

DECLARATION OF INTEREST - CHECKLIST FOR ASSISTANCE OF MEMBERS – 2007

Name: Councillor

Cabinet/Council/Committee:

Date:

Item No:

Item Title:

Nature of Interest:

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

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

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

Please tick relevant boxes

Notes

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

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

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

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

or

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

“a relevant person” means

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

“body exercising functions of a public nature” means

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

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

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

STANDARDS COMMITTEE

HELD: 22 APRIL 2008

Start: 4.30pm

Finish: 5.10pm

PRESENT:

Independent Members: J Cailles (Chairman)
P Hanmer (Vice Chairman)
P Hayman
R Patterson

Councillor: Mrs Atherley

Parish Councillor: M Hammond

Officers: Council Secretary and Solicitor
Assistant Legal Services Manager
Assistant Member Services Manager

33 APOLOGIES

The Chairman welcomed Mr R Patterson to his first meeting of the Committee.

Apologies for absence was received on behalf of Independent Member Professor R Chester, Councillors Grant and Nolan, and Parish Councillor D Kitson.

34 URGENT BUSINESS, IF ANY, INTRODUCED BY THE CHAIRMAN

There were no items of urgent business.

35 DECLARATIONS OF INTEREST

There were no declarations of interest.

36 MINUTES

The Council Secretary and Solicitor advised in relation to Minute 27, that the Government had produced a document with the results of the consultation undertaken on the Locally Based Ethical Framework.

RESOLVED: The minutes of the meeting of the Standards Committee held on 13 February 2008 were received as a correct record and signed by the Chairman.

37 PLANNING CODE OF GOOD PRACTICE

The Committee considered the report of the Council Secretary and Solicitor, as contained on pages 179 to 201 of the Book of Reports, which sought to amend the Council's Planning Code of Good Practice to make it consistent with the revised Members' Code of Conduct.

The Committee was advised that the amended Code had been adopted by the Planning Committee at its meeting on 17 April 2008 subject to any comments from the Standards Committee.

RESOLVED: That the Planning Code of Practice attached as Appendix 2 to the report be adopted with effect from 23 April 2008.

38 LANCASHIRE STANDARDS CONFERENCE - 31 MARCH 2008

The Council Secretary and Solicitor referred to the Lancashire Standards Conference held on 31 March 2008 at Chorley which had received an excellent turnout from members on the Committee. She advised that Independent Members would be contacted in relation to their availability to sit on the Standards Committees of other local authorities in the Lancashire area.

The Committee felt that the conference had been well organised with an excellent speaker, although the lack of regulations and guidance in relation to the local filter had not been helpful. Reference was also made to the Independent Members Forum.

RESOLVED: That the comments received be noted.

39 LOCAL FILTER

The Council Secretary and Solicitor advised that The Standards Committee (England) Regulations 2008, in respect of the local filter of complaints, were laid before Parliament on 17 April and will come into force on 8 May 2008. She further advised that guidance is awaited from the Standards Board for England which is due to be published shortly.

RESOLVED: That the update from the Council Secretary and Solicitor be noted.

40 REVISED TERMS OF REFERENCE AND ADDITIONAL PARISH REPRESENTATIVE

The Council Secretary and Solicitor advised that in accordance with the new forthcoming changes to the role of the Standards Committee a report setting out revised terms of reference would be submitted to the Annual Council meeting on 21 May 2008, the report would include the appointment of an additional Parish Councillor Representative and the establishment of relevant sub-committees.

RESOLVED: That it be noted that the revised terms of reference for the Standards Committee and sub-committees and the appointment of Parish Council Representatives would be dealt with at Annual Council on 21 May 2008.

41 REFERRAL CRITERIA

The Council Secretary and Solicitor advised that work was being undertaken to put together referral criteria in respect of complaints which would be considered at the first meeting of the Committee following the 8 May implementation date.

RESOLVED: That the update from the Council Secretary and Solicitor in relation to the referral criteria be noted.

42 STANDARDS COMMITTEE WORK PROGRAMME 2008/09

The Committee considered the Work Programme for 2008/09, as contained on pages 205 to 206 of the Book of Reports.

RESOLVED: A That the Standards Committee Work Programme for 2008/09 be approved, subject to the following amendments:

- (i) Item 10 be amended to read “Monitoring Officer meeting with Parish Clerks to discuss standards regime - Summer 2008”
 - (ii) Item 11 be included as follows:
“Standards Committee annual meeting inviting Parish Clerks and Parish Chairmen to discuss Code (Press Release to be issued) – Winter 2008”
and items 11-17 be renumbered 12-18.
- B That in respect of item 6, “Visits by individual Members to District and Parish Council Meetings”, Parish Clerks be asked to supply copies of agendas and minutes of that meeting and also be advised that these are not formal inspection visits, they are being used as a training tool for members of the committee in order to gain an understanding of how Parish Council meetings are run and to raise the profile of the Standards Committee.

THE CHAIRMAN



AGENDA ITEM: 5

COUNCIL: 21 May 2008

Report of: Council Secretary and Solicitor

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

SUBJECT: STANDARDS COMMITTEE - MEMBERSHIP AND APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN

District wide interest

1.0 PURPOSE OF THE REPORT

1.1 To consider the membership of the Standards Committee and the appointment of the Chairman and Vice Chairman for 2008/9.

2.0 RECOMMENDATIONS

2.1 That the number of Parish Council representatives be increased by one and the Standards Committee therefore comprise of 12 members, namely 5 independent members, 3 Parish representatives, 2 Conservative and 2 Labour members.

2.2 That John Cailles be appointed to serve for a further four year term as an independent member on the Standards Committee until the date of the Annual Meeting of the Council in May 2012.

2.3 That Parish Councillors David Kitson, Michael Hammond and Andrew Cheetham be appointed to serve for a four year term as the Parish Council representatives on the Standards Committee until the date of the Annual Meeting of the Council in May 2012, in accordance with Standards Board advice and the Parish Councils be advised accordingly.

2.4 That the appointment of all other members of the Standards Committee be as indicated on the Appendix circulated earlier in the meeting.

- 2.5 That the Council Secretary and Solicitor be given authority, in consultation with the Chairman of the Standards Committee, to put in place proper procedures, as referred to in paragraph 5.5 of this Report, to appoint independent members from another authority on a temporary basis should the need ever arise.
- 2.6 That the Council Secretary and Solicitor, in consultation with the Chairman of the Standards Committee, be given authority in an emergency, to appoint a Parish representative on a temporary basis, in the first instance by going to other nominees on the list, and to advise the Parish Councils of this.
- 2.7 That John Cailles and Paul Hanmer be appointed as Chairman and Vice-Chairman respectively for the period ending with the next Annual Meeting of the Council.
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3.0 BACKGROUND

3.1 Under the Local Government Act 2000, Standards Committees had the following 'statutory functions':

- To promote and maintain high standards of conduct for members; and
- To help members to follow the code of conduct.
- To give the council advice on adopting a local code of conduct;
- To monitor the effective the effectiveness of the code;
- To train members on the code, or arrange for such training;

Since the 2000 Act new legislation and Regulations have meant an increase in these functions to include:

- To conduct determinations' hearings
- To grant dispensations to members with prejudicial interests

and more recently by the Local Government and Public Involvement in Health Act 2007 and the 2008 Regulations and Guidance:

- To grant exemptions for politically restricted posts
- To assess and review complaints about members

3.2 Standards Committees can also have other functions. The Standards Board for England believe that Standards Committees should be proactive by introducing change rather than reacting to events and that ultimately, Standards Committees should aim to create and maintain ethical organisations.

3.3 Creating and maintaining an ethical organisation is not just about adopting a code of conduct for Members. It is also about relationships both internally between Members and Officers, and externally with members of the public. It

is about how the Council relates to the community and improves the service it provides. It involves the input and dedication of both Members and Officers.

- 3.4 The Standards Board for England's Guidance following the publication of the Standards Committee (England) Regulations 2008, advises that there should be at least three people on the Standards Committee and they recommend at least six. It must include at least one independent member and two members of the authority (no more than one Cabinet member who cannot be the Leader). If the committee comprises of more than three people then at least 25% must be 'independent members'. The Chairman must be an independent member, in which case it is advisable to also appoint an independent member as the Vice-Chairman. At least two members must be parish council representatives and they must not also be members of West Lancashire District Council, but see also 6.1 below.
- 3.5 The Committee in 2007/08 comprised of 11 members namely 5 independent members, 2 parish representatives, 2 Conservative and 2 Labour Councillors. It is suggested that the Committee for 2008/9 comprise 12 Members, increasing the Committee by 1 Parish representative in accordance with the Standards Board Guidance referred to at 6.1 below.

4.0 TERMS OF REFERENCE

- 4.1 As referred to in paragraph 3 above changes have been made in the Local Government and Public Involvement in Health Act 2007, Regulations and Guidance, and a separate item on the agenda for this meeting deals with the adoption of new terms of reference.

5.0 INDEPENDENT MEMBERS

- 5.1 This Council decides how long an independent member should sit on the Committee. The Standards Board recommends that independent members should be appointed for a fixed period of four years (no longer than two terms), which would be long enough for them to gain an understanding of the committee, the council and its workings, but not so long that they could be perceived as losing their independence.
- 5.2 This Council has appointed 5 Independent members to its Standards Committee, using a statutory procedure usually for a 3 year term. Current terms of office and details of when members were first appointed are as follows:

Independent Member	Appointed until the date of the annual meeting of the Council in:	First Appointed as an Independent Member
Mr John Cailles (Chairman)	2008	1999
Mr Paul Hanmer (Vice-Chairman)	2009	2003

Prof. Roy Chester	2010	2004
Prof. Peter Hayman	2010	2007
Mr Robert Patterson	2011	2007 (Dec)

- 5.3 The Term of office for Independent Member, John Cailles, who is also the Chairman of the Committee is due to expire at today's Annual Meeting. John Cailles is an experienced member of the Committee and makes an excellent Chairman, fortunately he would be willing to continue as an Independent Member and Chairman of the Standards Committee.
- 5.4 The Council needs to be mindful of the advice from the Standards Board for England regarding the length of time Independent Members serve on the Standards Committee, which is as mentioned above in paragraph 5.1. John Cailles has served for 9 years having been first appointed as Vice-Chairman in 1999, however in view of the enhanced role of the committee in dealing with the local assessment of complaints, his experience would be invaluable. In the circumstances therefore I strongly recommend his re-appointment and I do not feel that a further term of office would compromise his independence.
- 5.5 It is to be noted that in instances where all the Council's independent members are unavailable the Council would be able to substitute with independent members from another Council. This provision does not apply to Parish Representatives. Proper procedures are to be put in place to appoint such independent members on a temporary basis .

6.0 PARISH REPRESENTATIVES

- 6.1 The Standards Board for England recommend a minimum of three parish council representatives on the Standards Committee, though the legal minimum is two. This brings the recommended total number of people on the Standards Committee to nine members. This is to avoid situations where the Parish representative is conflicted out and fulfil the requirement for a Parish representative to be present when considering Parish matters. Consultation has previously been undertaken in respect of the need for a parish sub-committee the number of parish council representatives and the length of time they serve on the committee, which was currently two years. However, the Standards Board now recommend terms of four years and I would recommend we also move to this. The Council also conducts its own recruitment process for Parish representatives, which involves Parish Councils in a fair and open manner.
- 6.3 Terms of Office and details of when the current Parish representatives were first appointed are as follows:

Parish Council Representative	Appointed until the date of the annual meeting of the Council in:	First Appointed
Parish Councillor David Kitson	2008	2004
Parish Councillor Michael Hammond	2008	2006

- 6.4 The current two-year term of office for both Parish Councillor Representatives are due to expire at today's Annual Meeting.
- 6.5 All Parish Clerks have been contacted, inviting that Parish Council to submit the name of a member they would wish to see appointed to serve on the Standards Committee. In that invitation Parish Clerks were advised that the member nominated should not be a District Councillor and ideally should not be a close friend of any member or officer of the District Council. All nominees were required to prepare a brief personal profile.
- 6.6 Upon receipt of the nominees Parish Clerks were contacted once more requesting their Parish Council to vote for three candidates from the list of nominations. They were advised that the three candidates with the highest number of votes would be considered for appointment to serve on the Standards Committee for 2008/2009 and 2009/2010.
- 6.7 The list of nominees and votes received are as follows:

NAME OF CANDIDATE	PARISH COUNCIL	NO. VOTES
Parish Councillor:		
Brian Bailey	Burscough	3
Andrew Cheetham	Tarleton	4
Michael Hammond	Parbold	8
Chris Jones	Hesketh-with-Becconsall	5
David Kitson	Aughton	8
Rajni (Raj) Somaiya	North Meols	3

- 6.8 The 3 nominees with the highest number of votes were David Kitson, Michael Hammond and Chris Jones. Unfortunately Chris Jones was not re-elected on 1 May 2008 and will not be able to be appointed; therefore the third nominee appointed should be Andrew Cheetham. I also think it prudent to have a procedure for appointing a Parish representative if the 3 appointed representatives are unavailable for any reason, including being conflicted out.

7.0 COUNCILLORS

At least two members of the committee must be Councillors. Appointments to the Committee are reviewed annually in accordance with Council procedures. As the Council is currently operating a Leader with Cabinet model of executive arrangements, there can only be one executive member on the Standards

Committee, that member must not be the Leader. The Council has agreed that substitutes on the Standards Committee will not be permitted, in accordance with Standards Board recommendations. The names of the Councillor Members are included in the Appendix circulated earlier in the meeting.

8.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

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

9.0 FINANCIAL AND RESOURCE IMPLICATIONS

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

Role	Allowance per annum
Chairman	£600
Vice Chairman	£400
Independent Member	£200
Parish Council Representative	£200

9.2 There will be an increase of £200 in the amount payable currently to accommodate the additional Parish Council representative.

10. RISK ASSESSMENT

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

Background Documents

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

Equality Impact Assessment

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

Appendices

None

StandardsctteeMay08



AGENDA ITEM: 6

COUNCIL: 21 MAY 2008

**STANDARDS COMMITTEE:
12 JUNE 2008**

Report of: Council Secretary and Solicitor

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

SUBJECT: STANDARDS COMMITTEE AND STANDARDS SUB COMMITTEES

District wide interest

1.0 PURPOSE OF THE REPORT

- 1.1 To revise the Terms of Reference and authority of the Standards Committee and its existing Sub-Committee in light of the Local Government and Public Involvement in Health Act 2007 and to create new Sub-Committees with appropriate Terms of Reference.

2.0 RECOMMENDATIONS

- 2.1 That the revised Terms of Reference and authority for the Standards Committee and the Local Determination/Investigation Hearings Sub-Committee set out in Appendix 2 be agreed.
- 2.2 That an Assessment Sub-Committee and a Review Sub-Committee be established by the Standards Committee comprising 3 Members selected by the Council Secretary and Solicitor in consultation with the Chairman of the Standards Committee, each with Independent Chairmen and with the Terms of Reference and authority set out in Appendix 2. Each Sub-Committee to have one elected Member and at least one Parish Representative when a Parish Council matter is being considered.
- 2.3 That a Recruitment of Independent Members Panel be established by the Standards Committee comprising 3 Members selected by the Council Secretary and Solicitor in consultation with the Chairman of the Standards Committee with the Terms of Reference and authority set out in Appendix 2.
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3.0 BACKGROUND

3.1 Under the Local Government and Public Involvement in Health Act 2007 the Standards Board becomes a strategic regulator and all complaints of misconduct by Councillors are to be handled locally. There are also various miscellaneous changes which need to be picked up.

4.0 CURRENT POSITION

4.1 The existing Terms of Reference of the Standards Committee and its Sub-Committee are attached at Appendix 1.

4.2 Under the Local Government Act 2000, Standards Committees had the following 'statutory functions':

- To promote and maintain high standards of conduct for members; and
- To help members to follow the code of conduct.
- To give the council advice on adopting a local code of conduct;
- To monitor the effective the effectiveness of the code;
- To train members on the code, or arrange for such training;

Since the 2000 Act new legislation and Regulations have meant an increase in these functions to include:

- To conduct local determination hearings
- To grant dispensations to members with prejudicial interests

and more recently by the Local Government and Public Involvement in Health Act 2007 and the 2008 Regulations and Guidance:

- To grant exemptions for politically restricted posts
- To assess and review complaints about members

4.3 The relevant provisions have been brought into effect from 8 May 2008 and changes therefore now need to be made.

5.0 PROPOSALS

5.1 Attached at Appendix 2 are revised Terms of Reference for the Standards Committee and its Sub-Committee, to reflect the legislative change.

5.2 It will be necessary to create an Assessment Sub-Committee and a Review Sub-Committee to handle the Council's new responsibilities and it is suggested these should both comprise 3 Members selected by the Council Secretary and Solicitor in consultation with the Chairman of the Standards Committee each having an Independent Chairman. Each Sub-Committee must have one elected Member and at least one Parish Representative when a Parish Council matter is being considered.

- 5.3 It would also be helpful to establish a Recruitment of Independent Members Panel to assist in the appointment of Independent Members.
- 5.4 The Terms of Reference for the new sub-committees are also set out in Appendix 2.

6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 6.1 There are no sustainability or community strategy implications arising from this Report.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 7.1 Financial and resource implications will be significant based on the number of complaints received by the Standards Board in previous years. Costs will be met from existing budget and reserves as appropriate until such time as workload can be fully understood.

8.0 RISK ASSESSMENT

- 8.1 The Council must put in place the necessary arrangements to handle the legislative change and comply with its statutory obligations.

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 – Current Terms of Reference

Appendix 2 – Revised Terms of Reference

Standards Committee

Membership - see Appendix at Section 4.1A.

Functions

These are set out in Article 9.03

Delegations

The Committee shall exercise full powers, duties and functions as set out above.

Local Determination/Investigation Hearings Sub Committee

Membership - see Appendix at Section 4.1A.

Functions

- (a) To undertake local determination hearings as directed under the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 when Ethical Standards Officers refer completed investigation reports to Monitoring Officers.
- (b) To undertake local investigation hearings as directed under the Local Authorities (Code of Conduct) (Local Determination) (Amendments) Regulations 2004 when, following investigation by the Monitoring Officer, the final report concludes that there was a breach of the Code of Conduct or the Standards Committee having considered a final report that concludes there was a no breach, decides there is a case to answer.

Delegations

Full delegation to determine all matters as appropriate.

Article 9 – The Standards Committee

9.01 Standards Committee

The Council will establish a Standards Committee

9.02 Composition

(a) **Membership.** The Standards Committee will be composed of at least:

- two councillors other than the Leader;
- one person who is not a councillor or an officer of the Council or any other body having a Standards Committee (an independent member);
- one member of a Parish Council wholly or mainly in the Council's area (a parish member).

NB No more than one member who is a member of the Cabinet will be a member of the Standards Committee and at least 25% of the members will be independent members.

(b) **Independent members.** Independent members will be entitled to vote at meetings;

(c) **Parish members.** At least one parish member must be present when matters relating to Parish Councils or their members are being considered;

(d) **Chairing the Committee.** A member of the Cabinet may not chair the committee;

(e) **Quorum.** At least three members (including at least one independent member).

9.03 Role and Function

The Standards Committee will have the following roles and functions:

(a) promoting and maintaining high standards of conduct by councillors and co-opted members;

(b) assisting councillors and co-opted members to observe the Members' Code of Conduct;

(c) advising the Council on the adoption or revision of the Members' Code of Conduct;

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

Standards Committee

Membership - see Appendix at Section 4.1A.

Functions

These are set out in Article 9.03

Delegations

The Committee shall exercise full powers, duties and functions as set out above.

Assessment Sub Committee

Membership - see Appendix at Section 4.1A

Functions

To carry out the initial assessment of allegations (Section 57A Local Government Act 2000)

Delegations

Full authority to determine all matters as appropriate

Review Sub Committee

Membership - see Appendix at Section 4.1A

Functions

To carry out reviews (Section 57B Local Government Act 2000)

Delegations

Full authority to determine all matters as appropriate

Recruitment of Independent Members Panel

Membership - see Appendix at Section 4.1A

Functions

To assist in the recruitment of independent members by shortlisting and interviewing and making recommendations to the Council

Delegations

To make recommendations to the Standards Committee and Council

Local Determination/Investigation Hearings Sub Committee

Membership - see Appendix at Section 4.1A.

Functions

- (a) To undertake local investigation hearings when, following investigation by the Monitoring Officer, the final report concludes that there was a breach of the Code of Conduct or the Standards Committee having considered a final report that concludes there was a no breach, decides there is a case to answer.
- (b) To undertake local determination hearings when Ethical Standards Officers refer completed investigation reports to Monitoring Officers.

Delegations

Full delegation to determine all matters as appropriate.

Note for Sub Committees:

- Membership and chairmanship of sub committees do not have to be fixed.
- At least 3 members of the Standards Committee must be present, including at least one elected member and one Independent Member and at least one Parish Councillor representative when considering a matter relating to a member of a Parish Council.
- No member who took part in the initial assessment of an allegation can attend the sub committee meeting that is considering a review of a decision to take no further action on a matter.
- Initial assessment hearings and reviews are excluded from the scope of Part VA of the LGA 1972, although a written summary must be produced recording the main points considered, the conclusion reached and the reason for them. The record to be open to public inspection 6 years after the meeting and given to any Parish Council involved.

Article 9 – The Standards Committee

9.01 Standards Committee

The Council will establish a Standards Committee

9.02 Composition

(a) **Membership.** The Standards Committee will be composed of at least:

- two councillors other than the Leader (no more than one member who is a member of the Cabinet);
- one person who is not a councillor or an officer of the Council or any other body having a Standards Committee (an independent member);
- two members of a Parish Council wholly or mainly in the Council's area (a parish member) who are not also members of the district council.

NB If the membership is more than 3, at least 25% of the members will be independent members.

- (b) **Independent members.** Independent members will be entitled to vote at meetings;
- (c) **Parish members.** At least one parish member must be present when matters relating to Parish Councils or their members are being considered;
- (d) **Chairing the Committee.** An Independent member must chair the committee;
- (e) **Quorum.** At least three members (including at least one independent member and at least 1 Parish member when considering parish council matters).

9.03 Role and Function

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by councillors and co-opted members;
- (b) assisting councillors and co-opted members to observe the Members' Code of Conduct;

- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation and effectiveness of the Members' Code of Conduct;
- (e) advising, training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct;
- (f) granting dispensations to councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) dealing with any reports from a case tribunal or interim case tribunal, and any report from the monitoring officer on any matter which is referred by an ethical standards officer to the monitoring officer;
- (h) setting up procedures for the initial assessment, and review of complaints of alleged breaches of the Codes of Conduct for Members;
- (i) setting up procedures for the investigation of and subsequent report on, alleged breaches of the Codes of Conduct for Members;
- (j) the exercise of (a) to (i) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils;
- (k) advising the Council on the adoption and subsequent review of a Code of Conduct for officers;
- (l) advising, training or arranging to train officers on matters relating to the Code of Conduct for officers;
- (m) advising the Council on the adoption and subsequent review of the Council's Whistleblowing Code;
- (n) dealing with applications from officers for exemptions from political restrictions in respect of their posts;
- (o) where appropriate, issuing direction to include a post in the list of politically restricted posts it maintains;
- (p) advising, following consultation with appropriate parties, on the application of criteria for designation of a politically restricted post;

- (q) responding to consultation from the ombudsman when carrying out investigations in accordance with Section 196 of the LGPIH Act 2007 (commencement No. 2 and Savings) Order 2008.



AGENDA ITEM: 7

**STANDARDS COMMITTEE:
12 JUNE 2008**

Report of: Council Secretary and Solicitor

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

**SUBJECT: PUBLICATION OF ADDRESS TO WHICH WRITTEN ALLEGATIONS OF
BREACH OF THE CODE OF CONDUCT SHOULD BE SENT**

District wide interest

1.0 PURPOSE OF THE REPORT

1.1 To agree the manner in which the Committee shall publish details of the address to which written allegations of breach of the Code of Conduct under section 57A(1) of the Local Government Act 2000 should be sent.

2.0 RECOMMENDATIONS

2.1 That the action taken by the Council Secretary and Solicitor as set out in 4.0 below be noted and endorsed.

2.2 That the Council Secretary and Solicitor be given authority to take reasonable steps to ensure that the details published under Regulation 10(1) continue to be brought to the attention of the public and that any changes to those details are promptly published.

3.0 BACKGROUND

3.1 Regulation 10 of the Standards Committee (England) Regulations 2008 states:

“Every Standards Committee shall publish in such manner as it considers appropriate, details of the address or addresses to which written allegations under section 57A(1) of the Act should be sent.”

3.2 The Standards Board Guidance states as follows:

“Publicising the Complaints System”

Each authority is required to publish a notice detailing where Code of Conduct complaints should be sent to. This is to ensure that members of the public are aware of the change of responsibility for handling Code complaints and what the process entails. If an authority is responsible for parish and town councils, the notice should make this clear.

The complaints system may be publicised through:

- an authority’s website
- advertising in one or more local newspapers
- an authority’s own newspaper or circular
- notices in public areas such as local libraries or authority reception areas

It is important that the public notice reaches as many people as possible so that members of the public know how to complain if necessary.”

4.0 CURRENT POSITION

4.1 I prepare the notice attached as Appendix 1 and displayed it on the Council’s noticeboard and circulated it to all Councillors, Standards Committee Members, all staff and Parish Clerks.

4.2 The Council’s website was also updated to reflect the changes and copies are attached as Appendix 2.

5.0 PROPOSALS

5.1 Regulation 10(2) states:

“Every Standards Committee shall take reasonable steps to ensure that the details published under paragraph (1) continue to be brought to the attention of the public and that any changes to those details are promptly published.”

5.2 The Standards Board Guidance continues:

“The standards committee must also continue to publicise regularly the address that misconduct complaints should be sent to. In addition, the standards committee needs to alert the public to any changes in such arrangements.

Authorities need to think carefully about how publicity for their complaints system is worded. This is to ensure that members of the public are clear about how to complain, who to complain to, and if there may be an alternative to a formal complaint to the standards committee.”

- 5.3 I would propose that authority be given to me to do this on the Committee’s behalf.

6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 6.1 There are no sustainability or community strategy implications.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 7.1 As I have not published an advert in the newspaper, as agreed at an earlier Standards Committee meeting, there are no costs associated with publishing this information other than the officer time involved.

8.0 RISK ASSESSMENT

- 8.1 There are no risks to the Council’s business arising from this Report.

Background Documents

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

Equality Impact Assessment

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

Appendices

Appendix 1 – Public Notice

Appendix 2 – Extracts from the Council’s website



LOCAL CODE OF CONDUCT COMPLAINTS PROCESS

Changes to the complaints procedure

From 8 May 2008 the responsibility for considering complaints that a member may have breached the Code of Conduct is moving to the **Standards Committees** of local authorities.

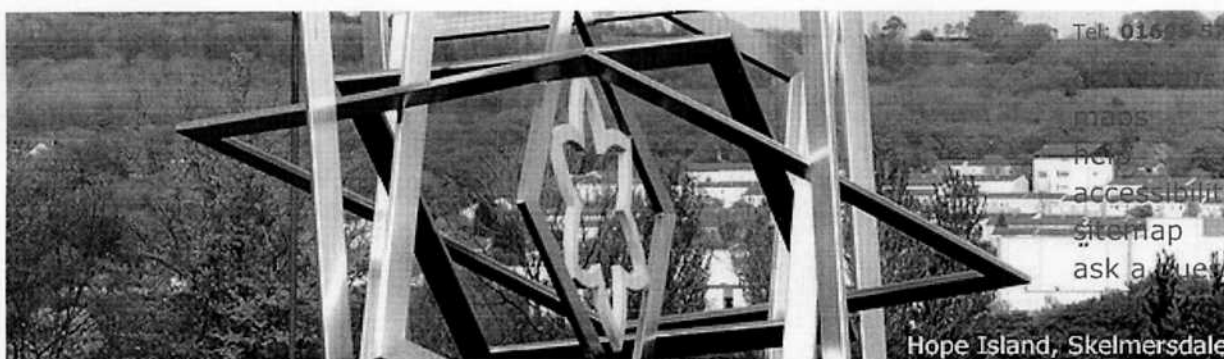
What this means to you

After 8 May 2008 if you want to complain about the conduct of a member of West Lancashire District Council or a member of one of our Parish Councils, you must submit your complaint to the **Standards Committee** by writing to:

Gill Rowe
Council Secretary and Solicitor
West Lancashire District Council
52 Derby Street
Ormskirk
West Lancashire
L39 2DF

The **Standards Committee** can only deal with complaints about the behaviour of a member. It will not deal with complaints about things that are not covered by the members' Code of Conduct. If you make a complaint to the Standards Committee it must be about why you think a member has not followed the Code of Conduct.

Please visit the Standards Board's website at www.standardsboard.gov.uk for further information.



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Complaining about a councillor

[Home](#) > [Council & Democracy](#) > [Councillors](#) > **Complaining about a councillor**

Complaining about a Councillor

The council works hard to encourage the highest standards of conduct and excellent ethical standards in local government. When district and parish councillors are elected they sign up to a code of conduct. For more information about this visit the [Councillors' Code of Conduct](#) page.

Changes to the complaints procedure

From 8 May 2008 the responsibility for considering complaints that a member may have breached the Code of Conduct is moving to the **Standards Committees** of local authorities.

What this means to you

After 8 May 2008 if you want to complain about the conduct of a member of West Lancashire District Council or a member of one of our Parish Councils, you must submit your complaint to the Standards Committee by writing to:

Gill Rowe
Council Secretary and Solicitor
West Lancashire District Council
52 Derby Street
Ormskirk
West Lancashire
L39 2DF

- Contact the Council
- Enquire about elections
- Pay your council tax

- Tell us how you'd like to access information
- Make a complaint
- Send us your comments

- Request a copy of the Citizens' Guide
- Find your ward
- Register to vote

Lancashire county council services
 News and publications
 Performance and priorities
 Service standards
 Strategies and Plans
 Webcasts

The Standards Committee can only deal with complaints about the behaviour of a member. It will not deal with complaints about things that are not covered by the members' code of conduct. If you make a complaint to the Standards Committee it must be about why you think a member has not followed the code of conduct.

Please visit the Standards Board's website at www.standardsboard.gov.uk for further information.

Find your ward & local councillor

Related information

- > [Council and democracy enquiry form](#)
- > [Democracy and decision making](#)
- > [Download Members' code of conduct](#)
- > [Elections and voting](#)
- > [Find your ward](#)
- > [Electoral Commission](#)

Legal statements and FOI

Environment

Housing

Jobs

Last Updated: 08/05/2008

Leisure & Tourism

Living in West Lancs

Planning

Refuse & Recycling

Your Views

[contact us](#) | [online services](#) | [a-z](#) | [directgov](#) | [Legal - FOI](#)

West Lancashire District Council, 52 Derby Street, Ormskirk, West Lancashire, L39 2DF
 Tel: 01695 577177 | Email: customer.services@westlancsdc.gov.uk



AGENDA ITEM: 8

**STANDARDS COMMITTEE:
12 JUNE 2008**

Report of: Council Secretary and Solicitor

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

SUBJECT: PROCEDURE FOR THE INITIAL ASSESSMENT OF WRITTEN COMPLAINTS OF BREACH OF THE CODE OF CONDUCT INCLUDING ASSESSMENT CRITERIA

District wide interest

1.0 PURPOSE OF THE REPORT

1.1 To agree the procedures to be followed in respect of written complaints of breach of the Code of Conduct received under Section 57A(1) of the Local Government Act 2000 (the Act) together with the Assessment Criteria and relevant documentation and the method of publication of the same.

2.0 RECOMMENDATIONS

2.1 That the procedure to be followed in respect of written complaints of breach of the Code of Conduct received under Section 57A(1) of the Act be as attached at Appendix 1, and the assessment criteria and documentation contained therein be approved.

2.2 That these procedures be published as required by Regulation 10(3) by putting them on the Council's website and having copies available on request.

2.3 That the Council Secretary and Solicitor update the procedures and develop the standard documentation as required.

3.0 BACKGROUND

- 3.1 Members are aware from earlier reports of the changes brought about in the ethical framework from 8 May 2008. Anyone who considers that a Member may have breached the Code of Conduct may make a complaint to the Standards Committee. Each complaint must then be assessed to see if it falls within the Council's legal jurisdiction. A decision must then be made on whether some action should be taken, either an investigation or some other form of action.
- 3.2 When a matter is referred for investigation or other action it does not mean that the Committee assessing the complaint has made up its mind about the allegation. It simply means that the Committee believes the alleged conduct, if proven, may amount to a failure to comply with the Code and that some action should be taken in response to the complaint.

4.0 PROPOSALS

- 4.1 The process for dealing with matters at a local level will be the same for all Members and will be fair and must be seen to be fair. As Members are aware the assessment of complaints is a new function for Standards Committees. It was previously undertaken centrally by the Standards Board for England.
- 4.2 The Standards Committee (England) Regulations 2008 set out the framework for the operation of a locally based system for the assessment, referral, investigation and hearing of complaints of Members' misconduct. Under the Regulations the Standards Committee must take the Guidance issued by the Standards Board into account and this has been done in bringing forward proposals to you. Future Regulations on joint working are planned.

5.0 PROCEDURES TO BE FOLLOWED

- 5.1 Members will find at Appendix 1 the Procedure for the Initial Assessment of written complaints of breach of the Code of Conduct received under Section 57A(1) of the Local Government Act 2000.
- 5.2 There is a reference in the Council's Corporate Complaints Procedure to complaints of misconduct by Councillors being referred to the Council Secretary and Solicitor, as Monitoring Officer and therefore there is no need to change the corporate system in response to the legislative change.

6.0 PUBLICATION OF PROCEDURES

- 6.1 Regulation 10(3) of the Standards Committee (England) Regulations 2008 states "Every Standards Committee shall publish in such manner as it considers appropriate, details of the procedures it will follow in relation to any written allegation received under Section 57A(1)."

6.2 In complying with the obligations under Regulation 10(3) every Standards Committee must take account of any relevant Guidance issued by the Standards Board.

6.3 The Standards Board Guidance states “The Standards Committee must publish, in whatever manner it considers appropriate, details of the procedures it will follow in relation to any written allegation received about a Member.”

7.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

7.1 There are no sustainability/community strategy implications arising from this report.

8.0 FINANCIAL AND RESOURCE IMPLICATIONS

8.1 Substantial officer time has been taken in preparing these procedures and standard documentation.

9.0 RISK ASSESSMENT

9.1 It is essential that appropriate procedures and documentation are prepared to comply with the relevant legislation and guidance.

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 – Procedure for the Initial Assessment of Complaints of Breach of the Code of Conduct under Section 57A(1) of the Local Government Act 2000 including Referral Criteria (TO FOLLOW)

StdsCtteeInitialAssessment

DECLARATION OF INTEREST - CHECKLIST FOR ASSISTANCE OF MEMBERS – 2007

Name: Councillor

Cabinet/Council/Committee:

Date:

Item No:

Item Title:

Nature of Interest:

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

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

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

Please tick relevant boxes

Notes

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

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

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

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

or

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

“a relevant person” means

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

“body exercising functions of a public nature” means

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

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

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

DECLARATION OF INTEREST - CHECKLIST FOR ASSISTANCE OF MEMBERS – 2007 OVERVIEW AND SCRUTINY

Name: Councillor

Cabinet/Council/Committee:

Date:

Item No: Item Title:

Nature of Interest:

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

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

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

Please tick relevant boxes

Notes

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

5.	I must regard myself as having a personal and prejudicial interest in the business because it relates to a decision made (whether implemented or not) or action taken by the Cabinet or another of the Council's committees or sub-committees and, at the time the decision was made or action was taken, I was a member of the Cabinet, committee or sub-committee and I was present when that decision was made or action was taken	<input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you are a Cabinet member attending under section 21(13) of the LGA 2000 when you may speak to answer questions</i>
6.	I must regard myself as having a personal and prejudicial interest in the business because it relates to a decision made (whether implemented or not) or action taken by the Cabinet or another of the Council's committees or sub-committees and, at the time the decision was made or action was taken, I was a member of the Cabinet, committee or sub-committee and I was present when that decision was made or action was taken, however I am attending the meeting for the purpose of making representations, answering questions or giving evidence relating to the business as the public are also allowed to attend the meeting for this purpose, whether under a statutory right or otherwise	<input type="checkbox"/>	<i>You may make representations, answer questions or give evidence but must leave the room once you have finished and cannot vote</i>
7.	A Standards Committee dispensation applies.	<input type="checkbox"/>	<i>See the terms of the dispensation</i>

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

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

or

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

“a relevant person” means

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

“body exercising functions of a public nature” means

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

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

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