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Chief Executive

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25 May 2010

TO:

INDEPENDENT MEMBERS: **J CAILES (CHAIRMAN),  
P HANMER (VICE-CHAIRMAN),  
S IBBS, P ROGAN AND B WINSTANLEY**

COUNCILLORS: **MRS U ATHERLEY, R BAILEY, P COTTERILL AND  
R PENDLETON**

PARISH COUNCILLORS: **A CHEETHAM, R COADY AND 1 VACANCY**

Dear Member,

A meeting of the **STANDARDS COMMITTEE** will be held in the **COMMITTEE ROOM 1** on **3 JUNE 2010** at **4:00PM** 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 7**
4. **MINUTES**  
To receive as a correct record the minutes of the meeting of Standards Committee held on 10 February 2010.  
**Page 9**
5. **MEMBERSHIP OF THE COMMITTEE**  
To note the membership of the Committee as agreed at Council on 19 May 2010 and the Parish Councillor representative vacancy.  
**Page 13**
6. **WHISTLEBLOWING CODE**  
To consider the report of the Council Secretary and Solicitor. **Page 15**
7. **COMPLAINTS, REVIEWS AND INVESTIGATIONS - STATISTICS**  
To consider the report of the Council Secretary and Solicitor. **Page 35**
8. **REVIEW OF THE LOCAL STANDARDS FRAMEWORK**  
To consider the report of the Council Secretary and Solicitor. **Page 43**
9. **STANDARDS FOR ENGLAND ONLINE ANNUAL RETURN 2009/2010**  
To note the return submitted on 16 April 2010. **Page 83**
10. **PARISH COUNCILLOR REPRESENTATIVE VACANCY ON STANDARDS COMMITTEE**  
To consider the report of the Council Secretary and Solicitor. **Page 93**
11. **'A PLACE FOR STANDARDS' 2010 ANNUAL ASSEMBLY OF STANDARDS COMMITTEES**  
To consider attendance at the Conference 18 and 19 October 2010 in Birmingham.
12. **CODE OF CONDUCT SEMINAR FOR OFFICERS, BOROUGH AND PARISH COUNCILLORS**  
To consider the date for the next seminar - November 2010 or Spring 2011.
13. **STANDARDS COMMITTEE ANNUAL MEETING INVITING PARISH CLERKS AND PARISH CHAIRMAN TO DISCUSS THE CODE**  
To consider arrangements.
14. **ANNUAL MONITORING OF TRAINING, TRAINING NEEDS AND TRAINING PLANS FOR INDEPENDENT AND PARISH REPRESENTATIVES**  
To consider the report of the Council Secretary and Solicitor. **Page 97**
15. **COUNCIL SECRETARY AND SOLICITOR ATTENDANCE AT PARISH CLERKS MEETING**  
To note that the Council Secretary and Solicitor will be attending the Parish Clerks Meeting on 18 June 2010 to discuss the standards regime.
16. **STANDARDS COMMITTEE WORK PROGRAMME 2010/11**  
To consider and note the updated Work Programme. **Page 103**

**17. MINUTES OF SUB-COMMITTEES**

To note the minutes of the Assessment Sub-Committee meetings held on:

(i) 15 April 2010

**Page 105**

(ii) 26 April 2010

**Page 107**

**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 585384  
or email [jacky.denning@westlancs.gov.uk](mailto: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 informed any interested parties of the escape routes.
3. Make yourself familiar with the location of the assembly point and informed 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 AND RESCUE SERVICE**.

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 AND RESCUE OFFICER IN CHARGE** 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 AND RESCUE OFFICER IN CHARGE**. Inform the **DOOR WARDENS** to allow re-entry to the building.

**NOTE:**

The Fire Alarm system will automatically call the FIRE AND RESCUE SERVICE. 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**

**HELD: 10 FEBRUARY 2010**  
 Start: 4.00pm  
 Finish: 5.25pm

**PRESENT**

Independent Members:	J Cailes (Chairman)	
	P Hanmer (Vice Chairman)	
	R Chester	
	P Hayman	
Councillors	Mrs U Atherley	S Jones
	P Cotterill	G M Roberts
Parish Councillors	A Cheetham	M Hammond
	R Coady	
Officers:	Council Secretary & Solicitor	
	Assistant Member Services Manager	
Also in attendance	Mr S Ibbs	
	Mr P Rogan	
	Mr B Winstanley	

**29. APOLOGIES**

There were no apologies for absence.

The Chairman, Mr Cailes welcomed Mr Ibbs, Mr Rogan and Mr Winstanley, the candidates recommended for appointment as Independent Members of the Standards Committee and Councillor Cotterill who had been appointed to the Committee in place of Councillor Rice.

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

There were no items of urgent business.

**31. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**32. MINUTES**

**RESOLVED:** That the minutes of the meeting of the Standards Committee held on 27 October 2009 be approved as a correct record and signed by the Chairman.

**33. 'ASSESSMENT MADE CLEAR'**

The Committee received a training DVD entitled 'Assessment Made Clear' issued by Standards for England, designed to help Standards Committee members and local authority officers involved in the assessment of complaints about elected or co-opted members. The DVD contained dramatised case studies used to demonstrate the criteria that guide each decision, including whether any investigation should be conducted locally or referred to Standards for England and when it may be appropriate to take no action or other action.

RESOLVED: That the DVD 'Assessment Made Clear' be noted.

**34. 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, investigations and hearings.

RESOLVED: That the current statistics be noted.

**35. CHARITABLE TRUSTEES AND DECLARATIONS OF INTEREST UNDER THE CODE**

The Committee considered Guidance received from Standards for England in respect of Charitable Trustees and Declarations of Interest under the Code and its relevance to recent complaints.

RESOLVED: That the Guidance be noted.

**36. THE ROLE AND APPOINTMENT OF PARISH AND TOWN COUNCIL REPRESENTATIVES TO THE STANDARDS COMMITTEE AND THE STANDARDS COMMITTEE (ENGLAND) REGULATION 2008 (THE 2008 REGULATIONS)**

The Committee considered Guidance received from Standards for England in respect of the role and appointment of Parish and Town Council representatives to the Standards Committee and the Standards Committee (England) Regulations 2008. Members noted that the Council had been complying with best practice in this area for many years.

RESOLVED: That the Guidance be noted.

**37. STANDARDS COMMITTEE WORK PROGRAMME 2010/11**

The Committee considered the revised Standards Committee Work Programme for 2010/11.

RESOLVED: That the Work Programme for 2010/11 be agreed.

**38. MINUTES OF SUB-COMMITTEES**

RESOLVED: That the minutes of the following Sub-Committees be noted:

- A. Assessment Sub-Committee – 2 December 2009 and 10 January 2010.
- B. Review Sub-Committee – 1 February 2010.

**39. STANDARDS COMMITTEE - APPOINTMENT OF INDEPENDENT MEMBERS**

The Committee considered the report of the Council Secretary and Solicitor which sought to appoint Independent Members to the Standards Committee.

RESOLVED: That the following recommendation of the Recruitment of Independent Members Panel held on 14 January 2010, be endorsed:

“That Council be recommended to appoint the following candidates as Independent Members of the Standards Committee for the term of office stated:

- A. Mr Peter Rogan with effect from 25 February 2010 until the Annual Meeting of the Council in 2014.
- B. Mr Stuart Ibbs and Mr Ben Winstanley with effect from the Annual Meeting of the Council in May 2010 until the Annual Meeting of the Council in 2014.”

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THE CHAIRMAN



**STANDARDS COMMITTEE**

(12 Members - 2 Con, 2 Lab plus 5 independent members and 3 parish representatives) – (Political balance does not apply).

Independent/Co-opted members: **Mr J Cailes (2012) (Chairman)**  
**Mr P Hanmer (2011) (Vice-Chairman)**

Mr S Ibbs (2014), Mr P Rogan (2014),  
Mr B Winstanley (2014)

Conservative: Councillors Mrs. Atherley and Bailey

Labour: Councillors Cotterill and R.A. Pendleton

Parish Representatives: Parish Councillor Cheetham (2012)  
Parish Councillor Vacancy (2012)  
Parish Councillor Coady (2012)

**Must have at least 2 Councillors, may not include the Leader, or more than one Member who is a Cabinet Member, 25% must be independent of the Council, as must the Chairman. Must have at least 2 Parish representatives.**

**STANDARDS COMMITTEE – SUB COMMITTEES**

**1. ASSESSMENT SUB-COMMITTEE**

The Sub-Committee to consist of 3 Members, selected by the Council Secretary and Solicitor in consultation with the Chairman of the Standards Committee. The Chairman must be an independent member. It must have one elected Member and at least one Parish Councillor when a Parish Council matter is being considered.

**2. REVIEW SUB-COMMITTEE**

The Sub-Committee to consist of 3 Members, selected by the Council Secretary and Solicitor in consultation with the Chairman of the Standards Committee. The Chairman must be an independent member. It must have one elected Member and at least one Parish Councillor when a Parish Council matter is being considered.

### **3. CONSIDERATION SUB-COMMITTEE**

The Sub-Committee to consist of 3 Members, selected by the Council Secretary and Solicitor, in consultation with the Chairman of the Standards Committee. The Chairman must be an independent member. It must have one elected Member and at least one Parish Councillor when a Parish Council matter is being considered.

### **4. HEARINGS SUB-COMMITTEE**

The Sub-Committee to consist of a maximum of 5 Members selected by the Council Secretary and Solicitor, in consultation with the Chairman of the Standards Committee. The Chairman must be an independent member. It must have one elected Member and at least one Parish Councillor when a Parish Council matter is being considered.

### **5. RECRUITMENT OF INDEPENDENT MEMBERS PANEL**

The Panel to consist of 3 Members selected by the Council Secretary and Solicitor in consultation with the Chairman of the Standards Committee.

**Political balance does not apply to these Sub-Committees.**



**AGENDA ITEM:**

**STANDARDS COMMITTEE: 3 June 2010**

**COUNCIL: 21 July 2010**

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**Report of: Council Secretary and Solicitor**

**Contact for further information: Ms J Ashcroft (Extn. 2606)  
(E-mail: [julie.ashcroft@westlancs.gov.uk](mailto:julie.ashcroft@westlancs.gov.uk))**

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**SUBJECT: WHISTLEBLOWING CODE**

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Borough wide interest

**1.0 PURPOSE OF THE REPORT**

1.1 To update the Council's Whistleblowing arrangements.

**2.0 RECOMMENDATIONS**

2.1 That the updated Whistleblowing Code, as set out in Appendix 2 be agreed and circulated to all staff and Councillors, and that Divisional Managers promote the Code to contractors and suppliers as appropriate.

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**3.0 BACKGROUND**

3.1 The Council's Anti Fraud and Corruption Policy was recently revised by Members and the updated version disseminated to all staff. Whistleblowing is a further tool in the detection and prevention of fraud or misconduct. Indeed the Audit Commission's report 'Protecting the Public Purse' published in September 2009, states 'Councils should ensure that their whistleblowing arrangements are sound, embedded in everyday procedures and have been communicated to and understood by staff'.

3.2 Public Sector organisations are often highly vulnerable to accusations of unprofessional or unethical behaviour. Since its launch under the chairmanship of the late Lord Nolan, the Committee on Standards in Public Life has continued to highlight the role whistleblowing plays both as an instrument of good governance and a manifestation of a more open culture.

3.3 How an organisation responds to a whistleblowing situation can also be seen as a litmus test of its corporate governance arrangements.

## **4.0 WHISTLEBLOWING CODE**

- 4.1 Whistleblowing occurs when an employee or contractor provides certain types of information to the Council which has come to their attention through work. Usually concerns are about danger or illegality that could potentially affect others.
- 4.2 Now is a particularly appropriate time for employers to update and promote a Whistleblowing Code and its benefits as, during the current financial climate, employees may, with fears for job security, be more reluctant to speak out. Furthermore, during times of recession, the incentive to commit fraud or cut corners can be heightened.
- 4.3 The Accounting scandal at Enron, and subsequent examples of excessive risk taking in the banking sector, has underlined the damage that fraud and business malpractice can cause. They also highlight the need for organisations to ensure that whistleblowing procedures are in place and supported by the management culture. By the time the Enron failures came to light – by the actions of whistleblowers – they were so far advanced that it was too late to stop a corporate meltdown.
- 4.4 It is essential that employees are aware of the Code, understand the necessity to express concern quickly and have trust in the process to ensure that whatever action is necessary will be undertaken without any repercussions for themselves.
- 4.5 Staff should also be aware that the Council is committed to protecting and supporting those individuals who speak out in good faith, as, without their actions, the repercussions could be of significant detriment to the Council.

## **5.0 REVIEW OF CURRENT ARRANGEMENTS**

- 5.1 The Government expects all public bodies to have a Code in place. Whistleblowing schemes in Local Authorities in England are assessed regularly as part of external audit review and the Audit Commission has recently expressed satisfaction with the Council's arrangements.
- 5.2 The Council has had a Whistleblowing Code in place for many years and a copy of the current version is attached at Appendix 1. The Code has worked well in practice and been formally used on two occasions, evidencing that staff are aware of its contents and how to proceed under its provision. Now is a good time to review the Code given new guidance that is available and, as mentioned earlier, the current economic climate.
- 5.3 The Council has robust systems of internal control, a strong regulatory environment and effective Codes of Conduct, which means that cases of suspected impropriety are rare. However, by reviewing and promoting this Code the Council is demonstrating that it is committed to good governance and accountability, to weaning out malpractice and where necessary taking effective action to prevent further instances occurring or a situation escalating.



- 5.4 Once the Standards Committee and Council have agreed the new Code, I will circulate it to all staff and Councillors, ask Divisional Managers to promote it through team briefings and the Chief Executive will include reference to it in '7 days'. Divisional Managers will also promote the document with their contractors and suppliers as appropriate.
- 5.5 The Whistleblowing Code is also available on the Authority's website and whistleblowing arrangements are detailed within Contract documentation.

## **6.0 NEW GOOD PRACTICE GUIDANCE**

- 6.1 To mark 10 years of the Public Interest Disclosure Act 1998 (the key piece of whistleblowing legislation), the British Standards Institution, in partnership with Public Concern at Work, have produced a Whistleblowing arrangements Code of Practice, which sets out good practice for the introduction, revision, operation and review of effective whistleblowing arrangements.
- 6.2 The Code of Practice recommends that Employers should make clear what to do if malpractice is suspected, staff should be aware of and trust the whistleblowing avenues and there should be regular communication to staff about the avenues open to them. Whistleblowers can ask for their concerns to be treated in confidence, be given assurance that they will not be penalised for speaking up and kept informed of the investigation's progress and outcome.
- 6.3 The Code must have the full support of Members and Senior Managers and the Organisation should continually review how the whistleblowing procedures work in practice. Whistleblowing should be treated separately to the Organisation's grievance procedure.
- 6.4 A new Code has been prepared, in line with the Institution's Code of Practice, and is attached at Appendix 2. Members are asked to consider and endorse its contents. The updated Code has been shared with the Trade Unions and a copy of any comments received will be circulated at the meeting.
- 6.5 The main changes include amending the layout of the document for easier reading, updating internal and external contacts, more explanation on whistleblowing, its purpose and benefits, who the Code applies to, protections and safeguards and a commitment to reviewing the Code and practices and ensuring lessons are learned from concerns raised.

## **7.0 RISK ASSESSMENT**

- 7.1 Business ethics are increasingly seen as an issue that can build or destroy an Organisation's reputation. Good whistleblowing procedures can protect the Council against numerous risks, and by encouraging employees to raise

concerns, can help deter wrongdoings, detect problems early, minimise costs and potential compensation claims and maintain and enhance reputation.

- 7.2 It may be that the Code should extend to other partnerships and this is something for a future review.

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### **Background Documents**

Protecting the Public Purse – Audit Commission September 2009

British Standards Institution's Whistleblowing arrangements Code of Practice

Lord Nolan's 'Standards in Public Life'

### **Equality Impact Assessment**

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

### **Appendices**

Appendix 1 – Current Whistleblowing Code

Appendix 2 – Whistleblowing Code 2010

## 2. Whistleblowing Code

### 1.0 Preamble

- 1.1 Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 West Lancashire Borough Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we encourage employees, and others that we deal with, who have serious concerns about any aspect of the Council's work, to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis.
- 1.3 This code makes it clear that employees can voice their concerns without fear of victimisation or other reprisals. The code is intended to encourage and enable employees to raise serious concerns **within** the Council rather than overlooking a problem or 'blowing the whistle' outside. The code gives protection to employees who raise their concerns in this way.

**If you choose to voice your concerns in some other way, then you may lose the protection the policy gives.**

- 1.4 This code has been discussed with the relevant trade unions and has their support.

It **supplements** and **does not** replace the Council's current Codes and Policies.

### 2.0 Aims and scope of this Code

- 2.1 This Code aims to:
- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;
  - provide avenues for you to raise those concerns and receive feedback on any action taken;
  - allow you to take the matter further if you are dissatisfied with the Council's response;

- reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have raised your concerns in good faith.
- 2.2 This code is not for use to raise grievances concerning your personal employment circumstances or as an appeal against management decisions, unless these involve malpractice. Procedures to enable you to pursue grievances etc., relating to your employment, are contained in other Council policy documents.
- 2.3 The code uses the word malpractice. Malpractice includes any kind of improper practice or conduct which falls short of what is reasonably expected, whether it relates to an act or omission and also includes any form of harassment. (refer to code of conduct).

Some examples are :

- failure to comply with a legal duty;
- miscarriage of justice;
- Council's Procedure Rules / Financial Regulations and procedures/ other Council policies have been breached;
- conduct which falls below established standards;
- actions which would put at risk the good reputation of the council;
- a criminal offence occurring;
- actions which could cause damage to the environment;
- danger to the health and safety of any individual.

### **3.0 Safeguards against harassment or victimisation**

- 3.1 The Council is committed to good practice and high standards and is supportive of employees.
- 3.2 The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice.
- 3.3 The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.
- 3.4 This does not mean, however, if you are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of your whistleblowing.

#### **4.0 Confidentiality**

- 4.1 The Council will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. However, it must be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence. If it is possible to establish the truth about allegations from an independent source, the Council will seek to do this.

#### **5.0 Anonymous allegations**

- 5.1 This Code encourages you to put your name to your allegation whenever possible.
- 5.2 Concerns expressed anonymously are much less powerful, however, they will be considered at the discretion of the Council.
- 5.3 In exercising this discretion the factors to be taken into account would include:
- the seriousness of the issues raised;
  - the credibility of the concern; and
  - the likelihood of confirming the allegation from attributable sources.

#### **6.0 Untrue allegations**

- 6.1 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.
- 6.2 Malicious or vexatious allegations include those which are trivial and do not have any substance or are made persistently and annoyingly for the wrong reasons, e.g., simply to make trouble, or purely out of self interest or for personal gain.

#### **7.0 How to raise a concern**

- 7.1 As a first step, you should normally raise concerns with your immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that management is involved, you should approach the Chief Executive, the Executive Manager Financial Services, Internal Audit Section or the Council Secretary and Solicitor.

The earlier you express the concern the easier it is to take action.

- 7.2 Concerns may be raised verbally but are better raised in writing. You should set out details of the background and history of the concern, giving names, dates and locations where possible and the reason why you are particularly concerned about the situation. If you do not feel able to put your concern in writing, you can telephone or arrange a meeting with the appropriate officer.
- 7.3 You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.
- 7.4 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern and that you believe it to be substantially true.
- 7.5 Initial and / or informal advice and guidance on how your concern may be pursued can be obtained from :
- |                                 |               |          |
|---------------------------------|---------------|----------|
| Chief Executive                 | Mr W J Taylor | Ext 5000 |
| Treasurer                       | Mr. M. Taylor | Ext 5092 |
| Council Secretary and Solicitor | Mrs G L Rowe  | Ext 5004 |
| Internal Audit Section          | Mr M A Coysh  | Ext 5061 |
- 7.6 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have similar experiences or concerns.

## **8.0 How the Council will respond**

- 8.1 The Council will respond to your concerns and the action taken by the Council will depend on the nature of the concern.
- 8.2 The matters raised may
- be investigated internally by management, internal auditor through the disciplinary process
  - be referred to the Police
  - be referred to the External Auditor
  - form the subject of an independent inquiry
  - be referred to the Council's Standards Committee, (where the complaint involves a councillor).

8.3 In order to protect individuals, the Council, and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Council will have in mind is the public interest.

You will **not** be required to carry out any investigation, although you may be expected to assist the investigator.

8.4 Concerns or allegations which fall within the scope of specific procedures (for example discrimination issues), will normally be referred for consideration under those procedures.

8.5 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before or during the investigation.

8.6 Within ten working days of a concern being raised, the Council will write to you:

- indicating how it proposes to deal with the matter
- giving an estimate of how long it will take to provide a final response
- telling you whether any initial enquiries have been made
- acknowledging that the concern has been received
- telling you whether further investigations will take place and if not, why not,
- supplying you with information on staff support mechanisms.

8.7 The amount of contact between the officers considering the issues and you, will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.

8.8 When any meeting is arranged, off site if you prefer, you have the right, if you so wish, to be accompanied by a trade union or professional association representative, or a friend who is not involved in the area of work to which the concern relates.

8.9 The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, this will include an assessment of any danger or risk which exists or may arise. Also, if you are required to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure.

8.10 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will be informed of the progress and outcome of any investigation.

## **9.0 How the matter can be taken further**

9.1 This code is intended to provide you with an avenue **within** the Council to raise concerns. The Council hopes that you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:

- the External Auditor;
- your Trade Union;
- your local Citizens Advice Bureau;
- relevant professional bodies or regulatory organisations;
- a relevant voluntary organisation;
- the Police;
- your Solicitor;

9.2 If you do take the matter outside the Council, you should ensure that you do not disclose confidential information or that disclosure would be privileged. You are advised to check this with the Council Secretary and Solicitor.

## **10.0 The responsible officer**

10.1 The Council Secretary and Solicitor as Monitoring Officer, has overall responsibility for the maintenance and operation of this code. She maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Council.



## **2. Whistleblowing Code**

### **1.0 What is Whistleblowing?**

- 1.1 Whistleblowing encourages and enables employees to raise serious concerns within the Council rather than overlooking a problem, turning a blind eye or voicing concerns outside. It is a Safe Alternative to Silence.
- 1.2 Without a Whistleblowing avenue, there is increased risk that the Council could be defrauded, damaged or sued. It can also lead to a demoralised workforce who feel unable to express concerns.
- 1.3 Whistleblowing supports good governance, accountability and the Council's risk control framework. It is a valuable contribution to the Council's efficiency and long term success.

### **2.0 Purpose of the Code**

- 2.1 West Lancashire Borough Council not only accepts, but positively encourages, whistleblowing.
- 2.2 Employees are often the first to realise that there may be something seriously wrong within the Council. They have an important role in helping the Council to promote good practice while providing a service to the Community and protecting its residents.
- 2.3 However, they may not express their concern because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear unfair treatment or discrimination. In those circumstances it may be easier to ignore the concern, rather than report what may just be a suspicion of malpractice.
- 2.4 This code makes it clear that employees can voice their concerns without fear of reprisal or adverse repercussions.

### **3.0 Our Commitment**

- 3.1 West Lancashire Borough Council is committed to the highest possible standards of openness, fairness, probity and accountability. It is against any form of impropriety. In line with that commitment, we encourage employees, and others that we deal with, who have serious concerns about any aspect of the Council's work, to come forward with confidence and voice those concerns. All concerns will be taken seriously, will not be ignored or ridiculed, will be investigated and, where applicable, resolved. It is recognised that certain cases will have to proceed on a confidential basis.
- 3.2 The Council is committed to good practice and high standards and is supportive of its employees.

#### 4.0 Who does the Code apply to?

4.1 The Code applies to all employees, irrespective of seniority, rank or status - including casual, temporary, agency, volunteers or work placements, and all contractors and suppliers engaged by the Council.

#### 5.0 Aims and scope of this Code

5.1 This Code aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;
- provide avenues for you to raise those concerns and receive feedback on any action taken;
- help you to take the matter further if you are dissatisfied with the Council's response;
- reassure you that you will be protected from the possibility of reprisals or victimisation if you have a reasonable belief that you have raised your concerns in good faith, believe the allegation to be substantially true and did not act for personal gain or for malicious purposes.

5.2 This code is not for raising grievances concerning your personal employment circumstances or as an appeal against management decisions, unless these involve malpractice. Procedures to enable you to pursue grievances etc., relating to your employment, are contained in the Council's Grievance Policy.

5.3 This Code supports the Council's Anti-Fraud and Corruption Policy and **supplements** but **does not** replace the Council's other Codes and Policies.

5.4 This code has been discussed with the relevant Trade Unions and has their support.

#### 6.0 What types of concerns are covered?

6.1 The code uses the word malpractice. Malpractice includes any kind of improper practice or conduct which falls short of what is reasonably expected, whether it relates to an act or omission and also includes any form of harassment. Failures could be happening now, have occurred in the past or be likely to happen in the future. The overriding concern should be that it would be in the public interest for the malpractice to be corrected. If in doubt, please raise it.

Some examples are (this list is not exhaustive):

- failure to comply with a legal duty;
- miscarriage of justice;
- breach of Council's Procedure Rules / Financial Regulations and procedures/ or other Council policies;
- breach of Codes of Conduct
- conduct which falls below established standards or is unethical;
- actions which would put at risk the good reputation of the council;
- a criminal offence occurring;
- showing undue favour over a contractual matter or to a job applicant;
- actions which could cause damage to the environment;
- danger to the health and safety of any individual
- possible fraud and corruption
- deliberate covering up of information
- unlawful discrimination on the grounds of sex, race, disability, religion, sexual orientation or age

## 7.0 Protection and Safeguards against Harassment or Victimisation

- 7.1 This Code is intended to encourage and enable employees to raise serious concerns **within** the Council, rather than overlooking a problem or 'blowing the whistle' outside. It provides protection to employees that do so. **If you choose to voice your concerns in some other way, then you may lose the protection the Code provides.**
- 7.2 [The Public Interest Disclosure Act 1998](#) also protects all employees from detrimental treatment or victimisation, if, in the public interest, they blow the whistle provided disclosures are made in accordance with the Act's provisions.
- 7.3 The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. If you honestly believe what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you provide a service. It may help to think of yourself as a witness, rather than a complainant
- 7.4 The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect and support you when you raise a concern in good faith.
- 7.5 If you were subject to reprisals from those responsible for the malpractice or any other member of staff, they may be disciplined under the Council's procedures. Deterring an employee from raising a concern will be considered a serious misdemeanour.

7.6 This does not mean, however, if you are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of your whistleblowing.

## **8.0 Confidentiality**

8.1 The Council will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. However, it must be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence. If it is possible to establish the truth about allegations from an independent source, the Council will seek to do this.

## **9.0 Anonymous allegations**

9.1 This Code encourages you to put your name to your allegation whenever possible as anonymous allegations are much more difficult to pursue. Concerns expressed anonymously are much less powerful, however, they will be considered at the discretion of the Council.

9.2 In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

## **10.0 Untrue allegations**

10.1 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

10.2 Malicious or vexatious allegations include those which are trivial and do not have any substance or are made persistently and annoyingly for the wrong reasons, e.g., simply to make trouble, or purely out of self interest or for personal gain.

## **11.0 How to raise a concern**

11.1 If you are worried that something wrong or dangerous is happening at work, please don't keep it to yourself. Unless you raise your concerns, the chances are we won't find out until it's too late.

11.2 As a first step, you should normally raise concerns with your immediate Manager or their superior and state that you wish to make the disclosure under the provisions of this Code. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that management is involved, you should approach the

Chief Executive, the Council Secretary and Solicitor, the Borough Treasurer or the Internal Audit Manager.

- 11.3 You should **not** try to investigate the matter yourself, although you may be expected to assist with any subsequent investigation, and you should not directly approach or accuse individuals you have concerns about.
- 11.4 The earlier you express the concern, the easier it is to take action. Also, further wrongdoings can be deterred; any damage caused repaired and potential problems 'nipped in the bud' with corrective action before they become endemic or develop into a crisis.
- 11.5 Concerns may be raised verbally but are better submitted in writing. You should set out details of the background and history of the concern, giving names, dates and locations, where possible, and the reason why you are particularly concerned about the situation. If you have made notes, you may be asked for copies of these to aid the investigation. If you do not feel able to put your concern in writing, you can telephone or arrange a meeting with the appropriate officer.
- 11.6 When any meeting or interview is arranged in connection with the concern you have raised this may be off site if you prefer. If you wish, you may invite your trade union, professional association representative or a friend to be present.
- 11.7 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern and that you believe it to be substantially true.
- 11.8 Initial and / or informal advice and guidance on how your concern may be pursued can be obtained from:

Chief Executive

Mr W J Taylor  
Tel: 585000  
Email:

bill.taylor@westlancls.gov.uk  
Council Secretary and Solicitor

Mrs G L Rowe  
Tel: 585004  
Email: gill.rowe@westlancls.gov.uk

Borough Treasurer

Mr M Taylor  
Tel: 585092  
Email:

marc.taylor@westlancls.gov.uk  
Internal Audit Manager

Mr M A Coysh  
Tel: 712603  
Email:

mike.coysh@westlancls.gov.uk  
Human Resources

Mrs S Lewis  
Tel: 585048  
Email:

Sharon.lewis@westlancls.gov.uk

- 11.9 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have similar experiences or concerns.

## **12.0 How the Council will respond**

- 12.1 The Council will respond expeditiously to your concerns and any action taken will depend on the nature of the concern.
- 12.2 The matters raised may:
- be investigated internally by management or Internal Audit or through the disciplinary process
  - be referred to the Police
  - be referred to the External Auditor
  - form the subject of an independent inquiry
  - be referred to the Council's Standards Committee (where the complaint involves a councillor)
- 12.3 In order to protect individuals, the Council and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Council will have in mind is the public interest.
- 12.4 Concerns or allegations which fall within the scope of specific procedures (for example discrimination issues), will normally be referred for consideration under those procedures.
- 12.5 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before the investigation.
- 12.6 Within ten working days of a concern being raised, the Council will write to you:
- indicating how it proposes to deal with the matter
  - giving an estimate of how long it will take to provide a final response
  - telling you whether any initial enquiries have been made
  - acknowledging that the concern has been received
  - telling you whether further investigations will take place and if not, why not,
  - supplying you with information on staff support mechanisms
- 12.7 The amount of contact between the Officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and

the clarity of the information provided. If necessary, further information will be sought from you.

12.8 The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, this will include an assessment of any danger or risk which exists or may arise. Also, if you are required to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure.

12.9 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will be informed of the progress and outcome of any investigation.

### **13.0 How the matter can be taken further**

13.1 This code is intended to provide you with an avenue **within** the Council to raise concerns. The Council hopes that you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:

- the External Auditor;
- your Trade Union;
- your local Citizens Advice Bureau;
- relevant professional bodies or regulatory organisations;
- a relevant voluntary organisation;
- the Police;
- your Solicitor;
- Public Concern at Work (Tel: 02074046609). This is a registered charity whose services are free and strictly confidential. The charity can also provide advice on the specific provisions and protections detailed in the Public Interest Disclosure Act 1998.

13.2 If you do take the matter outside the Council, you should ensure that you do not disclose confidential information as you may lose protection rights. You are advised to check this with the Council Secretary and Solicitor.

### **14.0 The Responsible Officer**

14.1 The Council Secretary and Solicitor as Monitoring Officer, has overall responsibility for the maintenance and operation of this Code. She maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Council. How



procedures are working in practice will be continually reviewed to ensure lessons are learned and appropriate action is taken for each concern raised.

## **15.0 Conclusion**

- 15.1 Existing good practice within the Council, in terms of its systems of internal control, both financial and non-financial, and the external regulatory environment in which the Council operates, ensures that serious cases of suspected impropriety rarely occur.
- 15.2 This Whistleblowing Code is provided as a reference document to establish a framework within which issues can be raised confidentially internally, and if necessary, outside the management structure of the Council. This document is a public commitment that concerns are taken seriously and is a means of strengthening the organisation's corporate governance arrangements.



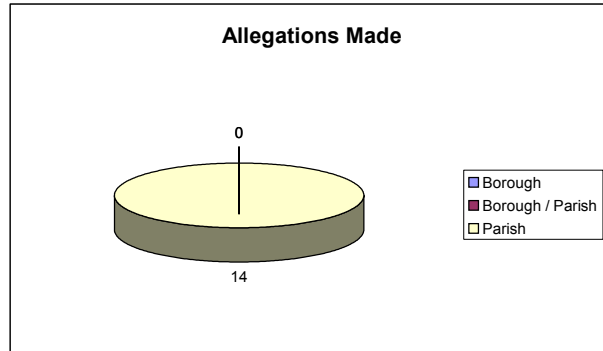
**West Lancashire Borough Council**

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

As at 24/05/2010

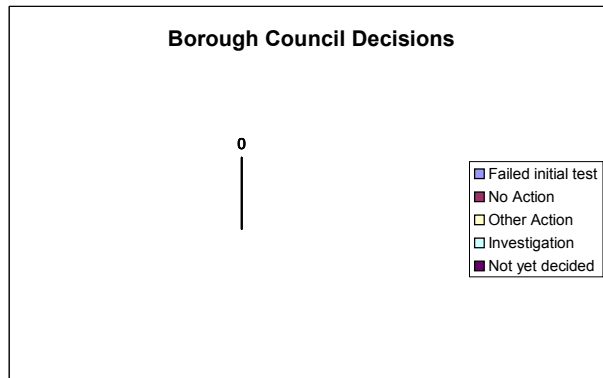
**Allegations made**

Borough	0
Borough / Parish	0
Parish	14
Total	14



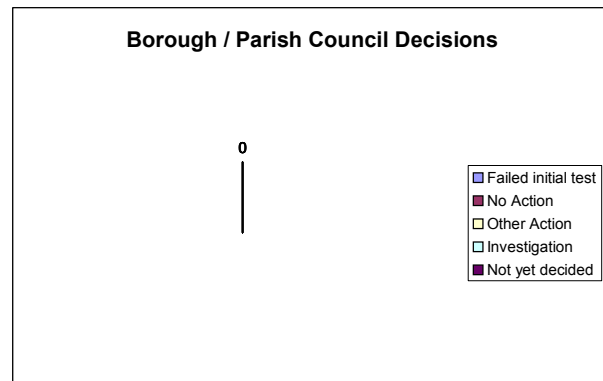
**Borough Council Decisions**

Failed initial test	0
No Action	0
Other Action	0
Investigation	0
Not yet decided	0
Total	0



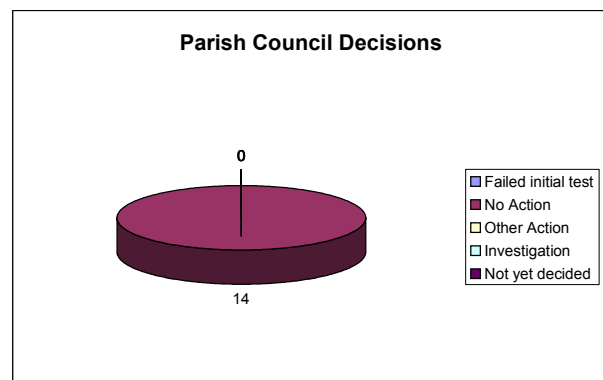
**Borough / Parish Council Decisions**

Failed initial test	0
No Action	0
Other Action	0
Investigation	0
Not yet decided	0
Total	0



**Parish Council Decisions**

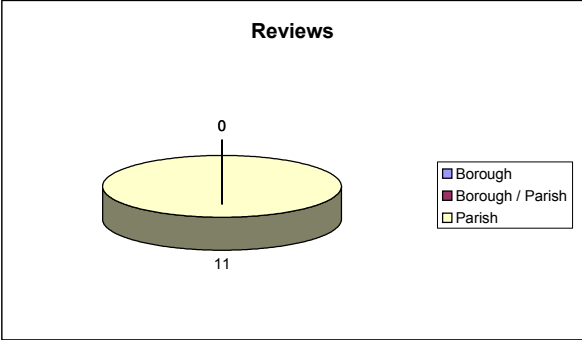
Failed initial test	0
No Action	14
Other Action	0
Investigation	0
Not yet decided	0
Total	14





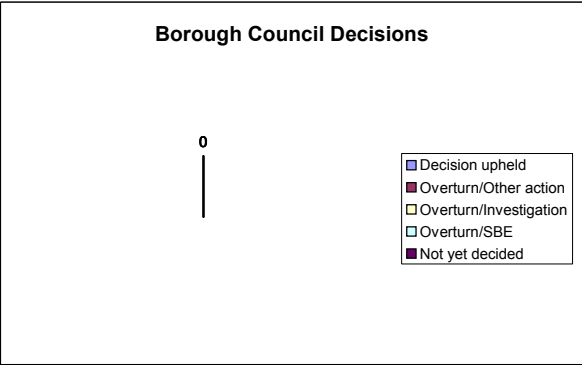
**Reviews**

Borough	0
Borough / Parish	0
Parish	11
<b>Total</b>	<b>11</b>



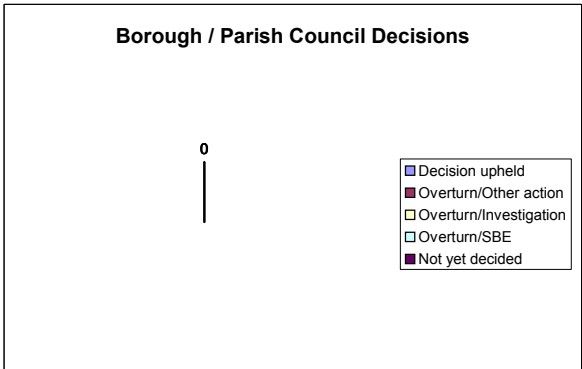
**Borough Council Decisions**

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



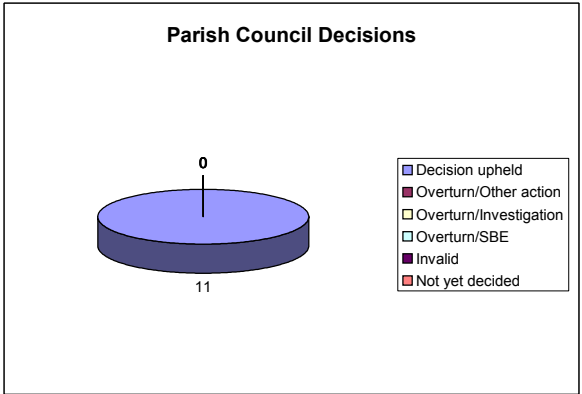
**Borough / Parish Council Decisions**

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	11
Overturn/Other action	0
Overturn/Investigation	0
Overturn/SBE	0
Invalid	0
Not yet decided	0
<b>Total</b>	<b>11</b>





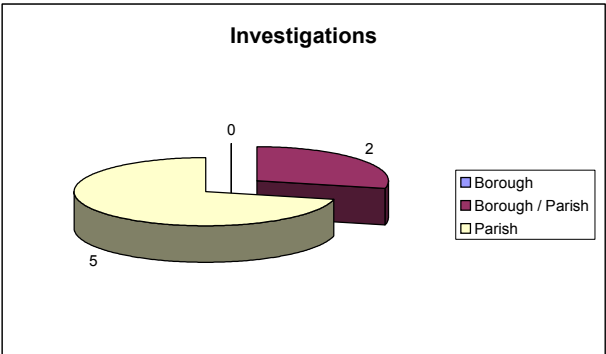
**West Lancashire Borough Council**

**Investigations - Standards Committee 2008/2009**

**As at 24/05/2010**

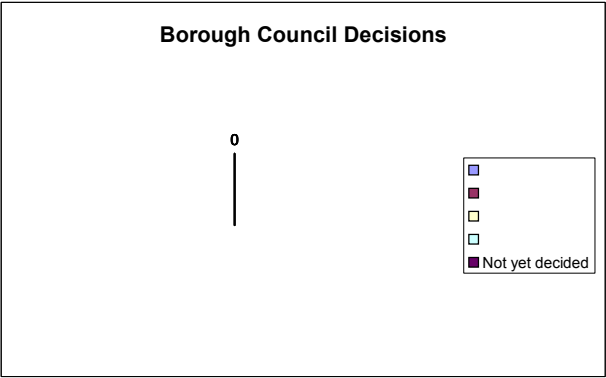
**Investigations**

Borough	0
Borough / Parish	2
Parish	5
Total	7



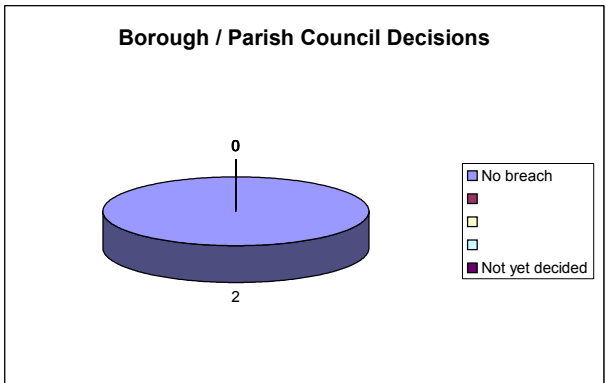
**Borough Council Decisions**

	0
	0
	0
	0
Not yet decided	0
Total	0



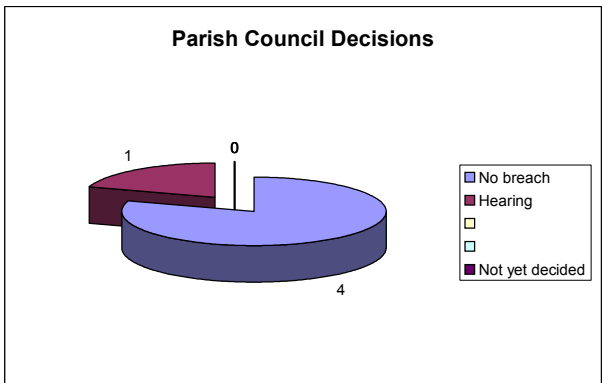
**Borough / Parish Council Decisions**

No breach	2
	0
	0
	0
Not yet decided	0
Total	2



**Parish Council Decisions**

No breach	4
Hearing	1
	0
	0
Not yet decided	0
Total	5







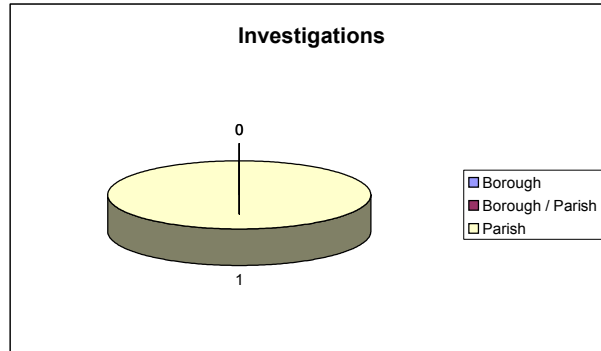
**West Lancashire Borough Council**

**Hearings - Standards Committee 2009/2010**

**As at 13/10/2009**

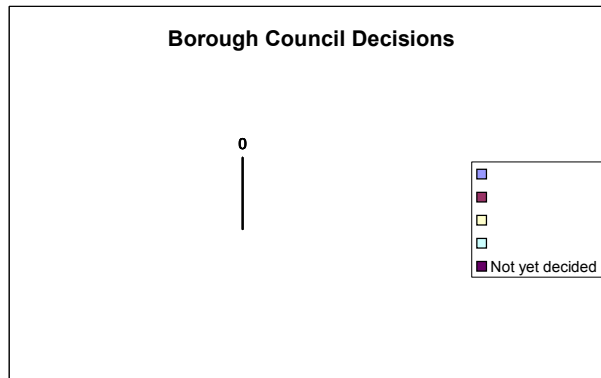
**Hearings**

Borough	0
Borough / Parish	0
Parish	1
Total	1



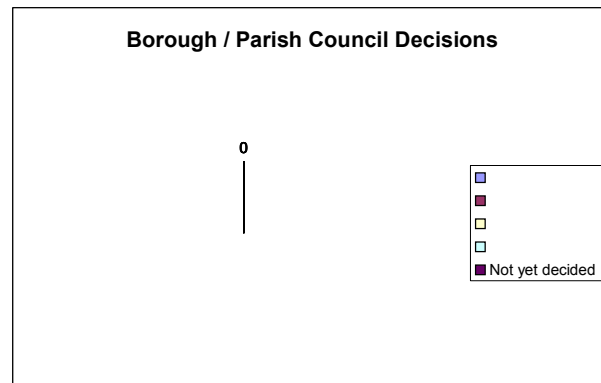
**Borough Council Decisions**

	0
	0
	0
	0
Not yet decided	0
Total	0



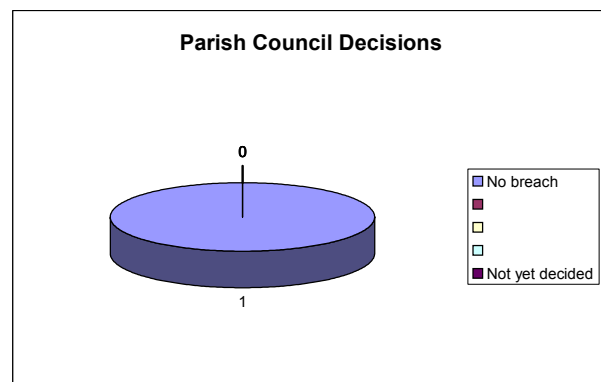
**Borough / Parish Council Decisions**

	0
	0
	0
	0
Not yet decided	0
Total	0



**Parish Council Decisions**

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







**AGENDA ITEM: 8**

**STANDARDS COMMITTEE:  
3 June 2010**

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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)**

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**SUBJECT: REVIEW OF LOCAL STANDARDS FRAMEWORK**

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Wards affected: Borough wide

**1.0 PURPOSE OF THE REPORT**

1.1 To advise Members that Standards for England (SfE) have published its review of the local government standards framework, entitled 'Local Standards 2.0 – The Proportionality Upgrade?'.

**2.0 RECOMMENDATIONS**

2.1 That the contents of this report be noted and members be advised of future developments in due course.

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**3.0 BACKGROUND**

3.1 Standards for England have undertaken a review of the local government standards framework and have produced its conclusions in a document entitled 'Local Standards 2.0 – The Proportionality Upgrade?'

3.2 The review concludes that the standards framework is working and is having a positive influence on member behaviour, and that there was considerable support from local government for the arrangements to regulate member behaviour. SfE also accept that the system has been a burden on some authorities and that the framework locks complaints into an inflexible process.

3.3 The report has now been submitted to the Department of Communities and Local Government with a number of recommendations which can be found in the attached report at Appendix 1. Some of the recommendations would require changes to the law, others can, if agreed, be implemented through clearer guidance.

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

4.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder. The report has no links with the Sustainable Community Strategy.

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

5.1 There are no financial or resource implications in respect of this report.

#### **6.0 RISK ASSESSMENT**

6.1 This report is for information only.

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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. Standards for England - 'Local Standards 2.0 – The Proportionality Upgrade?'



## **Local Standards 2.0 – the proportionality upgrade?**

**A review of the local standards framework**

Standards for England, March 2010

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## 1) Introduction

We are delighted to introduce the results of our recent review of the local standards framework '*Local Standards 2.0 – the proportionality upgrade*'. It's not just a stylistic device to give this report a 'techy' title, the parallels are valid. This is a report into the operation of a **system** a year and a half after its introduction.

And – just as with a new software application, however well designed and tested – after 18 months of live operation, collecting the experiences of real users will tell us much about how robust that system is.

Is it working as planned, or are there unintended consequences? Are there bugs and glitches which need fixing? How much does it cost to service and run? More fundamentally, is it a system worth having, or do we need something different altogether?

We know the local standards framework generates strong views. It's a system imposed by Parliament to regulate the behaviour of local politicians in their political arena – so it could hardly be otherwise.

For the purpose of this review we have collected opinion from the full range of stakeholders – weighing it alongside findings from our research programmes and evidence from cases, from our monitoring of local authorities' standards work, and from our busy advice and guidance 'help desk'.

We have also taken the opportunity to consider the principles which ought to underpin the operation of the local framework, and taken them into account in making proposals for change and improvement. In our view, these changes, if implemented, will help to achieve outcomes the public can have confidence in:

- high standards of behaviour among members of English local authorities
- an effective, proportionate redress system when members behave badly

The recommendations of this review are, we believe, timely. It makes sense to review and refine how the local standards framework is working now that we all have some experience of it in practice.

We believe that our proposals will chime with the views of those familiar with the framework in practice, and hope that they offer the Government a sound basis for development.



Bob Chilton  
Chair  
Standards for England



Glenys Stacey  
Chief Executive  
Standards for England

## 2) Executive summary

The local standards framework is working. There is evidence – presented within this review - that it is both having a positive influence on behaviour and generating confidence that bad behaviour will be dealt with. Within local government it attracts considerable support, although the public knows less about it.

After 18 months it is maturing and there is a body of evidence relating to most aspects of its use.

However, we know there are bugbears and glitches, both for those operating the system and those regulated under it, raising questions about the proportionality of the framework - its timeliness, cost and fairness to all, at all times.

We believe these difficulties can be fixed. The fixes are often pragmatic – ways of improving effectiveness and redressing proportionality to offer a better alignment of *nature of behaviour, degree, cost and clarity of process and sanction or outcome*.

Our recommendations, in chapter eight, are set into a narrative which describes our findings. We have also grouped the recommendations together in an appendix.

Key ones include:

- More streamlined local assessment – arrangements to more easily dismiss trivial and less serious complaints, saving on time, money and burdensome process.
- An enhanced role for independent chairs and vice chairs – in the assessment of complaints and the progress of investigations, with a counterbalancing extra power for the national regulator to investigate and if necessary remove poor performing or partisan chairs.
- A new power for standards committees to be able to halt investigations, if they have good reasons.
- A commitment to greater transparency for members who are the subject of complaints.
- The need to develop an approach which allows better understanding and management of costs associated with the operation of the framework.

We end with some thoughts about the need for and the role of the strategic regulator in this sector. With more streamlined local processes there will be extra risks to manage, and there is a growing need to provide high quality training, advice, support and access to good practice.

The review now goes to the Department for Communities and Local Government for their consideration. Although the majority of recommendations require legislative or regulatory change, some could be brought about through a change of emphasis in our work and guidance. However it is important to note that in all matters raised in this review we await government views before determining next steps.



### 3) Scope and methodology of this review

The remit of the review was to consider the proportionality and effectiveness of the **local standards framework** so as to make recommendations for improvement to the Department for Communities and Local Government.

By the local standards framework we mean those arrangements in principal English local authorities requiring them to properly constitute Standards Committees, which then carry out a range of duties, as set out in the relevant Acts of Parliament and associated regulations and guidance, including handling complaints brought against members of the authority under the national Code of Conduct for elected members.

Appendix 2 gives a brief overview of the development of the local standards framework.

Our review has been carried out in three stages:

**Stage 1:** We identified the key questions and issues we wanted to cover. We drew on the stated rationale behind the local standards framework, and current thinking on the principles of good regulation, in particular those that should underpin a standards framework. We considered research findings on the impact of the framework and took into account our experience of working with it. The key questions and issues we identified were:

- What has been the impact on public trust in politicians?
- What has been the impact on confidence in accountability mechanisms?
- What has been the impact on member behaviour?
- What are the key design principles of a standards framework?
- What aspects of the framework work well?
- What are the problems with the standards framework?
- What are the solutions/alternatives?
- What is the cost of the standards framework?

**Stage 2:** The first three questions were answered by drawing upon research already conducted. The remaining questions were addressed through a combination of previous research and experience, along with a specific consultation undertaken for us by Teesside University<sup>2</sup>.

Alongside consultation with some monitoring officers and standards committee members, representatives from the following organisations have been consulted:

- Department for Communities and Local Government
- Audit Commission
- Local Government Association
- Local Government Ombudsman
- Standards Commission for Scotland

- Public Services Ombudsman for Wales
- Committee on Standards in Public Life
- Adjudication Panel for England
- Society of Local Authority Chief Executives
- Association of Independent Members of Standards Committees in England
- Association of Council Secretaries and Solicitors
- Society of Local Council Clerks
- Welsh Assembly

The Teesside work also included a comparison with the standards frameworks in local government in Scotland and Wales.

**Stage 3:** We developed our recommendations for improvement. To help us test and refine these recommendations we talked again with some of the organisations listed above. We know, therefore, that there is good support for the recommendations we have made.

The scope of this review did not include a review of the operation and effectiveness of the members' Code of Conduct itself as this has been the subject of a separate consultation run by CLG. Participants in the review did express concerns about the Code's language and detail and we have included a recommendation about the next formal review of the Code, which we plan to carry out during 2010-11.

## 4) Context to the review

The review is a timely test of opinions on our arrangements for regulating local politicians, and in any event good regulatory practice suggests that regulatory arrangements should be reviewed on a regular basis to ensure they are robust enough to deal with the issues of the day.

Since the inception of the local standards framework, in May 2008, regulation elsewhere has been under critical scrutiny: for example in the financial and social services sectors where it has been found wanting and in Parliament, where weaknesses in the expenses regime have impacted on public trust in politicians.

The public should be able to trust those that they elect to represent them and make decisions affecting their lives. The public expects elected politicians to hold themselves to high standards of conduct<sup>3</sup> and research shows that confidence in the integrity of politicians is valued by the public<sup>4</sup>.

Confidence in political systems is also important. A recent poll<sup>5</sup> found that 80% of people surveyed did not just blame MPs for the current problems but also 'the parliamentary system'.

Having mechanisms which ensure that politicians can be held to account is an important cornerstone of democracy. For politicians falsely accused of wrongdoing, good systems bring the added benefit of clear exoneration.

Deepening citizen participation has emerged as a theme of national policy proposals for local government. The local standards framework gives a key role to individuals from within the local community but outside of local politics, the standards committee independent chairs and independent members.

The review took place at a time of financial uncertainty and constraint within the public sector. In making our recommendations we have been mindful of this. But cost must be weighed against the benefits of effective regulation, whatever the arena for regulation.

## 5) Support for the standards framework: evidence from research

We can find little support for the complete removal of the ethical standards framework in local government - and wide support for having one. Specific research for this review concludes:

*“... although there are problems within the existing framework, the removal of the framework (is) simply not a viable alternative. It is considered to have provided tangible benefits and to perform an extremely valuable role in local democracy<sup>2</sup>.”*

Since its inception there has been a growth in support for the Code of Conduct. By 2009 94% of members and officers agreed that all members should sign up to a code, compared to 84% in 2004<sup>6</sup>.

Other research has concluded both that the standards framework is a safeguard, vital to ensuring public accountability<sup>3</sup> and that the standards framework has brought focus and coherence to ethical governance and the training and advice on standards expected of councillors<sup>7</sup>.

Members of the public are using the standards framework as a mechanism for holding local elected politicians to account for their behaviour. In 2008-09, 2,863 complaints about the behaviour of local authority members were made across England, over half by members of the public.

There is a growing perception within local government that the standards framework, in its past and present form, is improving member behaviour. However this has not translated into public perception.

Table 1. Percentage of sample agreeing with the statement ‘member behaviour has improved in recent years’<sup>6 8 9</sup>

Year	2004	2007	2009
Members and officers	27	44	47
Public	n/a	11	9

We believe that a realistic goal of ethical regulation is to ensure that accountability mechanisms are open, transparent and accessible to those who want to use them. Furthermore, the public need to have confidence that such mechanisms will uncover poor behaviours and deal with miscreants appropriately.

So, any work which seeks to assess the impacts of the standards framework in local government must include an assessment of public perceptions. In this review we have taken public views into account through specific research undertaken in 2009<sup>2</sup>.

Our research suggests that the improved behaviour is due to a combination of the raised awareness of the Code of Conduct and rules of behaviour<sup>10</sup> the support the framework provides to the sanctioning, demotion and resignation of councillors<sup>7</sup> and the threat of sanctions<sup>11</sup>.

There is a high level of confidence, within local government, that local authorities will uncover breaches of the Code of Conduct and deal with them appropriately<sup>6</sup>. Again, however, the public is not so confident<sup>12</sup>, as illustrated below.

## Confidence in local authority to uncover a breach



## Confidence in local authority to deal with local councillor appropriately if a breach were to be uncovered



Many different factors combine to influence public perceptions of trust and confidence in politicians; a number of these are outside the control of local government<sup>7</sup>.

Public perceptions alone, therefore, are not a fair indicator of the effectiveness of the standards framework.

In 2007 a House of Commons Public Administration Select Committee concluded<sup>13</sup>:

*'If the link between levels of regulation and levels of public trust is complex, that leads inevitably to questions about whether it is realistic or desirable to make increased trust a goal of ethical regulation.'*

We want the public to recognise that principles matter to local government, and moreover to have confidence in the mechanism for holding local politicians to account.

The view from within local government that the standards framework has had an impact on behaviour is borne out by the degree to which it has influenced changes of practice.

The standards framework has brought about a range of innovation in local government which help to improve governance processes and procedures, and enhance accountability arrangements<sup>7, 14, 16</sup>.

For example, there have been innovations in:

- communicating standards issues both within authorities and to the public
- training members
- engaging leaders to ensure that standards become part of the culture of the organisation
- promoting local democracy
- ensuring good governance across partnership arrangements.

There are other factors, outside the formal standards framework, which can help ensure high standards, for example the role of political parties<sup>7</sup>.

Research leads us to conclude, from the perspective of those in local government, that the framework has been largely effective. Benefits include increased confidence in accountability, improved member behaviour and improved governance arrangements.

## 6) A standards framework built on principles

A perception<sup>2</sup> of the current local standards framework is that it has developed in the absence of any design principles.

We make a distinction here between the ten principles of ethical conduct in local government<sup>17</sup> which underpin the Code of Conduct, and a set of design principles which could help us shape the standards framework.

Based on discussions with stakeholders, we recommend eight design principles.

1. The framework should be fair. All involved should feel their views are heard.
2. The framework should be swift. It should permit the majority of allegations to be dealt with promptly.
3. The framework should be local. Local authorities should take ownership of their own standards arrangements.
4. The framework should be free from political bias. For the framework to have credibility key decisions and judgements need to be made by individuals who are, and are seen to be, free of political bias.
5. The framework should be clear and transparent. Processes, costs and outcomes should be readily understood by members, officers and the general public so that all can make judgements about the proportionality and effectiveness of the framework.
6. The framework should strike a balance between the twin tasks of promoting principles and enforcing rules. It should have access to a range of remedies and sanctions which reflect the seriousness of the particular failings of standards.
7. The framework should give the public confidence that poor behaviour will be uncovered and dealt with appropriately.
8. The framework should be cost effective. All of the above should be provided at a reasonable cost, proportionate to the benefits to accrue through improved standards.

A consequence flowing from these principles is that the full benefits of a locally based framework will only be realised if it is supported, as other regulatory schemes are, by a regulator working to best practice in regulation and seeking to achieve agreed regulatory outcomes – in this case that there are high standards of conduct among members in authorities and that there is an effective and proportionate standards framework in operation.

When applying the design principles, decisions have to be made about inherent tensions between them. Between 'fairness' and 'swiftness', for example, or between local decision making and national consistency. The framework must find ways to keep these tensions in balance.



## 7) The case for a local framework

Until 2008 the Standards Board for England, as it was then called, received and filtered all allegations of misconduct. Between 2002-2004 we carried out all investigations. This arrangement continues to prevail in the Scottish and Welsh frameworks. Between 2004 and 2008 we were able to refer most cases for local investigation and/or determination. Since 2008 allegations are received and assessed locally and the more serious, contentious or complex can be referred to us for investigation at a national level.

During our review we explored afresh the arguments around a centralised, versus a local, system in England.

The key advantages of a centralised system are:

- A central body dealing with all allegations is more likely to achieve consistency of process and outcome, than is a framework that allows local authorities to deal with their own cases.
- A central body removes the resource burden on local authorities of the cost of investigations and the time and effort involved in formal meetings to deal with them.
- A central, independent body would be expected to give the public a greater degree of confidence in the impartiality of the framework compared to matters being handled by a subject member's own authority.

We believe the consistency argument is one of degree. There should not be huge differences in similar cases, between authorities, in either process or outcome. However, there is room for some local variation. We are mindful of the consistency issue and **recommendation 5** addresses this further. On cost, although centralisation reduces the burden on local government, it then transfers it to a central regulator.

We also considered a regional option, where standards committees (and assessment, consideration and review committees) could be set up for a defined region. The consistency considerations apply as for a centralised model, and in addition this arrangement could be less resource intensive than a completely localised system.

But on balance we continue to support the principle of a local system, and our reasons are similar to those proffered by CSPL<sup>18</sup>. A local framework:

- enables local people to be involved in managing ethical standards issues and encourages them to be aware of issues going on in their authority
- allows the use of local information which may influence decisions about the seriousness or validity of a complaint
- provides an opportunity for the monitoring officer and standards committee to deal with some issues via more informal and proportionate methods.

The focus of this review has been on the procedural elements of a standards framework. That is, the mechanisms that are engaged following an allegation of a breach of the Code of Conduct.

However, the standards framework – and the duty of standards committees to promote high standards – is firmly located within broader ethical governance arrangements in local authorities. These impact on the culture of an

organisation and play a key role in preventing standards problems in the first place.

Such aspects include, for example, the role that leaders and chief executives can play, and the role that political parties can play in ensuring the discipline of their members. In our regulatory role we are keen to stress the importance of these aspects and to encourage and disseminate notable and innovative practice in local government.

Overall we believe local ownership is less likely to result in authorities perceiving standards issues as something 'done to them' rather than something for which they have responsibility.

In turn, this is more likely to result in the importance of high standards of behaviour being embedded in the culture of an organisation, leading to subsequent innovations that emphasise prevention.

## 8) Our findings and recommendations

The recommendations which follow are intended to bring a better match between the framework and the design principles set out in section 6 above.

They also set out to address particular criticisms of the current framework. It is suggested that:

- it's too easy to get on the investigative track and too hard to get off it
- the framework is too cumbersome
- trivial complaints clog up the system
- members should know as soon as possible when they have been the subject of a complaint.

We have found that making recommendations in one area, which might enable the framework to adhere to one design principle or address one criticism, has a potential impact on another area or another design principle. It follows therefore that our recommendations are interlinked and should be considered as a whole.

While based on research and taking into account the views of others, the recommendations are our own.

In some areas there are conflicting arguments for particular options. In the narrative below we set out options considered as part of the review, explain why we rejected some and provide a rationale for preferring others.

### 8.1) Improving the local handling of complains

A summary of how the local standards framework currently deals with complaints is set out within appendix 2, on page 35.

We found a general consensus that the current process beginning with the assessment of a complaint, and leading if necessary to its investigation and resolution, can be cumbersome, difficult to understand, resource intensive and slow.

Two broad alternatives were considered:

1. replacing the current investigation arrangements with an open hearing
2. streamlining and simplifying the process

It is worth noting that the two are not, necessarily, mutually exclusive, but for explanatory purposes, we can consider them as alternatives.

An open hearing would involve both the complainant and the member complained about, along with witnesses, coming together in a 'one-off' hearing to present evidence, answer questions and argue the merits of their cases.

A key benefit, suggested by some consultees, would be that, on the face of it at least, it simplifies the process. It would remove some of the formal meetings currently necessary as part of the process and negate the need for a resource-intensive investigation.

At the same time it would be a transparent process, giving members the opportunity to face their accusers.

There are however, disadvantages:

- Compiling evidence for a hearing would not, in our view, necessarily require less work than carrying out an investigation. Evidence would still need to be collected and disclosed to the parties involved.
- An open hearing is potentially adversarial. We believe the onus on complainants to articulate their case would be intimidating for many members of the public and could deter them from making legitimate allegations.

For these reasons we preferred the alternative, looking to see how we could streamline and simplify the existing investigative process.

### 8.1.1) Simplifying the local filter

Currently, all allegations received by a local authority have to be considered by an assessment sub-committee. This means a meeting must be convened between one elected member, one independent member and, if the case involves a parish or town councillor, one parish/town councillor (with the likely inclusion of the monitoring officer for advice). Arranging this meeting takes time and incurs costs. Many complaints do not need such a formal mechanism.

We feel the current arrangements are unnecessarily resource intensive and slow down the process. Making a decision about whether or not an allegation is within the remit of the Code of Conduct is relatively simple and generally uncontroversial.

In the first instance, we recommend it is made much clearer that the monitoring officer acts as an initial filter, assessing which allegations fall within the remit of the Code and which do not.

#### Recommendation 1:

The law should say that monitoring officers, rather than standards committees, should receive all allegations and make a decision about whether or not they are within the remit of the Code of Conduct.

### 8.1.2) Swift assessment by the independent chair

Building on recommendation 1, we considered two alternatives to the current assessment sub-committee approach for dealing with those allegations which the monitoring officer has deemed as being within the remit of the Code of Conduct.

- The monitoring officer should be the person who decides what should happen to those allegations which are within the remit of the Code.
- The independent chair, with advice from the monitoring officer, should be the person who decides what should happen to those allegations which are within the remit of the Code.

We are aware that many allegations, although within the remit of the Code, are not sufficiently serious to warrant an investigation. The first option would have the benefits of ensuring that cases could be assessed more quickly and involving fewer resources than current arrangements. Many of the monitoring officers we spoke to favour this option.

We are concerned that such an arrangement has the potential for the monitoring officer, as a paid employee, to be subject to pressure from elected politicians seeking to influence his or her decision. The perception of independence is compromised in this option.

The second option better addresses these concerns as standards committee chairs are not employees, but instead are chosen to represent the public with political independence a key requirement.

We recognise it is not always possible for the chair to be available to make decisions. For example, they may be on holiday or may be conflicted, and therefore we recommend that the vice chair (also independent) can deputise in such cases.

In addition, we recommend that standards committees develop a wider range of reciprocal arrangements so that chairs can assess each others' allegations. This could be particularly valuable in helping those authorities which have high numbers of allegations.

We recognise that some monitoring officers and elected members have concerns about both the skills and understanding of local government of independent chairs and the extent to which they are impartial. We address these concerns in recommendations 16 and 17.

### **Recommendation 2:**

For allegations within the remit of the Code the independent chair of the standards committee, acting with the advice of the monitoring officer, should determine what happens to an allegation.

The chair would have a choice of five options

- to take no further action – (effectively determining that the behaviour complained about is not sufficiently serious, if proved, to warrant any sanction)
- to refer for local investigation
- to refer to SfE for investigation
- to refer to the monitoring officer for other action
- to refer to the standards committee to seek their advice in choosing one of the previous four options.

The standards committee chair should provide written reasons for each decision.

**Recommendation 3:**

The vice chair of the standards committee should be an independent member.

**Recommendation 4:**

If the chair is unavailable or has a conflict of interest in relation to an allegation then the independent vice chair should deputise. Standards committees should be able to develop reciprocal arrangements so that their chairs can assess each other's allegations.

**Recommendation 5:**

Standards committees should undertake retrospective periodic reviews of these decisions to ensure consistency and quality. The national body should also provide oversight via its regulatory role.

**8.1.3) Removing the right to review**

We know that the framework in many authorities gets 'clogged up' through having to deal with reviews of cases from those complainants not satisfied with the assessment decision.

Not only is this time consuming, it also has cost implications because a review committee or sub-committee of different members (one elected member, one independent member and, if the case involves a parish or town councillor, one parish/town councillor) needs to be set up. We also know that only around one review in 20 leads to a reversal of the original decision.

However if there is not to be a mandatory right of review, we need to make alternative arrangements to redress the perceived loss of fairness and the check and balance that the review procedure brings.

But on balance we do not believe there should be an automatic right of review built into legislation.

**Recommendation 6:**

The current statutory review arrangements should be removed but authorities should be given a discretionary power to allow for the review of particular decisions. This review could be undertaken by the standards committee or a sub-committee of it, by an independent member of the standards committee not involved in the initial decision or by any of these from another principal authority.

**8.1.4) Removing the need for a consideration committee**

The consideration committee is another committee or sub-committee that, currently, must be convened (one elected member, one independent member and, if the case involves a parish or town councillor, one parish/town councillor), following an investigation. It has to decide whether to accept a finding by a monitoring officer after investigation that there has been no breach of the Code or, if a breach is found, decide whether the

case should go to a standards committee hearing or to the First-tier Tribunal.

Again, we are aware of the time and cost involved in convening such a committee. We considered two alternatives to the current arrangements:

- The monitoring officer should determine what should happen.
- The independent chair or vice chair, advised by the monitoring officer, should determine what should happen.

The consideration committee was designed to avoid the risk of the monitoring officer being put under improper influence to bring a matter to an end by deciding there had been no breach. Hence for the same reasons as in 8.1.2 above, we decided upon the latter option.

As with recommendations 1, 2, 3 and 6, our recommendation here will enable a swifter response, and has beneficial cost implications when compared to the current arrangements.

#### **Recommendation 7:**

After completion of a local investigation the chair of the standards committee should decide whether to accept a finding of no breach, and where a breach is found, whether the case should go to a local hearing or to the First-tier Tribunal. Vice chairs should be able to deputise in this role.

Standards committees should be able to develop a wide range of reciprocal arrangements with other standards committees so that their chairs can assess each other's investigations in this way.

#### **Recommendation 8:**

The chair or the vice-chair should have a greater role in case management, making the pre-hearing decisions (For example, setting deadlines for responses to documents, deciding which witnesses should be called to give evidence and dealing with applications for an adjournment) with advice from the monitoring officer.

A consequence of recommendations 1 to 8 is that standards committees would be able to focus on the more serious matters demanding their attention including their role of promoting high standards (See 8.9), as well as their oversight role.

## **8.2) Deterring trivial complaints**

There is a set of related perceptions and misconceptions about trivial complaints: that the standards framework encourages them; that it is

clogged up with them; and that there are serial trivial complainants who waste authorities' time and cost them large amounts of money. We believe, based on our monitoring information, that such circumstances are very rare. Nevertheless these perceptions undermine the credibility of the framework. In those few local authorities where this is true it can be a drain on resources.

Recommendations 1, 2, 3 and 6 will, we believe, enable local authorities to deal more swiftly and more appropriately with trivial or less serious complaints.

We have received suggestions for dealing with serial, trivial complainants. The following ideas were considered:

- sanctions against trivial complainants
- all complaints by a person deemed as 'a serial trivial complainant' to be dealt with by the national body
- the cost of 'failed' complaints to be met by the complainant
- the cost of complaints to be covered by the 'loser'.

All these would be likely to deter trivial complainants. However, they would also deter justified complaints. Even 'serial trivial complainants' may still, on occasion, have justified complaints.

The second option would be contrary to the principle of 'local ownership'. The fourth option could also be a deterrent to members standing for election as they would, justifiably, be concerned about incurring costs. We have decided, therefore, against any new specific recommendation to address such complainants. Instead we believe recommendations 1, 2, 4 and 7, will prevent them from using up resources and clogging up the system.

We do, however, want local authorities and standards committees in particular, to be more robust and public in discouraging trivial complaints generally and serial trivial complainants specifically.

#### **Recommendation 9:**

Standards for England should produce guidance that urges chairs to be more robust in their decision letter and highlight when they believe an allegation to have been trivial.



### 8.3) Closing down an investigation

A criticism of the standards framework is that it is very difficult to stop an investigation, even when it is agreed that there is little or no benefit in continuing. Examples from our own experience include when a member who had been the subject of a complaint had died, when a member has resigned and when an apology has been received, and accepted, by the complainant.

Enabling a complaint to be closed down at any time would prevent resources being unnecessarily expended. We considered the following options on who might close down a case:

- monitoring officer
- chair of the standards committee
- the full standards committee

We have referred earlier to our concerns about a paid employee being placed under political pressure and we believe that the potential for such a situation also arises here.

Our concern with the chair undertaking this role is that they may be 'too close' to the case – the chair will have been the one who made the decision to investigate in the first place and may be reluctant to overturn this decision.

We think it best if the full standards committee take this decision, based on a recommendation from the monitoring officer.

#### **Recommendation 10:**

The monitoring officer should be able to recommend to the standards committee – at any stage and for any reason – that an investigation be stopped. The standards committee should decide whether or not to accept such recommendations by considering how the public interest is best served.

### 8.4) Enhancing members' 'right to know'

A frequently heard criticism of the current assessment process is that members who are the subject of a complaint only find out that they have been complained about after an initial decision has been made on whether or not the allegation merits an investigation.

At present the legislation requires the standards committee to notify a member. However in order to do that they have to meet, which introduces a delay. Our guidance says members should be told as quickly as possible, but the law needs to be clarified.

However, members feel they have a 'right' to know. Potential complaints are often discussed openly and sometimes publicised, and members can find themselves the subject of rumour or press interest which they are unprepared for as they are unclear about the precise nature of the allegation.

Importantly, we feel the current situation is contrary to the design principle of transparency. On balance we think the current situation is

unsatisfactory. The framework should be as transparent as possible and members who are the subject of an allegation have the right to know, as soon as possible, about that allegation.

**Recommendation 11:**

On receipt of an allegation the monitoring officer should inform a member that they have been the subject of a complaint unless there are compelling circumstances not to (for example, a risk of prejudicing an investigation by intimidation of witnesses or destroying or compromising evidence).

## 8.5) Publishing decision notices

Currently, notice of a decision about the outcome of some investigations and most hearings has to be published in a local newspaper. The intention is laudable in that it facilitates transparency.

It does, however, have a cost impact for local authorities. The current economic climate, coupled with increasing use of the internet, leads us to conclude that a better alternative is for decision notices to be published prominently on council websites. This will keep to the design principle of transparency, yet mean an easy cost saving for local government.

**Recommendation 12:**

Local authorities should no longer be required to publish decision notices in the local newspaper. Instead they should be publicised on the local authority's website.

## 8.6) The composition of standards committees

One of our design principles is 'independence'. Recommendations 2, 4 and 7 ensure that there is an independent element in key decisions in the investigative process, and recommendation 16 will ensure independent overview of the local standards framework and its application.

We considered increasing the mandatory number of independent members on standards committees or having standards committees composed entirely of independent members. A key benefit of this would be to give the public greater confidence that local arrangements were truly impartial and that local government was not simply 'investigating its own'.

However, we believe that such a move would have negative consequences which outweigh this benefit:

- Political groups may be less likely to take ownership of standards issues, and buy-in to the importance of high standards, as it would be perceived as something outside of their remit and something that is 'done to them'.
- The credibility of standards committees, and standards issues, would be undermined as standards committees rely on elected members for their knowledge and guidance of 'how local government works'.

- We know that some standards committees already struggle to attract sufficient independent members.

On balance we believe the current approach is right.

## 8.7) Parish and town councillors and the Code

The inclusion of parish and town councils in the standards framework divides opinion.

There is a view that it is a disproportionate mechanism for parish and town councils, particularly those which have few resources and few powers

On the other hand we believe that parish and town councils should be included within the standards framework and our reasons echo those of the CSPL<sup>18</sup>; parish and town councils are part of the fabric of local democracy, and many do spend significant sums of public money.

All national parties have plans to increase the significance of this sector and such councils are statutory consultees in the planning process. We think that it is beneficial if there is a consistency of standards to which all elected members have to adhere.

The National Association of Local Councils (NALC) supports this position.

Parish councillors in fact make up around three quarters of all members covered by the Code. They account for just under half of all complaints; 2,557 between May 8 2008 and 31 December 2009.

An advantage of their exclusion would be a resource one – this would significantly reduce the number of allegations and so the amount of resources used to deal with them. However we remain convinced that parish and town councils should be included in the framework for the reasons set out above.

## 8.8) The cost of the local framework

It became clear during our review that quantifying the cost of the standards framework was problematic<sup>2</sup>. Costs are calculated on a different basis by different authorities.

Elements of cost include the cost of convening meetings and remuneration for standards committee members, the cost of investigations and costs associated with other action and sanctions. Case costs vary depending on volume of cases, case type and methodology of investigation. Currently there is little transparency in these costs, nor consistency in the way they are calculated.

We recognise that we need to do more work to be able to offer better information on reasonable costs, both to allow authorities to better judge their expenditure and to allow the public and stakeholders to better assess proportionality and effectiveness of the framework.

The cost of investigations is of particular concern – we are interested in seeing the cost of investigations contained while maintaining natural justice.

We have been mindful of actual and potential costs to local government and the public purse as we have carried out this review. Many of our recommendations would result in reduced costs to local government.

For example, a local filter and reducing the number of sub-committees involved in case handling would result in lower administrative costs. Similarly, not having to publish decision notices in a local newspaper would result in cost savings.

We are also committed to providing training, guidance and support in effective and efficient investigation, to help authorities avoid unnecessary expenditure in this area.

**Recommendation 13:**

Standards for England should assist local government by developing a clear and consistent understanding of the costs of the local standards framework and, through working with local authorities, identify and promote ways of ensuring those costs are reasonable and that excessive and wasteful expenditure can be avoided.

## 8.9) The local framework and promoting high standards

The focus of the review has been on the process aspects of the framework, for example the complaints, assessment and investigative processes and the roles of the various individuals involved. We also recognise that standards committees have a statutory role to promote high standards of behaviour, and that there are many ways in which local government can engage to demonstrate high standards.

For example, engaged political parties, strong identification with the council and supportive political and managerial leadership all contribute toward good ethical governance<sup>7</sup>.

These duties under the framework should be encouraged. This is the promotion of ethical principles, as well as rules, which features in the design principles. The regulator should play a lead role in co-ordinating and disseminating good practice which leads to good ethical governance.

In this way local authorities will be encouraged to observe the spirit as well as the letter of the law. It also encourages local solutions, and an emphasis on prevention rather than reliance on the more costly formal elements of the framework.

**Recommendation 14:**

Local authorities should be encouraged to develop local solutions. Good practice in local solutions should be shared so local authorities can benefit from each other's experiences.

## 8.10) The members' Code of Conduct

The Code of Conduct has been subject to relatively regular review and a detailed study was not included within the scope of this work. That said, a review of the framework will inevitably include some comment on the Code.

We believe that a Code is the right way to regulate the behaviour of members of local authorities. However, the climate in which it operates changes over time, making regular review important. Reviews should, for example, take account of how the Code is being interpreted by the First-tier Tribunal (formerly the Adjudication Panel for England) and by the higher courts.

We believe future reviews should look for opportunities to simplify the Code.

**Recommendation 15:**

The next review should look for opportunities to simplify the Code and ensure that it is readily understood by members, and remains fit for purpose.

## 9) The role of the national regulator

In a year when Parliament has chosen to operate with specialist, independent regulation of its standards, we have looked again at whether there is a need for a national regulator over the local standards framework and if so what its role should be.

There would be some immediate financial benefits to national government in not having such an organisation. There would be a related reduction in regulatory burden, but a need for local standards committees to retain all cases, however challenging. Such a move would also support the design principle of local standards being a local responsibility.

There are, however, powerful arguments for a national regulator.

In the research undertaken by Teesside University<sup>2</sup> there was a strong consensus among stakeholders that national oversight gives politicians, officers and the public confidence that there is independent scrutiny of the standards framework, that poor performance is being dealt with and political interference can be addressed.

A national regulator is not just there to ensure local authorities are discharging their responsibilities – for example by monitoring complaint handling and making sure investigations are completed without undue delay – but has the key regulatory function of assessing systemic, sectoral and entity risks of standards failure – and acting to minimise them.

We accept that an emphasis on local ownership will bring variations in interpretations of the Code. But a national regulator helps bring some consistency to those interpretations, to process and to the application of sanctions. For the framework to have credibility, and avoid accusations of being a postcode lottery, any variations must be within acceptable parameters. A national body should, via its training, advice and guidance, as well as through its national oversight, ensure a greater degree of consistency than if each authority were left to its own devices.

Our own evidence shows that there is a significant demand for advice, guidance and training and development to help authorities discharge their functions. Standards for England currently provides support to local government via, for example, online training materials, telephone help lines, the ethical governance toolkit and our annual assembly. Much support comes in the form of technical expertise on case handling, and interpretations of the Code of Conduct.

This expert resource, and training role, would be particularly important for independent chairs, in light of the greater responsibility given to them in recommendations 2 and 7.

We do not want to inhibit local innovation and the development of informal options in dealing with standards issues. Recommendation 14 stresses the value of this. We do play a key role disseminating examples of how authorities have developed various local solutions to ensure good ethical governance as well as good practice in case handling.

There is a small, consistent, and far from insignificant class of contentious and high profile cases (for example complaints about members of the standards committee, or complaints by senior officers about the Leader or other senior members) which it is inappropriate to handle locally and should be handled at a national level.

Recommendations 2 and 7 give greater responsibility to independent chairs. We know that some monitoring officers and elected members have concerns about both the skills and impartiality of independent chairs. We need sufficient checks and balances to safeguard against poor performance and inappropriate political interference, and we believe this imposes a need for further training and guidance from Standards for England and for a specific extra power to deal with poor performance of independent standards committee members.

Standards for England is committed, in its 2010-13 Corporate Plan, to carrying out a review of its powers to ensure it is able to respond appropriately, proportionately and effectively to meet the requirements of its regulatory role. That work would need to take into account the implications of the recommendations set out in this review, if they are accepted.

**Recommendation 16:**

Standards for England should develop its training role. In particular it should respond to the increased responsibility given to independent standards committee chairs by ensuring basic training is provided to enable them to fulfil this role.

**Recommendation 17:**

The national regulator should have power to investigate allegations that the chair/vice chair of a standards committee was not acting impartially, or performing poorly. If there is sufficient evidence that this is the case then the national regulator should be able to remove the chair/vice chair of the standards committee.

## Appendix 1

### The Recommendations

The recommendations are repeated here, alongside a note of the main legislative provisions which would need to be amended to bring about the proposed change.

#### Recommendation 1:

Monitoring officers should receive all allegations and make a decision about whether or not they are within the remit of the Code of Conduct.

Changes to s.57A(1) and s.57C LGA 2000 to replace references to the standards committee with references to the monitoring officer

Addition to Standards Committee (England) Regulations 2008 SI 2008 No. 1085 to allow monitoring officers to do this.

Change to paragraph 11 of the Standards Committee (England) Regulations 2008 SI 2008 No. 1085 to allow monitoring officers to inform the subject member on receipt of the complaint.

#### Recommendation 2:

For allegations within the remit of the Code the independent chair of the standards committee, acting with the advice of the monitoring officer, should determine what happens to an allegation. The chair would have a choice of five options:

- to take no further action (effectively determining that the behaviour complained about is not sufficiently serious, if proved, to warrant any sanction)
- to refer for local investigation
- to refer to Standards for England for investigation
- to refer to the monitoring officer for other action
- to refer to the standards committee to seek their advice in choosing one of the previous four options.

Changes to s.57A (2)-(6) LGA 2000 to replace references to the standards committee with references to the chair and to add the additional option of referring to the standards committee for advice on which option to choose.

Changes to paragraphs 6 – 8 Standards Committee (England) Regulations 2008 SI 2008 No. 1085 to replace references to the standards committee and sub-committees with references to the chair

The standards committee chair should provide written reasons for each decision.



**Recommendation 3:**

The vice chair of the standards committee should be an independent member.

Addition to s.53(4) LGA 2000

**Recommendation 4:**

If the chair is unavailable or has a conflict of interest in relation to an allegation then the independent vice chair should deputise. Standards committees should be able to develop reciprocal arrangements so that their chairs can assess each other's allegations.

The following provisions would need amending to allow the vice-chair to deputise and to allow for reciprocal arrangements:

s.56A LGA 2000

s.57A LGA 2000

Paragraphs 6 – 8 Standards Committee (England) Regulations 2008 SI 2008 No. 1085

The Standards Committee (Further Provisions)(England) Regulations 2009 SI 2009 No. 1255

**Recommendation 5:**

Standards committees should undertake retrospective periodic reviews of these decisions to ensure consistency and quality. The national body should also provide an oversight via its regulatory role.

Addition to the Standards Committee (England) Regulations 2008 SI 2008 No. 1085 to require the retrospective reviews.

Also possible addition to regulation 3(2) of the Standards Committee (Further Provisions)(England) Regulations 2009 SI 2009 No. 1255 to include additional intervention powers based on concerns about the way in which the independent members are carrying out the initial assessment function.

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**Recommendation 6:**

The current statutory review arrangements should be removed but authorities should be given a discretionary power to allow for the review of particular decisions. This review could be undertaken by the standards committee or a sub-committee of it, by an independent member of the standards committee not involved in the initial decision or by any of these from another principal authority.

Amend s.57B LGA 2000 by removing the mandatory review provision but allowing a discretionary one.

Paragraphs 6, 7 and 8 of the Standards Committee (England) Regulations 2008 SI 2008 No. 1085 would need amending to reflect the proposed discretionary nature of a review.

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**Recommendation 7:**

After completion of a local investigation the chair of the standards committee should decide whether to accept a finding of no breach, and where a breach is found whether the case should go to a local hearing or to the First-tier Tribunal. Vice chairs should be able to deputise in this role. Standards committees should be able to develop a wide range of reciprocal arrangements with other standards committees so that their chairs can assess each other's investigations in this way.

Addition to s.66 LGA 2000 to give the Secretary of State power to make regulations allowing the chair rather than a standards committee to make these decisions.

Amend regulation 17 of the Standards Committee (England) Regulations 2008 SI 2008 No. 1085 to allow the chair or vice-chair rather than a standards committee to make these decisions.

Addition to the Standards Committee (Further Provisions) (England) Regulations 2009 SI 2009 No. 1255 to allow the chair or vice-chair of other standards committees to make these decisions under reciprocal arrangements.

**Recommendation 8:**

The chair or the vice-chair should have a greater role in case management, making the pre-hearing decisions (For example, setting deadlines for responses to documents, deciding which witnesses should be called to give evidence and dealing with applications for an adjournment) with advice from the monitoring officer.

Addition to s.66 LGA 2000 to give the Secretary of State power to make regulations to allow the chair or vice-chair to make pre-hearing decisions.

Addition to the Standards Committee (England) Regulations 2008 SI 2008 No. 1085 to provide for case management.

**Recommendation 9:**

Standards for England should produce guidance that urges chairs to be more robust in their decision letter and highlight when they believe an allegation to have been trivial.

No statutory or regulatory changes needed to implement this recommendation.

**Recommendation 10:**

The monitoring officer should be able to recommend to the standards committee – at any stage and for any reason – that an investigation be stopped. The Standards Committee should view such recommendations with regard to how the public interest is best served.

Amendment to regulation 16 of the Standards Committee (England) Regulations 2008 SI 2008 No. 1085 to enable the monitoring officer to recommend that an investigation cease. Also regulations 14 and 17 would need to be made subject to the amended regulation 16.

**Recommendation 11:**

On receipt of an allegation the monitoring officer should inform a member that they have been the subject of a complaint unless there are compelling circumstances not to (for example, a risk of prejudicing an investigation by intimidation of witnesses or destroying or compromising evidence).

Amendment to s.57C LGA 2000 to require the monitoring officer rather than the standards committee to inform the member.

Change to paragraph 11 of the Standards Committee (England) Regulations 2008 SI 2008 No. 1085 to allow monitoring officers to inform the subject member on receipt of the complaint.

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**Recommendation 12:**

Local authorities should no longer be required to publish decision notices in the local newspaper. Instead they should be publicised on the local authority's website.

Amendment to regulation 17(3) (b), 17(5), 20(1) (b) of the Standards Committee (England) Regulations 2008 SI 2008 No. 1085 to remove the requirement for a notice in the local press.

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**Recommendation 13:**

Standards for England should assist local government by developing a clear and consistent understanding of the costs of the local standards framework and through working with local authorities identify and promote ways of ensuring those costs are reasonable and that excessive and wasteful expenditure can be avoided.

No statutory or regulatory changes needed to implement this recommendation.

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**Recommendation 14:**

Local authorities should be encouraged to develop local solutions. Good practice in local solutions should be shared so local authorities can benefit from each other's experiences.

No statutory or regulatory changes needed to implement this recommendation.

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**Recommendation 15:**

The next review should look for opportunities to simplify the Code and ensure that it is readily understood by members, and remains fit for purpose.

Changes to the Local Authorities (Model Code of Conduct) Order 2007

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**Recommendation 16:**

Standards for England should develop its training role. In particular it should respond to the increased responsibility given to independent standards committee chairs by ensuring basic training is provided to enable them to fulfil this role.

Addition to s. 57 LGA 2000 to make clear that the training role is a function of Standards for England. Addition to Schedule 4 paragraph 2 of the LGA 2000 for the same purpose.

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**Recommendation 17:**

The national regulator should have power to investigate allegations that the chair/vice chair of a standards committee was not acting impartially, or performing poorly. If there is sufficient evidence that this is the case then the national regulator should be able to remove the chair/vice chair of the standards committee.

Addition to s.57D LGA 2000 to enable regulations to be made for intervention by the Standards for England where the chair/vice chair of a standards committee is not acting impartially, or is performing poorly.

Addition to regulation 3(2) of the Standards Committee (Further Provisions)(England) Regulations 2009 SI 2009 No. 1255 to include additional intervention powers based on concerns about the way in which the independent members are carrying out the initial assessment function or any other function carried out as a result of these recommendations.

Addition to the above regulations to provide a mechanism for removal of the chair/vice chair of a standards committee.

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## Appendix 2

### Background to the local standards framework

Although local government has been described as having a relatively clean bill of 'ethical' health<sup>18, 19, 20</sup> there were, nevertheless, several notable incidences of poor ethical behaviour in local government during the 1970s, 1980s and 1990s.

- The John Poulson case is often cited as a landmark case of corruption in local government. Poulson was an architect who bribed numerous public figures in order to win contracts. The leader of Newcastle City Council was jailed for his role in this case.
- The 1980s saw high profile problems in Liverpool City Council, where the district Labour Party was suspended after its members were accused of putting militant tendency interests ahead of council ones.
- At Westminster City Council Leader Dame Shirley Porter was the central figure in the 'homes for votes' scandal which resulted in her being ordered to pay back millions of pounds in surcharges, costs and interest to the council.
- The 1990s saw 19 Doncaster councillors found guilty of falsifying expenses claims, with one councillor receiving a four year prison sentence in the 'Donnygate' scandal.

Concerns about the conduct of MPs and government ministers led the then Prime Minister to establish the Committee on Standards in Public Life (CSPL) in 1994. The remit of the CSPL was expanded to include conduct in public life more generally and its third report, published in 1997, focussed on local government.<sup>19</sup>

For local government, CSPL recommended a statutory standards framework to replace the hitherto voluntary system. They called for a localised standards framework including a code of conduct to which councillors must sign up, a standards committee for each council and local government tribunals to act as independent arbiters on the code of conduct and to hear appeals from councillors and others.

The government introduced a new ethical framework via the Local Government Act (2000). The Act introduced a statutory Code of Conduct that applied to all members, and two new national bodies; the Standards Board for England, which was to assess and investigate allegations of breaches of the Code of Conduct, and would also issue guidance, and the Adjudication Panel for England which would hear the most serious cases.

Standards committees, already present in some authorities, were made compulsory and their role was to adjudicate on a completed investigation and to promote high standards.

The standards framework in local government was not merely a reaction to the risks of poor standards. Positive ambitions included a desire to build trust and confidence in politicians and local democracy, and recognition of the importance of high standards of behaviour to good governance.

Once in operation there were criticisms of this first standards framework, made worse by delays in legislation which would have enabled more cases to be referred to the local level. There was a concern that standards committees and monitoring officers were being marginalised, that the centralised system inhibited the consideration of local circumstances and context when considering cases, and that the Standards Board was unable to focus on the most serious cases.

CSPL, in its tenth report<sup>18</sup> returned to look at the standards framework in local government and advocated a more localised framework, with the Standards Board taking a more strategic oversight role.

The recommendations were accepted by government and enacted in the Local Government and Public Involvement in Health Act (2007). Local authorities now have greater responsibility for their own ethical arrangements; standards committees handle complaints locally, not the Standards Board, and standards committees must promote high ethical standards.

The Standards Board (known as Standards for England) now has the role of a strategic regulator, overseeing the effectiveness of the local ethical standards framework, monitoring local arrangements and engaging with those authorities where standards are poor or at risk.

Standards for England still investigates those complaints not suitable for local authorities to deal with themselves, but the majority of complaints are dealt with locally.

## How the local standards framework deals with complaints

The current arrangements require standards committees to convene a properly-constituted assessment sub-committee to receive complaints.

At this point they can:

- decide to take no further action
- ask the monitoring officer to investigate the complaint locally
- ask Standards for England to investigate the complaint
- ask the monitoring officer to resolve the matter through alternative action (such as mediation or training) – in which case no finding is made as to the complaint itself

A complainant, if not satisfied with the assessment decision to take no further action, has the right to have the complaint considered again by a review sub committee (properly constituted with different individuals to the assessment sub-committee).

Where complaints are investigated locally a properly constituted consideration committee is required to receive the investigation report. It can:

- agree with the monitoring officer that no further action is necessary
- refer the case to the Standards Committee or a hearing sub committee
- refer the case to the First Tier Tribunal (Local Government Standards in England)

When hearing cases, standards committees or hearing sub-committees can:

- find no breach of the code
- find a breach but no further action is required
- impose a sanction of up to six months suspension
- impose other sanctions such as a requirement that the member undergo training or apologise

The First Tier Tribunal can impose a wider range of sanction, up to five years disqualification.

A member can appeal to the First Tier Tribunal against a finding of breach and / or against the sanction applied.

The impetus for high ethical standards is mirrored by an emphasis on governance - the systems and processes, culture and values by which an organisation is controlled and directed.

Good governance is held to contribute toward improved performance, better services and stronger leadership. High ethical standards are recognised as a key component of good governance for example in CIPFA/SOLACE's good governance framework<sup>21</sup> and have been included as criteria in the Audit Commission's Comprehensive Area Assessment.

Alongside these developments was the growing concern that councils were becoming disconnected from their communities and that there was a need to rebuild trust in local councillors and confidence in local democracy.

Some characteristics of public disengagement with politics are falling voter turn out, falling civic engagement and falling party memberships. While the actual cause of this disengagement is not clear, it is not hard to imagine how public perceptions of members' standards of behaviour might influence public desire to engage in local democracy.

These concerns were reflected in two white papers which formed the government's Local Government Modernisation Agenda (the 1998 white paper Modern Local Government: in touch with the people, and the 2001 white paper Strong Local Leadership, Quality Public Services) and other legislation (Local Government Acts of 1999 and 2000).

The modernisation agenda sought to achieve<sup>22</sup>:

- improvements in local services
- more effective community leadership by councils
- increased accountability
- greater engagement of local stakeholders
- improved public confidence in local government.

Confidence and trust were closely linked with the issue of conduct so that better conduct by members and officers and being accountable (along with improved services) would result in improved confidence and trust.



## Appendix 3

### References throughout this document

1. Standards for England Regulatory Statement, February 2010.
2. Macaulay M. (2010) Comparing Standards Frameworks, Prepared for Standards for England, Manchester.
3. BMG Research (2009) How Proportionate is the Standards Framework? Prepared for Standards for England, Manchester.
4. Allen N and Birch S (2009) Working paper on: political conduct and misconduct: probing public opinion, Essex University, Essex.
5. BBC and Ipsos Mori (2009) Ipsos MORI Expenses Poll for the BBC, [www.ipsos-mori.com](http://www.ipsos-mori.com)
6. BMG Research (2009) Stakeholder Tracker 2009 (Satisfaction with the Standards Board for England and Attitudes to the Ethical Environment), Prepared for Standards for England, Manchester
7. Cowell R., Downe J. and Morgan K. (2009) Assessing the Impact and Effectiveness of the Ethical Framework in Local Government in England, prepared for Standards for England, Manchester.
8. MORI (2004), *Satisfaction with the Standards Board for England's Support and Guidance to Key Stakeholders*, Prepared for Standards for England. London.
9. BMG Research (2007) Satisfaction with the Standards Board for England and Attitudes to the Ethical Environment, Prepared for Standards for England, Manchester
10. BMG Research (2008) Satisfaction with the Standards Board for England and Attitudes to the Ethical Environment: Qualitative Investigation following Quantitative Survey, Prepared for Standards for England, Manchester
11. BMG Research (2007) Corporate culture and values research, Prepared for the Standards Board for England, Manchester
12. GfK/NOP (2009) Public Perception of Ethics, Prepared for Standards for England, Manchester
13. Public Administration Select Committee (2007) Ethics and Standards: The Regulation of Conduct in Public Life, Fourth Report of Session 2006-7, Her Majesty's Stationary Office, London (HC 121-I)
14. Greasley S, Johnston, L, Stoker G, and Gains F (2006) The Implementation of the New Ethical Framework in English Local Authorities, Prepared for Standards for England, Manchester
15. Macaulay M and Lawton A (2005) Analysis of the Code of Conduct Consultation for the Standards Board for England, Standards Board for England, London
16. Standards for England (2009) Annual Review 2009, Standards for England, Manchester.
17. Relevant Authorities (General Principles) Order 2001, Her Majesty's Stationary Office, London (SI 1401)
18. Committee on Standards in Public Life (2005) Getting the Balance Right: Implementing Standards of Conduct in Public Life (Tenth Report of the Committee on Standards in Public Life), Her Majesty's Stationary Office, London (Cm6407)
19. Committee on Standards in Public Life (1997) Standards of Conduct in Local Government, Third Report of the Committee on Standards in Public Life Cm 3702-1
20. ODPM select committee: Housing, Planning, Local Government and Regions Committee (2005) The role and effectiveness of the Standards Board for England, HC60-I, London: The Stationary Office
21. CIPFA/SOLACE (2007) Delivering Good Governance in Local Government Framework, CIPFA, London
22. Bovaird T, Downes J and Martin S (2009) Reforming local government: impacts and interactions of central government policies from 2000 to 2006, Prepared for DCLG, London





## Annual Return form - 2010

**Authority name** West Lancashire Borough Council  
**Primary contact** Gillian Rowe  
**Primary contact email** gill.rowe@westlancsdc.gov.uk

### PART 1: COMMUNICATION

#### Annual Report

#### Does the standards committee produce an annual report?

Yes

#### What does the report contain?

- |   |  |
|---|--|
| <input type="checkbox"/> A personal statement by the standards committee chairman           | <input type="checkbox"/> Information about the members of the standards committee                          |
| <input checked="" type="checkbox"/> The role of the standards committee                     | <input checked="" type="checkbox"/> The standards committee terms of reference                             |
| <input type="checkbox"/> Information about the Code of Conduct                              | <input checked="" type="checkbox"/> Statistical information about complaints that have been received       |
| <input type="checkbox"/> Information about the length of time taken dealing with complaints | <input type="checkbox"/> A summary of complaints which have led to investigation, sanction or other action |
| <input checked="" type="checkbox"/> Details about training/events provided                  | <input checked="" type="checkbox"/> The forward work plan of the standards committee                       |
| <input checked="" type="checkbox"/> Other   |  |

#### Please describe what "Other" contents are in the report.

Membership and an overview of the previous years work.

#### How is the standards committee annual report circulated?

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Sent to all senior officers                           | <input checked="" type="checkbox"/> Sent to all members  |
| <input checked="" type="checkbox"/> Sent to parish/town councils                          | <input type="checkbox"/> Available on the authority intranet   |
| <input checked="" type="checkbox"/> Available as a specific item on the authority website | <input checked="" type="checkbox"/> Available in the standards committee papers published on the authority website |
| <input type="checkbox"/> Included as a full authority meeting agenda item                 | <input type="checkbox"/> Publicised in local press   |
| <input type="checkbox"/> Distributed to households  | <input checked="" type="checkbox"/> Available at authority offices   |
| <input type="checkbox"/> Not circulated outside of the standards committee                | <input type="checkbox"/> Other   |

#### The report is "Available as a specific item on the authority website", please provide the web address.

[http://www.westlancsdc.gov.uk/council\\_\\_democracy/councillors/councillors\\_code\\_of\\_c](http://www.westlancsdc.gov.uk/council__democracy/councillors/councillors_code_of_c)

#### The report is "Available in the standards committee papers published on the authority website", please provide the web address.

<http://webdocs.westlancsdc.gov.uk/coins/>

#### Publicising Complaints

#### How can the public access information about how to make a complaint against a member?

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Through a 'compliments and complaints' type section of the council website | <input checked="" type="checkbox"/> Through the standards committee section of the website |
| <input type="checkbox"/> Complaints leaflets available from the authority                                      | <input type="checkbox"/> Included as part of a council newsletter                          |
| <input checked="" type="checkbox"/> Advertised through parish councils   | <input type="checkbox"/> Information is not available to the public                        |
| <input checked="" type="checkbox"/> Other  |  |

**The information is on the "compliments and complaints' type section of the council website", please provide the web address.**

[http://www.westlancsdc.gov.uk/council\\_\\_democracy/contact\\_us/comments\\_and\\_feed](http://www.westlancsdc.gov.uk/council__democracy/contact_us/comments_and_feed)

**The information is on "standards committee section of the website", please provide the web address.**

[http://www.westlancsdc.gov.uk/council\\_\\_democracy/councillors/councillors\\_code\\_of\\_c](http://www.westlancsdc.gov.uk/council__democracy/councillors/councillors_code_of_c)

**Please describe the "Other" places the public can access this information.\***

Public Notice Board

### **How can the public access information about the outcome of initial assessment decisions?**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Written summary available for public inspection      | <input type="checkbox"/> All initial assessment decisions are publicised in the local press |
| <input type="checkbox"/> Publicised in the local press only if the subject member agrees | <input type="checkbox"/> Assessment decisions published on the authority website            |
| <input type="checkbox"/> Articles published in the authority newsletter                  | <input type="checkbox"/> Other  |

### **How can the public access information about the outcome of investigations?**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Hearings are open to the public                                 | <input type="checkbox"/> All investigation outcomes are publicised in the local press |
| <input checked="" type="checkbox"/> Publicised in the local press only if the subject member agrees | <input checked="" type="checkbox"/> Published on the authority website                |
| <input checked="" type="checkbox"/> Decision notices are available for public inspection            | <input type="checkbox"/> Articles in the authority newsletter                         |
| <input type="checkbox"/> Other  |   |

**Do you have a mechanism in place for measuring the satisfaction of all those involved in allegations of misconduct? For example the member, complainant and witnesses.**

No

### **Communicating the role and work of the standards committee and standards generally**

#### **What does the authority do to promote the work of the standards committee and standards generally to the rest of the authority (i.e. internally)?**

- |  |   |
|--|---|
| <input type="checkbox"/> Dedicated standards committee pages on intranet                                     | <input type="checkbox"/> Standards committee has its own newsletter / bulletin                          |
| <input type="checkbox"/> Standards committee issues briefing notes   | <input checked="" type="checkbox"/> Articles in employee newsletter / bulletin / newspaper              |
| <input checked="" type="checkbox"/> Standards committee independent members observe other authority meetings | <input type="checkbox"/> Standards committee independent members contribute to other authority meetings |
| <input type="checkbox"/> Other   |   |

#### **How can the public access information about your standards committee?**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Dedicated standards committee section on the authority website         | <input checked="" type="checkbox"/> Within 'council and democracy' type section of website                        |
| <input checked="" type="checkbox"/> Ethical standards issues have been included in the local press / media | <input checked="" type="checkbox"/> Standards committee minutes, agendas, and reports are available to the public |
| <input type="checkbox"/> Leaflets and/or posters are placed in public buildings                            | <input checked="" type="checkbox"/> Places articles in the authority newsletter / bulletin / other publication    |
| <input checked="" type="checkbox"/> Standards committee meetings are observed by members of the public     | <input type="checkbox"/> Information is not available to the public   |
| <input type="checkbox"/> Other   |   |

**Please provide the web address for the standards committee section on the authority website.**

[http://www.westlancsdc.gov.uk/council\\_\\_democracy/councillors/councillors\\_code\\_of\\_c](http://www.westlancsdc.gov.uk/council__democracy/councillors/councillors_code_of_c)

**Please provide the web address for information within the council and democracy section of your website.**

[http://www.westlancsdc.gov.uk/council\\_\\_democracy/councillors/councillors\\_code\\_of\\_c](http://www.westlancsdc.gov.uk/council__democracy/councillors/councillors_code_of_c)

#### **What else does the authority do to promote the work of the standards committee and standards generally to the public and other partners?**

Members of the Standards Committee attend parish council meetings.

Monitoring Officer attends Parish Clerks Mtg.

Local Democracy Week - schools are invited in.  
Monitoring Officer attends other organisations.

## PART 2: INFLUENCE

### How does the standards committee communicate ethical issues to the senior figures within your authority (for example the Chief Executive and Leader of the Authority, Party Leaders)?

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Formal meetings between standards committee members and senior figures specifically set up to discuss standards | <input checked="" type="checkbox"/> Informal discussion on particular standards issues  |
| <input checked="" type="checkbox"/> Senior figure attendance at standards committee meetings  | <input checked="" type="checkbox"/> Monitoring Officer is a member of or attends Corporate Management Team (or equivalent) meetings |
| <input checked="" type="checkbox"/> Executive or senior member has portfolio responsibility for standards   | <input type="checkbox"/> Chair (or other standards committee member) addresses full authority meeting(s)                            |
| <input type="checkbox"/> Other  |   |

### How do the senior figures in your authority demonstrate strong ethical values?

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Through a strongly promoted whistle-blowing policy | <input checked="" type="checkbox"/> By ensuring there are references to ethics in the authority vision / objectives           |
| <input checked="" type="checkbox"/> Demonstrating appropriate behaviours               | <input checked="" type="checkbox"/> Senior figure(s) makes personal commitment to standards in statements to public/employees |
| <input checked="" type="checkbox"/> Through any other method                           |   |

#### Describe the "Other" ways that this is achieved.

Meet annually with Standards Committee to discuss  
Divisional Managers attend Annual Code of Conduct Training

### Does your authority have a protocol for partnership working that outlines the standards of behaviour expected of all those working in partnership?

Yes

### What mechanisms does the authority use for dealing with member/officer and/or member/member disputes?

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Informal discussion/mediation | <input checked="" type="checkbox"/> Monitoring Officer mediation                   |
| <input type="checkbox"/> Chair of standards committee mediation   | <input checked="" type="checkbox"/> Senior figure mediation (e.g. Chief Executive) |
| <input type="checkbox"/> Advice from Human Resources department   | <input type="checkbox"/> Solicitor / legal adviser consulted                       |
| <input type="checkbox"/> Informal hearing                         | <input type="checkbox"/> No mechanisms other than normal complaints process        |
| <input checked="" type="checkbox"/> Other                         |  |

#### Describe the "Other" mechanisms used.

Protocol on Member/Officer Relations - different mechanism for different situations  
Committee dispute - referred to Leader By Chairman  
Chief Officer & Chairman/Portfolio Holder dispute - referred to C Ex & Leader  
Arbitration between Member and Officer - To Chief Officer of relevant division, then Monitoring Officer, then Chief Exec if needed.

## PART 3: TRAINING AND SUPPORT

**Between 1 April 2009 and 31 March 2010, has the authority assessed the training and development needs of authority members in relation to their responsibilities on standards of conduct?**

Yes

**If yes, what needs were identified?**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Introduction to the Code of Conduct                      | <input checked="" type="checkbox"/> Elements of the Code of Conduct |
| <input checked="" type="checkbox"/> The role and responsibilities of the standards committee | <input type="checkbox"/> Ethical governance/behaviour               |
| <input type="checkbox"/> None  | <input checked="" type="checkbox"/> Other                           |

**Describe the "Other" needs that were identified.**

Independent Member Training prior to appointment  
Assessment, Review & Hearings  
Standards for England Conference

**What training/support was provided during the period 1 April 2009 to 31 March 2010?**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Introduction to the Code of Conduct                  | <input checked="" type="checkbox"/> Elements of the Code of Conduct |
| <input checked="" type="checkbox"/> Role and responsibilities of the standards committee | <input checked="" type="checkbox"/> Ethical governance/behaviour    |
| <input type="checkbox"/> None  | <input checked="" type="checkbox"/> Other                           |

**Describe the "Other" training/support provided.**

Assessment, Review & Hearings  
Visits to Parish Council & Borough Council Meetings  
Standards Forum

**Who received training/support?**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Standards committee chair   | <input checked="" type="checkbox"/> Independent members   |
| <input checked="" type="checkbox"/> Other standards committee members   | <input checked="" type="checkbox"/> All authority members |
| <input checked="" type="checkbox"/> Specific authority members with particular needs (e.g. new members, planning committee members) | <input checked="" type="checkbox"/> Other                 |

**Which "Other" people received training?**

West Lancs Area Committee of Parish & Town Councils

**What methods were employed to give training/support?**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Internal training (presentations/seminars/workshops) | <input type="checkbox"/> External trainer/speaker                     |
| <input checked="" type="checkbox"/> One on one training                                  | <input type="checkbox"/> Joint/regional training event                |
| <input checked="" type="checkbox"/> Online learning                                      | <input checked="" type="checkbox"/> Guidance notes/briefing materials |
| <input checked="" type="checkbox"/> Standards for England materials                      | <input type="checkbox"/> Ethical governance toolkit                   |
| <input type="checkbox"/> Other   |   |

**In which areas of the Code of Conduct has training/support been provided?**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Respect          | <input checked="" type="checkbox"/> Personal/Prejudicial Interests             |
| <input checked="" type="checkbox"/> Use of resources | <input checked="" type="checkbox"/> Bullying                                   |
| <input checked="" type="checkbox"/> Disrepute        | <input checked="" type="checkbox"/> Predisposition, Pre-determination and bias |
| <input checked="" type="checkbox"/> Equality         | <input checked="" type="checkbox"/> Confidentiality                            |
| <input type="checkbox"/> Other                       |  |

**What other training/support has been provided on areas of an authority member's**

**role or activities they may engage in?**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Chairing skills                           | <input type="checkbox"/> Lobbying   |
| <input checked="" type="checkbox"/> Predetermination, Predisposition and bias | <input checked="" type="checkbox"/> Blogging and/or the use of social media |
| <input type="checkbox"/> Electioneering                                       | <input checked="" type="checkbox"/> Freedom of Information (FOI)            |
| <input type="checkbox"/> None   | <input checked="" type="checkbox"/> Other                                   |

**Describe the "Other" training/support provided.**

Corporate Health & Safety  
Local Assessment  
Overview & Scrutiny  
Equality & Diversity  
Attracting Resources to the Ward  
The Economic Study  
'Gypsy & Travellers'  
Media Training  
Code of Conduct  
Neighbourhood Management  
Car Parking  
Crime & Disorder

**In general, how well attended was the training provided?**

50-75%

**Please give a brief overview of how standards issues are covered in your induction process for new members of the authority?**

Information is provided in the induction pack & the Monitoring Officer gives a short presentation on general obligations and register of interests.

**In which areas of the role and responsibilities of the standards committee has training/support been provided for standards committee members? Please tick all that apply.**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Initial assessments | <input checked="" type="checkbox"/> Other action/mediation |
| <input checked="" type="checkbox"/> Reviews             | <input checked="" type="checkbox"/> Investigations         |
| <input checked="" type="checkbox"/> Hearings            | <input checked="" type="checkbox"/> Sanctions              |
| <input type="checkbox"/> Other                          |  |



## PART 4: INVESTIGATIONS

Have any investigations been completed during the period 1 April 2009 - 31 March 2010? Yes

How many investigations have been completed during this period?

6

Have any of the investigations used external investigators? Yes

Of the investigations completed during the period, for how many have external investigators been used?

6

Overall, what was your principle reason for out-sourcing the investigation(s)?

Lack of staff resources

What type of external investigator(s) did you use?

Employee of another authority

Self-employed investigator

Private law firm

Other

For the period 1 April 2009 to 31 March 2010, what was the approximate total cost of fees paid to the external investigator(s) for completed cases?

£13285.00

Please provide a brief overview of the processes you have in place to ensure the quality of local investigations.

Independent Investigator previously used to work for SBE and now works for well respected firm of Solicitors adopting quality standards and is on NWLC Partners Panel  
MO checks quality of Reports

## PART 5: RELATIONSHIPS WITH PARISH AND TOWN COUNCILS

**Has your authority provided training for parish councillors during the period 1 April 2009 to 31 March 2010?**

Yes

**If yes, what topics did the training cover?**

- |  |   |
|--|---|
| <input type="checkbox"/> Freedom of Information (FOI)                  | <input checked="" type="checkbox"/> Confidential information      |
| <input checked="" type="checkbox"/> Planning                           | <input checked="" type="checkbox"/> Lobbying                      |
| <input checked="" type="checkbox"/> Dual-hatted members                | <input checked="" type="checkbox"/> The Code of Conduct generally |
| <input checked="" type="checkbox"/> Personal and prejudicial interests | <input checked="" type="checkbox"/> Bullying                      |
| <input type="checkbox"/> Other   |   |

**What methods were employed to give training/support?**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Internal training (presentations/seminars/workshops) | <input type="checkbox"/> External speakers                               |
| <input checked="" type="checkbox"/> One on one training                                  | <input type="checkbox"/> Joint/regional event                            |
| <input checked="" type="checkbox"/> Guidance notes/briefing materials                    | <input checked="" type="checkbox"/> Standards for England's materials    |
| <input type="checkbox"/> CALC speakers   | <input checked="" type="checkbox"/> Part of wider parish liaison meeting |
| <input checked="" type="checkbox"/> Other  |  |

**What "Other" methods were used?**

NALC Session

**In general, how well attended was the training for parish councillors?**

25-50%

**Has your authority provided training for parish clerks during the period 1 April 2009 – 31 March 2010?**

Yes

**What topics did the training for parish clerks cover?**

- |  |   |
|--|---|
| <input type="checkbox"/> Freedom of Information (FOI)                  | <input checked="" type="checkbox"/> Working with confidential information |
| <input checked="" type="checkbox"/> Planning                           | <input checked="" type="checkbox"/> Lobbying                              |
| <input checked="" type="checkbox"/> Dual-hatted members                | <input checked="" type="checkbox"/> The Code of Conduct generally         |
| <input checked="" type="checkbox"/> Personal and prejudicial interests | <input checked="" type="checkbox"/> Bullying                              |
| <input checked="" type="checkbox"/> Other                              |   |

**What "Other" topics did parish clerks training cover?**

Clerks also attend Parish Clerks Meeting with Assistant Chief Executive, Monitoring Officer and Member Services Manager.

NALC Session by MO

**What methods were employed to give training/support to parish clerks?**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> One on one training               | <input checked="" type="checkbox"/> Internal training (presentations/seminars/workshops) |
| <input type="checkbox"/> External speakers                            | <input checked="" type="checkbox"/> Guidance notes/briefing materials                    |
| <input checked="" type="checkbox"/> Standards for England's materials | <input type="checkbox"/> Joint authority/regional event                                  |
| <input type="checkbox"/> Other  |  |

**In general, how well attended was the training for parish clerks?**

50-75% of those invited

**Does your council have a COMPACT (a formal agreement with your county Association of Local Councils about supporting standards for parish and town councils in the area)?**

No

**Describe the relationship between your authority and your County Association of Local Councils in relation to standards. For example, how regularly do you interact with them? Are you involved in delivering joint training?**

There is an excellent relationship with the County Association of Local Councils and regular interaction. They have organised constitutional training for our Parishes in liaison with ourselves.

Reference to standards in Parish Charter with each Parish Council

**Standards for England and Teesside University are currently researching the role of the Parish Liaison Officer. Teesside University have created a brief questionnaire to assess the organisational background, functions and skills needed to carry out the Parish Liaison role. Does your authority have a Parish Liaison Officer?**

No - but there is someone who fulfils the same functions

**Does the Parish Liaison Officer (or the person who fulfils the same functions) consent for the University of Teesside to contact them to complete a brief questionnaire about their role?**

Yes

If yes, please provide contact details (where there are multiple Parish Liaison Officers, just provide one contact):

**Name**

Gary Martin

**Contact address**

52 Derby Street, Ormskirk, West Lancs L39 3PB

**Contact phone**

01695 585065

**Email address**

gary.martin@westlancs.gov.uk

**What steps have you taken when dealing with parishes which have had problems with standards issues? For example, what preventative or capacity building work have you done with parishes?**

Training

Assisted with Declarations

Constitutional training and review of standing orders via NALC

Encouraged early appointment of replacement Parish Clerk

**Which of the following areas would you like Standards for England to produce additional guidance on to support your work with parishes?**

Lobbying

Predetermination and bias

Planning and interests

Dual-hatted members

Other

**Please describe what "Other" areas you would like covered.**

Parishes and Trusts - how to comply with local government law as well as charity law, particularly where Parish Council is custodian and charity Trustee

Use of flow charts may be helpful

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**End of form**



**AGENDA ITEM: 10**

**STANDARDS COMMITTEE:  
3 June 2010**

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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: STANDARDS COMMITTEE – APPOINTMENT OF PARISH REPRESENTATIVE**

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Borough wide interest

**1.0 PURPOSE OF THE REPORT**

1.1 To consider the appointment of a parish representative to the Standards Committee.

**2.0 RECOMMENDATIONS**

2.1 That the Council Secretary and Solicitor be given authority, in consultation with the Leader, to appoint the nominee with the highest number of votes received, as Parish Representative until the Annual Meeting in May 2012, once the appointment process is complete as detailed in paragraph 3 of the report.

---

**3.0 PARISH REPRESENTATIVES**

3.1 Standards for England recommend a minimum of three parish council representatives on the Standards Committee and the Council has decided to have this number, although the legal minimum is two. This is to avoid situations where the Parish representative is conflicted out and in order to fulfil the requirement for a Parish representative to be present when considering Parish matters. The length of time they serve on the committee is currently four years. The Council determines its own recruitment process for Parish representatives, which involves Parish Councils in a fair and open manner.

3.2 The current four year term of office for Parish Councillor Representatives is not due to expire until the Annual Meeting of the Council in 2012. However, Parish Councillor Hammond has resigned as a Parish Councillor and is not longer entitled to serve on the Committee.

- 3.3 All Parish Clerks have been contacted advising them of the vacancy and all, with the exception of Downholland and Tarleton have been invited to submit the name of a member they would wish to fill the vacancy on the Standards Committee by 1 July 2010. Downholland and Tarleton already have members appointed therefore they are not able to nominate but will be able to vote. In that invitation Parish Clerks were advised that the member nominated would be appointed until the Annual Meeting of the Council in May 2012, that he/she should not be a Borough Councillor and ideally should not be a close friend of any member or officer of the Borough Council. All nominees are required to prepare a brief personal profile.
- 3.4 Upon receipt of the nominations all Parish Clerks will be contacted again requesting their Parish Council to vote for one candidate from the list of nominees. They have been advised that the candidate with the highest number of votes would be considered for appointment to serve on the Standards Committee for 2010/11 and 2011/2012.
- 3.5 As previously agreed, if the 3 appointed representatives are unavailable for any reason, including being conflicted out, in an emergency, a Parish representative can be appointed on a temporary basis, in the first instance by going to the other nominees put forward.
- 3.6 There is insufficient time, due to the frequency of Parish Council meetings for voting to take place in time for Council on 21 July 2010. To avoid delays in appointing a Parish Representative over the summer months I am suggesting authority be delegated to me to appoint the nominee with the highest number of votes received. This will enable a new Parish Representative to be in place at the earliest opportunity.

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

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

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

- 5.1 An allowance of £250 is paid to the Parish Council representatives on the Standards Committee in recognition of their role as detailed in the 'Scheme of Members Allowances'.

#### **6.0 RISK ASSESSMENT**

- 6.1 There are no significant management risks arising from this report and a Parish Representative should be appointed. However changes are expected with the Standards regime and members will be updated accordingly.

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#### **Background Documents**

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

## **Equality Impact Assessment**

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

### **Appendices:**

None







**AGENDA ITEM: 14**

**STANDARDS COMMITTEE:  
3 June 2010**

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**Report of: Council Secretary and Solicitor**

**Contact for further information: Mrs G Rowe (Extn. 5004)  
(E-mail: [gill.rowe@westlancs.gov.uk](mailto:gill.rowe@westlancs.gov.uk))**

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**SUBJECT: ANNUAL MONITORING OF TRAINING REPORT, TRAINING NEEDS  
AND TRAINING PLANS FOR INDEPENDENT AND PARISH  
REPRESENTATIVES**

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Wards affected: Borough wide

**1.0 PURPOSE OF THE REPORT**

1.1 To consider training needs and training plans for Independent Members and Parish Representatives on the Standards Committee and evaluate the effectiveness of the training undertaken to date.

**2.0 RECOMMENDATIONS**

2.1 That the training undertaken and the evaluation of it be noted.

2.2 That a Seminar/Workshop on the Code of Conduct, for all Borough and Parish Councillors, to comprise 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 Committee.

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**3.0 BACKGROUND**

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

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

- (c) monitoring the operation of the Authority's Code of Conduct;
- (d) advising, training or arranging to train Members and co-opted Members of the Authority on matters relating to the Authority's Code of Conduct.

3.2 A report presented to the Committee on 5<sup>th</sup> February 2002 suggested a training programme for the introduction of the Code. It was noted that it was essential that **all** Members receive training (including co-opted Members). A further report was presented on 25<sup>th</sup> June 2003 considering future training requirements and evaluating the training conducted to that date. Annual updates on training have been provided to the Committee since then, with extra training being included when the revised Code of Conduct was introduced in 2007.

#### **4.0 TRAINING REQUIREMENT**

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

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

#### **4.2 Background**

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

- the Monitoring Officer
- the Council's Standards Committee
- the Standards Board and the Adjudication Panel

#### **4.3 General Obligations**

4.3.1 This would cover:-

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

#### **4.4 Declarations of Interest**

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

4.4.2 This will include:-

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

#### 4.5 **The Register of Members' Personal Interests**

4.5.1 This will cover:-

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

#### 4.6 **Equality Enactments**

4.6.1 Separate training on equalities is organised via Human Resources.

### 5.0 **DELIVERY OF TRAINING**

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

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

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

5.4 The induction training briefly refers to the Planning Protocol (on which there was specific training on 7 October 2003, 15 July 2004 and 19 February 2009, which will continue) and the Protocol on Member/Officer Relations, as local guidance supporting but not forming part of the Code. A Protocol in relation to Members Interests and LSVT was the subject of detailed briefings by Trowers and Hamlins Solicitors in December 2004/January 2005 but is no longer relevant.

- 5.5 I understand from the Human Resources Manager that training has been undertaken in Diversity, Race, Impact Assessments, Background to the Race Relations Amendment Act and Equality issues.
- 5.6 The Standards Committee, at its meeting on 28<sup>th</sup> April 2004, gave consideration to training for both Standards Committee Members and for training for all Members, Co-opted Members and Parish Councillors and Clerks on the Code. Training sessions specifically for Standards Committee Members were held in July and August 2004 on the Code and local determination; and in September and November 2008 on the assessment and filter of complaints and hearings. Standards Committee Members have continued to attend Standards Board Roadshows and the Lancashire Standards Conference as well as the training for all Members.
- 5.7 Members agreed in 2004 that a full session for all District and Parish Councillors should be arranged for the Autumn following the format successfully adopted in previous years. A further Seminar/Workshop session was held at Hale Hall, Edge Hill on Wednesday, 24 November 2004 at 7.30 pm and over 80 people attended.
- 5.8 Members agreed that they wished to continue to organise the Seminar/Workshop Session on the Code of Conduct as an annual event. I was fortunate to secure the services of Peter Keith-Lucas of Bevan Brittan, Solicitors, an acknowledged expert on the Code to Conduct to present the 2005 Seminar on a cold windy night at Edge Hill. Members of the Standards Committee who attended the session at Wyre were very complimentary about the course he presented on that occasion and his presentation on Thursday, 24 November 2005 entitled 'The Code in Practice' was excellent. This has enabled us to move the training session we offer each year, on from that presented for a number of years by North West Employers. I feel that this has been a very successful approach and this was supported by the feedback forms, the only critical comment on that occasion being that perhaps the presentation was  $\frac{1}{4}/\frac{1}{2}$  hour too long.
- 5.9 Due to the imminence of the New Code of Conduct we moved the Annual Seminar/Workshop to 29 March in 2007. The Seminar was presented by Graeme Creer of Weightmans Solicitors and he made an informative presentation which as the New Code was unfortunately only published on 4 April 2007 had, of necessity, to include those issues flagged up in the consultation version. An extremely useful case study session with model answers proved very successful. This format was repeated on 29 November 2007 and 2008 with an excellent turnout at Edge Hill and was well received and then again in November 2009 at 52 Derby Street.
- 5.10 Standards Committee Members John Cailles, Councillor Una Atherley and Ms. Joan Draper attended the Standards Board Conference in Birmingham on Monday 9<sup>th</sup> and Tuesday 10<sup>th</sup> June 2003 and Jacky Denning, Assistant Member Services Manager and myself attended Conference on Monday 13<sup>th</sup> and Tuesday 14<sup>th</sup> September 2004. In 2005 Terry Broderick, Legal Services Manager attended and as usual an update on the Conference was discussed at the Committee. Similarly, I and the Member Services Manager, Gary Martin attended the Conference in October 2006. I attended in October 2007 and Terry

Broderick attended in October 2008, however both members and officers were unable to attend the 2009 Conference this year. The Conference this year is being held on 18 and 19 October 2010 in Birmingham and Members are most welcome to attend.

- 5.11 I issue guidance to Members and Parishes on the Code at regular intervals, either through '7 Days' or by specific letters. The Board's website and the "Case Reviews" provide insight into the interpretation given to the Code by Ethical Standards Officers and the Adjudication Panel.
- 5.12 On receipt of the New Code an updated Training Pack was issued in May 2007 to all Standards Committee Members, District Councillors, Parish Clerks and Parish Councillors in West Lancashire comprising the New Code of Conduct, a set of notes and case studies with model answers. This was followed up with the Pocket Guide and Standards Board Guide on the Code. The Training Pack was then updated again in November 2007, 2008 and 2009 and similarly circulated. A review of the Planning Protocol was undertaken in the context of the New Code and it has been revised and re-issued with training held in February 2009.
- 5.13 The Standards Committee viewed a DVD available on local investigations and hearings in November 2006 which was useful and another DVD on Local Assessment in February 2010. Refresher training on the Local Assessment Procedures was also held in October 2009.
- 5.14 Members are of course always able to attend external training on the Code should they so wish.

## **6.0 MONITORING**

- 6.1 Details are kept of attendance at training sessions and reported, so the Standards Committee are able to monitor the take up of the training.
- 6.2 The success of the training is assessed each year by a customer satisfaction questionnaire after each training event and can be followed up by asking Members if they need further training on certain aspects, or a general "refresher".

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

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

## **8.0 FINANCIAL AND RESOURCE IMPLICATIONS**

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

## **9.0 RISK ASSESSMENT**

- 9.1 Training needs to be provided to comply with statutory obligations and to ensure Members are fully aware of the requirements placed upon them. This will enable them to avoid being in breach of the Code of Conduct with all the adverse consequences which would necessarily flow. Specific training for Standards Committee Members is provided to enable them to carry out their duties effectively.
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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.

### **Appendices**

None.

**Standards Committee Work Programme 2010/11 – 3 June 2010**

	<b>Timescale</b>	<b>Comments</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 2011	
4 Code of Conduct Seminar for Officers, Borough and Parish Councillors (Press Release to be issued – Details on website)	November 2010	
5 Report on Annual Standards for England Conference (Para for 7 Days)	November 2010	
6 Update on visits by individual Members to Borough and Parish Council Meetings (Press Release to be issued and put on website)	Autumn 2010	
7 Update on Whistleblowing Code	Summer 2012	
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 2011	

	<b>Timescale</b>	<b>Comments</b>
11 Standards Committee annual meeting inviting Parish Clerks and Parish Chairman to discuss Code (Press Release to be issued)	Summer 2011	
12 Standards for England Annual Return	April 2011	
13 Standards Committee – Annual Report	Autumn 2010 & 2011	
14 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 2010	
15 Look at conducting research in relation to opinions of conduct in West Lancashire	Spring 2011	
16 Look at the potential involvement of the Standards Committee in complaints handling and review of Ombudsman decisions	Autumn 2010	
17 Local Filter - implementation	Continuing	Ongoing
18 Involvement of the Standards Committee in officer code and political restrictions	Autumn 2010	
19 Proportionate Review by Standards for England – DCLG to respond	Autumn 2010	



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

**HELD: 15 APRIL 2010**  
Start: 4.00pm  
Finish: 4.20pm

**PRESENT:**

Members: Independent Member Mr J Cailes (Chairman for the meeting)  
Councillor S Jones  
Parish Councillor M Hammond

Officers: Council Secretary and Solicitor (Mrs G Rowe)  
Member Services Manager (Mr G Martin)

**16. APPOINTMENT OF CHAIRMAN**

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

**17. APOLOGIES**

There were no apologies for absence.

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

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

**19. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**20. COMPLAINT OF BREACH OF CODE OF CONDUCT - LG5/48**

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: That consideration of this complaint be deferred to enable the Monitoring Officer be requested to obtain further information.



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

**HELD: 26 APRIL 2010**  
Start: 4.00pm  
Finish: 4.10pm

**PRESENT:**

Members: Independent Member Mr J Cailes (Chairman for the meeting)  
Councillor S Jones  
Parish Councillor M Hammond

Officers: Legal Services Manager (Mr T P Broderick)  
Member Services Manager (Mr G Martin)

**21. APPOINTMENT OF CHAIRMAN**

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

**22. APOLOGIES**

There were no apologies for absence.

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

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

**24. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**25. COMPLAINT OF BREACH OF CODE OF CONDUCT - LG5/48**

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.

In her report the Council Secretary and Solicitor reminded the Sub-Committee that this case had been considered at an earlier meeting, when a decision had been deferred pending further information from the complainant. In this respect the additional information obtained was appended to the report for the Sub-Committee's consideration.

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 and the complainant advised of other steps available to him in the event of him wishing to take the matter further.

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

26. **COMPLAINT OF BREACH OF CODE OF CONDUCT - LG5/49**

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 member.