



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

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West Lancashire  
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19 October 2009

TO:

INDEPENDENT MEMBERS: **MR J CAILES (CHAIRMAN),  
MR P HANMER (VICE-CHAIRMAN),  
PROF. R CHESTER, DR P HAYMAN AND  
MR R PATTERSON**

COUNCILLORS: **MRS U ATHERLEY, S JONES, T RICE AND  
G M ROBERTS**

PARISH COUNCILLORS: **A CHEETHAM, R COADY AND M HAMMOND**

Dear Member,

A meeting of the **STANDARDS COMMITTEE** will be held in the **COMMITTEE ROOM 1, 52 DERBY STREET, ORMSKIRK** on **TUESDAY 27 OCTOBER 2009** 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.  
**Page(s) 71 to 72**
- 4. MINUTES**  
To receive as a correct record the Minutes of the Meeting of Standards Committee held on Tuesday 14 July 2009.  
**Page(s) 73 to 76**
- 5. COMPLAINTS, REVIEWS AND INVESTIGATIONS - STATISTICS**  
To consider and note the update from the Council Secretary and Solicitor.  
**Page(s) 77 to 88**
- 6. PROBITY IN PLANNING**  
To consider the report of the Council Secretary and Solicitor.  
**Page(s) 89 to 118**
- 7. ETHICAL GOVERNANCE TOOLKIT**  
To consider the report of the Council Secretary and Solicitor.  
**Page(s) 119 to 178**
- 8. RECRUITMENT OF FUTURE INDEPENDENT MEMBERS - UPDATE**  
To consider the report of the Council Secretary and Solicitor.  
**Page(s) 179 to 184**
- 9. VISITS TO BOROUGH AND PARISH COUNCIL MEETINGS**  
To consider the report of the Council Secretary and Solicitor.  
**Page(s) 185 to 190**
- 10. STANDARDS FOR ENGLAND CONFERENCE - 12 & 13 OCTOBER 2009**  
To note the details attached.  
**Page(s) 191 to 194**
- 11. THE STANDARDS FORUM**  
To consider the report of the Council Secretary and Solicitor.  
**Page(s) 195 to 216**
- 12. WEST LANCASHIRE AREA COMMITTEE OF PARISH AND TOWN COUNCILS - 15 OCTOBER 2009**  
To receive feedback from the Council Secretary and Solicitor.
- 13. STANDARDS COMMITTEE TRAINING**  
To receive feedback from members on the 'Refresher Training - Local Assessment Procedures' held on 16 October 2009.
- 14. STANDARDS COMMITTEE WORK PROGRAMME 2009/10**  
To consider and note the updated Work Programme. **Page(s) 217 to 218**

**15. THE IMPORTANCE OF ETHICAL GOVERNANCE AND THE STANDARDS COMMITTEE ANNUAL REPORT 2008/09**

To consider the report of the Council Secretary and Solicitor. (The Chief Executive, Mr Bill Taylor, The Leader, Councillor Ian Grant and the Leader of the Opposition, Councillor Paul Cotterill have been invited to attend for this item to discuss the importance of Ethical Governance and the Annual Report.)  
**Page(s) 219 to 234**

**16. MINUTES OF SUB-COMMITTEES**

To note the minutes of the following Sub-Committees:

- (a) CONSIDERATION SUB-COMMITTEE - 24 JUNE 2009. Page(s) 235 to 236**
- (b) HEARINGS SUB-COMMITTEE - 21 JULY 2009. Page(s) 237 to 238**
- (c) ASSESSMENT SUB-COMMITTEE - 24 JULY 2009 Page(s) 239 to 240**
- (d) REVIEW SUB-COMMITTEE - 23 SEPTEMBER 2009 Page(s) 241 to End**

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

**FIRE EVACUATION PROCEDURE: Please see attached sheet.**

**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@westlancs.gov.uk*



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

**PERSON IN CHARGE:** Most Senior Officer present  
**FIRE MARSHAL:** Member Services Officer / Lawyer  
**DOOR WARDEN(S)** Usher / Caretaker

**IF YOU DISCOVER A FIRE**

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

**ON HEARING THE FIRE ALARM**

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

**NOTES:**

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

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

**CHECKLIST FOR PERSON IN CHARGE**

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

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

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

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

**NOTE:**

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

### **CHECKLIST FOR FIRE MARSHAL**

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

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

### **INSTRUCTIONS FOR DOOR WARDENS**

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

DECLARATION OF INTEREST - CHECKLIST FOR ASSISTANCE OF MEMBERS – 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

	<b>General (not at overview &amp; scrutiny)</b>		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 <b>because</b> it affects my financial position or the financial position of a person or body described in 8 overleaf <b>and</b> 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  <b>or</b> 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 <b>and</b> 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 may 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**

**ITEM 4**

**HELD: 14 JULY 2009**  
Start: 4.00pm  
Finish: 4.55pm

**PRESENT:**

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

Councillors Mrs U Atherley  
S Jones

Parish Councillors A Cheetham  
R Coady  
M Hammond

Officers: Council Secretary & Solicitor (Mrs G Rowe)  
Assistant Member Services Manager (Mrs J Denning)

**1. APOLOGIES**

Apologies for absence were received on behalf of Councillors T Rice and G M Roberts.

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

There were no items of urgent business.

**3. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**4. MINUTES**

The Council Secretary and Solicitor referred to an e-mail she had circulated providing feedback on those Parish Councils which were working towards Quality Parish Council status. This was attached as an Appendix to the minutes, in respect of Minute 36 of the Standards Committee meeting held in April 2009

RESOLVED: That the minutes of the meeting of the Standards Committee held on 19 May 2009 be approved as a correct record and signed by the Chairman and the e-mail attached as an Appendix to the minutes be noted.

**5. COMPLAINTS, REVIEWS AND INVESTIGATIONS - STATISTICS**

The Committee considered the statistics produced by the Council Secretary and Solicitor in respect of the number of complaints, reviews and investigations undertaken by members.

RESOLVED: That the current statistics be noted.

**6. STANDARDS BOARD FOR ENGLAND - STATISTICS**

The Committee considered the statistics produced by the Standards Board in respect of the composition of Standards Committees nationally, source of complaints, initial assessment decisions and investigation figures.

RESOLVED: That the national statistics produced by the Standards Board for England (SBE) be noted and that the SBE had now changed its name to Standards for England (SfE).

**7. DECISION OF COUNCIL - 20 MAY 2009**

The Committee considered Minute 11 of the Council meeting held on 20 May 2009 which detailed approvals in respect of the Standards Committee membership, appointment of the Chairman and Vice-Chairman for 2009/10, appointment of Parish Councillor Coady and the establishment of the Consideration Sub-Committee.

RESOLVED: That Minute 11 of the Council meeting held on 20 May 2009 be noted.

**8. RECRUITMENT OF NEW INDEPENDENT MEMBERS**

The Committee considered the report of the Council Secretary and Solicitor which sought members views in respect of starting the process of inviting applications from those willing to become Independent Members of the Standards Committee, to interview them and select new Independent Members for appointment by Council who could start their training and then become future Independent Members when the relevant terms of office of existing Independent Members expire in May 2010.

RESOLVED: That the Council Secretary and Solicitor start the process of recruiting new Independent Members in early Autumn 2009.

**9. STANDARDS BOARD INTERVENTION, JOINT STANDARDS COMMITTEES AND DISPENSATIONS**

The Committee considered the report of the Council Secretary and Solicitor which set out the Standards Committee (Further Provisions) (England) Regulations 2009 (SI 2009/1255). These Regulations came in force from 15 June 2009 and made provisions for the Standards Board for England to suspend the functions of a local Standards Committee (where the Committee is failing to perform its functions satisfactorily), gives powers to establish Joint Standards Committees and extends the power of Standards Committees to give dispensations to Members where they would otherwise be prohibited from participating on a matter because of a prejudicial interest.

RESOLVED: That the Council Secretary and Solicitor circulate a copy of the report to all members so that they are aware of the new provisions.

**10. STANDARDS BOARD GUIDANCE ON 'OTHER ACTION'**

The Committee considered the Guidance document produced by the Standards Board on 'Other Action'.

RESOLVED: That the Guidance document on 'Other Action' be noted.

**11. CODE OF CONDUCT - MEMBERS' TRAINING - MONITORING**

The Committee considered the report of the Council Secretary and Solicitor which detailed how Members could be trained in the requirements of the Code of Conduct and evaluated the effectiveness of the training undertaken to date.

RESOLVED: A. That the training undertaken and the evaluation of it be noted.

B. That a Seminar/Workshop on the Code of Conduct, for all Borough and Parish Councillors, be held in October/November 2009, to comprise of a presentation, followed by case studies in Workshop format, at a venue to be selected by the Council Secretary and Solicitor, in consultation with the Chairman of the Standards Committee.

C. That a refresher training workshop be provided to Standards Committee Members on the initial assessment, review and hearing processes in September 2009.

**12. WORK PROGRAMME 2009/10**

The Committee considered the revised Standards Committee work programme for 2009/10.

RESOLVED: That the work programme for 2009/10 be noted.

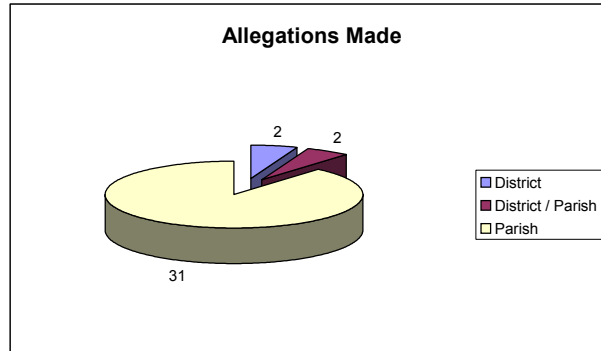
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THE CHAIRMAN



As at 18/03/2009

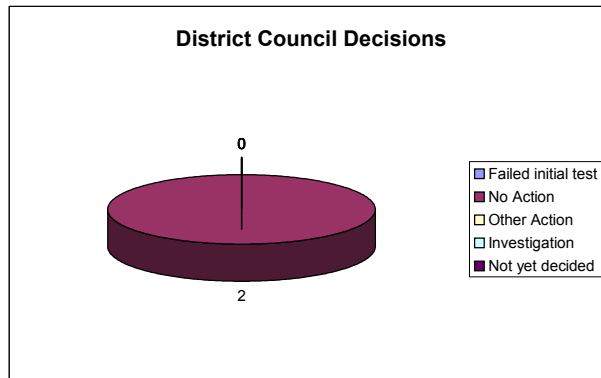
**Allegations made**

District	2
District / Parish	2
Parish	31
<b>Total</b>	<b>35</b>



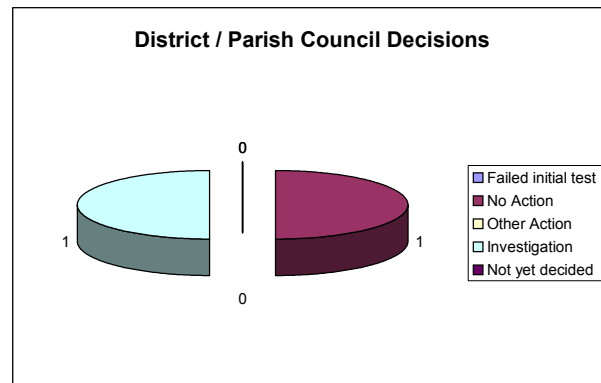
**District Council Decisions**

Failed initial test	0
No Action	2
Other Action	0
Investigation	0
Not yet decided	0
<b>Total</b>	<b>2</b>



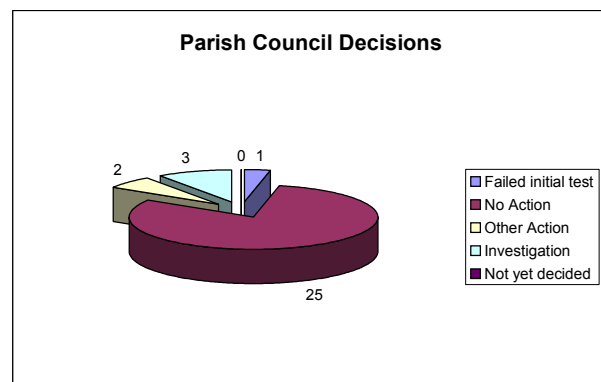
**District / Parish Council Decisions**

Failed initial test	0
No Action	1
Other Action	0
Investigation	1
Not yet decided	0
<b>Total</b>	<b>2</b>



**Parish Council Decisions**

Failed initial test	1
No Action	25
Other Action	2
Investigation	3
Not yet decided	0
<b>Total</b>	<b>31</b>





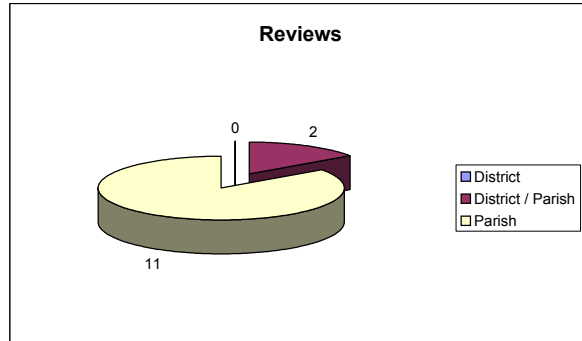
**West Lancashire District Council**

**Reviews - Standards Committee 2008/2009**

**As at 30/03/2009**

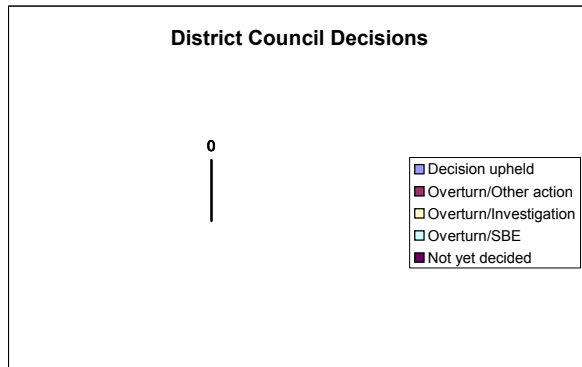
**Reviews**

District	0
District / Parish	2
Parish	11
<b>Total</b>	<b>13</b>



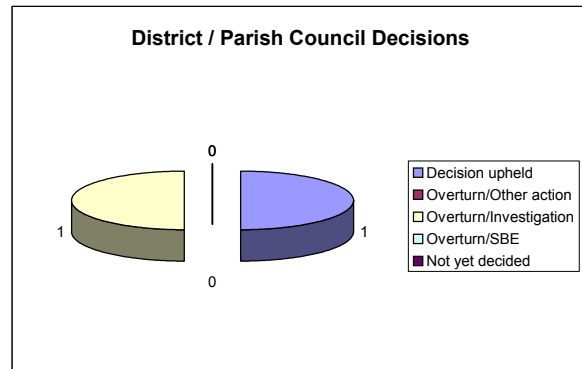
**District Council Decisions**

Decision upheld	0
Overturn/Other action	0
Overturn/Investigation	0
Overturn/SBE	0
Not yet decided	0
<b>Total</b>	<b>0</b>



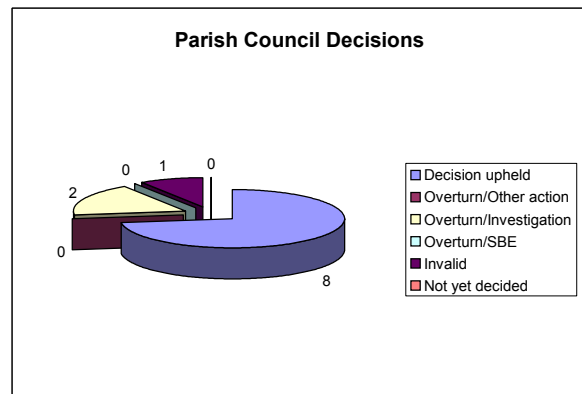
**District / Parish Council Decisions**

Decision upheld	1
Overturn/Other action	0
Overturn/Investigation	1
Overturn/SBE	0
Not yet decided	0
<b>Total</b>	<b>2</b>



**Parish Council Decisions**

Decision upheld	8
Overturn/Other action	0
Overturn/Investigation	2
Overturn/SBE	0
Invalid	1
Not yet decided	0
<b>Total</b>	<b>11</b>







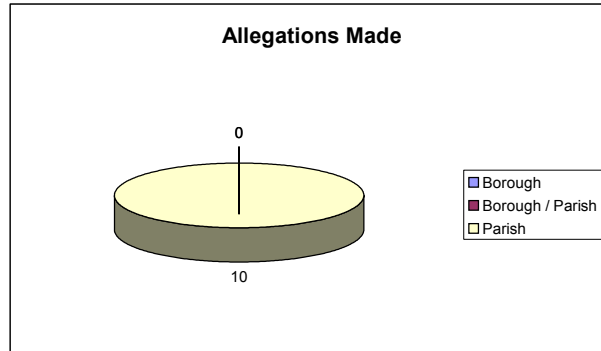
**West Lancashire Borough Council**

**Complaints to the Standards Committee 2009/2010**

As at 16/10/2009

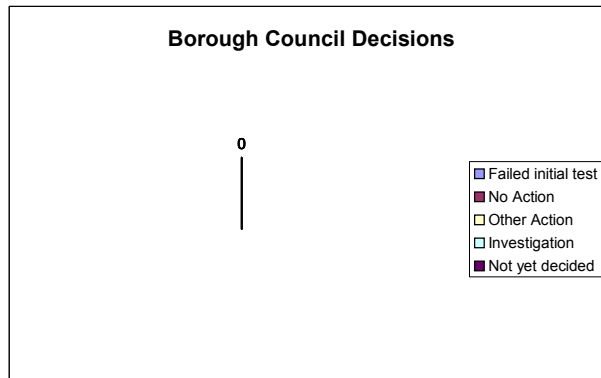
**Allegations made**

Borough	0
Borough / Parish	0
Parish	10
<b>Total</b>	<b>10</b>



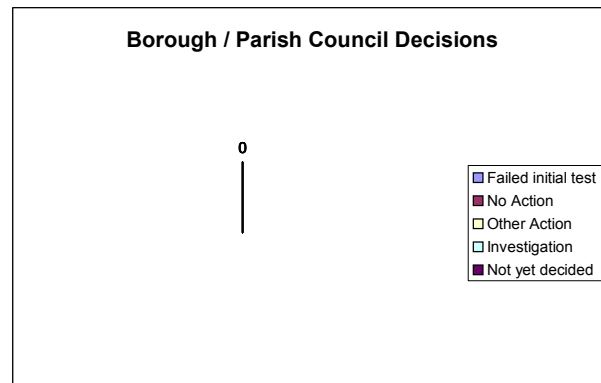
**Borough Council Decisions**

Failed initial test	0
No Action	0
Other Action	0
Investigation	0
Not yet decided	0
<b>Total</b>	<b>0</b>



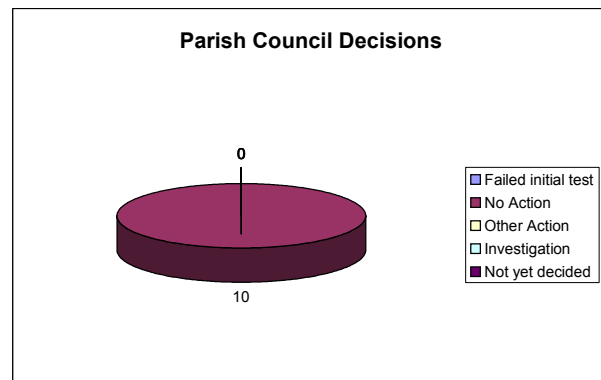
**Borough / Parish Council Decisions**

Failed initial test	0
No Action	0
Other Action	0
Investigation	0
Not yet decided	0
<b>Total</b>	<b>0</b>



**Parish Council Decisions**

Failed initial test	0
No Action	10
Other Action	0
Investigation	0
Not yet decided	0
<b>Total</b>	<b>10</b>





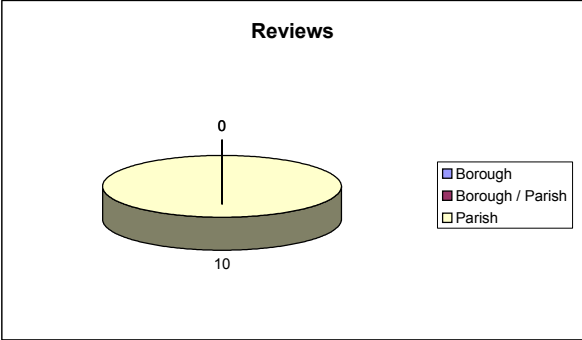
**West Lancashire Borough Council**

**Reviews - Standards Committee 2009/2010**

**As at 23/09/2009**

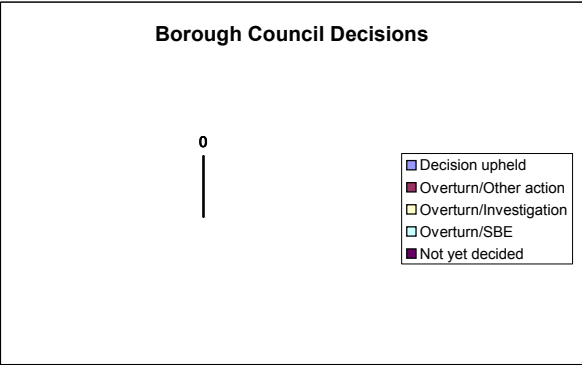
**Reviews**

Borough	0
Borough / Parish	0
Parish	10
<b>Total</b>	<b>10</b>



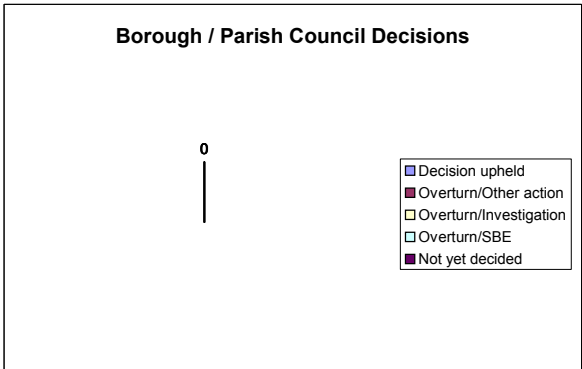
**Borough Council Decisions**

Decision upheld	0
Overturn/Other action	0
Overturn/Investigation	0
Overturn/SBE	0
Not yet decided	0
<b>Total</b>	<b>0</b>



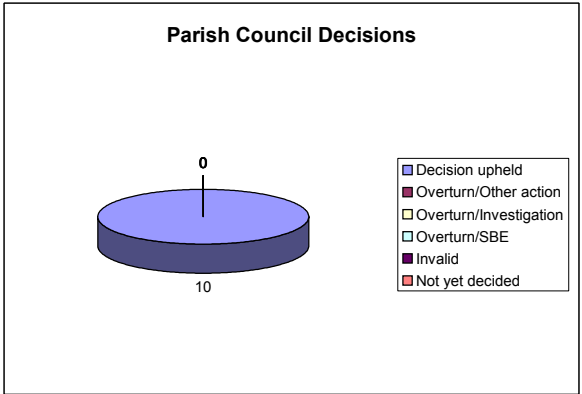
**Borough / Parish Council Decisions**

Decision upheld	0
Overturn/Other action	0
Overturn/Investigation	0
Overturn/SBE	0
Not yet decided	0
<b>Total</b>	<b>0</b>



**Parish Council Decisions**

Decision upheld	10
Overturn/Other action	0
Overturn/Investigation	0
Overturn/SBE	0
Invalid	0
Not yet decided	0
<b>Total</b>	<b>10</b>





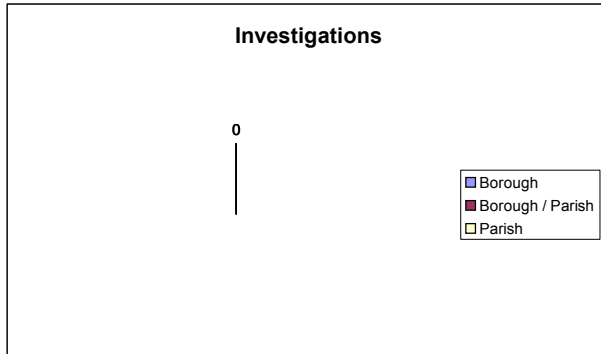
**West Lancashire Borough Council**

**Investigations - Standards Committee 2009/2010**

**As at 20/05/2009**

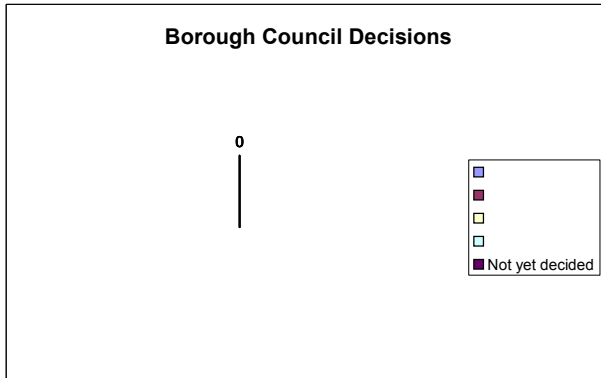
**Investigations**

Borough	0
Borough / Parish	0
Parish	0
Total	0



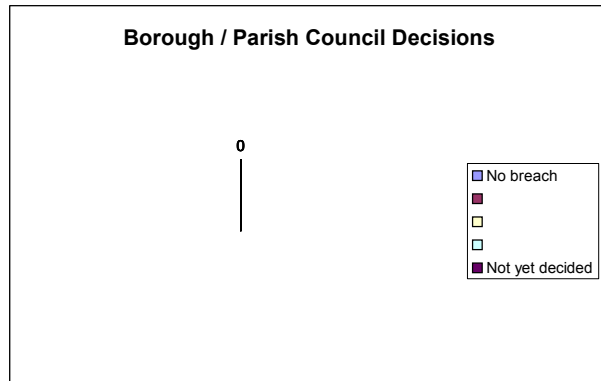
**Borough Council Decisions**

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	0
	0
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Not yet decided	0
Total	0



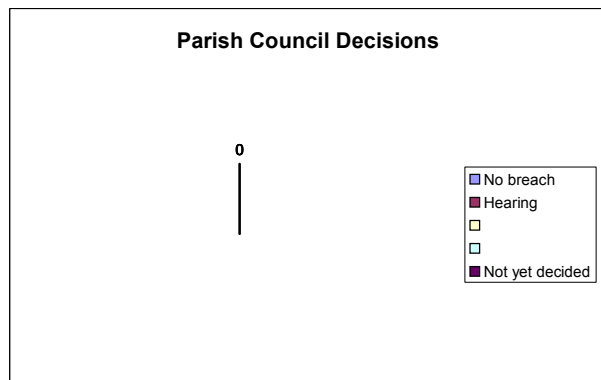
**Borough / Parish Council Decisions**

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	0
	0
	0
Not yet decided	0
Total	0



**Parish Council Decisions**

No breach	0
Hearing	0
	0
	0
Not yet decided	0
Total	0





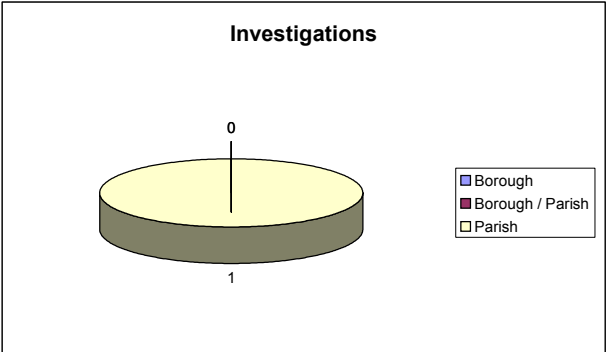
**West Lancashire District Council**

**Hearings - Standards Committee 2009/2010**

**As at 13/10/2009**

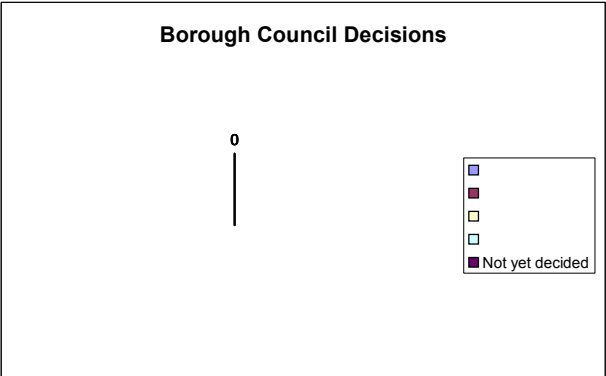
**Hearings**

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Borough / Parish	0
Parish	1
Total	1



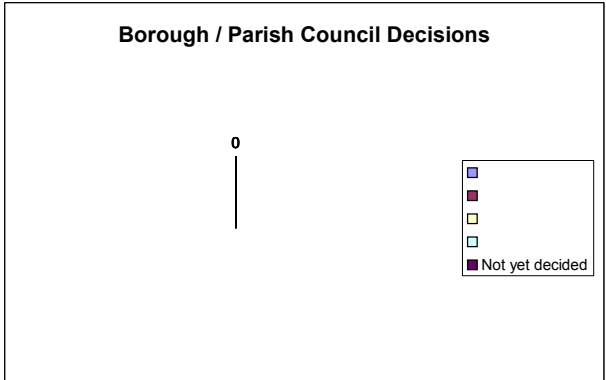
**Borough Council Decisions**

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	0
	0
	0
Not yet decided	0
Total	0



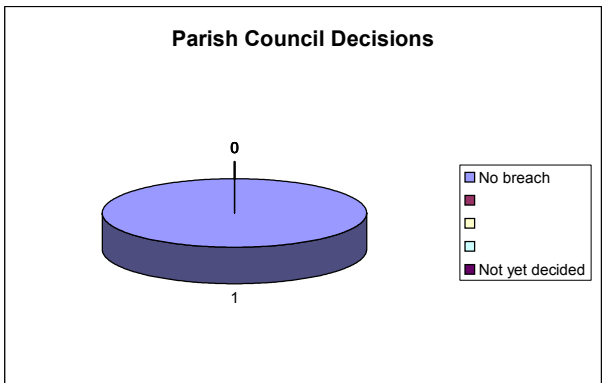
**Borough / Parish Council Decisions**

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	0
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	0
Not yet decided	0
Total	0



**Parish Council Decisions**

No breach	1
	0
	0
	0
Not yet decided	0
Total	1









**AGENDA ITEM: 6.**

**PLANNING COMMITTEE:  
3<sup>RD</sup> SEPTEMBER 2009**

**STANDARDS COMMITTEE:  
AUTUMN 2009**

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**Report of: Council Secretary and Solicitor**

**Contact for further information: Mr. M.E. Jones ( Ext. 5025)  
(E-mail: matthew.jones@westlancs.gov.uk)**

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**SUBJECT: PROBITY IN PLANNING**

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Borough wide interest

**1.0 PURPOSE OF THE REPORT**

1.1 To advise Members of the publication by the Local Government Association of an update to its guidance note "Probity in Planning".

**2.0 RECOMMENDATION TO THE PLANNING COMMITTEE AND STANDARDS COMMITTEE**

2.1 That Members note the contents of the Local Government Association's update to its guidance note "Probity in Planning".

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**3.0 BACKGROUND**

3.1 Planning has a positive and proactive role to play at the heart of local government. Good planning stimulates growth and promotes innovation. In the view of the Local Government Association (LGA) planning decisions involve balancing:

- the needs and interests of individual constituents and the community, with
- the need to maintain an ethic of impartial decision making on what can be highly controversial proposals.

3.2. The challenge of achieving the balance between these dual roles led the LGA to issue its original "Probity in Planning" guidance note in 1997. Since that time a comprehensive ethical framework for local government was introduced by the Local Government Act 2000. Subsequently, a revised Members' Code of Conduct was adopted by the Council in May 2007. In West Lancashire this ethical framework is further supported by the Council's Planning Code of Good Practice, first adopted in 2003 and updated in April 2008.

- 3.3. The LGA's 2009 update to its "Probity in Planning" guidance note refreshes its earlier advice on achieving the correct balance, in the light of changes to the ethical framework.
- 3.4. Whilst the advice is designed primarily for officers and members involved in plan making and development decisions, it will also assist scrutiny and standards committees dealing with planning matters. The advice note sets out guidance with regard to issues such as declaration of interests, predetermination and bias, lobbying, public speaking at committee and site visits.

#### **4.0 PROPOSALS**

- 4.1 The updated guidance note amplifies and consolidates existing guidance. As such, I do not propose that any changes are made to our current practice but would recommend that members read carefully the revised guidance to help to ensure that the highest standards of propriety are maintained in West Lancashire.

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

- 5.1 By having regard to the updated guidance note "Probity in Planning" members and officers can help to continue to ensure the highest level of ethical behaviour in the planning process, ensure that the wider public interest is served and that the social/economic/environmental objectives of the Council's planning policies are delivered.

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

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

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#### **Background Documents**

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

#### **Equality Impact Assessment**

A sound ethical framework helps to ensure that planning decisions are made without bias or favour and hence without any adverse impact on equality in relation to the Equality Target Groups.

#### **Appendices**

Appendix 1 –LGA's updated guidance note "Probity in Planning".



**probity in planning:**  
the role of councillors  
and officers – revised  
guidance note on  
good planning practice  
for councillors and  
officers dealing with  
planning matters

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- 6 lobbying of and by councillors
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# foreword

- 1.1 Planning has a positive and proactive role to play at the heart of local government. It is a powerful tool that helps councils achieve the ambitions of local communities. Good planning stimulates growth and promotes innovation. It helps to translate goals for healthier communities, higher employment, better housing, reduced congestion, educational attainment, safe and sustainable communities into action through well-designed medical centres, offices, universities, homes, roads and other facilities vital to achieving them.

The planning system works best when the roles and responsibilities of the many players essential to its effective operation are clearly understood. It is vital that elected councillors and planning officers understand their roles and the context and constraints in which they operate.

- 1.2 Planning decisions involve balancing:

- the needs and interests of individual constituents and the community, with
- the need to maintain an ethic of impartial decision-making on what can be highly controversial proposals.

The challenge of achieving the balance between these dual roles led the LGA to issue its original *Probity in*

*planning* guidance note in 1997. However, since then a comprehensive ethical framework for local government was introduced following the Local Government Act 2000. A revised national code of conduct for councillors was introduced in 2007. Each authority is required to adopt a local code of conduct that sets out rules governing the behaviour of its members.

This 2009 update provides refreshed advice on achieving this balance in the light of such changes. It also better reflects local authorities' roles as place shapers and the enhanced role for councillors as champions of their local communities. It recognises councillors' ability to participate in discussions prior to the receipt of a planning application on behalf of their communities, and engaging in spatial planning policy formulation.

It provides advice on this following the Killian Pretty review's recommendations. It also advises on how to avoid predetermination or bias in decision making. Whilst the advice is designed primarily for officers and councillors involved in plan-making and development management, it will also assist scrutiny and standards committees dealing with planning matters.

# introduction

- 2.1 A lot has changed in expectations of the planning system since the previous LGA guidance was published.
- 2.2 Following the planning green and white papers, and subsequent legislation, planning is moving to the heart of local authorities place-shaping and community planning roles. Positive attitudes to harnessing the benefits of sustainable development are changing stereotyped images of planning as a control mechanism. More flexible and responsive development plans are being prepared to harness development to build communities and shape places.
- 2.3 Councillors are encouraged to act as champions of their local communities and to co-ordinate public service delivery through Local and Multi Area Agreements, Strategic Partnerships, and Sustainable Community Strategies. Creative place-shaping requires early and wide engagement and councillor and officer involvement. The 2008 LGA publication *Planning at the heart of local government* explains these changes in more detail.
- 2.4 This guidance is intended to facilitate the development of councillors' community engagement roles. The Nolan report resulted in pressures on councillors to avoid contact with developers in the interests of ensuring probity. However in the place-shaping context, early councillor engagement is now positively encouraged to ensure sustainable development proposals can be harnessed to produce the settlements that communities need.
- 2.5 This guidance is intended to amplify the following for councillors grasping these new opportunities:
- Standards Board for England 2007 *members guide on the code of conduct and occasional paper on predisposition, predetermination and bias*;
  - Association of Council Secretaries and Solicitors *Model member's planning code of good practice 2007*; and the
  - Planning Advisory Service *Effective engagement* advice.
- 2.6 Planning decisions are not based on an exact science. Rather, they rely on informed judgement within a firm policy context. Decisions can be highly controversial as they affect the daily lives of everyone. This is heightened by the openness of the system (it actually invites public opinion before taking decisions) and the legal nature of the development plan and decision notices. It is important, therefore, that the process is characterised by open and transparent decision-making.

- 2.7 One of the key purposes of the planning system is to manage development in the public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings. It is important, therefore, that planning authorities should make planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable reasons. The process should leave no grounds for suggesting that a decision has been partial, biased or not well-founded in any way.
- 2.8 Bearing in mind all these factors, it is not surprising that, from time to time, things can go wrong unless councils are on their guard. This is why this guidance is essential.
- 2.9 The intention of the guidance is not to suggest that there is one best way of doing things. Local circumstances may well provide good reasons for local variations of policy and practice. However, each council should review the way in which it conducts its planning business, holding in mind the recommendations of this guidance.
- 2.10 This guidance refers to the actions of a planning committee of an authority, as the main decision-making forum on planning matters. However, it is recognised that authorities have developed a range of alternative forms of decision-making: area committees; planning boards, and of course, the full council itself - as the final arbiter in planning matters. It is important to stress, therefore, that the advice in this guidance note applies equally to these alternative forms of decision-making arrangements. Indeed, it becomes very important if the full council is determining planning applications referred to it, or adopting local development documents, that councillors taking those decisions understand the importance of this guidance. The guidance also applies to councillor involvement in any planning enforcement.
- 2.11 This revised guidance note is useful to both councillors and officers who become involved in operating the planning system - it is not therefore restricted to professional town planners and planning committee members. The successful operation of the planning system relies on mutual trust and understanding of each other's role. It also relies on each ensuring that they act in a way which is not only fair and impartial but is also clearly seen to be so.

# the general role and conduct of councillors and officers

- 3.1 Councillors and officers have different but complementary roles. Both serve the public but councillors are responsible to the electorate, whilst officers are responsible to the council as a whole. Officers advise councillors and the council and carry out the council's work. They are employed by the council, not by individual councillors. It follows that instructions may only be given to officers through a decision of the council or its executive or a committee. Any other system which develops is open to question. A successful relationship between councillors and officers can only be based upon mutual trust and understanding of each others positions. This relationship and the trust which underpins it must never be abused or compromised.
- 3.2 Both councillors and officers are guided by codes of conduct. The code of conduct for members (the code), supplemented by guidance from the Standards Board, provides standards and guidance for councillors. Staff who are Chartered Town Planners are guided by the RTPI's Code of Professional Conduct, breaches of which may be subject to disciplinary action by the Institute. However, not all planning officers are members of the RTPI and it is therefore recommended that the Code of Professional Conduct (or those parts of it which are relevant) is incorporated into conditions of employment. In addition to these codes, a council's standing orders set down rules which govern the conduct of council business.
- 3.3 The code sets out the requirements on councillors in relation to their conduct. It covers issues central to the preservation of an ethical approach to council business, including the need to register and declare interests, as well as appropriate relationships with other members, staff and the public. This impacts on the way in which councillors participate in the planning process. Of particular relevance to councillors making decisions on planning applications and planning policies is paragraph 6(a) which states that a member:
- “must not in his or her official capacity, or any other circumstance, use or attempt to use his or her position as a member improperly to confer on or secure for himself or herself or any other person, an advantage or disadvantage.”*
- 3.4 The basis of the planning system is the consideration of private proposals against wider public interests. Much is often at stake in this process, and opposing views are often strongly held by those involved. Whilst councillors should take account of these views,



they should not favour any person, company, group or locality, nor put themselves in a position where they appear to do so. Councillors who do not feel that they can act in this way should consider whether they are best suited to serve on a planning committee.

3.5 Councillors should also be very cautious about accepting gifts and hospitality. The code requires any members receiving, in their capacity as members, any gift or hospitality over the value of £25, to provide written notification of the details to the monitoring officer of the council within 28 days of its receipt. Such details will go in a register of gifts and hospitality, which will be open to inspection by the public.

3.6 Similarly, officers, during the course of carrying out their duties, may be offered hospitality from people with an interest in a planning proposal. Wherever possible, offers should be declined politely. If the receipt of hospitality is unavoidable, officers should ensure that it is of the minimal level and declare its receipt as soon as possible. Councils should provide a hospitality book to record such offers whether or not accepted. This book should be reviewed regularly by the council's monitoring officer. Failure by an officer to make an entry is likely to lead to disciplinary measures.

3.7 Employees must always act impartially. In order to ensure that senior officers do so, the Local Government and

Housing Act 1989 enables restrictions to be set on their outside activities, such as membership of political parties and serving on another council. Councils should carefully consider which of their officers are subject to such restrictions and review this regularly.

3.8 Staff must act impartially as a requirement of the draft statutory employees' code. Such impartiality (particularly crucial in highly contentious matters) is re-enforced by requirements on members in the code. Members are placed under a requirement by paragraphs 2(b) and (c) of the code to: treat others with respect; and not to do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the authority.

3.9 Finally, planning legislation and guidance can be complex. The LGA endorses the good practice of many councils which ensures that their members receive training on the planning process when first serving on the planning committee. It also recommends that members be updated regularly on changes to legislation or procedures. Such training is essential for those members involved in making decisions on planning applications and on local development documents. Authorities should provide training on the planning processes for all members.

# registration and declaration of interests: predetermination, predisposition or bias

- 4.1 The Local Government Act 2000 and the national code place requirements on members on the registration and declaration of their interests, as well as the consequences for the member's participation in consideration of an issue, in the light of those interests. For full guidance on personal and prejudicial interests reference should be made to the Standard's Board *Code of Conduct guidance* 2007. In addition, advice may be sought from the council's monitoring officer. The requirements must be followed scrupulously and councillors should review their situation regularly. However, ultimate responsibility for fulfilling the requirements rests individually with each councillor.
- 4.2 The provisions of the code are an attempt to separate out interests arising from the personal and private interests of the councillor and those arising from the councillor's wider public life. The emphasis is on a consideration of the status of the interest in each case by the councillor personally, and included in that judgement is a consideration of the perception of the public, acting reasonably and with knowledge of the facts.
- 4.3 A register of members' interests will be maintained by the council's monitoring officer, which will be available for public inspection. A member must provide the monitoring officer with written details of relevant interests within 28 days of their election, or appointment to office. Any changes to those interests must similarly be notified within 28 days of the member becoming aware of such changes.
- 4.4 An interest can either be personal or personal and prejudicial. The 2007 national code defines personal and prejudicial interests in any matter under discussion, and should be referred to for the appropriate detail. A useful test to determine whether a position or view could be considered to be biased is to think about whether a fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility of bias. Predetermination goes beyond predisposition and essentially evades the process of weighing and balancing relevant factors and taking into account other viewpoints. Sections 6.4 and 6.5 of this guidance further illustrate the concepts of bias and predetermination.

4.5 A prejudicial interest would require withdrawal of the councillor from the committee. However, an exception has been included in the 2007 code. Where a councillor has a prejudicial interest in any business of the authority, they may attend a meeting 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. Paragraph 5.3 of this guidance advises on this when a councillor is submitting a planning application to their authority.

4.6 If a councillor with a prejudicial interest speaks at a committee, they should withdraw after they have spoken. This is to ensure that members of the committee do not, by their presence, influence or seek to influence the remainder of the decision-making body.

4.7 The exceptions made to the definition of personal interests in the code, relating to membership of outside bodies, are attempts to clarify the nature of such interests and to encourage participation in such cases. It appears that too often in the past, members had been prevented from participation in discussions in such circumstances, on the basis that mere membership of another body constituted an interest that required

such a prohibition, even in cases where the member was only on that body as a representative of the authority.

In addition, this clause was intended to allow councillors to exercise their representative function and make representations on behalf of their constituents, in cases where they have a personal and prejudicial interest.

4.8 A personal interest will not require withdrawal. Where a member considers they have a personal interest in a matter, they must always declare it, but it does not follow that the personal interest debar the member from participation in the discussion.


4.9 In addition to any declaring personal or prejudicial interests, members of a planning committee need to avoid any appearance of bias or of having predetermined their views before taking a decision on a planning application. The Standards Board has provided guidance on predetermination, predisposition and bias. Avoidance of bias or predetermination is a principle of natural justice which the decision-maker is expected to embrace by the courts. But councillors will often form an initial impression or view.

A distinction is drawn by the courts between a planning councillor having clearly expressed an intention to vote in a particular way before a meeting (pre-determination), and a predisposition to an initial view, but where the councillor is clear they are willing to listen to all the material considerations presented at the committee before deciding on how to exercise their vote on behalf of the community. In the latter case there is no predetermination. This distinction is helpfully explained by the Standards Board for England in an occasional paper.

4.10 If a planning committee councillor has been lobbied by friends or others and wishes to pre-determine their position to promote or oppose a planning application, they will need to consider whether this has become a personal interest or not. Whether or not it is a personal interest, they need to consider if their view is likely to be regarded as pre-determined and against the fair determination of the planning application. If they have pre-determined their position, they should avoid being part of the decision-making body for that application.

4.11 A ward councillor who is also a member of the planning committee wishing to campaign for or against a proposal could speak at a planning committee on behalf of their constituents, having declared their pre-determined position. The councillor can continue to represent those ward interests as a spokesperson for their local community, notwithstanding their normal planning committee membership. However they would have to declare their position and not take part in the vote to avoid accusations of bias.

4.12 Cabinets and executives have created an interesting situation for cabinet members, portfolio holders and leaders who are also members of the planning application or local development document planning decision body. Authorities will typically have a member responsible for development. If that member is on the authority's planning committee or other decision-making body for planning matters, there may be occasions when that member will wish to press for a particular development which the member regards as beneficial to the development of the area. Should that executive member be able to vote on any planning application relating to that development?



4.13 The appropriate action is not clear cut, and will depend on the circumstances of a particular case. However, the general advice is that a member in such circumstances may well be so committed to a particular development as the result of their cabinet/executive responsibility that they may not be able to demonstrate that they are able to take account of all material considerations before a final decision on a planning application is reached. The member may be seen as the chief advocate on behalf of the authority for the development in question. In that sense, the member almost represents the ‘internal applicant’. In such circumstances, the appropriate approach is likely to be that the member is able to argue for the development but should not vote on the relevant applications.

4.14 Given the significance of well-informed and appropriate judgments by members on the declaration of interests, predetermination predisposition and bias, it is strongly recommended that councils should hold annual seminars on the issue, and on the planning process generally. Many do this.

The Standards Board nationally, and the authority’s standards committee locally, have the statutory responsibility of promoting and maintaining high standards of conduct by members and assisting them to observe the authority’s statutory code of conduct. In providing such guidance and training to members at local level, the standards committee of the authority should be encouraged to include provision for the implications of the code and this guidance in planning matters to be considered.

# development proposals submitted by councillors and officers; and council development

- 5.1 Proposals to their own authority by serving and former councillors, officers and their close associates and relatives can easily give rise to suspicions of impropriety. So can proposals for a council's own development. Proposals can take the form of either planning applications or development plan proposals.
- 5.2 It is perfectly legitimate for such proposals to be submitted. However, it is vital to ensure that they are handled in such a way that gives no grounds for accusations of favouritism. Any local planning protocol or code of good practice should address the following points in relation to proposals submitted by councillors and planning officers:
- serving councillors who act as agents for people pursuing planning matters within their authority should not play a part in the decision-making process for those proposals. Similarly, if they submit their own proposal to their authority they should play no part in its decision making;
  - a system should be devised to identify such proposals;
  - the council's monitoring officer should be informed of such proposals;
  - proposals should be reported to the planning committee as main items and not dealt with by officers under delegated powers.
- 5.3 The consideration of a proposal from a councillor in such circumstances would be considered as a prejudicial interest under the code and as such, the councillor would be required to withdraw from any consideration of the matter. The code also provides that the councillor should 'not seek improperly to influence a decision about the matter'. It is important to emphasise here that 'improperly' does not imply that a councillor should have any fewer rights than a member of the public in seeking to explain and justify their proposal to an officer in advance of consideration by a committee.
- However, whilst a member with a prejudicial interest may now address the committee under the code if the public enjoy the same rights, the member should consider whether it would be wise to do so in all the circumstances of the case, which could include the nature of the prejudicial interest and the relationship of the councillor with the remainder of the planning committee.
- 5.4 Proposals for a council's own development should be treated with the same transparency and impartiality as those of private developers . A member whose cabinet/executive responsibility effectively makes them an advocate for the development in question almost represents the 'internal applicant'. In such circumstances, the appropriate approach is likely to be that the member is able to argue for the development but should not vote on the relevant applications.

# lobbying of and by councillors

- 6.1 It is important to recognise that lobbying is a normal and perfectly proper part of the political process. Those who may be affected by a planning decision will often seek to influence it through an approach to their elected ward member or to a member of the planning committee. As the Nolan Committee's third report stated: "It is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective and suitable way that this can be done is through the local elected representatives, the councillors themselves". Any guidance failing to take account of the realities of the political/representative process will not carry credibility with experienced elected members.
- 6.2 However, lobbying can lead to the impartiality and integrity of a councillor being called into question, unless care and common sense is exercised by all the parties involved. When being lobbied, councillors (members of the planning committee in particular) should take care about expressing an opinion that may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments. In such situations, they should restrict themselves to giving procedural advice, including suggesting to those who are lobbying, that they should speak or write to the relevant officer, in order that their opinions can be included in the officer's report to the committee. If they do express an opinion, they should make it clear that they will only be in a position to take a final decision after having heard all the relevant evidence and arguments at committee.
- 6.3 Concerns on poor practices within local authorities have often been based on the issue of lobbying.
- 6.4 Councillors, and members of the planning committee in particular, need to avoid bias and predetermination and take account of the general public's (and the Ombudsman's) expectation that a planning application will be processed and determined in an open and fair manner. To do this, members taking the decision will take account of all the evidence presented before arriving at a decision, and will avoid committing themselves one way or another before hearing all the arguments. To do otherwise makes them vulnerable to an accusation of partiality. Bias or the appearance of bias has to be avoided by the decision-maker. Whilst the determination of a planning application is not strictly a 'quasi-judicial' process (unlike, say, certain licensing functions carried out by the local authority), it is,

nevertheless, a formal administrative process involving application of national and local policies, reference to legislation and case law as well as rules of procedure, rights of appeal and an expectation that people will act reasonably and fairly. There is an added possibility that an aggrieved party may seek judicial review on the way in which a decision has been arrived at; or complain to the Local Government Ombudsman on grounds of mal-administration; or that a member has breached the code.

- 6.5 In reality of course, members will often form an initial view (a predisposition) about an application early on in its passage through the system, whether or not they have been lobbied. The difficulty created by the nature of the planning committee's proceedings as set out in the paragraph above, is that members of the committee (at least those who are not councillors of the affected ward - see overleaf) should not decide or declare which way they may be inclined to vote in advance of the planning meeting, or before hearing evidence and arguments on both sides.
- 6.6 Political reality suggests that it is often important to distinguish between the role of the planning committee member who is, and who is not, a ward member for the area affected by a particular planning application.

A planning committee member who does not represent the ward affected is in an easier position to adopt an impartial stance, however strong his or her feelings about the application may be, and to wait until the committee meeting before declaring one way or another.

- 6.7 A planning committee member who represents a ward affected by an application may be in a difficult position if it is a controversial matter on which a lot of lobbying takes place. If the member responds to lobbying by deciding to go public in support of a particular outcome - or even campaigning actively for it - they will have predetermined their position when the committee comes to take a decision on the application. The risk of perceived bias means that the proper course of action for such a member would be not to vote.
- 6.8 As explained previously, even where a councillor has a prejudicial interest in any business of the authority, they may attend a meeting 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.



- 6.9 A ward councillor who is also a member of the planning committee wishing to campaign for or against a proposal could speak at a planning committee on behalf of their constituents, having declared their pre-determined position. A pre-determined councillor can continue to represent those ward interests as a spokesperson for their local community, notwithstanding their planning committee membership. If that councillor speaks on behalf of a lobby group at the decision-making committee, they would be well advised to withdraw once any public or ward member speaking opportunities had been completed. This is to counter any suggestion that members of the committee may have been influenced by their continuing presence.
- 6.10 Councils should consider the provision of arrangements for the planning committee to hear representations from a ward member in circumstances where that member takes the view that it would be inappropriate to vote, if these are not already dealt with in the council's procedures. (See also section 9 on public speaking at planning committees).
- 6.11 It should be evident from the previous paragraphs that it is very difficult to find a form of words which conveys every nuance of these situations and which gets the balance right between the duty to be an active local representative and the requirement when taking decisions on planning matters to take account of all arguments in an open-minded way. It cannot be stressed too strongly, however, that the striking of this balance is, ultimately, the responsibility of the individual member.

6.12 Any local code or guidance of planning good practice should also address the following more specific issues about lobbying:

- given that the point at which a decision on a planning application is made cannot occur before the planning committee meeting, when all available information is to hand and has been duly considered, no political group meeting should be used to decide how councillors should vote. The use of political whips to seek to influence the outcome of a planning application is likely to be regarded as maladministration;
- with the exception in some circumstances of ward councillors, whose position has already been covered in the preceding paragraphs, planning committee councillors should in general avoid organising support for or against a planning application, and avoid lobbying other councillors. Such actions can easily be misunderstood by parties to the application and to the general public;
- councillors should not put improper pressure on officers for a particular recommendation, and, as required by the code, should not do anything which compromises, or is likely to compromise, the officers' impartiality. Officers acting under the council's delegation scheme

to determine an application or making recommendations for decision by committee, are required to be impartial. It is therefore important, as reflected in the code, for councillors to refrain from seeking to influence the outcome of the officer's decision or recommendation;

- call-in procedures, whereby members can require a proposal that would normally be determined under the delegated authority to be called in for determination by the planning committees, should include provisions requiring the reasons for call in to be expressed in writing so that there is a record of decision, and should refer solely to matters of material planning concern.

# pre-application discussions

- 7.1 Discussions between a potential applicant and a council prior to the submission of an application can be of considerable benefit to both parties and are encouraged. However, it would be easy for such discussions to become, or to be seen by objectors to become part of a lobbying process on the part of the applicant.
- 7.2 With the recognition of the need to allow and encourage councillors to be champions of their local communities in the local government white paper, there has followed a realisation that councillor engagement in pre-application discussions on major development is necessary to allow councillors to fulfil this role. Many councils had been so concerned about probity issues following Nolan and the introduction of the ethical code, that they had not involved councillors in pre-application discussions for fear of councillors being accused of predetermination when the subsequent application came before them for determination.
- 7.3 In 2006, the Audit Commission followed emerging advice from the Local Government Association, National Planning Forum, and Planning Advisory Service that councillor involvement in pre-application discussions was beneficial provided it was done within carefully established limits to protect the council and its councillors.
- The Audit Commission recommended that councils should develop effective approaches to pre-application discussions which involve councillors, to ensure the issues relating to proposed planning applications are identified and addressed early in the process. This was partly to help councillors lead on community issues and partly to ensure that issues were not identified for the first time when the application was presented to the committee for decision, causing delay and frustration.
- 7.4 The updated 2008 leaflet *Positive engagement – a guide for planning councillors* endorsed by the government and LGA asks councillors to be prepared to engage with officers in appropriate pre-application discussions.
- 7.5 In order to avoid perceptions that councillors might have fettered their discretion in any pre application discussions, **such discussions should take place within clear guidelines. These guidelines need to be developed by an authority and published to assist councillors and officers.** Although the term 'pre-application' has been used, the same considerations should apply to any discussions which take place before a decision is taken. In addition to any guidelines to deal with specific local circumstances, a protocol should include:

- clarity at the outset that the discussions will not bind a council to making a particular decision and that any views expressed are personal and provisional. By the very nature of such meetings not all relevant information may be at hand, nor will formal consultations with interested parties have taken place;
- consistent advice should be given by officers based upon the development plan and material considerations. There should be no significant difference of interpretation of planning policies amongst planning officers. It is officers' role to ensure consistency of advice and officers should therefore be present with councillors in pre application meetings. All officers taking part in such discussions should make clear whether or not they are the decision-maker. Councillors should avoid giving separate advice on the development plan or material considerations as they may not be aware of all the issues at an early stage. Neither should they become drawn into any negotiations. They should ask their officers to deal with any necessary negotiations to ensure that the authority's position is co-ordinated;
- a written note should be made of all meetings. An officer would best make the arrangements for such meetings, attend and write

a follow-up letter. A note should also be taken of similar telephone discussions. The note should be placed on the file as a public record to show a transparent approach. Sometimes confidentiality is needed and should be respected. However the need for this can easily be exaggerated and confidentiality of advice by representatives of a public body on a planning matter will rarely be justified even if the applicant's interest is sensitive. If there is a legitimate reason for confidentiality regarding the proposal, a note of the non-confidential issues raised or advice given can still normally be recorded on the file to reassure others not party to the discussion;

- care must be taken to ensure that advice is not partial (nor seen to be), otherwise the subsequent report or recommendation to committee could appear to be advocacy; and
- the decision as to whether to establish a register for everyday contacts between councillors and interested parties will depend on local circumstances. Many councillors will be talking regularly to constituents to gauge their views on matters of local concern, and such a register may be considered, as the Nolan Committee argued, impractical and unnecessary. Councillors will, however, need to register any gifts and hospitality received as a requirement of the code.

- 7.6 Consideration needs to be given to when to involve other consultees and the community in pre-application discussions. Some authorities have been very successful in engaging their councillors and communities by having public planning forums to explore major pre-application proposals with the developer outlining their ideas and invited speakers to represent differing interests and consultees. The advantages of the authority setting up such forums are the transparency of process, and the ability of ward councillors and other councillors to seek information and identify important issues for the proposal to address, without the risk of planning councillors having engaged with developers in such a way as to suggest they have pre-determined themselves. Members should also be aware of the code of conduct which means that they should not use their position to improperly influence decisions. This provision does not only apply to councillors when they are in a committee meeting.
- 7.7 Authorities also have other mechanisms to involve councillors in pre-application discussions including:
- committee information reports by officers of discussions from which councillors can identify items of interest and seek further information and raise issues for consideration;
  - developer presentations to committees which have the advantage of transparency if held in public as a committee would normally be;
  - ward councillor briefing by officers of the content of initial pre application meetings held.
- 7.8 The 2007 CLG report on *Member Involvement in Planning Decisions*, the 2007 London Councils report on *Connecting Councillors with Strategic Planning Applications*, and the 2007 POS Enterprises Development Management practice guidance note on *Councillor involvement in pre-application discussions* provide examples and advice for those interested in developing appropriate protocols for their authority. Full references are given at the end of this document.
- 7.9 Statements of Community Involvement required as part of the LDF need to be reviewed to see whether mechanisms for such dialogue are already in place, or if the statement needs to be updated to reflect the council's approach.

# officer reports to committee

8.1 The courts and Ombudsman advice have determined officer reports on planning applications must have regard to the following points:

- reports should be accurate and cover, amongst other things, the substance of any objections and the views of those consulted;
- relevant information should include a clear exposition of the development plan; site or related history; and any other material considerations;
- reports should have a written recommendation of action. Oral reporting (except to update a report) should be avoided and carefully minuted when it does occur;
- reports should contain technical appraisals which clearly justify a recommendation;
- if the report's recommendation is contrary to the provisions of the development plan, the material considerations which justify the departure must be clearly stated.

It is particularly important to do so, not only as a matter of good practice, but because failure may constitute maladministration, or give rise to judicial review on the grounds that the decision was not taken in accordance with the provisions of the development plan and the council's statutory duty under s38A of the Planning and Compensation Act 2004.

# public speaking at planning committees

9.1 The principle of whether or not public speaking should be allowed at a planning committee is very much a matter for the local authority concerned. A majority of authorities now provide such an opportunity. The benefits seen by those authorities are that public confidence is generally enhanced and that direct lobbying may as a result be reduced. The disadvantage is that the approach may lengthen meetings and make them marginally more difficult to manage. However, where public speaking is allowed, it is important that clear protocols are established about who is allowed to speak, including provisions for applicants, supporters, ward councillors, parish councils and third party objectors arrangements. In addition, in the interests of equity, the time allowed for presentations for and against the development should be identical, and those speaking should be asked to direct their presentation to reinforcing or amplifying representations already made to the council in writing.

9.2 Documents not previously submitted should not normally be circulated to the committee as all parties may not have time to react to the submissions, and councillors may not be able to give proper consideration to the matter. Officers may not be able to provide considered advice on any material considerations arising. This should also be told to those who intend to speak.

The acceptance of circulated material could imply a willingness to take the necessary time to investigate any issues raised and lead to the need to defer the application or risk a complaint about the way the material has been considered. For similar reasons, messages passed to members sitting in planning committees should be avoided. Care needs to be taken to avoid the perception of external influence or bias.

# decision contrary to officer recommendation and/or the development plan

- 10.1 The law requires that decisions should be taken in accordance with the development plan, unless material considerations indicate otherwise (s38A Planning & Compensation Act 2004).
- 10.2 This gives rise to two main issues. Firstly, all applications which are not in accordance with the development plan must be identified and advertised as such. Secondly, if it is intended to approve such an application, the material considerations leading to this conclusion must be clearly identified, and how these considerations justify overriding the development plan must be clearly demonstrated. The application may then have to be referred to the relevant secretary of state, depending upon the type and scale of the development proposed. If the officers' report recommends approval of such a departure, the justification for this should be included, in full, in that report.
- 10.3 The Association of Council Secretaries and Solicitors' **Model Planning Code** advises planning committees to take the following steps prior to making a decision contrary to officers' recommendations:
- encouraging the formation of tentative reasons by discussing a predisposition with planning officers beforehand;
  - writing down the reasons as part of the mover's motion;
  - adjourning for a few minutes for those reasons to be discussed;
  - if a very strong objection from officers on validity of reasons, considering deferring to another meeting to have the putative reasons tested and discussed.



10.4 If the planning committee makes a decision contrary to the officers' recommendation (whether for approval or refusal), a detailed minute of the committee's reasons should be made and a copy placed on the application file. Thus, members should be prepared to explain in full their reasons for not agreeing with the officer's recommendation. In so doing, members should observe the 'Wednesbury principle' (the case of *Associated Provincial Picture Houses Ltd. v. Wednesbury Corporation* [1948] 1 K.B. 223) which, put simply, requires all relevant information (ie material considerations) to be taken into account and all irrelevant information (ie non-material matters) to be ignored.

The officer should also be given an opportunity to explain the implications of the contrary decision.

10.5 The courts have expressed the view that the committee's reasons should be clear and convincing. The personal circumstances of an applicant, or any other material or non-material considerations which might cause local controversy, will rarely provide such grounds. A notable exception is where planning policy allows for this, for example, the provision of a dwelling for an agricultural worker.

# committee site visit

- 11.1 Earlier enquiries revealed little consistency amongst councils on the operation of site visits, both in terms of why they are held and how they are conducted. While a variety of approaches can be healthy, the lack of any common approach on when and why to hold a site visit and how to conduct it can leave a council open to the accusation that such visits are arbitrary and unfair or a covert lobbying device. A protocol setting out the arrangements for a council could be used to encourage consistency and transparency of process.
- 11.2 The code applies whenever the councillor is conducting official business, which will include site visits. Councils should set out the criteria for deciding when a site visit is justified and consider the procedures for such visits. In doing so, the following points may be helpful:
- site visits can cause delay and additional costs and should only be used where the expected benefit is substantial; officers will have visited the site and identified material considerations on behalf of the council;
  - they should be carefully organised to ensure that the purpose, format and conduct are clearly established at the outset and subsequently adhered to throughout the visit;
  - many councils allow site visits to be 'triggered' by a request from the ward councillor. It is acknowledged that this may be a proper part of the representative role of the member, and should normally be considered if allowed for in any local planning guidance, although the 'substantial benefit' test should still apply. It is also good practice to keep a record of the reasons why a site visit is called.
- 11.3 A site visit is only likely to be necessary if:
- the impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by officers (although if that is the case, additional illustrative material should have been requested in advance); or
  - there is a good reason why the comments of the applicant and objectors cannot be expressed adequately in writing, or the proposal is particularly contentious.
- 11.4 Site visits consisting simply of an inspection by a viewing sub-committee, with officer assistance, are in most cases the most fair and equitable approach. An inspection could be unaccompanied (ie without applicant and objectors) or accompanied but run on the strict lines of a planning inspector's site inspection, ie not allowing arguments to be expressed on site.

# regular review of decisions

- 12.1 The report of the Audit Commission Building in Quality recommended that councillors should revisit a sample of implemented planning permissions to assess the quality of the decisions. Such a review should improve the quality and consistency of decision-making, strengthening public confidence in the planning system, and can help with reviews of planning policy.
- 12.2 Such reviews are best undertaken at least annually. They should include examples from a broad range of categories such as major and minor development; permitted departures; upheld appeals; listed building works and enforcement cases. Briefing notes should be prepared on each case. The planning committee should formally consider the review and decide whether it gave rise to the need to reconsider any policies or practices.
- 12.3 Scrutiny committees may be able to assist in this process but the essential purpose of these reviews is to assist planning committee members to refine their understanding of the impact of their decisions from the visiting of completed developments. It is therefore important for planning committee members to be fully engaged in such reviews.

# complaints and record keeping

- 13.1 Whatever procedures a council operates, it is likely that complaints will be made. However, the adoption of the advice in this guidance should greatly reduce the occasions on which complaints are justified. It should also provide less reason for people to complain in the first place.
- 13.2 A logical consequence of adopting good planning practice guidance is that a council should also have in place a robust complaints system. Such a system may well apply to all council activities, but a council should consider specifically how planning-related complaints will be handled, in relation to the code of good practice.
- 13.3 So that complaints may be fully investigated and as a matter of general good practice, record keeping should be complete and accurate. Omissions and inaccuracies could cause a complaint or undermine a council's case. The guiding rule is that every planning application file should contain an accurate account of events throughout its life. It should be possible for someone not involved in that application to understand what the decision was, and why and how it had been reached. Particular care needs to be taken with applications determined under officers' delegated powers. Such decisions should be as well documented and recorded as those taken by members. These principles apply equally to enforcement and development plan matters.

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**Local Government Association**

The Local Government Association is the national voice for more than 400 local authorities in England and Wales. The LGA group comprises the LGA and five partner organisations which work together to support, promote and improve local government.



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**AGENDA ITEM: 7**

**STANDARDS COMMITTEE:  
27 October 2009**

**AUDIT AND GOVERNANCE  
COMMITTEE: 28 January 2009**

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**Report of: Council Secretary and Solicitor**

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**SUBJECT: ETHICAL GOVERNANCE TOOLKIT**

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Wards affected: Borough wide

**1.0 PURPOSE OF THE REPORT**

1.1 To advise Members of the Ethical Governance Toolkit produced by the IDeA and seek endorsement for a way forward for the Council.

**2.0 RECOMMENDATIONS TO STANDARDS COMMITTEE**

2.1 That, taking into account existing arrangements and how resource intensive undertaking the main elements of the Ethical Governance Toolkit could be, this matter should not be taken any further at present but the availability of this material be noted.

**3.0 RECOMMENDATIONS TO AUDIT AND GOVERNANCE COMMITTEE**

3.1 That the approach taken by the Standards Committee be endorsed.  
3.2

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**4.0 ETHICAL GOVERNANCE TOOLKIT**

4.1 The Ethical Governance Toolkit has been produced jointly by the Standards Board for England, the Improvement and Development Agency (IDeA) and the Audit Commission as a development tool.

4.2 The toolkit consists of four main elements which can be mixed and matched:

<b>Tool</b>	<b>Length of time</b>	<b>Approx. Cost</b>	<b>To be Undertaken by</b>
Full Audit	7-10	£15,000	Audit Commission
Light Touch Health Check	1-2 days	£6,300 or In house	IDeA or Member Services
Self Assessment Online Survey	1-4 days (15 minutes to complete)	£4,500	Audit Commission
Development Workshops	1 day each	£1,800  In house	Audit Commission/IDeA or Council Secretary and Solicitor

## **5.0 LIGHT TOUCH HEALTH CHECK**

- 5.1 The IDeA are recommending that each of the four elements should be undertaken by outside trainers/assessors/peer review, although it is suggested that the Light Touch Health Check could be facilitated by Member Services staff.
- 5.2 Unlike the name suggests however, the Light Touch Health Check requires significant input and the commitment from facilitators and attendees.
- 5.3 The Light Touch Health Check would involve a number of interviews with individuals to find out their thoughts on ethical issues in order to come up with an action plan of areas that need developing. Questions are provided in the Toolkit. The interviews would involve the Chief Executive, The Leader, the Standards Committee Chairman, the Monitoring Officer, the Opposition Leader, Scrutiny Chairman, an Employee focus group, the Section 151 officer, a Councillor focus group and if felt required, Parish Council and Partner Organisations.

## **6.0 DEVELOPMENTAL WORKSHOPS**

- 6.1 The Toolkit states that the development workshops should be tailored to needs which are identified from the diagnostic work undertaken, however from the examples provided, a large section is already being covered through the Annual Code of Conduct Training session.

## **7.0 STANDARDS COMMITTEE ANNUAL REPORT**

- 7.1 The Council has a very proactive Standards Committee and a number of the issues raised throughout the Toolkit document are already being addressed. The Standards Committee Annual Report 2008/09 provides details of all good practice being undertaken and the Committee's Work Programme takes forward many of these issues. Members may therefore consider that there is no need for a resource intensive exercise to be undertaken such as set out above.

## **8.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

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



## **9.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 9.1 There are no specific financial or resource implications arising from this report, however should members wish to pursue any elements of the Ethical Governance Toolkit, there would need to be a significant growth bid submitted in the 2009/10 budget as no in house resources are available for this work and external costs, as will have seen in the table at paragraph 4.2 above, are substantial.

## **10.0 RISK ASSESSMENT**

- 10.1 There is no legal requirement to use this development tool, the Standards Committee, supported by the Council Secretary and Solicitor, will continue to adopt a proactive approach in the work it undertakes.

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### **Background Documents**

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

### **Equality Impact Assessment**

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

### **Appendices**

1. How ethical is Your Governance? – IDeA – October 2009
2. Ethical Governance Toolkit? How ethical is your governance? Ethical Governance light touch health check and benchmark – IDeA – October 2009





## Improvement and Development Agency for local government (IDeA)

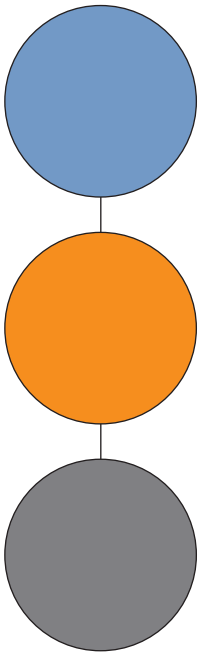
The IDeA works for local government improvement so councils can serve people and places better. We use experienced councillors and senior officers, known as peers, who support and challenge councils to improve themselves.

We enable councils to share good practice through the national Beacons scheme and regional local government networks. The best ideas are put on the IDeA Knowledge website.

Our Leadership Academy programmes help councillors become better leaders so they can balance the diverse demands of people living in the same community.

The IDeA also promotes the development of local government's management and workforce. We advise councils on improving customer service and value for money. We help councils work through local partnerships to tackle local priorities such as health, children's services and economic development.

The IDeA is owned by the Local Government Association and belongs to local government. Together we lead local government improvement.



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Ethical governance can have negative associations. Invariably, it is one of those things we only talk about when there is a problem. That's probably because it is written or talked about in relation to rare but equally high-profile cases of local government criminality. The vast majority of us would never behave in such ways, would we?

As a result, we might assume that ethical governance has little relevance to our day to day work. What's more, because we may not talk about it, there is perhaps a lack of clarity about what it actually means and how much of our everyday life is affected by it.

To help councils on their journey to improve standards, the IDeA, the Audit Commission and the Standards Board for England have developed an ethical governance toolkit. This booklet provides general information about the toolkit and focuses in particular on the IDeA ethical governance light touch health check.

## what is ethical governance?

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ethical governance refers to the processes and procedures and culture and values which ensure high standards of behaviour.

Stated values are the principles and standards that underpin the way councillors and officers interact with others that support excellent service delivery. Behaviour is the way councillors and officers conduct themselves and act out those values as part of their day-to-day functions in public life. How this is perceived by colleagues, members of the public and the media all impact on councillors' ability to represent local government and the communities they serve.

So much of what is covered by ethical governance is taken for granted as part of our day to day work. It's often only when matters break down that these issues merit discussion.

To effectively discuss ethical governance, we need to move away from high profile cases and look at what it means to the way we work – every day. Of course, we need to guard against real corruption – and equally importantly, guard against any impression of such corruption that might damage public confidence in our activities. A key benefit of good ethical governance is that a council which gets its roles and relationships right in an ethical sense is more likely to be effective in helping to improve the quality of life for its local residents.

often 'unethical' behaviour arises through our getting so involved in what we want to achieve, no bad thing in itself of course, that we lose sight of how our behaviour is affecting those around us.

Sometimes poor behaviour can be of a more wilful nature. Either way, it can result in energy and time spent on being disruptive and worrying about what is going on inside the council building, rather than on achieving better community services. For example:

- do councillors frequently give officers a hard time personally to the extent of seeking their dismissal or disciplinary action?
- do officers ever purposefully avoid giving councillors the best and most appropriate options to help them achieve council ambitions?
- are councillors and officers so chummy with each other that accountabilities become blurred?
- do councillors rise to jibes from constituents, political opponents or even their own group; allowing things to become personal, rather than about services and the community?

- do councillors invest properly by turning up on time to meetings and reading the important papers so they can contribute to policy discussions and challenge the Executive or other leading councillors and senior officers?

We may feel we pass these and other tests with flying colours, but how do we know? Do we actually seek and listen to the views of our colleagues and other observers?

Public life is a set of activities where scrutiny is the norm and where public judgement is embedded in the fabric of what we do. Our actions will be pored over, commented on, referred to and in some cases criticised. The way we work must, at the same time, inspire confidence. And that, as we all know, is a delicate balance to achieve. The ethical governance toolkit can help to assess to what extent this balance is being achieved.



the ethical governance toolkit is designed to help local authorities assess their ethical arrangements and identify areas for improvement. The toolkit is made up of four different tools, each of which has been developed by either the IDeA or the Audit Commission.

### which option and how much does it cost?

The Audit Commission's ethical governance diagnostic tools are the full audit and self-assessment survey (Tools 1 and 2). They assess a council's approach to ethical governance, the Code of Conduct and compliance with ethical standards.

#### *tool 1: full audit with survey*

- feedback to top management/leadership
- delivered by the Audit Commission only
- cost: c£15,000.

#### *tool 2: self-assessment online survey*

- survey includes all members and senior officers
- short analytical report on survey results
- feedback to top management/political leadership
- delivered by the Audit Commission only
- cost: c£4,500 or c£1,500 without analytical report.

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The IDeA offers a light touch health check (tool 3) which looks at ethical behaviour and values. This light touch approach is designed to allow organisations to reflect on their learning and, as a result, improve the way they work. It tests compliance with standards and the Code of Conduct but focuses principally on the way councillors and officers behave in the political arena and within organisational environments.

The ethical governance light touch health check uses a benchmark of positive and negative behaviour indicators that might be observed in an 'ideal authority' or an authority that needs development and awareness raising of ethical governance issues.

*tool 3: light touch health check*

- peer review method through interviews and focus groups with officers and councillors – may extend to partners

- delivered by the IDeA only
- cost: c£6,300 tailored and agreed with council.

Both the IDeA and Audit Commission offer developmental workshops (tool 4) that can be delivered as a result of recommendations following any level of diagnostic activity.

*tool 4: developmental workshops*

- exploring scenarios and case studies as a group exercise to consider ethical behaviour and decision making of members and officers
- delivered by the Audit Commission or the IDeA
- cost: c£1,800 per day tailored and agreed with council (based on IDeA version delivered by a team including an IDeA consultant, a member peer and a monitoring officer peer)

the light touch health check involves exploration of ethical behaviour and decision making displayed in the council.

The light touch health check will help the council to recognise its strengths and areas for improvement by determining:

- how well the council is meeting the ethical agenda
- how well the council compares with the positive ethical behaviour indicators in the benchmark
- where it can make improvements
- how to address specific issues
- how well it is meeting Audit Commission key lines of enquiry regarding aspects of governance
- how high standards can be sustained.

The benchmark explores in depth the behavioural and relationships aspects of ethical governance. These are:

- leadership – behaviour and styles
- communication

- relationships – roles and responsibilities
- accountability
- management of standards – systems, processes and risk management – ambiguity, conflict and whistle blowing
- team working and co-operation.

how does it work, who are the team members and what do they do?

The light touch health check involves exploration of ethical behaviour and decision making displayed in the council.

Each health check takes two days on site and is undertaken by a health check team comprising an IDeA consultant, an elected member peer and a monitoring officer peer. The health check takes the form of a peer review which allows accredited councillor and officer peers, who understand the pressures and challenges of running a local authority, to probe practices in a

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challenging but supportive way.

The team will meet and talk with a cross-section of elected councillors and staff within the council and with representatives of partner organisations and town and parish councils where agreed and appropriate. These talks take the form of either interviews or focus groups.

All members of the team are knowledgeable about and experienced in local government and have all been trained to undertake the ethical governance health check.

Information from interviews or focus groups is confidential and therefore is reported back in a general way focusing on organisational improvement, not individuals.

On the final day of the visit, the team will present back their conclusions and recommendations. This is followed a few weeks later by a

written report with detailed recommendations that the council will have the opportunity to consider and respond to. The IDeA can also offer further support in developing action plans for improvement and/or delivery of tailored ethical governance training and development.

Inevitably during ethical governance health checks sensitive or challenging issues can emerge. Where very sensitive or difficult issues are raised the IDeA review manager will deal with this outside the context of the health check and any statement, evidence of challenging behaviour, or hearsay will not be recorded in the written report.

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## to find out more about the light touch health check

### what the light touch health check will not do

If councils use the light touch health check there is no guarantee that the results of any diagnostic or light touch health check work will be considered as valid within the Audit Commission inspecting regime, although such activity would generally be described as good practice.

Using the light touch health check will not, in itself, guarantee improved ethical governance – achieving good ethical governance requires following through any solutions. Maintaining good ethical governance requires regular monitoring and review.

The light touch health check is not about inspection, it is about development and support.

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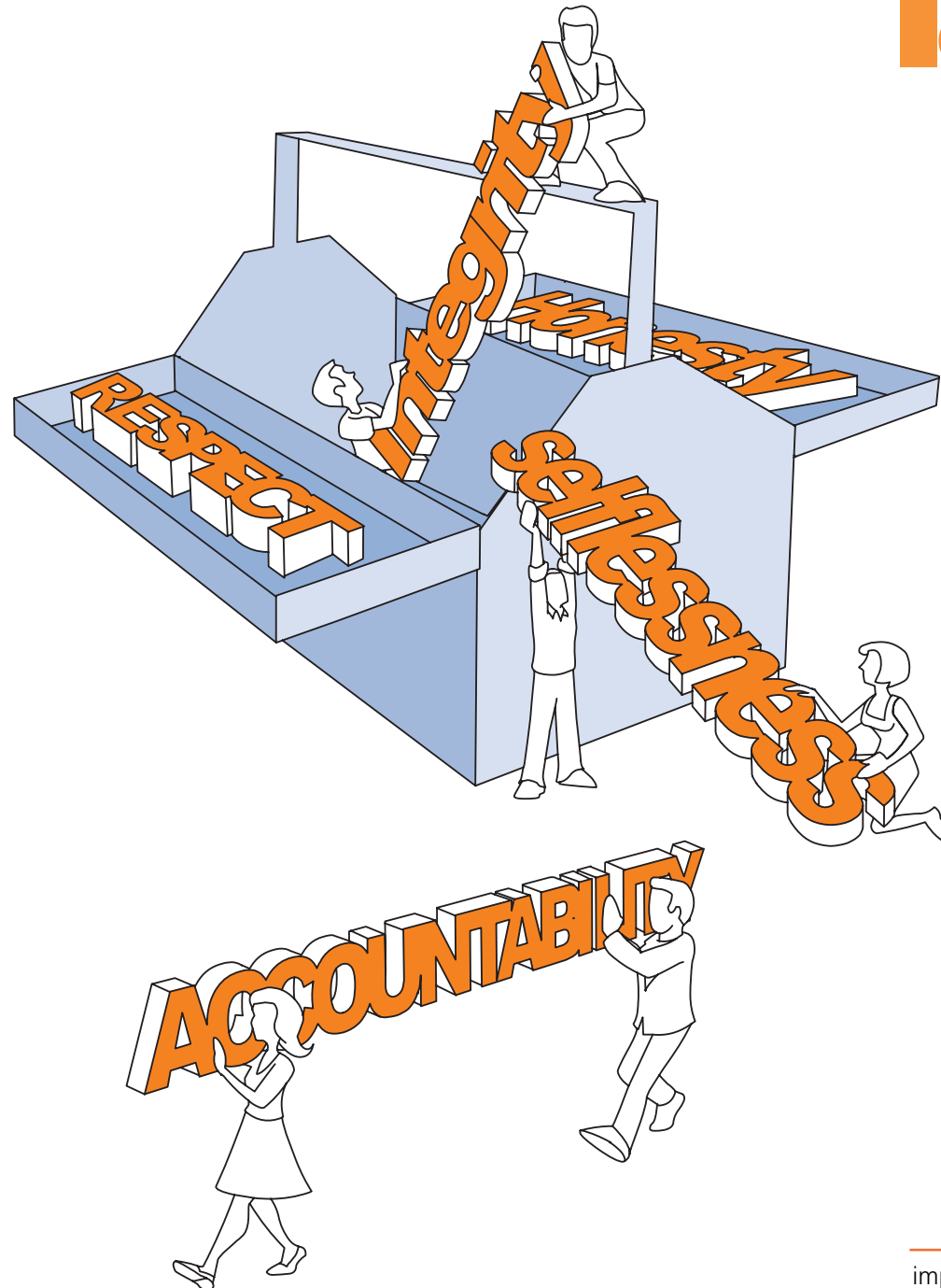
**INVESTOR IN PEOPLE**

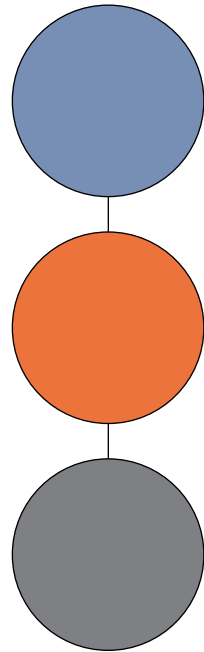
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# ethical governance toolkit

## how ethical is your governance?

ethical governance  
light touch health check  
and benchmark





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## what we mean by ethical governance

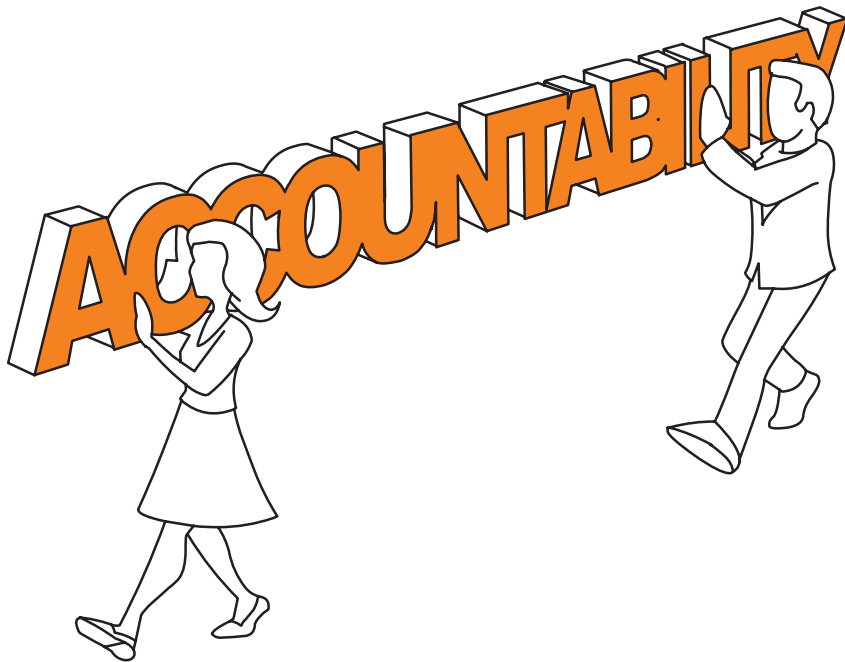
ethical governance refers to the process and procedures and cultures and values that ensure high standards of behaviour

### stated values

are the principles and standards that underpin the way councillors and officers interact with others that support excellent service delivery

### behaviour

is the way councillors and officers conduct themselves and act out those values as part of their day-to-day functions in public life. How this is perceived by colleagues, members of the public and the media all impact on the councillor's ability to represent local government and the communities they serve



Ethical governance diagnostic tools such as the Audit Commission's full audit and self-assessment survey test a council's approach to ethical governance, the code of conduct and compliance with ethical standards. The ethical governance light touch health check looks at ethical behaviour and values. It uses a benchmark of positive and negative behaviour indicators to test compliance with standards and the Code of Conduct but focuses principally on the way councillors and officers behave in the political arena and within organisational environments. Understanding this focus may help an authority determine which element of the ethical governance toolkit best suits its needs. The IDeA ethical governance toolkit website pages set out the features and benefits of both approaches.

Many aspects of local authority activity can be described as 'ethical' – indeed, the whole public service ethos is based on a wish to do good. In an attempt to define what this means this benchmark offers some positive and negative behaviour indicators that might be observed in an 'ideal authority' or an authority that needs development and awareness raising of ethical governance issues.

While some behaviour, such as use of racist language and discrimination, will be wrong in all conceivable circumstances; others will be more dependent on the context.

For example, the nature of political debate is such that members will occasionally challenge each other in a way that might be inappropriate in member-officer or member-public interactions. Nothing in this benchmark should be interpreted as a barrier to robust political debate.

## what the ethical governance health check does

The light touch health check will help the council to recognise its strengths and areas for improvement by demonstrating:

- how well councils are meeting the ethical agenda
- how well the council compares with the positive ethical behaviour indicators in the benchmark
- where it can make improvements
- how to address specific issues
- how well it is meeting Audit Commission key lines of enquiry regarding aspects of corporate governance
- how high standards can be sustained.

The benchmark, is not a prescribed list of golden rules about behaviour, but is designed to:

- promote awareness about ethical behavioural issues
- serve as a basis for discussion in diagnostic interviews or focus groups
- provide positive and negative behaviour descriptors to compare against in a diagnostic setting and to help design ethical governance developmental workshops.

## what the ethical governance health check will not do

- if councils use the toolkit there is no guarantee that the results of any diagnostic or light touch health check work will be considered as valid within the Audit Commission inspection framework although, such activity would generally be described as good practice.
- using the light touch health check will not, in itself, guarantee improved ethical governance. Furthermore, achieving good ethical governance requires following through any solutions and maintaining good ethical governance requires regular monitoring and review.
- it is not about inspection, it is about development and support.

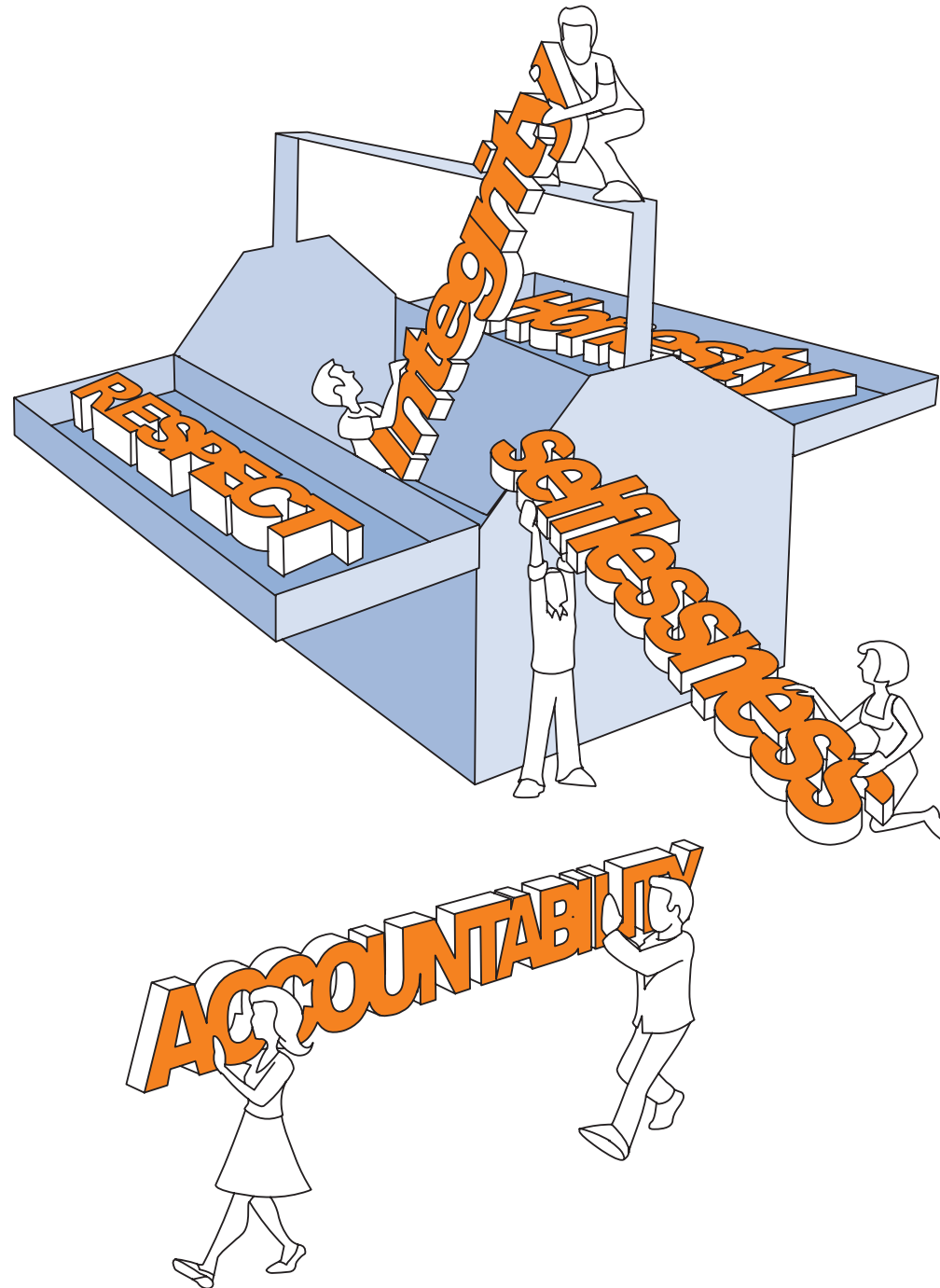
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## what is the ethical governance benchmark?

The benchmark explores in depth the behavioural and relationships aspects of ethical governance. These are:

- Leadership – behaviour and styles
- Communication
- Relationships – roles and responsibilities
- Accountability
- Management of Standards – systems, processes and risk management – ambiguity, conflict and whistle blowing
- Team working and co-operation

ethical governance  
light touch health check



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## how the light touch health check works

Each health check is undertaken on site by a health check team comprising an IDeA consultant, an elected member peer and a monitoring officer peer. The health check takes the form of a peer review which allows accredited councillor and officer peers, who understand the pressures and challenges of running a local authority, to probe practices in a challenging but supportive way.

The team meets and talks with a cross section of elected councillors and staff within the council and with representatives of partner organisations and town and parish councils where agreed and appropriate. These talks take the form of either interviews or focus groups.

## light touch health check materials

The light touch health check can draw upon the following materials:

- PowerPoint presentation (optional). Health check teams might introduce this particularly in a focus group setting at the request of the council. This might typically be in instances where the council has requested an element of development to be built into the review process, for example, where there is a significant group of new members
- an ethical governance benchmark attached to this document
- an action plan template.

The PowerPoint presentation can be accessed via the website on a PDF – you would need to contact the IDeA in order to receive a PowerPoint version. The PowerPoint presentation, the ethical governance benchmark and action plan template are all materials that can be used within the programme.

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## guidelines on preparing a light touch health check

*Note: It is important to recognise that the light touch health check is a mechanism, which can be used to identify and discuss ethical governance issues in your authority, and is also a means for developing solutions. Its use requires significant input from attendees and facilitators. It is highly recommended that authorities invest in external facilitators to undertake the light touch health check. This is to ensure the diagnosis is carried out by a team of trained facilitators who will constructively challenge existing assumptions or cultural aspects within the council that can be difficult to uncover through self-diagnosis and review. Whilst this 'health warning' is important it is recognised that some authorities have well established democratic or member services functions, which could rise to the challenge of applying the health check through internal facilitation and review activity.*

Before any diagnostic activity is carried out it is essential that reviewers (whether external or internal) are familiar with the context of ethical governance issues such as the code of conduct. We recommend that you read the following Standards Board for England publications, which are available from the IDEA's and the Standards Board for England's website:

- the code of conduct – guidance for members May 07
- guidance on standards committees
- guide to part III of the Local Government Act 2000
- guidance on predetermination and bias
- how do I register and declare interests, and register gifts and hospitality
- how to conduct an investigation
- how to make a complaint
- the case review
- lobby groups, dual-hatted members and the code of conduct
- local assessment
- local determinations
- local investigations
- the code to protect you
- standards committee determinations
- the local authorities (model code of conduct) order 2001

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## stages of a light touch health check

The following stages are based on the IDeA conducting the light touch health check. Authorities adopting a 'do-it-yourself' methodology would need to adapt it to suit their own purposes, but would likely follow similar stages.

### stage 1: scoping

Organise an initial meeting, usually with the monitoring officer and/or the chair of the standards committee of the council. Other possible attendees can be:

- other members of the standards committee
- the leader of the council
- the chief executive
- the deputy monitoring officer and or the head of democratic services or equivalent.

The IDeA consultant appointed to manage the health check would typically lead the scoping meeting. In certain instances where other team members have been identified prior to the scoping meeting (the monitoring officer peer and/or the member peer), they may also attend the scoping meeting. This would be by agreement and where time and resource constraints allow.

The overall purpose of the meeting is to discuss the background of the request and agree expectations in terms of the issues covered and anticipated outcomes. The template agenda includes:

### agenda

1. Introductions.
2. Key issues – particular areas to focus on and the council context, in

particular the seriousness of any ethical governance issues as well as any previous diagnosis and results.

3. The objectives and process of the health check and application of the benchmark – explain what happens.
4. Audit Commission self assessment survey – information and discussion about the feasibility of adopting a complementary approach to decide whether or not to use the Audit Commission self-assessment survey.
5. Documentation and desk top analysis – see stage 6 pre-reading on page 14.
6. Interviews and focus groups. Agree the duration of the light touch health check – usually two days on-site but may be dependent on specific issues, the size of the council and resources available. Agree:
  - the number of one-to-one interviews and focus groups
  - the audience – a list of usual participants is included in the programme example attached but is not exclusive
  - the outline programme.

In some instances a review team might consider observing real life interactive work situations such as committee or council meetings as a means of collecting observational data. This may impact on input time and involve shifting the balance between interviews and focus groups.

7. Findings – explain that the team will present initial feedback at the end of the two days health check. Discuss and agree the audience for this – it would typically include the attendees at the scoping meeting and others by invitation of the key client. Inform attendees that the findings will be reported against the key behaviours in the benchmark, but there is scope to



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discuss, clarify and agree at the feedback session how the client would like the findings to be reported. Review teams should understand this is not a mechanism to 'sanitise' findings, but rather agree the format and level of detail required by the client.

8. The Team – discuss and inform attendees that an IDeA facilitated health check team will always comprise an IDeA consultant, a monitoring officer peer and a member peer. Encourage dialogue about the type of peers required against issues such as:
  - the type of council
  - the size of the council
  - the political makeup
  - addressing any particular sensitivities.
9. Communications – exchange contact details and agree the first point of contact to organise the logistics of the health check.
10. Domestic Arrangements
  - base room – refreshment – include agreement about other meeting rooms etc.
  - interview schedule – initiate discussion about the programme.
11. Next Steps – inform attendees that the discussion will be confirmed in a proposal letter and agree dates where possible. Provide information about IDeA action planning and developmental workshops as a possible follow-up to the health check.

### draft programme example

#### note for review managers

The template is only a guide and due to availability the order of meetings may not flow in the same way as the template. There are options within the template programme to include meetings with: other senior officers, other cabinet members, other leaders of opposition groups, local representative from the press or media, additional scrutiny chairs, additional partners etc. The timing, order and duration of meetings and focus groups can also be subject to change and negotiated with the council.

The IDeA review manager to join meetings as agreed with the team – review managers must judge where they will get the most useful information/data from and would usually attend all focus groups.

draft programme example – day 1

<i>time</i>	<i>A boxes to include name, venue and contact details</i>	<i>B boxes to include name, venue and contact details</i>
09:00–9:30	Team meeting (welcome from Lead officer) <i>Typically Head of Legal (Monitoring Officer), Democratic and Member Services</i>	
9:30–10:15	Standards Committee – IDeA short presentation (optional) and discussion around the benchmark	
10:15–11:15	MO Peer with Independent Chair of Standards Committee	Member Peer with Leader of the Council
11:15–12:00	MO Peer with MO	Member Peer with Opposition Leader
12:00–13:00	Lunch and review of morning activities	
13:00–13:45	MO Peer with Chief Executive	Member Peer with Chair of Scrutiny
14:00–15:30	Employee Focus Group	
15:30–16:30	Optional meetings or focus group by agreement with the council	
16:30–17:30	Optional meetings or focus group by agreement with the council	
17:30	Close Optional evening meetings at discretion of the review manager and by agreement with the council	

*draft programme example – day 2*

<i>time</i>	<i>A</i>	<i>B</i>
08:30–09:00	Team meeting Review of day 1 activities	
09:00–09:45	MO Peer with Section 151 officer	Member peer optional meeting e.g. other opposition leaders or scrutiny chairs
09:45–11:15	Front line Councillor Focus Group	
11:15–11:30	Break	
11:30–13:00	Parish Council or Partner Focus Group (optional and where applicable)	
13:00–13:30	Lunch	
13:30–14:00	Opportunity for ‘mop-up’ meetings	
14:00–15:00	Team to prepare feedback presentation	
15:00–15:45	Feedback to Monitoring Officer and Chair of Standards Committee (other attendees at invitation of the council)	
15:45	Close	

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### stage 2: proposal letter

Draft a proposal letter to include:

- the requirements – ensure this includes what was said at scoping meetings, additional to the common requirements on the template
- the approach
- the method
- the proposition including costs
- your expectations
- include the programme template.

### stage 3: allocate the right team

Construct the facilitation team where possible comprising a trained IDeA consultant, a monitoring officer from another council and a member peer (both of whom have been trained to apply the toolkit in local authorities other than their own). You would choose teams based on the type of council, political dynamics and availability. Peers are usually sourced through the IDeA Clearing House.

### stage 4: what people need to know?

Agree and organise circulation of any relevant background documentation with the key contact in the council (see below under pre-reading). Send sufficient copies of the ethical governance health check information booklet *How ethical is your governance?* to the council.

### stage 5: optional

Some authorities may undertake the Audit Commission self-assessment survey – this is optional but can be helpful to provide information on how the council complies with the code of conduct and other ethical governance systems and processes. In this instance IDeA review managers should liaise with the Audit Commission authority's audit manager.

### stage 6: pre reading

Undertake a 'light touch' desktop research exercise by reviewing key documents such as:

- council's code of conduct
- officer/councillor protocol
- register of interests
- sample reports sent to the standards committee
- councillor and officer training programmes
- extracts from the council's constitution
- the main council document or plan that states the council's priorities
- a statement of council values
- the most recent standards committee minutes.

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### stage 7: delivery

Conduct one-to-one interviews with key stakeholders using the questions under the 'questions and probes' section in the benchmark. A level of judgement needs to be made in terms of 'who are key stakeholders?' This is likely to include the chair of the standards committee, other members of the committee, the monitoring officer, the chief executive, the leader of the council, leaders of opposition groups.

The interviews provide an excellent way to collect a rich source of information and data. However, it is essential you recognise that what you are told is hearsay. That should not detract from the importance of the information, but especially when you are told something you consider is sensitive information or it relates to poor ethical behaviour you should probe for evidence such as:

- the circumstances in which the behaviour has been displayed
- the frequency of the behaviour – or if the example relates to a 'one-off'
- the timing of the behaviour – how recent was it?
- what did the behaviour look like?
- how did people feel as a result of the behaviour?
- do you know what impact the behaviour has on individuals or the authority?
- ask if any action has been taken to address the behaviour. Have official complaints been made? Does the leader of the council, or political group leader, the chief executive or the monitoring officer know about it?

### stage 8: focus groups

#### *appropriate focus group audiences:*

Within a light touch health check you can decide to gather data and information via a focus group setting to complement the one to one interviews you conduct. This is also a very effective means of capturing rich data. There are options for focus group audiences. If the health check is carried out within two days it is unlikely there would be time to facilitate more than two focus groups. You should consider the priority and appropriateness of the groups at the scoping stage when you are exploring the key requirements of the health check. Examples might include:

- the standards committee chair and members – bear in mind you will have had a one to one interview with the chair of the standards committee so he or she may not need to be included in the focus group
- front line councillors – as a rule you can invite all councillors across all political groups to attend. In some instances however, you might want to split groups, but this should be considered and decided at the scoping stage of the health check
- a focus group comprising relevant staff groups e.g. directors, heads of service, democratic or member services officers, other managers and staff groups that typically interact with councillors. This can often represent a unique opportunity to capture data that indicates the culture and leadership of the council
- increasingly councils are keen to include input from external partners. You may have to bear in mind the limitations of information these groups can offer

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because they are not internal to the council. However, getting an external perception can be worthy in terms of independence or discovering how well the council engages with partners

- some authorities provide ethical governance support and advice to town and parish councils. They can provide a useful source of data regarding governance arrangements within the council as well as how well the council supports town and parish councils.

The most important considerations before you run your focus groups are:

- be clear at the scoping stage which groups you want to facilitate and what you want to get out of it
- in agreeing the focus groups with the authority you need to encourage them to think strategically about whom they are inviting. Focus groups organised on the basis of availability will not deliver the best results
- think about what focus group members expect to get out of the session – ensure they have all received a copy of the information leaflet prior to the event
- be prepared for the possibility of being told very sensitive information. In rare instances you may need to seek quick advice from a senior member of the organisation – IDeA teams may refer difficult issues to the relevant regional associate.

The programme below is a guide to how you might run the focus group

<i>timing</i>	<i>session title</i>	<i>content</i>	<i>materials</i>
1.5 to 2 hours	Introduction	<p>Get people to introduce themselves and to say one thing they expect from the focus group workshop</p> <p>Provide objectives for the session</p> <p>Explain workshop ground rules and domestic arrangements</p>	Appropriate handouts
	<p>Testing against the Benchmark</p> <p>Consideration of any other diagnostic analysis</p>	<p>If the AC self-assessment survey has been carried out facilitate a discussion around the key themes of findings e.g. staff not aware of standards committee roles etc.</p> <p>If survey has not been completed facilitate the discussion by asking questions directly related to the benchmark.</p> <ul style="list-style-type: none"> <li>• Leadership, behaviour and styles</li> <li>• Communication</li> <li>• Relationships</li> <li>• Accountability</li> <li>• Management of standards</li> <li>• Team working and cooperation</li> </ul>	<p>Flip chart</p> <p>Pens</p> <p>Post-it notes</p>
		<p>Thank the group for participating and inform them how you plan to feedback your findings e.g.</p> <ul style="list-style-type: none"> <li>• Presentation to key people at the end of the two days</li> <li>• Written report</li> </ul>	

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### stage 9: reporting findings

Review teams prepare an agreed brief presentation at the end of the on-site work. This would include what works well within the authority against the benchmark, and areas for improvement. The audience would be the same as those who attended the scoping meeting as well as any others at the invitation of the council.

The review team would also draft a report highlighting what works well, areas for improvement and recommendations against the benchmark.

### stage 10: action planning

This would typically take place at a later date with agreement from the council and would include:

- report from the health check findings with recommendations – general discussion
- what improvements need to be made
- how will the actions be achieved
- who will be responsible
- what resources are required to achieve improvement
- what is realistic – what is the appetite for change
- what will change and improvement look and feel like – the cultural element

- How will success be monitored
- might include wider awareness training for all members
- training for officers and members on specific topics
- development of protocols and the code of conduct
- more in-depth review e.g. planning regulations.

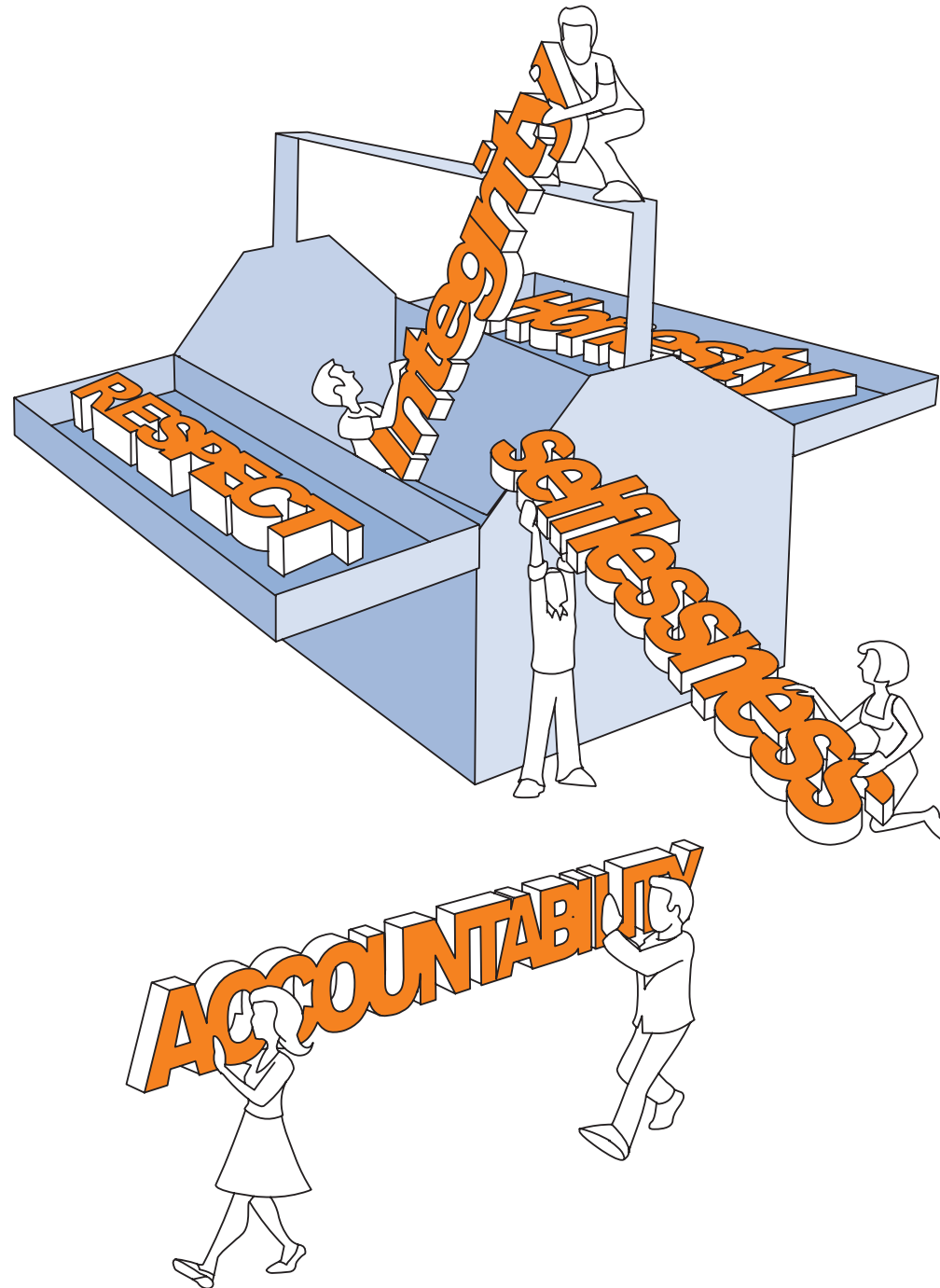
### stage 11: developmental workshops

These would take place at a later date with agreement from the council. Developmental workshops would usually be tailored to health check recommendations and include:

- awareness testing exercises about the code of conduct and the ten principles of public life
- exercises to explore the impact of effective roles and relationships (often jointly with councillors and officers)
- exploration of ethical governance and behaviour scenarios.



ethical governance  
benchmark



in the pages that follow, the six behaviours are presented including

- a broad definition of the behaviour
- questions and probes. Facilitators need to exert some judgement in terms of which behaviours and questions to focus. It is optional whether all questions are asked as the health check is designed to gather data to provide an overview of the current situation within the authority. Facilitators may choose to begin with more general questions such as the following:

*What does your council do well/less well when it comes to ethics?*

*What sort of issues/problems arise that your standards committee has to deal with?*

positive indicators and negative indicators

There is a section containing positive behaviour indicators in an 'ideal authority' and a section containing negative behaviour indicators in an authority where significant development and awareness raising would be required. Facilitators can use these indicators in two main ways:

- to benchmark the authority against the behaviour indicators
- as a further prompt e.g. does anything like this happen in my/your authority?

notes box

Facilitators can make notes that describe the issues being revealed. There is an optional priority weighting column which may help facilitators organise the issues into priorities. Facilitators may prefer to record notes in a note book or on flip chart paper in groups.

## benchmark descriptors

### **leadership, behaviour and styles**

#### **what do we mean by leadership behaviour and styles?**

Providing visionary and charismatic leadership, being well prepared, able to create a culture of excellence and probity by acting as the public face of the council and a role model for others. Encouraging and promoting high ethical standards across the authority.

### **communication**

#### **what do we mean by communication?**

Disseminating relevant information, policies, procedures and guidance on ethical standards to members, staff, the public, other individuals and organisations that the council is involved with and encouraging active listening, dialogue and feedback. Using appropriate language and checking for understanding. Communicating regularly with individuals and groups in the community, and making sure that people are informed.

### **relationships**

#### **what do we mean by relationships?**

Building positive relationships by making others feel valued, trusted and included and by working collaboratively to achieve goals. Members and officers are clear about their roles and responsibilities. The chief executive is supportive of the monitoring officer and standards committee.

### **accountability**

#### **what do we mean by accountability?**

The council having clearly defined and well understood roles and responsibilities for both members and staff and clear management processes for policy development, implementation and review, and for decision making, monitoring and reporting.

The decision making process should generally be transparent and decisions should be based on evidence and following appropriate debate. Decision-making should take heed of community need and local priorities, budgets and agreed protocols.

### **management of standards**

#### **what do we mean by management of standards?**

High standards are integral to the working of the authority and are 'designed-in' to the authority's constitution and relationships with stakeholders.

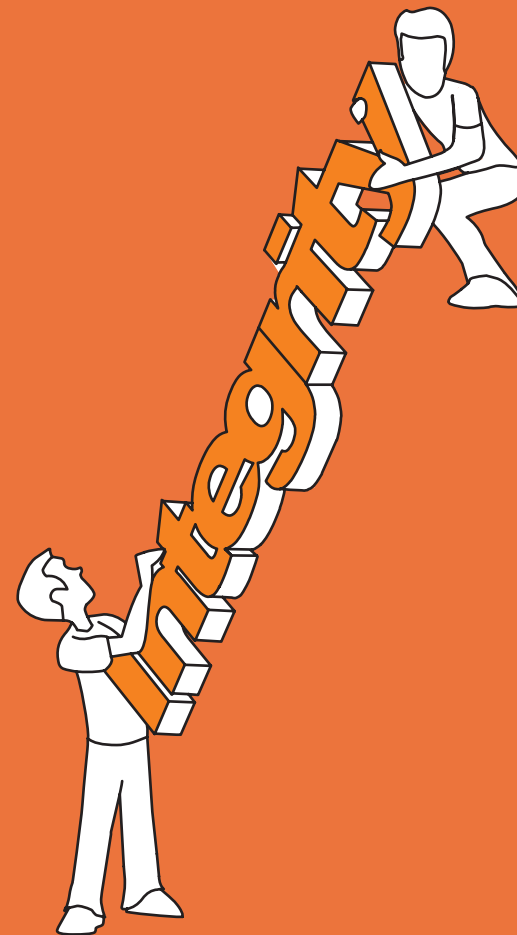
### **team working and co-operation**

#### **what do we mean by team working and co-operation**

Engendering an expectation that members and staff will operate collectively to the highest standards of conduct and are actively encouraged to do so.

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the benchmark indicators



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## leadership behaviour and styles

### questions and probes

1. What role does the chief executive play in ensuring that ethical standards are upheld?
2. What profile do the standards committee and monitoring officer have within the council?
3. To what extent are the diverse needs of the communities are taken into account when setting priorities?
4. Do council members and officers demonstrate that they mediate fairly between people with conflicting needs? Give examples of how they do/don't mediate fairly.
5. To what extent does the council follow legal process when balancing public need and council policy?
6. To what extent do senior members and officers display effective leadership in this council? Do you think they are a catalyst for change where necessary? Give examples.
7. Do members and officers show appropriate dignity and respect for all their colleagues and citizens of the area? Give examples of appropriate/inappropriate behaviours.

---

## what are the key positive features of an ideal authority?

### Members and officers individually and collectively:

- are prepared to give a strong lead when circumstances dictate, but do not maintain personal control by imposing views and being overly directive
- are prepared to take difficult decisions when necessary rather than always courting short-term popularity
- act as a role model for appropriate behaviour, ethical practice and democratic process
- work to inspire trust in others and gain commitment to policies and decisions rather than simply dictating from the centre
- build strong relationships with senior officers and/or cabinet based on open communication, co-operative working and trust, and keep the interests of the community in mind when managing any personal conflicts
- have clearly defined descriptions of roles and responsibilities, including those of executive members and statutory officers, respect different roles and do not undertake inappropriate activities, e.g. inappropriate levels and types of decision making
- work across political and council boundaries to foster communication and encourage co-operation where appropriate
- aim to mediate fairly and constructively between people with conflicting needs
- campaign with enthusiasm, courage and persistence on behalf of others
- allow individuals to take action in respect of poor standards of conduct by others
- create a culture which, while taking proper account of risk management, encourages individuals to try out new ideas and take managed risks without fear of blame if things go wrong
- provide opportunities for non-executive members and junior staff to define what change means for them.

## what are the key negative features of an authority?

### Members and officers individually and collectively:

- demonstrate undue partiality for own party members or service teams and use their position to promote their own agenda to the detriment of wider council needs
- behave defensively, avoiding making difficult or unpopular decisions and being unwilling to admit mistakes
- lack a clear understanding between their own role and that of subordinates, failing to delegate or make use of others' strengths
- show inconsistency in style and behaviour, failing to set an example for others
- lack detailed knowledge of different council activities
- do not see themselves as having a role, display little or no interest and concern or take little or no responsibility in ensuring appropriate conduct and high standards on the part of themselves and others
- display no sense of collective responsibility for maintaining and encouraging high ethical standards
- tend to make unrealistic promises and then fail to deliver on them
- take short-term 'quick fix' approaches to policy formation, focusing on day-to-day issues rather than future needs and failing to see beyond the next election
- are resistant to change and fail to draw on the experience of others (e.g. councils peer support).

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<i>notes</i>	<i>priority weighting (high, medium, low)</i>

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## communications

what will we look for in a review?  
probes and evidence

1. Do you feel there is sufficient guidance/advice available on ethical standards? Provide examples. Where would you go to obtain guidance/advice?
2. What are the standards committee and monitoring officer doing to promote high ethical standards? Can you give examples of where you feel the work of the standards committee has had a positive effect on the work of the council?
3. Do you think the public understand the ethical values of the council? If so how is this communicated to them?
4. Do you think that the stakeholders and or suppliers and contractors to the council understand its ethical values? How are the councils ethical values communicated to other partnership members?
5. What do you think the perception of the wider public is of the ethical standards in the council? Do you think they differentiate between members and officers?
6. How do you think the council responds to criticism?
7. Do you think that communication between members is generally open and honest? Provide examples of when the communication is/is not open and honest.
8. Do you think communication between members and officers is open and honest? Provide examples of when the communication is/is not open and honest.
9. To what extent do you think members and officers respect confidentiality?



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### what are the key positive features of an ideal authority?

#### Members and officers individually and collectively:

- respond promptly to enquiries from the public and other individuals or bodies
- have accurate and clear policies, guidance and advice on ethical issues available to all members and staff
- ensure good access to information for all members and the public, including appropriate policies and practice regarding exempt and confidential information.
- communicate regularly with the community via newsletters, phone calls, accessible website and local media
- listening sensitively, checking for understanding and adapting style as necessary.

### what are the key negative features of an authority?

#### Members and officers individually and collectively:

- fail to respond promptly to communications from constituents, concerned individuals and other groups
- use jargon in order to look clever or exclude others from understanding decisions
- interrupt, appear not to listen and use language which is inappropriate to the circumstances or is insensitive
- use information dishonestly to discredit others
- consistently fail to participate in, or seek to dominate, meetings
- are not aware of key rules and guidance on ethical standards and/or sources of advice
- fail to act on public perceptions or concerns that ethical standards within the council are poor
- fail to encourage communication with the community or promote the council.

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<i>notes</i>	<i>priority weighting (high, medium, low)</i>

---

## relationships

roles and responsibilities  
what will we look for in a review?  
questions and probes

1. How would you describe the relationship between the executive (cabinet) and the standards committee?
2. How would you describe the relationship between the standards committee and monitoring officer?
3. How would you describe the relationship between the chief executive and the standards committee and monitoring officer?
4. What do you think the public perception of ethics in the council might be?
5. What do you perceive the image of the standards committee to be in this council?
6. How are ethical issues reported to the executive?
7. What is the frequency of reporting to the executive?
8. In your view is there clarity between the roles and responsibilities of members and senior officers? Can you give examples of when there has/has not been clarity?
9. Are roles and responsibilities for members and officers clearly defined and does their behaviour indicate this?
10. Is there trust between members and officers? Can you give examples of where there has/has not been trust?

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### what are the key positive features of an ideal authority?

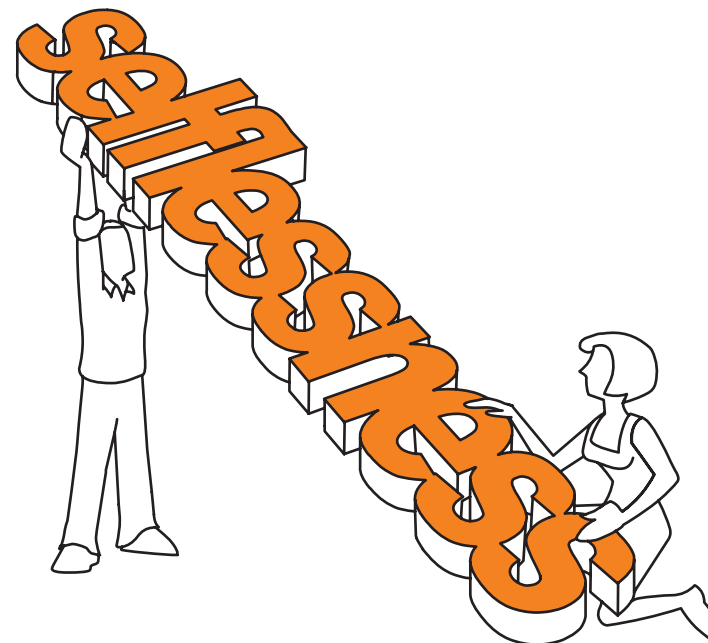
#### Members and officers individually and collectively:

- demonstrate transparent relationships between the executive, senior management teams and the standards committee
- ensure that the council vision is underpinned by ethical values and statements that can be acted upon
- make others feel valued, trusted and included, recognising and including people from different backgrounds
- show by example commitment to diversity and human rights agendas
- maintain calm and focus when criticised or under pressure
- have transparent recruitment and appointment processes for both staff and members (for example in appointments to outside bodies) which are recognised throughout the council as having integrity
- ensure that non-executive members have a real ability to hold the executive to account and to make a meaningful input to policy development
- have relevant information about members and senior staff that is accessible to the public including, for example, up to date registers and declarations of interests
- maximise meetings held in public and limit the use of 'exempt information' provisions.

### what are the key negative features of an authority?

#### Members and officers individually and collectively:

- avoid contact and constructive discussion with the standards committee
- use divisive tactics to upset relationships, council policies and decisions
- are unclear as to who is responsible for what under the constitution.



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<i>notes</i>	<i>priority weighting (high, medium, low)</i>

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## accountability

decision making  
what will we look for in a review?  
questions and probes

1. Do you think that by their behaviour the majority of members and officers display an understanding of the importance of ethical standards in this council? Can you give examples?
2. Do you think there is a common understanding for members of the ethical values of this council? Can you give examples?
3. Do you think there is a common understanding for officers of the ethical values of this council? Can you give examples?
4. Do you think that the appointment of representatives of the council to outside bodies is carried out in an open and transparent manner? Can you give examples?
5. To what extent do non executive members feel they can hold the executive to be accountable?
6. To what extent do members and officers understand the need for a register of interests?
7. To what extent do members of the public understand who is responsible for what in the council?
8. Do you think that the use of 'exempt information' is constructive or is it used to shield and hide debate?
9. Does the council maximise the opportunity to hold meetings in publicly accessible venues e.g. away from the guildhall? Can you give examples?
10. To what extent do members understand the roles of the statutory officers and know who they are?
11. Do you think that senior officers are accountable for the decisions they take? Can you give examples?

---

### what are the key positive features of an ideal authority?

#### Members and officers individually and collectively:

- show commitment to seeing problems through to the end
- deal promptly with the major issues and problems that span the council
- give a free rein to people where appropriate to resolve problems without interference, while offering appropriate support where necessary
- ensure that teams and individuals understand the parameters in which they make decisions and are accountable for these
- evaluate arguments according to evidence, making independent and impartial judgments based on sound rationale, evidence, good judgement and pragmatism but within the context of political beliefs
- are confident enough to change a decision which feedback demonstrates is not effective
- spend time and effort making sure they understand the implications and potential impact of a decision
- display well-founded confidence and trust in others' judgement and decision-making
- actively represent political group or service team views and values through decisions and actions.

### what are the key negative features of an authority?

#### Members and officers individually and collectively:

- keep a low profile, being invisible throughout the council, particularly at times of adversity
- delegate inappropriately and blame subordinates or use others as scapegoats when things go wrong
- invoke inappropriate use of the 'exempt information' provisions to restrict access to debate and decision making
- make decisions without taking advice or considering regulations and wider development frameworks
- fail to review their decisions on the basis of experience and to change them where necessary - e.g. saying 'I've made my mind up and that is final'
- operate in secret and fail to open processes and decision-making to others.

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<i>notes</i>	<i>priority weighting (high, medium, low)</i>



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## management of standards

ethical standards constitution, design and culture  
what will we look for in a review?  
questions and probes

1. Do you feel that members and officers have access to all the relevant information/guidance that they need to do the job properly? Can you give examples?
2. How easy is it to:
  - i. Declare an interest
  - ii. Register an interest
  - iii. Claim expenses
  - iv. Offer and/or receive hospitalityHow clear are you clear about the systems and processes involved?
3. To what extent are ethics in the council assessed or monitored?
4. To what extent are members/officers aware of any protocols, for example member/officer protocols, IT, allowances and expenses?
5. Can you give examples of where a lack of guidance may have led people to fail to follow set procedures?
6. To what extent do you think that the council makes it clear to all of its suppliers/contractors the level of ethical behaviour expected from their employees?
7. To what extent do you think that suppliers/contractors are aware of the standards of behaviour expected of council officers and members?
8. Do all members and officers have a role to play in maintaining high ethical standards or is it just the responsibility of just the standards committee?
9. How easy is it for members or staff to invoke the whistle blowing policy?

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## what are the key positive features of an ideal authority?

### Members and officers individually and collectively:

- develop, promote and maintain high standards of conduct on an ongoing basis, ensuring ethical standards form part of the council's vision and strategy, are acknowledged and owned by members and staff and are 'designed-in' to the council's constitution, decision-making, overview and scrutiny procedures and relationships with stakeholders, including outside bodies and partners (e.g. in grant or contract conditions and partnership protocols)
- have mechanisms to ensure external suppliers and service providers are required, in their dealings with the council, to operate to public sector standards, e.g. not offering or providing inappropriate gifts or hospitality to members or staff
- understand and act on their judicial role in order to meet legal responsibilities (e.g. duty of care, corporate parenting)
- ensure recruitment and appointment processes comply with relevant standards, e.g. those of the Commission for Race Equality, Employers Organisation Conditions and District Audit, and are monitored and reviewed
- ensure key procedures and guidance, e.g. for declaring interests, claiming expenses, offers and/or receipt of hospitality, are well designed, up to date, easy to understand and operate and are followed
- have a confidential reporting mechanism which is widely known and understood and which has the confidence of members and staff.

### Ethical and corporate systems and processes and risk management

- undertake appropriate risk assessment to ensure that the ethical standards, procedures and processes they are required to operate, are relevant, appropriate and commensurate with the level of risk
- are able to demonstrate positive council trends and specific progress in implementation of the ethical framework and show evidence of plans for further improvement in key aspects
- recognise that situations of ethical ambiguity or conflict will occur and have the collective and individual ability to deal with these appropriately
- ensure individuals have an awareness of and sensitivity to problematic issues and situations, together with the ability to recognise those which are relevant to their circumstances

### Managing ethical ambiguity and conflict and whistle blowing issues

- ensure clear arrangements and mechanisms are in place for dealing with difficult ethical situations and a willingness to use appropriate measures to deal with them e.g. referral to the Standards Board for England
- have well defined, objective and confidential arrangements in place for members and staff to obtain advice and guidance on e.g. the council's 'whistle blowing' policy or appropriateness of referrals to the Standards Board for England
- establish a mechanism for independent and objective mediation to manage conflict that officers and members can use without fear of reprisal
- establish arrangements for regular scrutiny and review of general or specific ethical issues affecting the council, its members and staff
- demonstrate evidence of learning from experience: the use of feedback, adapting behaviour, systems and procedures and prevention of reoccurrence.

### what are the key negative features of an authority?

Members and officers individually and collectively:

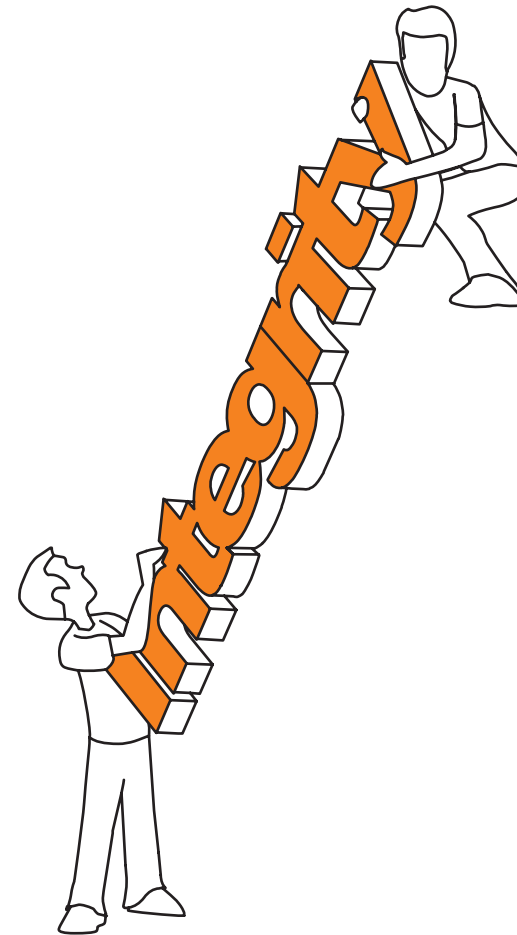
- believe that standards issues are separate from the mainstream activity of the council and are solely the responsibility of the standards committee and the monitoring officer rather than being owned by all members and staff
- assume that high standards will be maintained without conscious effort
- lack common understanding, or show evidence of widely differing views, within the council regarding conflicts of interest
- fail to make external partners and service providers aware of public sector rules and/or offer or accept inappropriate gifts or hospitality.

### Ethical and corporate systems and processes and risk management

- seem unable or unwilling to consider situations objectively and realise how they may be perceived by the public, the media, individuals or organisations with which the council is involved
- create an overload of unnecessarily complex, irrelevant or outdated practices and procedures
- show evidence that advice and guidance is poorly designed and lacks clarity or is absent resulting in failure to follow set procedures.

### Managing ethical ambiguity and conflict and whistle blowing issues

- ignore problems or potential conflict, hoping the problems will simply disappear
- fail to maintain confidentiality, gossip about other people's problems or issues
- are seen to take sides and fail to see issues or problems objectively
- allow too many vexatious complaints to be referred to the Standards Board for England
- discourage people wanting to refer valid complaints to the Standards Board for England.



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<i>notes</i>	<i>priority weighting (high, medium, low)</i>

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## team working and co-operation

### what will we look for in a review? questions and probes

1. Have you been part of an induction process, and did it include ethics and standards? If so, how useful was this?
2. Have you had any experience of a mentoring/buddying scheme for new members? If so, how useful was this?
3. Have you been offered/undertaken training relating to ethics and standards? If so, how useful was this?
4. Is training offered to key partners?
5. Do you feel that a 'public service ethos' is sufficient to maintain high ethical standards? Can you explain why/why not?
6. To what extent do you think that members of long standing hold the view that they do not need further training as they are experienced enough in the working of the council?
7. Do you feel there is a 'blame culture' in this council? If you do can you give examples?
8. Can you give examples of how high ethical standards are promoted by members?
9. How is misconduct dealt with and how is it reported?
10. Is there a confidential reporting mechanism in place in the council? If so, could you describe it?
11. To what extent do you have confidence in the confidentiality of the process?

---

## what are the key positive features of an ideal authority?

### Members and officers individually and collectively:

- help to develop cohesion within own team and contributing to healthy communication between teams and the council
- work across group boundaries without compromising political values (members specifically)
- support and own team targets and ways of working
- share resources to support the achievement of partnership aims rather than being overprotective of their own budgets or powers
- show a real interest in their colleagues' issues and problems and recognise and celebrate others' achievements
- share responsibility for success and failure
- make sure that any interested individual or group, including those who may hold different views about the council's priorities and programmes, has an opportunity to understand and contribute to policy formulation, spending priorities etc
- remain open to new ideas even if they may appear threatening (e.g. e-government) and aim to learn from others (e.g. other councils)
- are prepared to discuss their own successful ideas with colleagues from other bodies
- develop knowledge of council systems and input council views at area specific meetings (e.g. planning, licensing)
- encourage scrutiny and respond positively to feedback, challenge and ideas
- implement national legislation and guidance even where this does not accord with local political views.

### Personal effectiveness - training and development

- deliver an induction programme for both members and staff which incorporates ethical standards and seeks to integrate them into all aspects of induction
- recognise the need for, and are committed to, training and development in relation to ethical standards
- offer training which tackles 'difficult' issues, such as conflicts of interest, handling demands for special treatment, relationships with contractors, or lobbying by third parties and give participants the skills to deal with 'real-life' situations
- where requested, provide appropriate training and guidance for key partners, suppliers, service providers and other stakeholders to build awareness of the council's ethical ethos and practice.

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## what are the key negative features of an authority?

### Members and officers individually and collectively:

- demonstrate inconsistent values, lack integrity and tend to say what others want to hear
- fail to make sure they have sufficient knowledge of the leading political manifesto, values and objectives
- put personal motivations first, 'going native' or failing to challenge the controlling group through a desire not to rock the boat
- act alone and consistently fail to support colleagues in public forums
- are overly reliant on others and tend to back down when challenged
- are adversarial in style, being inappropriately aggressive and confrontational when challenged
- engage in political 'blood sports' at the expense of working constructively for the good of the council and abuse scrutiny processes for political gain.

### Personal effectiveness - training and development

- create a perception that the council ignores misconduct or fails to deal with it properly
- are reluctant to take action in respect of misconduct because of lack of confidence in the system
- show an absence of structured training and development and over-reliance on 'on the job' learning from colleagues
- are unwilling to participate in training and development
- take all credit for successful initiatives for themselves and refuse to accept their share of blame for unsuccessful actions
- get too protective and defensive about their own portfolio/department and fail to take an authority-wide view
- do not engage in community activities, 'hiding' in the civic buildings rather than being available in the community, waiting to be approached and being difficult to contact (e.g. saying 'I'm not your councillor' or 'I'm not the officer dealing with this') and failing to communicate and explain council vision and policies
- only listen and make themselves available to favoured groups within the community rather than the community as a whole and seem unwilling to listen to alternative views and solutions
- create a 'them and us' attitude to members, officers, non-cabinet members, partners or external councils and agencies etc.
- place political or personal gain before collaborative working
- are unavailable or evasive to external agencies or the media that are holding the council to account on general or specific issues.

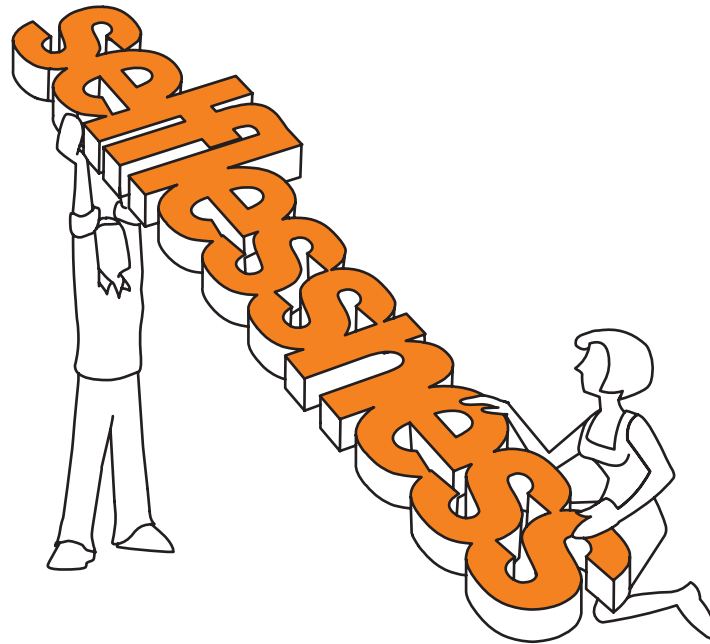
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<i>notes</i>	<i>priority weighting (high, medium, low)</i>



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INVESTOR IN PEOPLE





**AGENDA ITEM: 8**

**STANDARDS COMMITTEE:  
27 October 2009**

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**Report of: Council Secretary and Solicitor**

**Contact for further information: Mrs J Denning (Extn. 5384)  
(E-mail: [jacky.denning@westlancs.gov.uk](mailto:jacky.denning@westlancs.gov.uk))**

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**SUBJECT: RECRUITMENT OF FUTURE INDEPENDENT MEMBERS - UPDATE**

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Wards affected: Borough wide

**1.0 PURPOSE OF THE REPORT**

1.1 To provide an update in respect of the recruitment of 2 Independent Members to the Standards Committee and the timetable for interviews.

**2.0 RECOMMENDATIONS**

2.1 That the timetable for the recruitment of Independent Members to the Standards Committee as set out in paragraph 4.1 be noted, in particular the short listing date of 10 December 2009 and the Interview date of 14 January 2010.

2.2 That the Notice advertising the positions of Independent Member, attached as an Appendix to the report, be noted.

2.3 That it be noted that the Recruitment of Independent Members Panel is likely to consist of the Chairman and Vice-Chairman of the Standards Committee and one other Independent Member.

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**3.0 RECRUITMENT**

3.1 The terms of office of Professor Roy Chester and Dr. Peter Hayman expire in May 2010. The Standards Committee at its last meeting agreed that in order to appoint suitably trained candidates to these positions it would be helpful to start the recruitment process early, with a view to Council making the appointments in February to take effect from May 2010. This would enable training and monitoring to take place between February and May so that new Independent Members can take up their roles effectively in the new municipal year when the relevant terms of office of existing Independent Members expire.

3.2 To assist with the process, the Council has established a Recruitment of Independent Members Panel, which is to consist of 3 members selected by the Council Secretary and Solicitor in consultation with the Chairman of the Standards Committee.

#### **4.0 TIMETABLE**

4.1 The timetable is as follows:

Notice in paper	22 October 2009
Deadline to return Application Forms	1 December 2009
Recruitment of Independent Members Panel Meeting (Short listing)	10 December 2009
Recruitment of Independent Members Panel Meeting (Interviews)	14 January 2010
Standards Committee	?? February 2010
Council Meeting	24 February 2010

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

5.1 There are no significant sustainability or community strategy implications.

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

6.1 The recruitment process will be contained within existing resources.

#### **7.0 RISK ASSESSMENT**

7.1 The statutory processes and guidelines for the recruitment of Independent Members must be followed.

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#### **Background Documents**

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

## **Equality Impact Assessment**

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

## **Appendices**

Notice – Recruitment of Independent Member – October 2009.





## INDEPENDENT MEMBERS REQUIRED

### Standards Committee

**West Lancashire Borough Council** is looking for members of the public who would be interested in serving as Independent Members on its Standards Committee. If you have a keen interest in standards in public life and are interested in playing a key role in enhancing local democracy and maintaining and enhancing standards and ethics in your local area, you are invited to apply for the position.

The Standards Committee currently comprises 12 members in total of which 5 are independent of the Council and 3 represent Parish Councils within the borough, with the remaining 4 Members being elected Members of the Council.

Ideally those applying should:

- reside in West Lancashire
- preferably have a knowledge of local government and the way it works.
- not be an elected Member or Officer of West Lancashire Borough Council in the last five years.
- not be a Member or Officer of any other relevant authority, unless you are only appointed as an Independent Member of its Standards Committee.
- not normally be a member of a political party.
- not be a relative or a close friend of an elected Member or Officer of the Council.
- be prepared to sign the Council's Code of Conduct.

Applicants should demonstrate high standards of personal integrity and be objective, independent and impartial. Experience of implementing and upholding standards and/or dealing with complaints would be an advantage. A small fixed annual allowance is payable together with travel and subsistence expenses.

If you think you meet the criteria shown above and you are interested in applying to serve on the Committee, please contact Jacky Denning on 01695 577177 ext. 5384 or write to her at Legal, Democracy & Financial Management, PO Box 16, 52 Derby Street, Ormskirk, L39 2DF or e-mail: [jacky.denning@westlancs.gov.uk](mailto:jacky.denning@westlancs.gov.uk). Details can also be found on the Council's Website.

**Closing Date:** Tuesday, 1 December 2009

**Proposed Interview Date:** Thursday, 14 January 2010

Dated: 22 October 2009

Gillian L. Rowe, LL.B. (Hons)  
Council Secretary and Solicitor  
West Lancashire Borough Council  
52 Derby Street, Ormskirk L39 2DF  
01695 577177  
[www.westlancs.gov.uk](http://www.westlancs.gov.uk)







**AGENDA ITEM: 9**

**STANDARDS COMMITTEE:  
27 OCTOBER 2009**

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**Report of: Council Secretary and Solicitor**

**Contact for further information: Mrs Jacky Denning (Extn 5384)  
(E-mail: [jacky.denning@westlancs.gov.uk](mailto:jacky.denning@westlancs.gov.uk))**

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**SUBJECT: VISITS TO BOROUGH AND PARISH COUNCIL MEETINGS**

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Borough wide interest

**1.0 PURPOSE OF THE REPORT**

1.1 To receive an update on visits being undertaken by Members of the Standards Committee to Borough and Parish Council meetings.

**2.0 RECOMMENDATIONS**

2.1 That the current position in relation to visits to Borough and Parish Council meetings as set out in paragraph 4 of the report, be noted and Members give informal feedback on their visits to date.

2.2 That Members of the Committee notify the Assistant Member Services Manager of any future visits they are able to attend.

2.3 That when the programme of visits to all Parish Councils has been completed a new programme be commenced to include Borough Council meetings.

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**3.0 BACKGROUND**

3.1 In order to be proactive in its work the Standards Committee agreed to undertake a series of visits to Borough and Parish Council meetings.

3.2 It was agreed that Members of the Committee would initially attend up to four meetings as observers, preferably in pairs, with the intent that this would increase their understanding of the way Councils are operating in West Lancashire and of conduct at meetings and also raise the profile of the Standards Committee. Members would then informally feedback into a general discussion on their visits on an annual basis.

3.3 Members of the Committee felt that when visits were undertaken by individual members to Parish Council meetings, that Parish Clerks should be asked to

supply copies of agendas and minutes of that meeting. It was also considered important that Parish Councils should be advised that these were not formal inspection visits and were being used to enable members of the Committee to gain an understanding of how Parish Council meetings are operating and to raise the profile of the Standards Committee.

#### **4.0 CURRENT POSITION**

4.1 A schedule of meetings was drawn up, as set out in the Appendix to the report, although co-ordinating visits has been challenging. As set out in the schedule, visits to the following Parishes still need to be arranged: Great Altcar, Lathom, North Meols, Tarleton, Up Holland and Wrightington.

4.2 Once all Parish Councils have received a visit it is recommended that a new programme of visits commence, which will include Borough Council meetings again.

#### **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 co-ordination of visits will be resourced from existing budgets.

#### **7.0 RISK ASSESSMENT**

7.1 A proactive Standards Committee will ensure high ethical standards are promoted within West Lancashire.

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#### **Background Documents**

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

#### **Equality Impact Assessment**

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

#### **Appendices**

Schedule of visits to meetings of Borough and Parish Council meetings, by Standards Committee Members.

**VISITS UNDERTAKEN / TO BE UNDERTAKEN BY MEMBERS OF THE COMMITTEE**

<b>MEMBER</b>	<b>FIRST VISIT</b>	<b>SECOND VISIT</b>	<b>THIRD VISIT</b>	<b>FOURTH VISIT</b>
JOHN CAILES	COUNCIL – 13/12/06	Bickerstaffe 12/11/07	Scarisbrick 01/09/08	Rufford 15/09/08
PAUL HANMER	COUNCIL – 13/12/06	Hilldale 1/11/07	Downholland 13/11/07	Simonswood 6/12/07
ROY CHESTER	O & S – 12/04/07	Dalton 19/11/07		
PETER HAYMAN	Burscough 8/10/07	Halsall 14/11/07		
ROBERT PATTERSON				
PARISH CLLR COADY				
PARISH CLLR CHEETHAM	HeskethWithBeconsall 06/10/08	Lathom South 13/01/09		
PARISH CLLR HAMMOND	PLANNING – 15/02/07	Hilldale 1/11/07	Scarisbrick 01/09/08	
CLLR MRS ATHERLEY	Downholland 13/11/07	Halsall 14/11/07		
CLLR JONES				
CLLR RICE	Parbold 03/10/08			
CLLR G M ROBERTS				

Notes:

- (i) Independent Member Robert Patterson joined the Committee in November 2007
- (ii) Parish Councillor Coady joined the Committee in May 2009.
- (iii) Independent Member Paul Hanmer has also attended Aughton Parish Council on 11 August 2008

**LIST OF PARISH COUNCIL'S VISITED**

<b>PARISH COUNCIL</b>	<b>DATE</b>	<b>STANDARDS COMMITTEE MEMBER</b>
Aughton	11 August 2008	Paul Hanmer
Bickerstaffe	12 November 2007	John Cailles and David Kitson
Burscough	8 October 2007	Peter Hayman
Dalton	19 November 2007	Roy Chester and David Kitson
Down Holland	13 November 2007	Paul Hanmer and Una Atherley
Halsall	14 November 2007	Una Atherley and Peter Hayman
Hesketh-with-Becconsall	6 October 2008	Andrew Cheetham
Hilldale	1 November 2007	Paul Hanmer and Mike Hammond
Latham South	13 January 2009	Andrew Cheetham
Newburgh	23 January 2008	Ian Grant
Parbold	3 October 2008	Terry Rice and Mary Whitby
Rufford	15 September 2008	John Cailles
Scarisbrick	1 September 2008	John Cailles and Mike Hammond
Simonswood	6 December 2007	Paul Hanmer

**LIST OF DISTRICT COUNCIL MEETINGS VISITED**

<b>MEETING</b>	<b>DATE</b>	<b>STANDARDS COMMITTEE MEMBER</b>
Council	13 December 2006	John Cailles and Paul Hanmer
Planning	15 February 2007	Roger Merry and Mike Hammond
Overview & Scrutiny	12 April 2007	Roy Chester and David Kitson

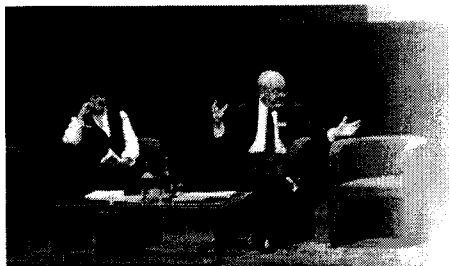
Note:

Councillors Grant and Whitby, Independent Member Mr R Merry and Parish Councillor D Kitson are no longer members of the Committee.

**DATES OF PARISH COUNCIL MEETINGS 2009/2010**

<b>PARISH COUNCIL</b>	<b>Nov 2009</b>	<b>Dec 2009</b>	<b>Jan 2010</b>	<b>Feb 2010</b>	<b>March 2009</b>	<b>April 2010</b>	
Great Altcar 8.00pm - The Leverhulme Hall, Lord Sefton Way, Great Altcar							
Lathom 7.30pm (4 <sup>th</sup> Monday in the Month) Venue alternates between St Cyprians Mission, Hoscar Moss Road, Lathom & Scout Hall, Hall Lane, Lathom	23  St Cyprians	14  Scout HQ	25  St Cyprians	22  Scout HQ	22  St Cyprians	26  Scout HQ	
North Meols 7.15pm (2 <sup>nd</sup> Tues in the Month) Community and Development & Contact Centre, Hoole Lane Banks.	10	8	12	9	9	13	
Tarleton 7.30pm (2 <sup>nd</sup> Monday in the Month) Sport & Resource Centre, Carr Lane, Tarleton	9	14	11	8	8	12	
Up Holland 7.30pm Community Meeting Room, Up Holland Library, Hall Green, Up Holland.	10		12		9		
Wrightington 7.30pm Alternates between Mossy Lea Village Hall, Mossy Lea Road, Wrightington and Appley Bridge Village Hall, Appley Lane North Appley Bridge							





## Bringing Standards into Focus

2009 Annual Assembly of Standards Committees

14-15 October 2009 International Convention Centre, Birmingham

# Day 1

Monday 12 October 2009

09.15-09.45 Focus on the essentials

- Focus on the essentials - PowerPoint presentation

10.00-11.00 State of the nation

- State of the nation - PowerPoint presentation
- State of the nation - Speech by Glenys Stacey

12.00-13.30 Breakout sessions

Practical advice for single purpose authorities

- Practical advice for single purpose authorities - Presentation
- Practical advice for single purpose authorities - Handout

Other action: Examples and results

- Other action examples and results - Presentation
- Other action - cards 1-3 - Handout
- Other action - directions examples -Handout
- Other action guidance -Handout
- Other action - mediation -Handout
- Other action - case studies 1 -Handout
- Other action - case studies 2 -Handout

The highly effective standards committee

- The highly effective standards committee - Presentation
- The highly effective standards committee quiz - Handout
- The highly effective standards committee - feedback - Handout
- The highly effective standards committee - benchmark - Handout

Understanding pre-determination and bias

- Understanding Predetermination and bias - Presentation
- Predetermination APE final full decision -Handout
- Predetermination and bias case studies -Handout
- Predetermination and bias checklist -Handout
- Predetermination and bias responses -Handout
- Predetermination and the code - Handout

Local assessment: Sharing lessons learnt (monitoring officers)

- Local assessment: sharing lessons learnt - Presentation

Local assessment: Sharing lessons learnt (standards committees)

- Local assessment: sharing lessons learnt - Presentation

Engaging leaders and embedding standards

- Engaging leaders and embedding standards - Presentation
- Engaging leaders and embedding standards - Handout

14.30-15.30 The big debate: Local standards framework - force for good or necessary evil?

**Hall 1 plenary**  
**Aimed at: All delegates**

**Speakers:**

- Cllr Michael Chater, Chair, National Association of Local Councils
- Cllr Alan Gloak, Liberal Democrat Member for Somerset
- David Prince CBE, Member, Committee on Standards in Public Life

The debate will hear both sides of some challenging arguments. Does the current approach to standards work? Is it fair and proportionate? What's the future for local standards? Can they really contribute to an effective ethical environment and build public trust? You decide.

#### 16.15-17.45 Breakout sessions

##### Town and parish councils: Capacity building, peer mentoring and compacts

- Town and parish councils capacity building - Presentation
- Town and parish councils capacity building CALCS - Handout
- Town and parish councils capacity building model compact - Handout
- Town and parish councils scenario - Handout

##### Managing investigations with confidence

- Managing investigations with confidence - Presentation
- Managing investigations with confidence - exercises - Handout

##### Focus on determinations, sanctions and appeals

- Focus on determinations, sanctions and appeals - Presentation
- Focus on Determinations - Decision Notice - Handout
- Focus on Determinations - game master sheet - Handout
- Game cards - Handout
- Focus on Determinations - FORM C - Handout
- Focus on Determinations - FORM E - Handout
- Focus on Determinations - Timetable 1 - Handout
- Focus on Determinations - Timetable 2 - Handout
- Guidance on decisions - Handout

##### Putting the public in the picture

- Putting the public in the picture - part 1 - Presentation
- Putting public in the picture - part 2 - Presentation
- Putting the public in the picture - Handout

##### Supporting planning and licensing committees

- Supporting planning and licencing committees - Presentation
- Supporting planning and licensing committees - cards - Handout
- Supporting planning and licensing committees - protocol - Handout
- Supporting planning and licensing committees - background note - Handout

##### Focus on Code changes

- Focus on Code Changes - Presentation
- focus on code changes - scenarios - Handout

##### Effective joint working: Protocols and practice

- Effective joint working protocols and practice - Presentation

##### Standards and partnerships

- Standards and partnerships - Presentation
- Standards and partnerships - Handout

The Standards for England, Fourth Floor, Griffin House, 40 Lever Street, Manchester, M1 1BB  
enquiries@standardsforengland.gov.uk - www.standardsforengland.gov.uk





## Bringing Standards into Focus

2009 Annual Assembly of Standards Committees

12-13 October 2009 International Convention Centre, Birmingham

# Day 2

Tuesday 13 October 2009

### 09.15-10.30 Breakout sessions

#### Train the trainer

- Train the trainer - Presentation

#### Sharing good practice

- Sharing good practice Monitoring officers - Presentation
- Sharing good practice Standards committee - Presentation

### 11.15-12.15 On the brink: Coming back from ethical collapse

- On the brink coming back from ethical collapse - Presentation
- On the Brink - full presentation from Kym Ryley - Presentation

### 13.30-15.00 Breakout sessions

#### Other action: Examples and results

- Other action examples and results - Presentation
- Other action - cards 1-3 - Handout
- Other action - directions examples - Handout
- Other action guidance - Handout
- Other action - mediation - Handout
- Other action - case studies 1 - Handout
- Other action - case studies 2 - Handout

#### The highly effective standards committee

- The highly effective standards committee - Presentation
- The highly effective standards committee quiz - Handout
- The highly effective standards committee - feedback - Handout
- The highly effective standards committee - benchmark - Handout

#### Local standards live

- Standards Live Newspaper - Handout

#### Local assessment: Sharing lessons learnt (monitoring officers)

- Local assessment: sharing lessons learnt - Presentation

#### Local assessment: Sharing lessons learnt (standards committees)

- Local assessment: sharing lessons learnt - Presentation

#### The parish council toolkit

- The parish council toolkit - Presentation
- Parish council toolkit scenario and debate - Handout

#### Working together

- Working together - Presentation

#### Engaging leaders and embedding standards

- Engaging leaders and embedding standards - Presentation
- Engaging leaders and embedding standards - Handout

### 15.15-16.45 Breakout sessions

**Managing investigations with confidence**

- Managing investigations with confidence - Presentation
- Managing investigations with confidence - exercises - Handout

**Focus on determinations, sanctions and appeals**

- Focus on determinations, sanctions and appeals - Presentation
- Focus on Determinations - Decision Notice - Handout
- Focus on Determinations - game master sheet - Handout
- Game cards - Handout
- Focus on Determinations - FORM C - Handout
- Focus on Determinations - FORM E - Handout
- Focus on Determinations - Timetable 1 - Handout
- Focus on Determinations - Timetable 2 - Handout
- Guidance on decisions - Handout

**Putting the public in the picture**

- Putting the public in the picture - part 1 - Presentation
- Putting public in the picture - part 2 - Presentation
- Putting the public in the picture - Handout

**Supporting planning and licensing committees**

- Supporting planning and licencing committees - Presentation
- Supporting planning and licensing committees - background note - Handout
- Supporting planning and licensing committees - cards - Handout
- Supporting planning and licensing committees - protocol - Handout

**Focus on Code changes**

- Focus on Code Changes - Presentation
- focus on code changes - scenarios - Handout

**Joined up regulation**

- Joined up regulation - Presentation

**Effective joint working: Protocols and practice**

- Effective joint working protocols and practice - Presentation

**Standards and partnerships**

- Standards and partnerships - Presentation
- Standards and partnerships - Handout

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**AGENDA ITEM: 11**

**STANDARDS COMMITTEE:  
27 OCTOBER 2009**

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**Report of: Council Secretary and Solicitor**

**Contact for further information: Mrs Cathryn Jackson (Extn 5016)  
(E-mail: [cathryn.jackson@westlancs.gov.uk](mailto:cathryn.jackson@westlancs.gov.uk))**

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**SUBJECT: THE STANDARDS FORUM**

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Wards affected: Borough Wide

**1.0 PURPOSE OF THE REPORT**

- 1.1 To advise Members of the introduction by Standards for England of an online Standards Forum and seek agreement to provide details to Standards for England of Standards Committee members who would like to join.

**2.0 RECOMMENDATIONS**

- 2.1 That the registration of the Council Secretary and Solicitor (as the Authority's Monitoring Officer) of the Standards Forum be noted and the Legal Services Manager (as the Authority's Deputy Monitoring Officer) also be registered as a user of the online Forum.
- 2.2 That nominations be sought from Members of the Standards Committee wishing to become 'registered users' of the on-line Forum and the details of those nominated be forward to Standards for England.

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**3.0 BACKGROUND**

- 3.1 In September 2009 Standards for England created an online Forum for Monitoring Officers and members of Standards Committees to share ideas and experiences of the local standards framework.

**4.0 CURRENT POSITION**

- 4.1 The Standards Forum, an online forum, is for registered users only.
- 4.2 The Monitoring Officer has been automatically registered by Standards for England as a user of the Forum.

4.3 All Forum users will be asked to sign up to the Standards Forum policy (attached at Appendix 1) before they can enter the Forum for the first time.

4.4 The Forum will give users an opportunity to share information, ideas and experiences of the local standards framework. Its aims are to provide an online community where users can:

- Network and communicate directly with each other
- Ask questions and share experiences
- Share best practice
- Recommend investigators
- Share independent committee members
- Experiment with joint-working
- Discuss any relevant topics

## **5.0 ISSUES**

5.1 The introduction of the online Forum allows for all members of the Standards Committee to become “registered users” and have access to a Forum where information on the experiences of the local standards framework can be discussed.

5.2 Paragraph 4.4 above lists some of the issues that are likely to be raised through the forum.

5.3 Appendix 1 details the Standards Forum Policy of the Forum Rules, Terms of Use and Privacy Policy governing all activity in the Standards Forum.

## **6.0 PROPOSALS**

6.1 Nominations are sought from members of the Standards Committee to become ‘registered users’ of the online forum and for permission for their details to be forwarded to Standards for England.

## **7.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

7.1 There are no significant sustainability or community strategy implications.

## **8.0 FINANCIAL AND RESOURCE IMPLICATIONS**

8.1 There are no significant financial and resource implications directly arising from this report.

## **9.0 RISK ASSESSMENT**

9.1 Members attention is drawn to the content of the Standards Forum Policy produced by Standards for England in relation to the Forum Rules, Terms of Use and Privacy Policy.

9.2 By accessing and using the Forum a Standards Committee members will be acting in their official capacity and the Code of Conduct will apply.

## **10.0 CONCLUSION**

10.1 The introduction of the Standards Forum by Standards for England gives an opportunity for Standards Committees and Officers to join an online community enabling registered users to share good practice, make recommendations and discuss topics relating to local standards framework. It is for Members of the Standards Committee to decide if they wish to join the online forum.

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### **Background Documents**

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

### **Equality Impact Assessment**

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

### **Appendices**

Appendix 1 Standards for England – Standards Forum Policy



## Standards Forum Policy

The Standards Forum section of the Standards for England website is provided for use by registered Forum Users by the Standards Board for England (“we”, “us” “our” “SfE” “Standards for England”).

This Standards Forum Policy (“Policy”) together comprising of the Forum Rules, Terms of Use and our Privacy Policy governs all activity in our Standards Forum (“Forum”) including all content, information and materials (“Content”) provided in it. By accessing and using the Forum you will automatically be taken to have read, understood and accepted this Policy. If you do not agree to be bound by this Policy, please cease to access the Forum and any content found within it.

This Policy may be amended from time to time, and we therefore suggest that you review it periodically.

Links to:

- **Forum Rules**
- **Terms of Use**
- **Privacy Policy**

### **Key Points to note:**

By accessing and using the Forum a standards committee member will be acting in his or her official capacity and the Code of Conduct 2007 will apply to your conduct.

We provide this Forum to allow registered users to interact with each other and do not endorse any opinions expressed by Forum users. Anything on the Forum is for information purposes only and does not constitute legal or professional advice. It should not be relied on without taking independent advice. See terms of use **11.2.2**.

Your post is subject to the Freedom of Information Act 2000 and could be released into the public domain if deemed appropriate. See terms of use **4**.

Please do not post anything identifying any specific facts, including information that may identify complainants, subject members or other parties, about any ongoing or pending Code of Conduct complaint, investigation or hearing. Do not post content that might in any way breach the confidence of another individual, or that contains their personal information. See **Forum Rules**.

Please inform us if your details change or you are no longer a standards committee member or monitoring officer. See terms of use **1**.



## **Forum Rules**

Please take a moment to read the following Forum Rules (“Rules”). These should be read in conjunction with our Terms of Use and Privacy Policy. If there is anything you do not understand, then please [Contact Us](#).

The Forum is only available to registered Forum Users (“Users”) who can be Monitoring Officers, Deputy Monitoring Officers or members of standards committees. The Forum is provided as a place for Users to report information, seek advice and share ideas about the ethical framework. These Rules have been put in place to help ensure that the Forum is a welcoming and useful resource for everyone that participates. As in a real community, Users are asked to respect other users and their rights. In addition standards committee members are reminded that they will be acting in their official capacity and must abide by the Code of Conduct 2007 whenever they access and / or use the Forum.

The Rules outline what is deemed unacceptable behaviour and it is important to read them carefully.

- Do not use profanities, bad language and offensive nicknames.
- Do not post content which is discriminatory whether racist, sexist, homophobic, pornographic, or otherwise offensive.
- Do not post a personal insult about another User.
- Do not post any content that is deliberately intended to upset or harass other Users.
- Do not post libellous or defamatory comments.
- Do not post anything identifying specific facts, including information that may identify complainants, subject members or other parties, about any ongoing or pending Code of Conduct complaint, investigation or hearing.

- Do not post content that might in any way breach the confidence of another individual. For example, an email received from an individual cannot be posted on the forum without first obtaining that individual's consent.
- Do not post content containing another person's personal information (including their name, home address, job title, telephone number or other contact details) without first obtaining the relevant person's consent.
- Do not post content which you have copied from someone else (i.e. you do not own the copyright).
- Do not impersonate any person.
- Do not collect or store personal data about other Users.
- Do not advertise or solicit.
- Do not link to other sites or products for advertising purposes, or otherwise use the Forum to generate personal business from other Users.
- Do not link to sites that contain any form of pornography, swearing or items otherwise deemed inappropriate.

#### Removing Content, Post or Thread

We cannot and do not review every post before it appears on the Forum nor do we monitor the conduct of every User. We will access the Forum from time to time in order to help ensure that Users are adhering to the Policy. We operate a 'notice and take-down' policy which means if we notice or are made aware of a post that contravenes these Rules, we reserve the right to amend or remove the post at our discretion. We may also at any time, and without prior or post warning, close threads on the Forum as we consider appropriate.

If you break any of the Rules or are found to be abusing the Forum by posting comments we believe to be rude, deliberately antagonising or disruptive, or a personal attack, inappropriate or otherwise unacceptable then we reserve the right to give you a warning or terminate your membership immediately.

We do not wish to censor or control your opinions, but we will ensure these Rules are respected. To this end, you agree that, if asked, you will submit to the requests of the Forum Moderator. The Forum Moderator's decision is final.

We encourage you to contact us if you feel a post violates these Rules. Please click the Report to Moderator link to let us know.

## Terms of Use

Please take a moment to read the following Terms of Use. These should be read in conjunction with our Forum Rules and Privacy Policy. If there is anything you do not understand then please Contact Us.

### **1. Your registration obligations**

- 1.1 In consideration of your use of our Forum, you agree to:-
  - 1.1.1 provide accurate, current and complete information about yourself; and
  - 1.1.2 maintain and promptly update your registration data to keep it accurate and current. If we have reasonable grounds to suspect that any information is inaccurate or not current, we have the right to issue you with a warning or terminate your registration.
- 1.2 When you successfully register as a Forum User we will create a username and password. You are responsible for keeping your password confidential and shall take all necessary steps to ensure that it is kept secure and not disclosed to any other person.
- 1.3 If you know or suspect that your password has been disclosed to any other person you must Contact Us immediately. Please note that you are responsible for all activities that occur under your username and password.
- 1.4 Your username will be made up of your first initial followed by your last name (for example JBloggs) and will be used to identify you in the Forum.
- 1.5 Where you cease to be a Monitoring Officer, Deputy Monitoring Officer or a member of a standards committee you must immediately Contact Us to notify us of this fact so that

we can update your registration and rights of access to the Forum.

## 2. Your personal information

When you register as a Forum User (“User”) you must submit your name, email address and other details. In return we agree to use all such personal information in accordance with our **Privacy Policy**.

You are responsible for ensuring any safety of all other personal information. We recommend that you do not include your home address, telephone number or other more sensitive personal information in any post, unless you are entirely satisfied that such information should be made public.

## 3. Your obligations

3.1 You may only use the Forum (including any Content you access, copy or download) for your own non-commercial use, and in any event in accordance with the Standards Forum Policy (“the Policy”).

3.2 You agree:

3.2.1 not to change any text or images contained in the Forum or merge it with any other text, or forge headers or otherwise manipulate identifiers in order to disguise the origin of any of the Content.

3.2.2 to respect and comply with the legal rights of others, in particular our rights and any rights of individuals under the Data Protection Act 1998, the law of confidentiality, and the right of privacy under Article 8 of the Human Rights Act 1998.

3.2.3 to abide by the Code of Conduct 2007 if you are a standards committee member and to accept that you are acting in your official capacity.

3.3 You agree that you will not use the Forum (including any Content):

3.3.1 for your personal commercial gain;

3.3.2 to upload, post, email or otherwise send (together "upload") any content that is unlawful, illegal, fraudulent, offensive, harmful, threatening, abusive, harassing, tortuous, indecent, defamatory, vulgar, obscene, libellous, invasive of another's privacy, hateful, or discriminatory whether racially, ethnically, sexually, religiously or otherwise objectionable or which may incite or instruct any person or organisation to undertake such activities;

3.3.3 to impersonate any person or entity, falsely state or otherwise misrepresent yourself or your connection with a person or entity or disguise the origins of any Content;

3.3.4 to upload any Content that you do not have a right to transmit under any law or under contractual relationships;

3.3.5 to upload any Content that infringes any intellectual property rights of any party;

3.3.6 to upload any unsolicited or unauthorised advertising, promotional materials, 'junk mail', 'spam', 'chain letters', or any other form of solicitation;

3.3.7 to upload any Content that contains computer viruses or any other computer code, files or programs designed

to interrupt, destroy, limit the functionality of any computer software, hardware or telecommunications equipment;

3.3.8 to disrupt the normal flow of dialogue, cause a screen to 'scroll' faster than other users of the forum areas are able to type, or otherwise act in a manner that negatively affects other users' ability to engage in real time exchanges; or

3.3.9 infringes our legal rights or any other User, or any other person or organisation.

#### **4. Freedom of Information**

The Freedom of Information Act 2000 ("the FOIA") enables people to gain access to information held by public authorities subject to a number of exemptions. The Standards Board for England is subject to the provisions of the FOIA. You agree that when we receive a request under the FOIA which includes any information that either belongs to a User or consists of any content uploaded, posted or emailed onto the Forum by any User, we may determine to release this information into the public domain as we deem appropriate and in accordance with the FOIA and the Data Protection Act 1998.

#### **5. Monitoring, Sanctions and Termination**

5.1 In order to provide Users with general support and advice in relation to their use of the Forum and for security and abuse-management reasons, we reserve the right to:

5.1.1 access and monitor the use of the Forum and any Content uploaded on it; and

5.1.2 take whatever steps we consider are necessary for any breach of the Standards Forum Policy or to protect our Users or our rights or third party rights which are

threatened or infringed, including editing, modifying or removing any Content you have uploaded, suspending or discontinuing any discussion thread and / or restricting or terminating your membership and access to the Forum.

- 5.2 All breaches will be logged and our decision is final in all such cases.
- 5.3 If you witness any breaches in the Forum, please Contact Us immediately. We cannot guarantee the prompt editing or removal of any Content, posts, messages or threads.
- 5.4 Any breaches may lead to us reporting your activities to your authority, or to legal action being taken against you, or both.
- 5.5 When we consider it appropriate, we may contact you to inform you of any action we have taken in relation to Content which you have uploaded and what steps (if any) we require you to take.
- 5.6 We are entitled to revoke your membership or otherwise limit your right of access to the Forum at anytime or in any event on 1 week's notice.

## **6. Availability of the Standards Forum**

- 6.1 We shall use reasonable endeavours to ensure that the Forum is available between the hours of 09.30 and 17.00 Monday to Friday, excluding public holidays. While the Forum may be available outside of those times, we make no representation or guarantees as to such availability.
- 6.2 We reserve the right to withdraw access to all or any part of the Forum for periods of time in order to modify Content, scheduled



or emergency maintenance and other purposes without notice to you.

6.3 Since you will receive the Forum via third party telecommunications networks, you acknowledge that we cannot guarantee that the availability of the Forum will be uninterrupted or error free. Similarly we cannot guarantee that the transmission of any information over such telecommunications networks will be secure nor that you will be able to access the Forum at all times.

6.4 The Forum is therefore provided to you on an "as is" and "as and when available" basis, and your use of the Forum is at your own risk.

## **7. Links**

7.1 The Forum may contain links to websites which are not under our control. These links will be provided for your convenience only. We are not responsible for the availability or content of such other websites or for any products or services available from them. Any such link should not be seen as an endorsement of such websites, or any products or services contained on them.

7.2 You should be aware that your use of such other websites may be subject to additional terms and conditions imposed by the owners of those websites. Your dealings with such third parties are between you and the third party, and we accept no liability as a result of you accessing such websites or entering into contractual arrangements with the operator in question.

## **8. Ownership and Licence**

- 8.1 You acknowledge that all rights in copyright, patents, design rights, trade marks (“Intellectual Property Rights”) whether registered, capable of registration or otherwise throughout the world, for the full duration of such rights in the Forum (including in the Content) are owned by us or our licensors. Except for your use of the Content in accordance with the Policy, you are granted no Intellectual Property Rights in respect of the Forum.
- 8.2 You may print, copy or download the Content provided always that:
- 8.2.1 the Forum and/or any User or third party responsible for creating the content, is the acknowledged source;
  - 8.2.2 all titles credits and URLs are included; and
  - 8.2.3 you comply with any legal notice contained in the content.

This permission is revocable by us at any time.

- 8.3 In relation to any content which you upload, you grant to us a non-exclusive royalty free licence (which includes the right to grant sub-licences) to include such Content on the Forum so that it can be made available by us as part of the Forum and be viewed and downloaded by Users and used and exploited as they see fit, subject to them respecting any reasonable legal notice which you may place on such Content.
- 8.4 You grant to us a world-wide, royalty-free, irrevocable, non-exclusive licence (including the right to sub-license) to use, reproduce, modify, adapt, publish, translate, create derivative works from, distribute, perform and display any content (in whole or part) you upload and/or to incorporate such Content in other works in any form, media or technology now known or developed.

## **9. Indemnity**

You agree to indemnify and hold us harmless from and against any loss, damage or expense caused to any persons (including us or any other User, to the extent such losses, damages and expense is caused by any Content which you have uploaded and / or your use of the Forum, or to whom you have disclosed your password (whether inadvertently or not), and / or your breach of the provisions of the Policy.

## **10. Our liability**

10.1 We shall not be liable to you in contract, tort (including negligence) or otherwise for:

10.1.1 any damage or loss arising from the consequences of viruses received by you via the Forum or of our failure to provide the Forum in accordance with the Policy;

10.1.2 any economic losses (including loss of profits), any indirect or consequential losses, loss of data, goodwill or reputation, or for any wasted expense including but not limited to losses caused by viruses, and

10.1.3 any other liability we may have to you whether in contract, tort (including negligence) or otherwise for any loss or damage suffered by you in relation to the Forum.

10.2 In any event we will not be liable for any failure to perform our obligations if we are prevented from doing so by an event beyond our reasonable control including (but not limited to):

10.2.1 strikes or labour disputes;

10.2.2 acts of God, war, riot, civil action, malicious acts or damage, fire, flood or storm;

10.2.3 compliance with any law, governmental or regulatory order, rule, regulation or direction, any act or omission of any government or other competent authority; and/or

10.2.4 accident, equipment or services failure, including the unavailability of third party telecommunications services, lines or other equipment.

## **11. Disclaimer**

11.1 We do not limit our liability if you die or are injured as a result of our negligence or you suffer loss as a consequence of any fraud by us, and nothing in these Terms of Use should be read as making any such limitations.

11.2 You should note that since content is provided not only by us but also by Users we cannot and do not undertake to monitor every item of Content uploaded onto the Forum and as a result:

11.2.1 we are unable to guarantee that the Forum is virus and/or error free. You should always check Content before downloading. Any Content is downloaded by you at your own risk, and on the basis that you will be solely responsible for any damage to your computer system or loss of data that result from the download of such content; and

11.2.2 we make no representations, warranties or endorsements about the information included in the Forum or its accuracy (including in relation to any opinions or advice

given, or any links to other websites). Nor do we endorse any opinions expressed in the Forum. Anything on the Forum is for information purposes only and does not constitute legal or professional advice and should not be relied on without taking independent advice.

11.3 You are solely responsible for any decisions you take based on the information contained in the Content.

## **12. General**

Please note the following:

- 12.1 any failure or delay by us to bring legal proceedings in relation to the Forum, shall not be regarded as a waiver of any rights. Indeed if we do waive any such rights, this shall not be regarded to be a waiver of any other or future rights we may have;
- 12.2 if any paragraph, or part of any paragraph of the Policy is found by any Court, or other competent body to be wholly or partly illegal, invalid, void, voidable, unenforceable or unreasonable, that part shall be deemed to be severable from the Policy and the remaining provisions of the Policy shall continue in full force and effect;
- 12.3 the Policy is not intended, nor shall it operate, to create a partnership or joint venture of any kind between us and you, and you are not authorised to act as our agent;
- 12.4 no term of the Policy shall be enforceable under the Contracts (Rights of Third Parties) Act 1999 ("Act") by a third party, who is not a party to this agreement save for any other User who shall be entitled to exercise any rights it may have under that Act against you. Notwithstanding that any term of the Policy may be or become enforceable by any other User, we shall be entitled to vary, amend, modify, suspend, cancel or terminate our

agreement with you in accordance with the other terms of the Policy, without their consent;

12.5 you may serve any formal notice on us by Contacting Us, and we may serve a formal notice on you, by either first class post or email to the contact details you submitted upon registration (as may be updated by you from time to time) and such notice will be regarded as formally received by the other on the next day that is not a weekend or a public holiday;

12.6 the Policy represents all the terms and conditions of your agreement with us that arises automatically when you use the Forum, and supersedes any previous agreements between us relating to your use of the Forum.

12.7 you acknowledge that (in relation to your use of the Forum) you have not relied on any statement, representation, warranty or understanding made by us or on our behalf (whether or not made negligently) other than those expressly set out in the Policy;

12.8 the Policy shall be interpreted in accordance with English Law and you and we submit to the exclusive jurisdiction of the English Courts.

### **Contacting Us**

You can contact us by sending an e-mail message to:  
forum@standardsforengland.gov.uk

Or by writing to us at:

Standards Forum

Standards for England

Fourth Floor

Griffin House

40 Lever Street

Manchester

M1 1BB





**Standards Committee Work Programme 2009/10 – 27 October 2009**

	<b>Timescale</b>	<b>Progress</b>
1 Lessons to be learned from reported complaints/monitoring of compliance with the Code	As and when required	On going
2 New/Revised Protocols	As and when required	On going
3 Annual Monitoring of Training Report	Summer 2010	On target
4 Code of Conduct Seminar for Officers, Borough and Parish Councillors (Press Release to be issued – Details on website)	26 November 2009	On target
5 Report on Annual Standards for England Conference (Para for 7 Days)	December 2009	To be circulated to members via e-mail/letter
6 Update on visits by individual Members to Borough and Parish Council Meetings (Press Release to be issued and put on website)	Autumn 2009	On target
7 Update on Whistleblowing Code	Spring 2010	
8 Hearings and Investigations	As and when required	On going
9 Consideration of applications for dispensations	As and when required	On going
10 Monitoring Officer meeting with Parish Clerks to discuss Standards regime	Summer 2010	

	<b>Timescale</b>	<b>Progress</b>
11 Standards Committee annual meeting inviting Parish Clerks and Parish Chairman to discuss Code (Press Release to be issued)	Summer 2010	
12 Standards Committee – Annual Report	May 2010	
13 Annual Meeting Standards Committee and the Chief Executive and Leaders of 2 Political Groups to discuss importance of ethical governance and Annual Report (Press Release to be issued and Para for 7 Days and on website explaining how much the Chief Executive and Leader support and encourage high ethical standards)	Autumn 2009	On target
14 Consider involvement of the Standards Committee in the Officer Code and Political Restrictions	Spring 2009	
15 Consider use of the ethical governance toolkit	Autumn 2009	On target
16 Look at conducting research in relation to opinions of conduct in West Lancashire	Spring 2009	
17 Look at the potential involvement of the Standards Committee in complaints handling and review of Ombudsman decisions	Spring 2010	
18 Local Filter - implementation	Continuing	Ongoing



**AGENDA ITEM: 15**

**STANDARDS COMMITTEE:  
27 October 2009**

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**Report of: Council Secretary and Solicitor**

**Contact for further information: Mrs J Denning (Extn. 5384)  
(E-mail: [Jacky.Denning@westlancs.gov.uk](mailto:Jacky.Denning@westlancs.gov.uk))**

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**SUBJECT: DISCUSSION OF THE IMPORTANCE OF ETHICAL GOVERNANCE  
AND THE STANDARDS COMMITTEE ANNUAL REPORT 2008/09**

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Wards affected: Borough wide

**1.0 PURPOSE OF THE REPORT**

1.1 To invite members of the Committee to discuss with the Chief Executive, the Leader and the Leader of the Opposition (a) the importance of Ethical Governance and (b) the Standards Committee Annual Report

**2.0 RECOMMENDATIONS**

2.1 That members of the Committee discuss with the Chief Executive, the Leader and the Leader of the Opposition (a) the importance of Ethical Governance and (b) the Standards Committee Annual Report

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**3.0 CURRENT POSITION**

3.1 The Chief Executive, Leader of the Council and Leader of the Opposition are committed to high standards of ethical governance and are attending this meeting to discuss the same with the Standards Committee.

3.2 The Standards Committee Annual Report attached as an Appendix to this report provides details of the proactive work undertaken by the Committee during 2008/09.

**4.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

4.1 Although the report has no direct links to the Community Strategy, high standards of Ethical Governance are important to the operation of the Council.

**5.0 FINANCIAL AND RESOURCE IMPLICATIONS**

5.1 There are no specific financial or resource implications arising from this report.

## **6.0 RISK ASSESSMENT**

6.1 The Annual Report details the proactive work being undertaken by the Council, recognising the importance of ethical governance.

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### **Background Documents**

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

### **Equality Impact Assessment**

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

### **Appendices**

Standards Committee Annual Report 2008/09

# STANDARDS COMMITTEE

## ANNUAL REPORT 2008/09

### INTRODUCTION

In accordance with the Local Government Act 2000 the Council is required to establish a Standards Committee. The main role of the Committee is to promote and maintain high standards of conduct throughout the authority and create a sense of 'ethical well-being'. The Standards Committee and the Monitoring Officer are at the heart of the standards framework. They promote, educate and support all Borough and Parish Councillors within West Lancashire in following the highest standards of conduct.

### Role and Function

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

- (m) advising the Council on the adoption and subsequent review of the Council's Whistleblowing Code;
- (n) dealing with applications from officers for exemptions from political restrictions in respect of their posts;
- (o) where appropriate, issuing direction to include a post in the list of politically restricted posts it maintains;
- (p) advising, following consultation with appropriate parties, on the application of criteria for designation of a politically restricted post;
- (q) responding to consultation from the ombudsman when carrying out investigations in accordance with Section 196 of the LGPIH Act 2007 (commencement No. 2 and Savings) Order 2008.

### **Membership**

The Standards Committee is made up of 5 Independent Members, 3 Parish representatives and 4 Borough Councillors. The Chairman and Vice-Chairman are both Independent Members.

### **Independent Members**

The Council appoints Independent members by advertising the positions in the local newspaper, a press release is also produced and information is made available on the Council's web site. A Panel has been established this year to short list and interview candidates and make recommendations to Standards Committee and Council on future appointments.

### **Parish Representatives**

Parish Councils nominate and vote on the appointment of Parish Representatives to the Committee, which are formally approved by Council. The number of Parish Representatives has been increased from 2 to 3 over recent years.

## **OVERVIEW OF THE WORK OF THE COMMITTEE – 2008/09**

The main functions of the Committee have not changed during the year. Its main responsibility is still to promote and maintain high standards of conduct for Borough and Parish Councillors within West Lancashire. It does this primarily through providing training and support to Members. However, the Committee also has a reactive role by investigating complaints and if necessary imposing sanctions.

### **Local Assessment of Complaints Made Against Councillors**

In May 2008 new Regulations came into force requiring the Committee to implement a locally based system for the assessment, referral, investigation and hearing of complaints of Member misconduct. From this date, any one who considers that a Member may have breached the Code of Conduct may make a complaint to that Member's local Standards Committee. Each complaint must then be assessed to see if it falls within the authority's jurisdiction. The assessment of complaints is a new function

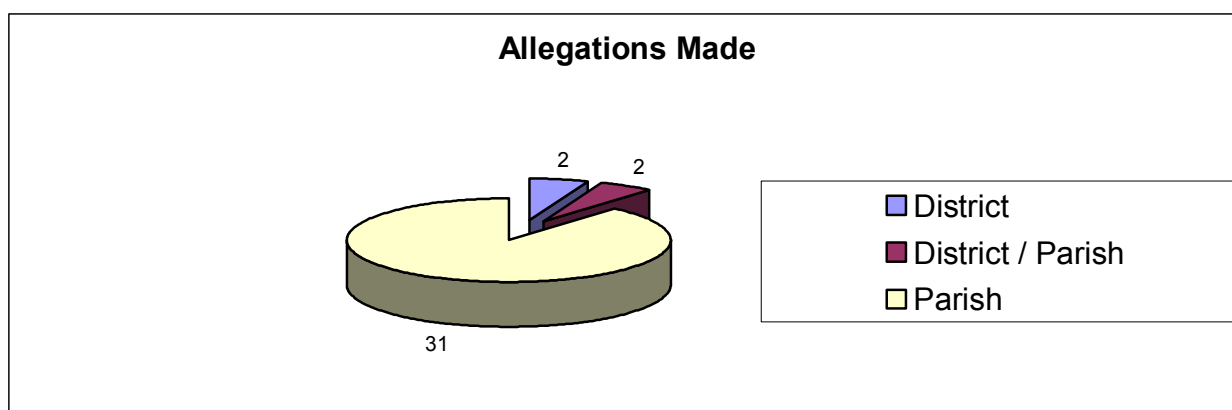
for Standards Committees and was previously undertaken centrally by the Standards Board for England.

The first year of carrying out Local Assessment of complaints has worked well despite a very heavy workload. The hard work put into preparing for change has paid dividends with the procedures adopted proving successful. However, as a Council we are always looking for ways to improve and the Committee is no different. The procedures are kept under review and are amended as and when necessary in order to improve the way in which complaints are dealt with.

Dealing with Local Assessment has given the Committee an interesting insight into the range of complaints received.

### Number of Complaints received during 2008/09

In 2008/09 a very high number of complaints were received, particularly between August and November 2008. A total of 35 complaints were made against Councillors in West Lancashire. The split between Parish and Borough Councillors is shown in the table below:



All 35 complaints were assessed through the Assessment Sub-Committee, 2 were referred for other action and 7 were referred for investigation. The Review Sub-Committee has also dealt with 13 reviews of assessment decisions. The 7 Investigation Reports were considered by the Standards Committee/Consideration Sub-Committee and 6 cases the Investigating Officers finding of 'no breach' was accepted. In relation to the 7<sup>th</sup> matter a Hearing was held and the Hearings Sub-Committee found no breach of the Code.

### Sub-Committees

- Assessment Sub-Committee  
'To carry out the initial assessment of allegations.'  
9 meetings
- Review Sub-Committee  
'To carry out reviews.'  
5 meetings
- Hearings Sub-Committee

‘To hear cases referred to it and decide whether a member has breached the Code of Conduct and, if so, to decide if a sanction should be applied and what form the sanction should take.’

None of these took place during 2008/09, however a Hearing was held in July 2009 in relation to a 2009/09 case.

- Consideration Sub-Committee (established in May 2009)  
 ‘To consider an Investigation Report following an investigation by the Monitoring Officer or referred to the Monitoring Officer by the Standards Board’s Ethical Standards Officer and to determine:
  - (i) when the Investigating Officer’s report finds a failure to comply with the Code, whether the matter should be referred to the Hearings Sub-Committee or to the Adjudication Panel for England;
  - (ii) when the investigating Officer’s report finds no failure to comply with the Code, whether it accepts the finding or, if it does not, whether the Hearings Sub-Committee or the Adjudication Panel for England should hear the case.’
 2 meetings In 2008/09, however 1 meeting was held in June 2009 to consider 2008/09 cases.

## Training

The following training has been provided during 2008/09:

<b>DATE</b>	<b>SUBJECT</b>	<b>ATTENDEES</b>
12 September 2008	Assessment Of Complaints and Standards Committee Hearings	Standards Committee and Legal and Member Services Officers.
16 October 2008	Refresher – Local Assessment Procedures	Standards Committee and Legal and Member Services Officers
11 November 2008	Local Assessment of Complaints	Standards Committee and Legal Member Services Officers
20 November 2008	Annual Code of Conduct Training	Borough and Parish Councillors, Standards Committee, Divisional Managers and Legal and Member Services Officers
January 2009	Local Authority Governance – Current Issues	Legal and Member Services Officers
19 February 2009	Planning Code of Good Practice	Borough Councillors and relevant Officers

When training is provided ‘Training Packs’ are provided to all attendees including those who were invited to attend but were unable to attend.



## **Promoting Standards**

The Standards Committee, supported by the Council Secretary and Solicitor, work hard to promote the role of the Committee and to ensure high ethical standards are promoted within West Lancashire in the following manner:

### **Visits to Borough and Parish Council meetings**

Standards Committee members have agreed to undertake a series of visits to Borough and Parish Council meetings as observers, with the intent that it would increase their understanding of the way Councils are operating in West Lancashire and also to raise the profile of the Standards Committee. Members feedback into a general discussion on their visits on an annual basis. Members felt it was also important that Parish Councils are advised that these were not formal inspection visits.

### **The Council's Website**

More information has been provided on the dedicated Standards Committee area of the Council's website this year and it is regularly updated.

### **Parish Clerks Meeting**

The Monitoring Officer held a meeting with Parish Clerks in June 2008 to discuss the standards regime. A meeting with the Standards Committee and Parish Chairmen will be arranged as part of the Committee's Work Programme.

### **Local Democracy Week**

Schools are invited to attend the Council Offices to take part in a debate and are given information on the Code of Conduct and Declaration of Interest.

### **Other Organisations – Monitoring Officer presentation**

The Monitoring Officer has attended on request and given presentations on issues including Standards to other organisations such as Women's Register and Ormskirk Rotary Club and is to attend on Thursday 15 October 2009 the West Lancs Area Committee of Parish and Town Councils.

### **'7 Days'**

Regular articles on the work of the Committee and the Monitoring Officer are included in the Chief Executive's weekly newsletter to all Councillors and Officers.

### **Press Releases**

Regular articles are produced on the work of the Committee.

## **Proactive Work Undertaken during 2008/09**

The Committee, supported by the Monitoring Officer, has been active in considering a range of issues which relate to the openness, integrity, and accountability of the Council. As part of its work programme in addition to the above, the following has been achieved:

- A new Declaration of Interest Checklist for the assistance of Members has been produced.
- The Committee responded to a Consultation Paper published by the Department for Communities and Local Government on issues relating to proposed new Codes of Conduct for Local Authority Members and Employees.
- The Committee established a work programme for the Committee for 2009/10.

- The Committee reviewed the number of Parish Councils who had achieved 'Quality Parish Council' status and those working towards it.
- The Monitoring Officer wrote to Parish Council Clerks explaining the importance of good governance documents in the context of the maintenance of high standards.
- The Monitoring Officer, the Leader and the Chairman of the Committee met with three representatives from the Standards Board to discuss Standards issues at the local level.
- The Standards Board Annual Return was completed on time.
- Quarterly returns of complaint statistics to the Standards Board were completed within the performance time frame specified and all complaints assessed with the required performance target.
- The Committee considered a letter from the Department of Communities and Local Government in respect of local determinations and associated costs.

### **Dispensations**

No applications for dispensations were received in 2008/09.

### **REGISTER OF MEMBERS' PERSONAL INTERESTS**

Members are reminded annually of their requirement to ensure that their Register of Personal Interests Form is up-to-date. Newly elected members receive a letter advising them of the 28-day deadline for completing their Register of Personal Interest Form.

These details are not included on the website following guidance received from the Standards Board in 2007 that there is a risk of breaching the Data Protection Principles if details are published without the prior permission of the Members concerned.

An item is included on every Borough Council, Cabinet, Committee, Working Group and Panel agenda to remind Members of the importance of declaring interests and a check list is included to assist Members in deciding if they have any.

### **THE CONSTITUTION**

Sections 16 and 17 of the Council's Constitution contain various Codes and Protocols relevant to the functions of the Committee, as follows:

- Borough and Parish Members Codes of Conduct
- Protocol on Member/Officer Relations
- Planning Code of Good Practice
- Protocol on the use of ICT by Members
- Officers' Code of Conduct
- Whistleblowing Code
- Indemnity 2008

## THE YEAR AHEAD

The Committee has developed a Work Programme for the 2009/10 municipal year to ensure that standards are maintained and enhanced. Details of these are set out below:

- 1 Continue to monitor lessons to be learned from reported complaints/monitoring of compliance with the Code
- 2 Implement any changes to the Code of Conduct for Members and Officers
- 3 Consider the Annual Monitoring of Training Report
- 4 Provide the Code of Conduct Seminar for Standards Committee, Officers, Borough and Parish Councillors  
(Press Release to be issued – Details on website)
- 5 Consider a report on the Annual Standards for England Conference  
(Paragraph for 7 Days)
- 6 Continue visits by individual Members to Borough and Parish Council Meetings  
(Press Release to be issued and put on website)
- 7 Update the Whistleblowing Code
- 8 Conduct Hearings and Investigations
- 9 Consider applications for dispensations
- 10 Monitoring Officer meeting with Parish Clerks to discuss Standards regime
- 11 Standards Committee annual meeting inviting Parish Clerks and Parish Chairman to discuss Code  
(Press Release to be issued)
- 12 Standards Committee – Annual Report
- 13 Annual Meeting  
Standards Committee and the Chief Executive and Leaders of 2 Political Groups to discuss importance of ethical governance and Annual Report  
(Press Release to be issued and Para for 7 Days and on website explaining how much the Chief Executive and Leader support and encourage high ethical standards)
- 14 Consider involvement of the Standards Committee in the Officer Code and Political Restrictions
- 15 Consider use of the ethical governance toolkit
- 16 Look at conducting research in relation to opinions of conduct in West Lancashire
- 17 Look at the potential involvement of the Standards Committee in complaints handling and review of Ombudsman decisions
- 18 Local Filter – implementation, assess, review, consider, investigate and hear appropriate complaints in accordance with the target timescales
- 19 Continue to provide and update information on the dedicated Standards Committee area of the Council's website.
20. Provide specific training to Members of the Committee on how to deal with the initial assessment, review and hearings in respect of complaints made about Councillors alleging a breach of the code of conduct.
21. Establish a timetable for the appointment of Independent Members to serve on the Standards Committee in February 2010.
22. Establish a work programme for the Committee for 2010/11.
23. Complete the Standards for England Annual Return
24. Complete quarterly statistical returns in accordance with Standards for England targets.
25. Invite local schools during Local Democracy Week schools to attend the Council Offices to take part in a debate and provide information on the Code of Conduct and Declarations of Interest.



Appendix



Monday 11 May 2009



Confidence in local democracy

# Annual return

## Summary

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show all

<b>Section 1</b>	Independent overview		show <input checked="" type="checkbox"/>
<b>Section 2</b>	Standards committee - annual report		show <input checked="" type="checkbox"/>
<b>Section 3</b>	Standards committee - promoting standards		show <input checked="" type="checkbox"/>
<b>Section 4</b>	Standards committee - training		show <input checked="" type="checkbox"/>
<b>Section 5</b>	Leadership		show <input checked="" type="checkbox"/>
<b>Section 6</b>	Complaints		show <input checked="" type="checkbox"/>
<b>Section 7</b>	Member officer - relations		show <input checked="" type="checkbox"/>
<b>Section 8</b>	Registering member interests		show <input checked="" type="checkbox"/>
<b>Section 9</b>	Officer conduct		show <input checked="" type="checkbox"/>
<b>Section 10</b>	Optional questions		show <input checked="" type="checkbox"/>

## Independent overview

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Does the standards committee have Terms of Reference?

Yes

What help do members receive on following the Code of Conduct?

Annual Code of Conduct Training Session held for All Standards Committee Members, District and Parish Councillors and training pack circulated to all, including those who can't attend. Code of Conduct is part of the Induction Training for District Councillors. Ad hoc advice on the Code of Conduct regularly given to both Parish & District Members.

Does the standards committee have a forward work plan?

Yes

If yes, who outside of the standards committee is involved in agreeing the forward work plan? Please explain below.

The Monitoring Officer, Chief Executive and Leader.

Is the standards committee given a role in reviewing amendments to the Authority's Constitution (or Standing Orders where appropriate)?

No

**Standards committee meetings.**

Please use the table below to indicate how many times between 01/04/2008 and 31/03/2009 the standards committee has met and for what reasons.


Reason for meeting	Number of times met between 01/04/2008 and 31/03/2009
General meeting of whole standards committee	4
Training	4
Assessment sub-committee	9
Review sub-committee	4
Consideration meeting	1
Hearing	0
Other	0



**Standards committee - annual report**

Does the standards committee produce an annual report on its own work?

No



**Standards committee - promoting standards**

What else does the standards committee do to communicate the role of the standards committee and the importance of high standards internally within the authority to members and officers?

Standards Committee Members attend the Annual Code of Conduct Training Seminar and are introduced to Members and Officers in attendance. Those in attendance are given an overview and the work of the Committee. The work of the

Committee is also regularly highlighted in the Chief Executive's weekly newsletter to Members and Officers, called '7 Days'. A programme of visits are ongoing for Standards Committee Members to Parish Councils.

What else has the standards committee done to promote confidence in local democracy to the wider public?

Press releases and information provided on the internet

Has the authority, or the standards committee in particular, considered how it will monitor and ensure high standards of behaviour when the authority is working in partnership with other organisations?

Yes

Please provide examples.

The Constitution for the Edge Hill University/West Lancs District Council Forum provides for the Code of Conduct to apply - 7 principles for the holders of public office is part of the constitution. Lancashire Local and the Local Strategic Partnership also contain within their constitution Standards and Propriety aspects. Appropriate terms and conditions are also established in Partnership Contracts.



**Standards committee - training**

Between 01/04/2008 and 31/03/2009, has the authority assessed the training and development needs of members in relation to their responsibilities on standards of conduct?

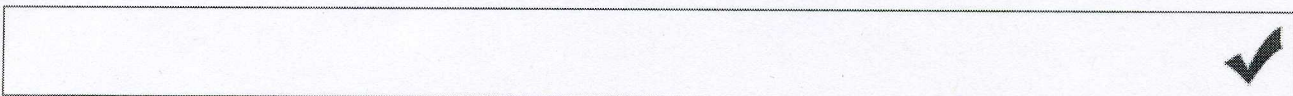
Yes

What training needs were identified?

Code of Conduct Training for all District and Parish Councillors, Training on Initial Assessment, Review and Hearing processes, Planning Code Training.

Please provide a list of training and development opportunities that have been provided to members and officers in the period from 01/04/2008 and 31/03/2009, that are relevant to ensuring high standards. Your list should include any training that relates to the operation of the local standards framework, e.g. local assessment, hearings etc.

12 September 2008 - Standards Committee Training - Assessment of Complaints and Standards Committee Hearings 11 November 2008 - Standards Committee Training - Local Filter of Complaints 20 November 2008 - Code of Conduct Training - District and Parish Councillors 19 February 2009 - Planning Code of Good Practice - All Members and relevant officers



**Leadership**

How often has the standards committee, or its chair, met the chief executive to discuss ethical issues in the last 12 months (from 01/04/2008 to 31/03/2009)?

One

Please also provide an overview of what the meetings were about.

An informal discussion.

How often has the standards committee, or its chair, met the leader of the council to discuss ethical issues in the last 12 months (from 01/04/2008 to 31/03/2009)?

One

Please also provide an overview of what the meetings were about.

The challenges of handling standards locally.

How often has the standards committee, or its chair, met the other party group leaders to discuss ethical issues in the last 12 months (from 01/04/2008 to 31/03/2009)?

Three

Please also provide an overview of what the meetings were about.

The Leader of the Labour Group is a Member of the Standards Committee

Does the standards committee, or its chair, have regular access to the monitoring officer? How regular?

Regularly at Standards Committee, at Chairman's Briefings which are normally held prior to any Committee meeting informally via e-mail and on the phone and at training sessions.

How many times in the last 12 months (from 01/04/2008 to 31/03/2009) has the standards committee chair been invited to address a full authority meeting?

None

Does the monitoring officer sit on the Corporate Management Team, or equivalent?

Yes

Has an executive member (or senior member where appropriate) been given portfolio responsibility for standards?

Yes

✓

**Complaints**

Can the public access information, from the authority website, about how to make a complaint against a member?

Yes

What else has the authority done to advertise the complaint process on member conduct to the general public?

Included a notification on the Public Notice Board outside the building including information on the Web Site. Notified via e-mail all members of staff and all Parish Councils.

Has the authority sought feedback from any of those people involved in an allegation of member misconduct about their satisfaction with the member conduct complaint process (for example the complainant, witnesses or person against whom the allegation was made)? Please choose from responses below.

No, have not sought feedback

How does the authority communicate the outcome of investigations into member conduct to:

a) members

By letter to the subject member. By inclusion of statistics at the next meeting of the Standards Committee. By publishing the Notice of Finding.

b) officers

By letter to the relevant Parish Clerk. By publishing the Notice of Finding. By inclusion of statistics at the next meeting of the Standards Committee.

c) the general public

Public Notice in a Local Newspaper. On the Council's web site.

How does the authority communicate the outcome of allegations into member conduct which have NOT resulted in an investigation (for example those allegations which have not been referred for investigation and those allegations which have resulted in other action) to:

a) members

By letter to the subject member. By inclusion of statistics on the next meeting of the Standards Committee. By e-mail to the Leader and Opposition Leader and Standards Committee.



b) officers

By e-mail to the Chief Executive and Deputy Chief Executive. By letter to the relevant Parish Clerk.

c) the general public

By inclusion of statistics on the next meeting of the Standards Committee. By maintaining a register which can be viewed at the Council Offices.

[Empty box with a checkmark in the bottom right corner]

**Member officer relations**

Does the authority have a protocol for relations between members and officers?

Yes

How is the protocol communicated to officers and members?

The protocol is included in the Council's Constitution.

What is the mechanism for reviewing the effectiveness of this protocol?

The Protocol is intended to be a 'live' document and can be reviewed from time to time to reflect changing circumstances.

Does the authority include training on the importance of high standards of behaviour in the inductions of new members and officers?

Yes

Does the authority have informal mechanisms for dealing with member/officer and member/member disputes?

Yes

Please provide details of any mechanisms and, if possible, provide an example where this has been used.

Boardly discussion involving the Chief Executive, CSS, Member concerned and Leader or the relevant Political Group.

[Empty box with a checkmark in the bottom right corner]

**Registering member interests**

Is the member register of interests accessible to the public on the authority website?

No

Please briefly explain whether there is any particular reason why not.

Our understanding is that this is in accordance with SBE Guidance (2007) and there is a risk of breaching the Data Protection Principles if details of the register are published on the internet without the Members' concerned prior permission.

Is the register of gifts and hospitality available to the public on the authority website?

No

What does the authority do to signal to members the importance of declaring interests and completing the register of interests and the register of gifts and hospitality?

An item is included on every committee agenda 'Declarations of Interests' with a Check List to assist Members in deciding if they have an interest. Members are sent a reminder annually of their requirement to ensure that their register of interest form is up-to-date. Newly elected members are written to advising them of the 28 day deadline for completing their register of interest form.



**Officer conduct**

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Does the authority have a code of conduct for senior officers?

Yes

Does the authority compile a register of senior officers' interests?

Yes

If yes, is the register of senior officers' interests available to the public on the authority website?


No

Does the authority compile a register of senior officers' gifts and hospitality?

Yes

If yes, is the senior officers' register of gifts and hospitality available to the public on the authority website?

No



**Optional questions**

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The following questions are optional; you do not have to complete them if you do not wish to. However, this information would be useful to us in helping us to raise ethical standards.

On what issues, if any, would you appreciate more support or guidance on from the Standards Board for England?

Refined Guidance with worked examples complying with the Regulations and not conflicting with any other Guidance given.


The Standards Board for England, the Improvement and Development Agency and the Audit Commission have developed a toolkit that authorities can use to assess the ethical governance arrangements in their authority, and also to identify improvements.

Has your authority used the ethical governance toolkit?

No

If no, has your authority considered using the ethical governance toolkit?

Yes



**STANDARDS COMMITTEE  
(CONSIDERATION SUB-COMMITTEE)**

**HELD: 24 JUNE 2009**

Start: 4.00pm

Finish: 4.45pm

**PRESENT:**

Independent Member: Mr J Cailes (Chairman)

Councillor: T Rice

Parish Councillor: A Cheetham

Officers: Assistant Member Services Manager (Mrs J Denning)  
Independent Adviser (Mr M Dudfield)

**1. APPOINTMENT OF CHAIRMAN**

RESOLVED: That Independent Member, Mr J Cailes, be appointed Chairman for the meeting.

**2. APOLOGIES**

There were no apologies for absence.

**3. URGENT BUSINESS, IF ANY, INTRODUCED BY THE CHAIRMAN**

There were no items of urgent business.

**4. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**5. MINUTES**

As this was the first meeting of the Sub-Committee there were no minutes to receive.

**6. SUBJECT MEMBER VIEWS - EXCLUSION OF PRESS AND PUBLIC**

The Sub-Committee was advised that both Subject Members in respect of Item 8 'Local Investigation – Inv4/LG5/6A Decision C and LG5/17; Inv5/LG5/11 Decision B and Item 9 'Local Investigation – Inv6/LG5/12' felt very strongly that the report should be dealt with in Part 1 of the agenda which is open to the public.

RESOLVED: That the comments received from both subject members be noted.

**7. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 7C of Part 1 of Schedule 12A of that Act and as, in all the circumstances of the case, the public interest in maintaining the exemption under Schedule 12A outweighs the public interest in disclosing the information.

**8. LOCAL INVESTIGATION - INV4/LG5/6A DECISION C AND LG5/17; INV5/LG5/11  
DECISION B**

The Sub-Committee considered the report of the Council Secretary and Solicitor, as contained on pages 3 to 54 of the Book of Reports, which presented a copy of the final report arising from the local investigation in respect of allegations by Parish Councillor Raymond Brookfield, Mr M B Critchley and Parish Councillor John Stephenson that District and Parish Councillor David Westley may have failed to comply with the Codes of Conduct for Halsall Parish Council and West Lancashire District Council.

- RESOLVED:
- A. That the Investigating Officer's finding that District and Parish Councillor David Westley had not failed to comply with the Code of Conduct for Members of either Council, be accepted.
  - B. That the reasons for the finding be agreed, as set out in the Notice of Finding.
  - C. That if the Subject Member does not object to the publication of the Notice of Finding, it is appropriate to also publish the notice on the Council's website.

**9. LOCAL INVESTIGATION - INV6/LG5/12**

The Sub-Committee considered the report of the Council Secretary and Solicitor, as contained on pages 55 to 82 of the Book of Reports, which presented a copy of the final report arising from the local investigation in respect of an allegations by Mr M B Critchley that Parish Councillor Marilyn Westley may have failed to comply with the Code of Conduct for Halsall Parish Council.

- RESOLVED:
- A. That the Investigating Officer's finding that Parish Councillor Marilyn Westley had not failed to comply with the Code of Conduct for Members, be accepted.
  - B. That the reasons for the finding be agreed, as set out in the Notice of Finding.
  - C. That if the Subject Member does not object to the publication of the Notice of Finding, it is appropriate to also publish the notice on the Council's website.

**STANDARDS COMMITTEE  
(HEARINGS SUB-COMMITTEE)**

**HELD: 21 JULY 2009**  
Start: 9.30am  
Finish: 4.45pm

**PRESENT:**

Independent Members: J Cailes (Chairman)  
R Patterson

Councillors S Jones

Parish Councillors A Cheetham  
M Hammond

Officers: Assistant Member Services Manager (Mrs J Denning)  
Independent Legal Officer (Mr M Dudfield)  
Investigator (Ms C Lefort, Weightmans Solicitors)

Subject Member: Parish and District Councillor Mrs D Stephenson  
Mrs N Pryce-Roberts (Representative & Witness)

Complainant: Parish Councillor Mrs M Westley

Witnesses: Mr D Galt Parish Councillor J Stephenson  
Mr G Riley Parish Councillor M Allchurch  
Mr J Wright Police Constable Barlow  
Mr S Hayes Mrs Atherton  
Parish Councillor R Brookfield

Also in attendance: Councillor D Westley and Parish Councillors D & S Corfield.

**1. APPOINTMENT OF CHAIRMAN**

RESOLVED: That Independent Member Mr J Cailes be appointed Chairman for the meeting.

**2. APOLOGIES**

There were no apologies for absence.

**3. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**4. LOCAL INVESTIGATION - INV2/LG5/13 DECISION 2 - PARISH COUNCILLOR  
DOREEN STEPHENSON**

The Sub-Committee conducted a hearing to consider an Investigation Report in respect of District and Parish Councillor Doreen Stephenson, to determine whether or not she had failed to follow the Code of Conduct for Halsall Parish Council and West Lancashire District Council and if so, to decide whether or not a penalty should be applied and what form any penalty should take.

- RESOLVED:
- A. That Councillor Doreen Stephenson has not failed to comply with the Code of Conduct for Members of either Council.
  - B. That the reasons for the finding be agreed, as set out in the Decision Notice.
  - C. That, if the Subject Member does not object to publication of the Decision Notice, it is appropriate to also publish the notice on the Council's website.

**STANDARDS COMMITTEE  
(ASSESSMENT SUB-COMMITTEE)**

**HELD: 24 JULY 2009**  
Start: 10.00am  
Finish: 10.25am

**PRESENT:**

Members: Independent Member Mr P Hanmer (Chairman for the meeting)  
Councillor S Jones  
Parish Councillor R Coady

Officers: Legal Services Manager (Mr T P Broderick)  
Senior Member Services Officer (Mrs C A Jackson)

**1. APPOINTMENT OF CHAIRMAN**

RESOLVED: That Independent Member Mr P Hanmer be appointed Chairman for the meeting.

**2. APOLOGIES**

There were no apologies for absence.

**3. MEMBERSHIP OF THE COMMITTEE**

There were no changes to the membership of the sub-committee.

**4. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**5. COMPLAINT OF BREACH OF CODE OF CONDUCT - LG5/36-45**

The Sub-Committee considered the report of the Council Secretary and Solicitor to decide whether any action should be taken on a complaint she had received, attached at Appendix 1 to the report, in respect of potential breach of the Code of Conduct.

The Sub-Committee considered the Pre-Assessment report attached at Appendix 2 to the report and the recommendations contained therein.

RESOLVED: A. That the decision notice now agreed be issued.

B. That a written summary of the allegation be provided to the subject members.





**STANDARDS COMMITTEE  
(REVIEW SUB COMMITTEE)**

**HELD: 23 SEPTEMBER 2009**

Start: 10.30am

Finish 10.45am

**PRESENT:**

Members: Independent Member Mr J Cailes  
Councillor T Rice  
Parish Councillor M Hammond

Officers: Assistant Legal Services Manager (Mr M Jones)  
Assistant Member Services Manager (Mrs J Denning)

**1. APPOINTMENT OF CHAIRMAN**

RESOLVED: That Mr J Cailes be appointed Chairman for the meeting.

**2. APOLOGIES**

There were no apologies for absence.

**3. MEMBERSHIP OF THE SUB-COMMITTEE**

There were no changes to the Membership of the Sub-Committee.

**4. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**5. REVIEW OF COMPLAINT OF BREACH OF CODE OF CONDUCT LG5/36-45**

The Review Sub-Committee considered the report of the Council Secretary and Solicitor to review a decision of the Assessment Sub-Committee taken on 24 July 2009 when no findings of fact were made.

The Sub-Committee also considered the review report at Appendix 5 and the recommendations therein.

RESOLVED: That the original decision of the Assessment Sub-Committee be upheld.