updates have been provided to the Committee since that date.

4.0 TRAINING REQUIREMENT

4.1 There seem to be four main aspects to the new Code where Members required training:-

- background
- general obligations
- declarations of interest (probably the most complex area)
- the need to notify the Monitoring Officer of financial and other entries in the Register of Interests which now includes gifts and hospitality

and these cover the matters set out in 4.2 to 4.7 below.

4.2 Background

4.2.1 This would cover the national structure for dealing with complaints and include the roles of:-

- Monitoring Officer
- our Standards Committee
- Standards Board (its Ethical Standards Officers and Adjudication Panels)

4.3 General Obligations

4.3.1 This would cover:-

- general principles governing conduct (ten principles)
- when the code applies (outside bodies, private life etc)
- the duty of confidentiality
- bringing the authority into disrepute

- taking personal advantage

4.4 Declarations of Interest

4.4.1 Historically, the most difficult area for Members has been to understand when interests need to be declared, and, in particular, to recognise what type of interest is involved.

4.4.2 This will include:-

- when does the duty to disclose arise? How much detail must be given?
- what is a personal interest?
- when does a personal interest become prejudicial?
- when do you have to leave a meeting?
- the different rules for Executive and Scrutiny
- how/when to apply for a dispensation

4.5 The Register of Members' Personal Interests

4.5.1 This will cover:-

- what has to be declared to the Monitoring Officer
- when it has to be done
- rights of public inspection

4.6 Equality Enactments

4.6.1 Separate training on equalities is organised via Human Resources.

5.0 DELIVERY OF TRAINING

5.1 The first training on the Code was delivered using North West Employers and comprised 2 seminars with Workshop Sessions held in February and April 2002, with a refresher workshop on the 8th July 2002. The training was well received, particularly the April session at the Skelmersdale Arts Centre at which there was a good attendance from Parish Councils.

5.2 A further seminar/workshop session was held at Ormskirk School on Thursday the 20 November 2003. The seminar was delivered using North West Employers and the workshop session was organised "in house" using cases from the Standards Board website. Feedback was extremely positive with requests being made for longer workshop sessions.

5.3 New Councillors were introduced to the Code at the Induction Sessions held in May 2003, June 2004 and each May since except when there is no District Council election, latterly on 10 May 2007. Courses entitled "Ethics and Standards" run by North West Employers in Manchester to complement this training have also been attended.

- 5.4 The induction training briefly refers to the Planning Protocol (on which there was specific training on 7 October 2003 and 15 July 2004 and on which there has continued to be separate training) and the Protocol on Member/Officer Relations, as local guidance supporting but not forming part of the Code. The Protocol in relation to Members Interests and LSVT was the subject of detailed briefings by Trowers and Hamblins Solicitors in December 2004/January 2005 but is no longer relevant.
- 5.5 I understand from the Human Resources Manager that training has been undertaken in Diversity, Race, Impact Assessments, Background to the Race Relations Amendment Act and Equality issues.
- 5.6 The Standards Committee, at its meeting on 28th April 2004, gave consideration to training for both Standards Committee Members and for training for all Members, Co-opted Members and Parish Councillors and Clerks on the Code. Training sessions specifically for Standards Committee Members were held in July and August 2004 on the Code and local determination. Standards Committee Members have continued to attend Standards Board Roadshows and the Lancashire Standards Conference as well as the training for all Members.
- 5.7 Members agreed in 2004 that a full session for all District and Parish Councillors should be arranged for the Autumn following the format successfully adopted in previous years. A further Seminar/Workshop session was held at Hale Hall, Edge Hill on Wednesday, 24 November 2004 at 7.30 pm and over 80 people attended.
- 5.8 Members agreed that they wished to continue to organise the Seminar/Workshop Session on the Code of Conduct as an annual event. I was fortunate to secure the services of Peter Keith-Lucas of Bevan Brittan, Solicitors, an acknowledged expert on the Code to Conduct to present the 2005 Seminar on a cold windy night at Edge Hill. Members of the Standards Committee who attended the session at Wyre were very complimentary about the course he presented on that occasion and his presentation on Thursday, 24 November 2005 entitled 'The Code in Practice' was excellent. This has enabled us to move the training session we offer each year, on from that presented for a number of years by North West Employers. I feel that this has been a very successful approach and this was supported by the feedback forms, the only critical comment on that occasion being that perhaps the presentation was $\frac{1}{4}$ / $\frac{1}{2}$ hour too long.
- 5.9 Due to the imminence of the New Code of Conduct we moved the Annual Seminar/Workshop to March this year. The Seminar was presented by Graeme Creer of Weightmans Solicitors and he made an informative presentation which as the New Code was only published on 4 April had, of necessity, to include those issues flagged up in the consultation version. An extremely useful case study session with model answers proved very successful.

- 5.10 Standards Committee Members John Cailles, Councillor Una Atherley and Ms. Joan Draper attended the Standards Board Conference in Birmingham on Monday 9th and Tuesday 10th June 2003 and Jacky Denning, Assistant Member Services Manager and myself attended conference on Monday 13th and Tuesday 14th September 2004. In 2005 Terry Broderick, Legal Services Manager attended and as usual an update on the Conference was discussed at the Committee. Similarly, I and the Member Services Manager, Gary Martin attended the Conference in October 2006 and updated Members accordingly.
- 5.11 I issue guidance to Members and Parishes on the Code at regular intervals, either through '7 Days' or by specific letters. The Board's website and the "Case Reviews" provide insight into the interpretation given to the Code by ESOs and the Adjudication Panel.
- 5.12 On receipt of the New Code an updated Training Pack was issued in May 2007 to all Standards Committee Members, District Councillors, Parish Clerks and Parish Councillors in West Lancashire comprising the New Code of Conduct, a set of notes and case studies with model answers. This was followed up with the Pocket Guide and Standards Board Guide on the Code. A review of the Planning Protocol is being undertaken in the context of the New Code.

6.0 MONITORING

- 6.1 Details are kept of attendance at training sessions, so the Standards Committee will be able to monitor the take up of the training. Details of District and Parish Councillors and Clerks who attended the session on 29 March 2007 are attached as an Appendix.
- 6.2 The success of the training is assessed each year by a customer satisfaction questionnaire after each training event and can be followed up by asking Members if they need further training on certain aspects, or a general "refresher".

7.0 CURRENT POSITION

- 7.1 Members may feel that given recent changes to the Code it is appropriate to hold the Annual Seminar/Workshop Session in the Autumn so that the changes can be fully explored and embedded even though a session has only recently been held. I will also explore a change of venue due to the difficulties experienced with the PA system and acoustics.
- 7.2 We have a DVD available on local investigations and hearings which should be useful should an appropriate case be referred to us.

8.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

8.1 The training provided will assist in promoting high ethical Standards which will in turn contribute to achievement of the Community Strategy.

9.0 FINANCIAL AND RESOURCE IMPLICATIONS

9.1 The costs of providing training on standards is met from existing budget provision.

10.0 RISK ASSESSMENT

10.1 Training needs to be provided to comply with statutory obligations and to ensure Members are fully aware of the requirements placed upon them. This will enable them to avoid being in breach of the Code of Conduct with all the adverse consequences which would necessarily flow.

Background Documents

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

Appendices

Appendix – Attendance at Code of Conduct Seminar – 29 March 2007.

ATTENDEES AT THE CODE OF CONDUCT TRAINING ON 29 MARCH 2007

District Councillors:

G.M. Roberts, Dereli, Skilling, Ainscough, Mrs. Stephenson, John Baldock; Mrs. Atherley, Ms. Melling, Mee, Gartside, J.A. Roberts, Mrs. Edwards, Ashcroft, Hanlon, Mrs. Colling, Greenall, Grant, O'Toole, Cropper

Apologies: Councillor Jill Baldock

Parish Councillors:

(Aughton) H. Huyton, P. Seiffert, D. Kitson; Clerk – Irene Roberts
(Parbold) Ros Wess, Steven Wilson, Sue Raju, Charles Bithell, Clerk – Elizabeth Broad
(Bickerstaffe) Paul Wilkinson, Albert Webster, Hilary Rosbotham, Miss. J. O'Neill, Gladys Gardiner
(Burscough) George Pratt, Roderick Green, Mike Trigg, Brian Bailey, John Stanley, Clerk – Keith Williams.
(Downholland) A. Johnson
(Hesketh with Becconsall) Clerk – Ian Cropper
(Newburgh) Jacky Citarella, Clare Gillard, Rebecca Richardson, R.E. Porter
(Scarisbrick) J. Vose, M. Donley, Clerk – R. Rimmer
(North Meols) Dr. D. Vickers, Frank Powell
(Up Holland) Jennifer Whiting, Catherine Ardern
(Halsall) J. Stephenson
(Lathom) Helen Shaw, Clerk – Irene O'Donnell
(Lathom South) Diane Ingrey, Roger Clayton, Rose Halsall, Peter Doyle, Paul Dickie, Carol Blackledge

Apologies: Parish Councillor Loretta Penketh (Wrightington);
Parish Councillor Corfield (Halsall)

Standards Committee Members:

John Cailles, Paul Hanmer, Roger Merry, Prof. R. Chester,

Officers:

Gill Rowe, Terry Broderick, Emmett Boyce, Jacky Denning, Tina Sparrow, Bob Livermore, Gary Martin, Steve Byron, Matthew Jones, Jayne Traverse, Cathryn Jackson, Mike Hynes, Ray Smith, Jill Jones, Julia Roberts, Dave Tilleray, John Birchall, John Gardner, Debbie Brown

Graeme Creer from Weightman Solicitors



AGENDA ITEM: 12

**STANDARDS COMMITTEE:
17 July 2007**

Report of: Council Secretary and Solicitor

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

**SUBJECT: STANDARDS COMMITTEE - PROACTIVE WORK PROGRAMME
2007/8**

District wide interest

1.0 PURPOSE OF THE REPORT

1.1 To adopt a Work Programme for the Standards Committee for 2007/8.

2.0 RECOMMENDATIONS

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

3.0 BACKGROUND

3.1 The Standards Committee at West Lancs aspires to be a proactive Committee and to this end has agreed that it will produce a Work Programme each year.

4.0 CURRENT POSITION/PROPOSAL

4.1 A draft Work Programme for 2007/8 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.

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 – Standards Committee Work Programme 2007/8

Standards Committee Work Programme 2007/8

	Timescale
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	Spring 2008
4 Code of Conduct Seminar for Officers, District and Parish Councillors (Press Release to be issued – Details on website)	Autumn 2007
5 Report on Annual Standards Board Conference (Para for 7 Days)	November 2007
6 Programme of visits by individual Members to District and Parish Council Meetings (Press Release to be issued and put on website)	Autumn 2007
7 Update on Whistleblowing Code	Spring 2008
8 Hearings and Investigations	As and when required
9 Consideration of applications for dispensations	As and when required

<p>10 Standards Committee annual meeting inviting Parish Clerks to discuss Code (Press Release to be issued)</p>	<p>Spring/Summer 2008</p>
<p>11 Standards Committee – Annual Report</p>	<p>Summer 2008</p>
<p>12 Annual Meeting Standards Committee and the Chief Executive and Leaders of 2 Political Groups to discuss importance of ethical governance and Annual Report (Press Release to be issued and Para for 7 Days and on website explaining how much the Chief Executive and Leader support and encourage high ethical standards)</p>	<p>Autumn 2008</p>
<p>13 Consider involvement of the Standards Committee in the Officer Code and Political Restrictions</p>	<p>Spring 2008</p>
<p>14 Consider use of the ethical governance toolkit</p>	<p>Spring 2008</p>
<p>15 Look at conducting Peoples Panel research in relation to opinions of conduct in West Lancashire</p>	<p>Summer 2008</p>
<p>16 Look at the potential involvement of the Standards Committee in complaints handling and review of Ombudsman decisions</p>	<p>Autumn 2008</p>

17 Local Filter - implementation	2008
----------------------------------	------

StdscteeWP0708