



# 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

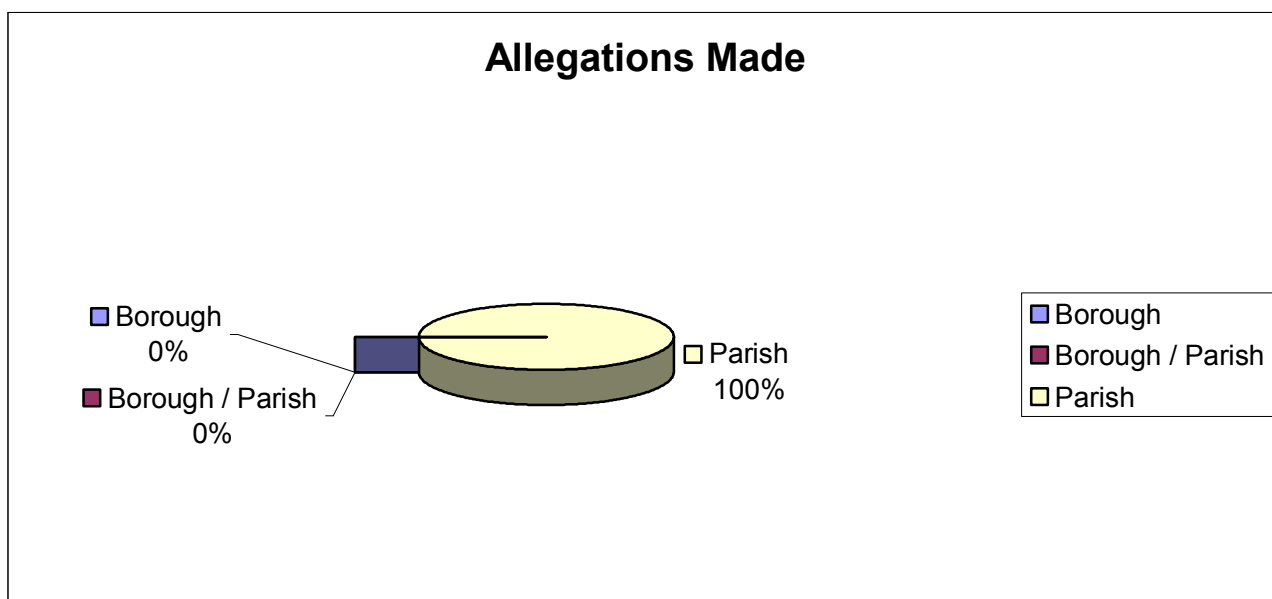
In May 2008 new Regulations came into force requiring the Committee to implement a locally based system for the assessment, referral, investigation and hearing of complaints of Member misconduct. From this date, any one who considers that a Member may have breached the Code of Conduct may make a complaint 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**

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