

DECLARATION OF INTEREST - CHECKLIST FOR ASSISTANCE OF MEMBERS – 2007

Name: Councillor

Cabinet/Council/Committee:

Date:

Item No:

Item Title:

Nature of Interest:

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

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

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

Please tick relevant boxes

Notes

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

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

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

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

or

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

“a relevant person” means

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

“body exercising functions of a public nature” means

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

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

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

STANDARDS COMMITTEE

ITEM 4
HELD: 3 JUNE 2010
Start: 4.00pm
Finish: 5.00pm

PRESENT

Independent Members: J Cailes (Chairman)
P Hanmer (Vice Chairman)
S Ibbs
P Rogan
B Winstanley

Councillors: Mrs U Atherley R Pendleton
R Bailey

Parish Councillors: A Cheetham
R Coady

Officers: Council Secretary & Solicitor
Assistant Member Services Manager
Senior Financial Officer

1. APOLOGIES

Apologies were received on behalf of Independent Member, P Hanmer and Councillor P Cotterill.

The Chairman advised of the death of Councillor Terry Rice a valued member of the Standards Committee until recently and the Committee held a one minute silence as a mark of respect.

The Chairman introduced and welcomed Councillors R Bailey and R Pendleton and Independent Members S Ibbs, P Rogan and B Winstanley as new Members of the Committee.

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

There were no items of urgent business.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. MINUTES

RESOLVED: That the minutes of the meeting of the Standards Committee held on 10 February 2010 be received as a correct record and signed by the Chairman.

5. MEMBERSHIP OF THE COMMITTEE

The Chairman advised of the membership approved by Council on 19 May as set out on pages 13 to 14 of the Book of Reports and of the resignation of Parish Councillor Michael Hammond.

RESOLVED: A. That the membership of the Committee as approved by Council on 19 May 2010 be noted.

B. That Parish Council Hammond be thanked for his contribution to the work of the Standards Committee.

6. WHISTLEBLOWING CODE

The Committee considered the report of the Council Secretary and Solicitor the purpose of which was to update the Council's whistleblowing arrangements.

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

7. 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.

8. REVIEW OF THE LOCAL STANDARDS FRAMEWORK

The Committee considered the report of the Council Secretary and Solicitor which advised that Standards for England (SfE) had published its review of the local government standards framework, entitled 'Local Standards 2.0 – The Proportionality Upgrade?'

The Council Secretary and Solicitor circulated a letter from SfE to the Chairman of the Standards Committee regarding the Government's announcement to 'abolish the Standards Board regime' and that the detail of the scope and implications of this proposal were awaited.

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

9. STANDARDS FOR ENGLAND ONLINE ANNUAL RETURN 2009/2010

The Committee considered the Standards for England online Annual Return 2009/10 submitted on 16 April 2010.

RESOLVED: That the Annual Return 2009/10 be noted.

10. PARISH COUNCILLOR REPRESENTATIVE VACANCY ON STANDARDS COMMITTEE

The Committee considered the report of the Council Secretary and Solicitor which referred to the appointment of a parish representative to the Standards Committee due to the vacancy that has arisen from the resignation of Parish Council Hammond.

RESOLVED: 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.

11. 'A PLACE FOR STANDARDS' 2010 ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

The Committee considered member attendance at the forthcoming Annual Assembly of Standards Committees on 18 and 19 October 2010 in Birmingham.

RESOLVED: That members advise the Council Secretary and Solicitor should they wish to attend, however bookings would not be made until September in order to take account of developments with the standards regime.

12. CODE OF CONDUCT SEMINAR FOR OFFICERS, BOROUGH AND PARISH COUNCILLORS

The Committee considered the date for the next Code of Conduct Seminar for officers, borough and parish councillors.

RESOLVED: That the Council Secretary and Solicitor, in consultation with the Chairman, put in place appropriate arrangements with regard to the seminar taking account future developments with the standards regime.

13. STANDARDS COMMITTEE ANNUAL MEETING INVITING PARISH CLERKS AND PARISH CHAIRMEN TO DISCUSS THE CODE

The Committee considered arrangements for inviting Parish Clerks and Parish Chairmen to a future meeting to discuss the code.

RESOLVED: That this matter be deferred to the next meeting of the Committee to enable future developments with the standards regime to be taken into account.

14. ANNUAL MONITORING OF TRAINING, TRAINING NEEDS AND TRAINING PLANS FOR INDEPENDENT AND PARISH REPRESENTATIVES

The Committee considered the updated report circulated by the Council Secretary and Solicitor which detailed training undertaken to date and sought to put in place arrangements to identify training needs and establish training plans for Independent Members and Parish representatives.

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

B. That identification of training needs and training plans for Independent Members and Parish representatives be prepared in the same manner as they will be for elected Councillors.

15. COUNCIL SECRETARY AND SOLICITOR ATTENDANCE AT PARISH CLERKS MEETING

The Committee considered the attendance of the Council Secretary and Solicitor, as Monitoring Officer, at a meeting of the Parish Clerks on 18 June 2010 to discuss the standards regime.

RESOLVED: That it be noted that it may be more appropriate to defer attendance to a future Parish Clerks' meeting when further details have been released by the Government on any proposed changes to the standards regime.

16. STANDARDS COMMITTEE WORK PROGRAMME 2010/11

The Committee considered the revised Standards Committee Work Programme for 2010/11 including which matters were necessary as part of the existing regime and which matters were planned in order to be proactive.

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

17. MINUTES OF SUB-COMMITTEES

RESOLVED: That the minutes of the meetings of the Assessment Sub-Committee held on 15 and 26 April 2010 be noted:

THE CHAIRMAN



AGENDA ITEM: 6

**STANDARDS COMMITTEE:
30 NOVEMBER 2010**

Report of: Council Secretary and Solicitor

Contact for further information: Mrs J Denning (Extn. 5384)

SUBJECT: STANDARDS COMMITTEE ANNUAL REPORT 2009/10

Borough wide interest

1.0 PURPOSE OF THE REPORT

1.1 To present the Standards Committee Annual Report 2009/10.

2.0 RECOMMENDATIONS

2.1 That the Standards Committee Annual Report 2009/10 attached at Appendix 1 be noted and published on the Council's website.

3.0 CURRENT POSITION

3.1 The Standards Committee Annual Report is attached at Appendix 1 and provides details of the work undertaken by the Committee during 2009/10.

4.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

4.1 There are no significant sustainability impacts associated with the report and no significant impacts on crime and disorder.

5.0 FINANCIAL AND RESOURCE IMPLICATIONS

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

6.0 RISK ASSESSMENT

6.1 There are no risks to the Council's business objectives associated with the Annual Report.

Background Documents

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

Equality Impact Assessment

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

Appendices

Appendix 1 – Standards Committee Annual Report 2009/10



STANDARDS COMMITTEE ANNUAL REPORT 2009/10

1.0 INTRODUCTION

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

1.1 Role and Function

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

- (j) the exercise of (a) to (i) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils;
- (k) advising the Council on the adoption and subsequent review of a Code of Conduct for officers;
- (l) advising, training or arranging to train officers on matters relating to the Code of Conduct for officers;
- (m) advising the Council on the adoption and subsequent review of the Council's Whistleblowing Code;
- (n) dealing with applications from officers for exemptions from political restrictions in respect of their posts;
- (o) where appropriate, issuing direction to include a post in the list of politically restricted posts it maintains;
- (p) advising, following consultation with appropriate parties, on the application of criteria for designation of a politically restricted post;
- (q) responding to consultation from the ombudsman when carrying out investigations in accordance with Section 196 of the LGPIH Act 2007 (commencement No. 2 and Savings) Order 2008.

1.2 Membership

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

Independent Members

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

Parish Representatives

Parish Councils nominate and vote on the appointment of Parish Representatives to the Committee, which are formally approved by Council.

2.0 WORK OF THE COMMITTEE 2009/10 - OVERVIEW

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

2.1 Local Assessment of Complaints Made Against Councillors

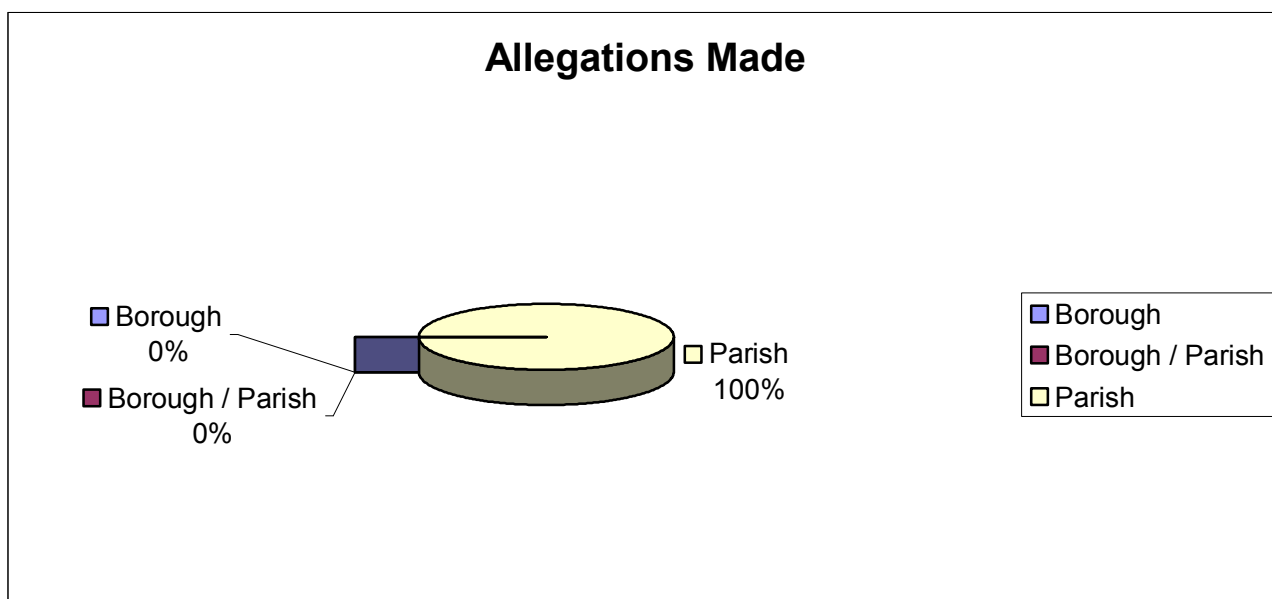
In May 2008 new Regulations came into force requiring the Committee to implement a locally based system for the assessment, referral, investigation and hearing of complaints of Member misconduct. From this date, any one who considers that a Member may have breached the Code of Conduct may make a complaint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

The Committee has adopted clear and structured procedures for carrying out Local Assessment of complaints. However, as a Council we are always looking for ways to improve and the Committee is no different. The procedures are kept under review and are amended as and when necessary in order to improve the way in which complaints are dealt with.

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

(a) **Number of Complaints received during 2009/10**

In 2009/10 a total of 14 complaints were made against Councillors in West Lancashire. The split between Parish and Borough Councillors is shown in the table below:



All 14 complaints were assessed through the Assessment Sub-Committee and Members did not refer any cases for action. The Review Sub-Committee dealt with 11 reviews of assessment decisions and upheld the Assessment Sub-Committee decisions in all cases. The Consideration Sub-Committee considered 3 Investigation Reports. Members agreed that there was no breach in 2 cases and referred 1 case for a hearing. The Hearings Sub-Committee considered the evidence before it and found that there had been no breach of the Code in this case.

(b) Sub-Committees – Terms of Reference

- **Assessment Sub-Committee (5 meetings in 2009/10)**
'To carry out the initial assessment of allegations.'
- **Review Sub-Committee (2 meetings in 2009/10)**
'To carry out reviews.'
- **Consideration Sub-Committee (1 meeting in 2009/10 to consider 2008/09 cases also 1 meeting of the Standards Committee in 2009/10 to consider 2008/09 cases)**
'To consider an Investigation Report following an investigation by the Monitoring Officer or referred to the Monitoring Officer by the Standards Board's Ethical Standards Officer and to determine:
 - (i) when the Investigating Officer's report finds a failure to comply with the Code, whether the matter should be referred to the Hearings Sub-Committee or to the Adjudication Panel for England;
 - (ii) when the investigating Officer's report finds no failure to comply with the Code, whether it accepts the finding or, if it does not, whether the Hearings Sub-Committee or the Adjudication Panel for England should hear the case.'
- **Hearings Sub-Committee (1 meeting in 2009/10 to consider a 2008/09 case)**
'To hear cases referred to it and decide whether a member has breached the Code of Conduct and, if so, to decide if a sanction should be applied and what form the sanction should take.'

2.2 Training

The following training has been provided during 2009/10:

DATE	SUBJECT	ATTENDEES
16 October 2009	Local Assessment Training – Refresher Workshop	Standards Committee and Member Services Officers
26 November 2009	Annual Code of Conduct Training	Borough and Parish Councillors, Standards Committee, Divisional Managers and Legal and Member Services Officers
4 November 2009 & 10 February 2010	'Assessment Made Clear' Training DVD	Legal & Member Services Standards Committee

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

2.3 Promoting Standards

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

(a) Annual Meeting with the Chief Executive, The Leader and Opposition Leader

As part of its work programme, the Standards Committee invite the Chief Executive, The Leader and the Opposition Leader to a meeting to discuss the importance of Ethical Governance and the Standards Committee Annual Report.

(b) Visits to Borough and Parish Council meetings

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

(c) The Council's Website

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

(d) Parish Clerks Meeting

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

(e) Local Democracy Week

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

(f) Other Organisations – Monitoring Officer presentation

The Monitoring Officer has attended on request and given presentations on issues including Standards to other organisations such as West Lancs Area Committee of Parish and Town Councils.

(g) '7 Days'

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

(h) Press Releases

Regular articles are produced on the work of the Committee.

2.4 Proactive Work Undertaken during 2009/10

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

- a) The Standards for England Annual Return was completed on time.
- b) Quarterly returns of complaint statistics to the Standards for England were completed within the performance time frame specified and all complaints assessed with the required performance target.
- c) The Committee considered a letter from the Department of Communities and Local Government in respect of local determinations and associated costs.
- d) Regular monitoring of the statistics produced by the Monitoring Officer on the number of complaints, review and investigations undertaken by Sub-Committees.
- e) Benchmarking in respect of the composition of Standards Committees nationally, source of complaints, initial assessment decisions and investigation figures.
- f) The successful appointment of a Parish Councillor representative using a process previously agreed with Parish Councils in West Lancashire.
- g) The successful appointment of an Independent Member in accordance with legislation and guidance.
- h) Consideration of the implications of the Standards Committee (Further Provisions) (England) Regulations 2009 (SI 2009/1255) which came into force on 15 June 2009.
- i) Consideration of new guidance from Standards for England on 'Other Action'.
- j) The Committee agreed how Members would be trained in the requirements of the Code of Conduct, evaluated the effectiveness of training undertaken and identified an additional refresher workshop on the initial assessment, review and hearing processes.
- k) Consideration of the publication by the Local Government Association's update to its guidance note "Probity in Planning".
- l) Consideration of the Ethical Governance Toolkit produced by the IdeA.
- m) Registration of the Monitoring Officer and Deputy Monitoring Officer to the on-line Standards Forum.
- n) Production of the Standards Committee Annual Report 2008/09.
- o) Consideration of the Guidance received from Standards for England in respect of Charitable Trustees and Declarations of Interest under the Code and its relevance to complaints received.

- p) Consideration of the role and appointment of Parish and Town Council Representatives to the Standards Committee and the Standards Committee (England) Regulations 2008.
- q) The Committee established a work programme for the Committee for 2010/11.

2.5 Dispensations

No applications for dispensations were received in 2009/10.

3.0 REGISTER OF MEMBERS' PERSONAL INTERESTS

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

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

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

4.0 THE CONSTITUTION

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

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

5.0 PARTNERSHIP GOVERNANCE

There are clear and appropriate governance arrangements in place for partnerships that are appropriate for the specific arrangement. For example there is a constitution for the LSP, a framework of contracts governing the Council's relationship with the Leisure Trust / Serco, and a Parish Charter on joint working with Parish Councils.

6.0 THE YEAR AHEAD

The Committee has developed a Work Programme for the 2010/11 municipal year to ensure that standards are maintained and enhanced. However, the Government have announced that the Standards regime will change significantly and therefore details are awaited that will affect the work programme which is as follows:

- a) Continue to monitor lessons to be learned from reported complaints/monitoring of compliance with the Code
- b) Consider any new/revised Protocols
- c) Consider the Annual Monitoring of Training Report
- d) Provide the Code of Conduct Seminar Workshop for Standards Committee, Officers, Borough and Parish Councillors
- e) Continue visits by individual Members to Borough and Parish Council Meetings
- f) Conduct Hearings and Investigations
- g) Consider applications for dispensations
- h) Standards Committee – Annual Report
- i) Annual Meeting - Standards Committee and the Chief Executive and Leaders of 2 Political Groups to discuss importance of ethical governance and Annual Report
- j) Look at conducting research in relation to opinions of conduct in West Lancashire
- k) Look at the potential involvement of the Standards Committee in complaints handling and review of Ombudsman decisions
- l) Local Filter – implementation, assess, review, consider, investigate and hear appropriate complaints in accordance with the target timescales
- m) Continue to provide and update information on the dedicated Standards Committee area of the Council's website.
- n) Establish a work programme for the Committee for 2011/12.
- o) Invite local schools during Local Democracy Week schools to attend the Council Offices to take part in a debate and provide information on the Code of Conduct and Declarations of Interest.
- p) Involvement of the Standards Committee in officer code and political restrictions
- q) Proportionate Review by Standards for England – DCLG response
- r) Review of the Local Standards Framework
- s) Appointment of a Parish Councillor representative

7.0 OFFICER SUPPORT

Gill Rowe, Council Secretary and Solicitor (Monitoring Officer)
01695 585004 – E-mail: gill.rowe@westlancs.gov.uk

Terry Broderick, Legal Services Manager (Deputy Monitoring Officer)
01695 585001 – E-mail: terry.broderick@westlancs.gov.uk

Jacky Denning, Assistant Member Services Manager
01695 585384 - E-mail: jacky.denning@westlancs.gov.uk

Member Services
01695 585065 – E-mail: member.services@westlancs.gov.uk



Introduction

This Bulletin comes at a time of big change for us following the Government's announcement of its intention 'to abolish the Standards Board regime'. Whilst we still await the detail of this policy, we will share with you what we know about what is proposed, and outline the timetable for our closure.

Although we have had to modify our work programme in light of this proposal, we remain 'open for business' and set out in this Bulletin our schedule of activities for the coming year. We are committed to continuing to work with you and support you in operating the standards framework successfully.

This is a sad month for us as we say goodbye to many valued staff leaving the organisation in our first wave of redundancies. We are losing people who have contributed much to this organisation, and many of whom have worked for us for some time. They will be much missed. We wish them all well in their future endeavours and thank them sincerely for their hard work.

The Future of Standards for England and the Standards Framework

The Government's 'Programme for Government' of 20 May 2010 contained the commitment to "abolish the Standards Board regime". Primary legislation is needed to abolish Standards for England, and we expect the provisions to be included in the planned Decentralisation and Localism Bill which is due to be presented in late 2010, with Royal Assent anticipated between July and October 2011. This is likely to lead to final closure of this organisation sometime between 31 December 2011 and 31 March 2012. We have not seen any transitional provisions at this stage but will provide an update in a later Bulletin, when we know more.

In the light of these circumstances we have reviewed our business plan for this year and next. Our current priorities are to fulfil our statutory duties, to support local authorities in maintaining high standards and to assist the government in developing and implementing any new arrangements they may choose to put in place.

In the meantime, the local standards framework still exists and standards committees and monitoring officers have an obligation to keep the system operating.

In order to assist you we will:

- Continue to provide advice and information to those who phone or write to us with queries about the standards regime via our enquiries helpline, monitoring officer helpline or press helpline. We will respond immediately where we can by telephone or in writing by post or email.
- Update our guidance on the framework to make it easier to use.

There will be changes to the content of the guidance where sections may be out of date, inaccurate or incorrect. We have received several suggestions from stakeholders and will incorporate these in the guidance where appropriate.

The format of the guidance is changing to make it easier to use and more helpful. It will highlight all statutory requirements and provide a link to the relevant legislation.

We are not proposing to produce any other new guidance products, unless a specific need is identified. All revised guidance will only be available via our website.

- Produce an updated case review.

As a result of a request from the Association of Council Secretaries and Solicitors, and to assist the standards community as a whole, we are updating the Case Review 2007 to reflect cases decided by the First Tier and Upper Tribunals since the Case Review was last updated in 2008.

- Continue to carry out investigations referred to us by standards committees.

See the article towards the end of this bulletin on the factors we take into account when deciding whether to accept cases for investigation

- Maintain existing relationships with key stakeholder organisations.

Standards for England will continue to provide support to those in the regulated and standards community who have requested our help with ethical issues.

- Meet requests for staff to give presentations or attend training events.

We will continue to provide staff and material for presentations and training events where we are requested to attend and where it fits in with our current business plan.

- Maintain our web site as a resource to support standards committees.

We will carry out routine maintenance of our website and the guidance we provide on it. We have published our Annual Report and Annual Accounts online but we will not be printing these publications.

An update on monitoring returns

In June 2010 we sent out an email to all monitoring officers explaining that we had decided to postpone the return for the April to June quarter. As part of the review of the Business Plan we considered our requests for local authorities to complete quarterly monitoring. There will be no further requests for the submission of quarterly or annual returns. We do not anticipate re-establishing these procedures, unless a specific monitoring need arises in which we have to play a part.

The online questionnaires have been removed from our website and are now inaccessible. However, the information submitted by local authorities is available on request. If any authority wishes to obtain a copy we can provide them with pdf versions of any of the following:

- The standards committee composition details, correct as of the last date of monitoring (31 March 2010)
- Two years of case information, listed in chronological order by date received
- Annual Return 2008/09
- Annual Return 2009/10

Please email requests to authorityreturns@standardsforengland.gov.uk

Aggregated summary statistics of the quarterly return information are still available online at

<http://www.standardsforengland.gov.uk/CaseinformationReporting/Localstatistics/>

We will shortly be publishing an online report of the annual return information collected for 2009/10. This includes an introduction to the data, a key figures page, a summary of the findings and a full list of all the most common responses to each question.

Acceptance of Complaints by SfE

We have reviewed the factors we take into account when assessing if we will accept cases in the public interest, referred to us by local standards committees, for investigation. We reviewed the factors to see whether they were still appropriate taking into account the Government's stated policy, its localist approach to regulation of local government and our reduced budget.

We concluded that both the underlying criterion of public interest and the relating factors are consistent with our statutory purpose and continue to be valid while the current standards framework remains in place. Therefore we have not made any changes to the factors or criterion. However, when considering whether to accept cases we will have to have regard to the resources we have available and take account of the relative importance of cases.

Reappointment of Independent members

We have been asked if an authority has to follow our recommendation that independent members serve no more than two terms of four years after which new members should be recruited. Some authorities are concerned that, given the current uncertainty regarding the future of the standards regime, it may be preferable to retain those who have been trained and understand their role rather than to try to recruit and appoint new members. In light of the uncertain future of the standards framework we advise that, as long as the original appointment was carried out in accordance with all the correct legal requirements at the time (e.g. approved by full council, after being openly advertised and having assessed the suitability of all the applicants) an authority can extend that term for a further period. This can only be done during the term of office of an existing independent member and by approval from full council. Once the independent member's term has expired the full recruitment procedures must be followed again.

Tell us how it should be done

The Standards Forum now has more than 1,100 users and over 200 posts on almost 70 different topics. The subjects of vexatious complaints, informing the subject member about a complaint and promoting ethical behaviour continue to be popular. More recently posts about subject members resigning before an election and discussions about the future of the standards regime have been generating interest.

If you have anything to say about these issues or if you want to share good practice, seek advice from your peers or simply draw attention to something you think might be relevant to others, do it on the Forum. To have your say, visit:

www.standardsforengland.gov.uk/resources/TheStandardsForum/

The Forum is open to members of standards committees, monitoring officers and other relevant council officers. If you are not currently registered for the Forum and would like to have access, please email: forum@standardsforengland.gov.uk

Stunell - Corrupt councillors will go to court not Standards committees

Published 20 September 2010

Serious misconduct for personal gain will be a criminal act, while petty local vendettas will no longer get a hearing as the unpopular standards board regime is axed, Communities Minister Andrew Stunell announced today. Mr Stunell said the top-down regime set up by central government to monitor council conduct had become a vehicle for malicious and frivolous complaints. For example, one authority had to fork out £160,000 after receiving over 170 complaints from the same person. Each one had to be examined, but only three were considered worth investigating and after investigation all were dismissed.

Local Standards Committees investigated 6000 complaints in the first two years - of which over half were judged not worthy of any further action. The Government is axing the entire Standards regime including the central board, which costs over £6 million a year; with investigations of complaints costing thousands of pounds each.

Genuine corruption in local government needs to be rooted out and the new Government is legislating to make serious misconduct a criminal offence dealt with by the courts not committees. Councillors will have to register certain personal interests in a publicly available register.

Ministers believe these changes will give voters the confidence that councillors who misuse their office will be effectively dealt with. While councillors themselves will have the confidence to get on with their job knowing they won't be plagued by petty allegations.

Public will decide councillors' fates

Under new plans the public will also have greater confidence to challenge poor local services. The Government intends to give the Local Government Ombudsman, the established body for investigating public complaints over the

way they have been treated by their council, reel teeth. For the first time local authorities will be legally compelled to implement the Ombudsman's findings. Andrew Stunell said:

"The Standards Board regime ended up fuelling petty complaints and malicious vendettas. Nearly every council had investigations hanging over them - most of which would be dismissed but not before reputations were damaged and taxpayer money was wasted. Frivolous allegations undermined local democracy and discouraged people from running for public office.

"That's why we are axing the unpopular and unelected standards board regime. Instead we will legislate to ensure that if a councillor is corrupt and abuses their office for personal gain they will be dealt with in the criminal courts. If a councillor behaves ineffectively or irresponsibly then it's a matter for the electorate not an unelected quango.

"This Government is freeing councillors from central prescription and top down bureaucracy so they can get on with their job. In the future councillors must expect to be judged at the ballot box by an electorate with real access to their accounts and personal interests in a new transparent era."

Communities Secretary Eric Pickles added:

"The standards board regime became the problem, not the solution. Unsubstantiated and petty allegations, often a storm in a teacup, damaged the reputation and standing of local government, as well as wasting taxpayers' money.

"But by abolishing the failed standards committees we're not letting councillors off the hook. Failure to register or declare an interest, or deliberately seeking to mislead the public about an interest, will become a criminal offence while a newly

empowered Local Government Ombudsman will investigate incompetence on behalf local people."

The Government will also legislate to make it clear that councillors can campaign and vote freely on their issues. Councillors who have been prevented from speaking on the very issues they had been elected on, such as planning matters, will now have the freedom to express their views. But councillors will have to register certain personal interests in a publicly available register; this could include anything that could reasonably be regarded as likely to influence or affect their actions, conduct when on business for the authority or voting.

The whole Standards Board regime consisting of a centrally prescribed code of conduct, standards committees with the power to suspend councillors and an unelected central body will be axed in the upcoming Localism Bill. However councillors will have to conform to the highest standards of conduct. At present if a councillor abuses their position for personal gain it may result in a complaint to the local authority's standards committee with the councillor simply having to apologise. New legislation will make failing to register an interest, or deliberately seeking to mislead the public about an interest a criminal offence.



AGENDA ITEM: 10

**STANDARDS COMMITTEE:
30 November 2010**

Report of: Council Secretary and Solicitor

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

**SUBJECT: VISITS TO BOROUGH AND PARISH COUNCIL MEETINGS – ANNUAL
FEEDBACK**

Borough wide interest

1.0 PURPOSE OF THE REPORT

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

2.0 RECOMMENDATIONS

2.1 That the current position in relation to visits to Borough and Parish Council meetings be noted and Members give informal feedback on their visits to date.

2.2 That such visits be suspended and further consideration be given to future visits once the Government's intention for the Standards regime becomes clear.

3.0 BACKGROUND

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

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

3.3 Members of the Committee felt that when visits were undertaken by individual members to Parish Council meetings, that Parish Clerks should be asked to supply copies of agendas and minutes of that meeting. It was also considered important that Parish Councils should be advised that these were not formal inspection visits and were being used to enable members of the Committee to

gain an understanding of how Parish Council meetings are operating and to raise the profile of the Standards Committee.

4.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

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

5.0 FINANCIAL AND RESOURCE IMPLICATIONS

5.1 The co-ordination of visits will be resourced from existing budgets.

6.0 RISK ASSESSMENT

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

Background Documents

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

Equality Impact Assessment

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

Appendices

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

LIST OF PARISH COUNCIL'S VISITED 2010/11

PARISH COUNCIL	DATE	STANDARDS COMMITTEE MEMBER
Burscough	8 November 2010	P Hanmer
Bickerstaffe	13 September 2010	B Winstanley
Downholland	13 July 2010	B Winstanley & R Pendleton
Halsall	14 July 2010	P Hanmer
Lathom South	20 July 2010	B Winstanley & S Ibbs
Newburgh	28 July 2010	B Winstanley & S Ibbs
Rufford	20 September 2010	S Ibbs
Tarleton	13 September 2010	J Cailes & S Ibbs

LIST OF BOROUGH COUNCIL MEETINGS VISITED

MEETING	DATE	STANDARDS COMMITTEE MEMBER
Council	20 October 2010	B Winstanley
Cabinet	16 November 2010	J Citarella
Corporate Overview & Scrutiny Committee	23 September 2010	J Cailes & P Hanmer
Planning Committee	22 July 2010	S Ibbs & B Winstanley

DATES OF BOROUGH AND PARISH COUNCIL BODIES NOT VISITED - 2010/2011

Borough Meetings – Not Visited

<u>MEETING</u>	NOV 2010	DEC 2010	JAN 2011	FEB 2011	MAR 2011	APR 2011	Members to Attend
Executive Overview and Scrutiny Committee (7.30 pm, Thursday)		2		3	31		J Citarella & P Rogan
Environmental Overview & Scrutiny Committee (7.30 pm – Thursday)	4			24			J Citarella & P Rogan
Licensing and Appeals Committee (7.30 pm, Tuesday)		7		15		12	
Audit and Governance Committee (7 pm, Wednesday)			26			6	

Parish Council Meetings - Not Visited

PARISH COUNCIL	Nov 2010	Dec 2010	Jan 2011	Feb 2011	March 2011	April 2011	Members to Attend
Aughton 7.30pm Aughton Village Hall Annex	8	13					
Dalton 7.30pm Dalton St Michael's School.							
Great Altcar 8.00pm - The Leverhulme Hall, Lord Sefton Way, Great Altcar							
Hesketh-with-Beconsal 7.30pm Village Hall, Station Road, Hesketh Bank	1	6	10	7	7		
Hilldale 7.30pm Hilldale Village Hall, Chorley Road, Hilldale	4	No mtg	6				
Lathom	22	13	24	28	28		
North Meols 7.15pm Banks Community Centre, Hoole Lane	9	14	11	8	8	12	
Parbold 7.30pm Parbold Women's Institute Hall	5	3	7	4	4	1	
Scarisbrick	1	6	3	7	7		
Simonswood 8.00pm North Mersey Business Centre, Kirkby	4	2	6	3	3	7	
Up Holland 7.30pm Community Meeting Room, Up Holland Library, Hall Green, Up Holland.	9	No mtg	11	No mtg	8	No mtg	
Wrightington 7.30pm Alternates between Mossy Lea Village Hall, Mossy Lea Road, Wrightington and Appley Bridge Village Hall, Appley Lane North Appley Bridge	15	20	17	21	21	18	



AGENDA ITEM: 11

**STANDARDS COMMITTEE:
30 November 2010**

Report of: Council Secretary and Solicitor

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

SUBJECT: REAPPOINTMENT OF INDEPENDENT MEMBER

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To advise in respect of the reappointment of an Independent Member, in light of the uncertain future of the standards framework.

2.0 RECOMMENDATION

2.1 That, in light of the uncertain future of the standards framework, Mr Paul Hanmer's term of office be extended to May 2012, in accordance with the advice received from Standards for England.

3.0 INDEPENDENT MEMBERS

3.1 The Council appoints 5 Independent members to its Standards Committee, using a statutory procedure. Current expiry of terms of office are as follows:

	Appointed until Annual Meeting in:
Mr John Cailles (Chairman)	2012
Mr Paul Hanmer (Vice-Chairman)	2011
Mr Stuart Ibbs	2014
Mr Peter Rogan	2014
Mr Ben Winstanley	2014

3.2 The Term of office for Independent Member Mr Paul Hanmer is due to expire at the Annual Meeting of the Council in May 2011 and he has served the recommended maximum two terms of four years on the Standards Committee.

4.0 RECRUITMENT PROCESS

4.1 The recruitment process usually starts four months prior to the appointment when an advert is placed in the newspaper. This allows enough time to receive applications, shortlist potential candidates at a meeting of the Appointment of Independent Members Panel and then later interview at a meeting of the Panel and bring forward a recommendation to the Standards Committee and Council.

5.0 GUIDANCE FROM STANDARDS FOR ENGLAND

5.1 As referred to in Agenda Item 7 'The Current Position on the Standards Regime', there is an uncertain future for the standards framework. Standards for England has recently advised that, as long as the original appointment of an Independent Member was carried out in accordance with all the correct legal requirements at the time (e.g. approved by full council, after being openly advertised and having assessed the suitability of all the applications) an authority can extend the term previously recommended for a further period.

5.2 Mr Paul Hanmer was previously appointed in 2003 in accordance with all the correct legal requirements. It is therefore proposed that Mr Hanmer's term of office be extended for a year.

6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

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

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

7.1 Allowances were paid to Independent Members of the Standards Committee in recognition of their respective roles in 2009/10 as follows:

Chairman	£1000 per annum
Vice Chairman	£600 per annum
Independent Member	£250 per annum

7.2 The costs are covered in existing budgets. This will be reviewed by the Independent Remuneration Panel, in light of the current workload.

8.0 RISK ASSESSMENT

- 8.1 There are no significant management risks arising from this report as the statutory processes and guidelines for the recruitment of Independent Members have been followed. Independent Members are required to enable the Council's legal obligations under the Standards regime to be met.
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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.

Standards Committee Work Programme 2010/11 – November 2010

	Timescale	Comments
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)	March 2011	
5 Report on Annual Standards for England Conference (Para for 7 Days)	Conference on hold	
6 Update on visits by individual Members to Borough and Parish Council Meetings (Press Release to be issued and put on website)	On hold.	
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	

	Timescale	Comments
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	On hold.	
13 Standards Committee – Annual Report	Autumn 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)	On hold.	
15 Look at conducting research in relation to opinions of conduct in West Lancashire	On hold	
16 Look at the potential involvement of the Standards Committee in complaints handling and review of Ombudsman decisions	On hold	
17 Local Filter - implementation	Continuing	Ongoing
18 Involvement of the Standards Committee in officer code and political restrictions	On hold	
19 Future of Standards Regime	Spring 2011	