

MEMBERS INTERESTS 2012

A Member with a disclosable pecuniary interest in any matter considered at a meeting must disclose the interest to the meeting at which they are present, except where it has been entered on the Register.

A Member with a non pecuniary or pecuniary interest in any business of the Council must disclose the existence and nature of that interest at commencement of consideration or when the interest becomes apparent.

Where sensitive information relating to an interest is not registered in the register, you must indicate that you have an interest, but need not disclose the sensitive information.

Please tick relevant boxes

Notes

	General		Notes
1.	I have a disclosable pecuniary interest.	<input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 below</i>
2.	I have a non-pecuniary interest.	<input type="checkbox"/>	<i>You may speak and vote</i>
3.	I have a pecuniary interest because it affects my financial position or the financial position of a person or body described in 10.1(1)(i) and (ii) 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 10.1(1)(i) and (ii) 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 5 or 6 below</i> <i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>
4.	I have a disclosable pecuniary interest (Dispensation 16/7/12) or a pecuniary interest but 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. (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. (iii) Statutory sick pay where I am in receipt or entitled to receipt of such pay. (iv) An allowance, payment or indemnity given to Members (v) Any ceremonial honour given to Members (vi) Setting Council tax or a precept under the LGFA 1992	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i>
5.	A Standards Committee dispensation applies (relevant lines in the budget – Dispensation 20/2/13 – 19/2/17)	<input type="checkbox"/>	<i>See the terms of the dispensation</i>
6.	I have a pecuniary 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>

'disclosable pecuniary interest' (DPI) means an interest of a description specified below which is your interest, your spouse's or civil partner's or the interest of somebody who you are living with as a husband or wife, or as if you were civil partners and you are aware that that other person has the interest.

Interest

Employment, office, trade, profession or vocation

Sponsorship

Prescribed description

Any employment, office, trade, profession or vocation carried on for profit or gain.

Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.

	This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest; "director" includes a member of the committee of management of an industrial and provident society;

"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income; "M" means a member of a relevant authority;

"member" includes a co-opted member; "relevant authority" means the authority of which M is a member;

"relevant period" means the period of 12 months ending with the day on which M gives notice to the Monitoring Officer of a DPI;

"relevant person" means M or M's spouse or civil partner, a person with whom M is living as husband or wife or a person with whom M is living as if they were civil partners;

"securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

'non pecuniary interest' means interests falling within the following descriptions:

- 10.1(1)(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 (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) 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 easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.
- 10.2(2) 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 connected 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 connected 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 10.1(1)(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) 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: 20 FEBRUARY 2012

Start: 6.00pm

Finish: 6.15pm

PRESENT:

Councillors: Grant (Chairman)

Mrs Atherley Kay
Davies Wright
Fillis

In attendance: Mr S Ibbs (Independent Person)

Officers: Managing Director (People and Places) (Mrs G Rowe)
Legal and Member Services Manager (Mr M Jones)
Principal Overview and Scrutiny Officer (Mrs C A Jackson)

32. APOLOGIES

Apologies for absent were submitted on behalf of the Mr S Garvey (Reserve Independent Person).

33. MEMBERSHIP OF THE COMMITTEE

The Chairman welcomed Councillor Wright to his first meeting as a Member of the Committee.

34. URGENT BUSINESS

There were no items of urgent business.

35. DECLARATIONS OF INTEREST

There were no declarations of interest.

36. MINUTES

RESOLVED: That the minutes of the Standards Committee meeting held on 26 November 2012 be received as a correct record and signed by the Chairman.

37. DISPENSATIONS

Consideration was given to the joint report of the Managing Director (People and Places) and the Borough Solicitor which sought approval to grant dispensations to Councillors in relation to interests in relevant lines in the budgets and also to delegate authority to the Managing Director (People and Places) to grant dispensations, in cases of urgency.

Members considered the granting of a dispensation to all Councillors who have disclosable pecuniary or pecuniary interests in relation to relevant lines in the budget which would allow them to participate and vote in the budget debates, remove uncertainty and avoid the possibility of penalties related to the disclosure of interests resulting from changes in the standards regime introduced as part of the Localism Act 2011.

It was noted that the intention of the dispensation was to cover the relevant budget items as listed on the February Council meeting agenda each year.

Members also considered the request to delegate authority to grant dispensations, in cases of urgency, to the Managing Director (People and Places), in consultation with the Leader and Leader of the Opposition.

- RESOLVED: A. That a dispensation be granted, until 19 February 2017, to all Councillors who have disclosable pecuniary or pecuniary interests in relation to relevant lines in the budget to allow them to participate and vote in the budget debates.
- B. That delegated authority be given to the Managing Director (People and Places) in consultation with the Leader and Leader of the Opposition, to grant dispensations, in cases of urgency.

.....
Chairman

9.04 Standards Regime - Arrangements

- (a) That the Managing Director (People and Places) be appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct;
- (b) That the Managing Director (People and Places) be given delegated power, after consultation with the Independent Person, (as to which see (f) below) to determine whether or not a complaint merits formal investigation and, if appropriate to arrange such investigation. She be asked to seek resolution of complaints without formal investigation wherever practicable, and that she be given discretion to refer decisions on investigation to the Assessment Sub-Committee of the Standards Committee where she feels that it is inappropriate for her to take the decision, and to report quarterly to Standards Committee on the discharge of this function;
- (c) Where the investigation finds no evidence of failure to comply with the Code of Conduct, the Managing Director (People and Places) be asked to close the matter, providing a copy of the report and findings of the investigation to the complainant and to the member concerned, and to the Independent Person, and reporting the findings to the Standards Committee for information;
- (d) Where the investigation finds evidence of a failure to comply with the Code of Conduct, the Managing Director (People and Places) in consultation with the Independent Person be authorised to seek local resolution to the satisfaction of the complainant in appropriate cases, with a summary report for information to Standards Committee. Where such local resolution is not appropriate or not possible, she is to report the investigation findings to a Hearings Sub-Committee of the Standards Committee for local hearing;
- (e) That Council delegate to Hearings Sub-Committee such powers as can be delegated to take decisions in respect of a member who is found on hearing to have failed to comply with the Code of Conduct, such actions to include –
 - (1) Reporting its findings to Council [*or to the Parish Council*] for information;
 - (2) Recommending to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
 - (3) Recommending to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;

- (4) Instructing the Managing Director (People and Places) to *[or recommend that the Parish Council]* arrange training for the member;
- (5) Removing *[or recommend to the Parish Council that the member be removed]* from all outside appointments to which he/she has been appointed or nominated by the authority *[or by the Parish Council]*;
- (6) Withdrawing *[or recommend to the Parish Council that it withdraws]* facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
- (7) Excluding *[or recommend that the Parish Council exclude]* the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

(f) Independent Person

- (1) The "arrangements" adopted by Council must include provision for the appointment by Council of at least one Independent Person. The Independent Person must be appointed through a process of public advertisement, application and appointment by a positive vote of a majority of all members of the Council.

A person is considered not to be "independent" if -

- (a) he/she or has been within the last 5 years, an elected or co-opted member or an officer of the Borough Council or of any of the Parish Councils within its area;
- (b) he/she is, or has been within the last 5 years, an elected or co-opted member of any Committee or Sub-Committee of the Borough Council or of any of the Parish Councils within its area subject to transitional arrangements); or
- (c) he/she is a relative or close friend of a current elected or co-opted member or officer of the Borough Council or any Parish Council within its area, or any elected or co-opted member of any Committee of Sub-Committee of such Council.

For this purpose, "relative" comprises -

- (a) the candidate's spouse or civil partner;
- (b) any persons with whom the candidate is living as if they are spouses or civil partners;
- (c) the candidate's grandparent;
- (d) any person who is a lineal descendent of the candidate's grandparent;
- (e) a parent, brother, sister or child of anyone in Paragraphs (a) or (b);

- (f) the spouse or civil partner of anyone within Paragraphs (c), (d) or (e); or
- (g) any person living with a person within Paragraphs (c), (d) or (e) as if they were spouse or civil partner to that person.

(2) Functions of the Independent Person

The functions of the Independent Person(s) are –

- (a) They must be consulted by the authority before it makes a finding as to whether a member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that member (this means on a decision to take no action where the investigation finds no evidence of breach or, where the investigation finds evidence that there has been a breach, on any local resolution of the complaint, or on any finding of breach and on any decision on action as a result of that finding);
- (b) They may be consulted by the authority in respect of a standards complaint at any other stage; and
- (c) They may be consulted by a member or co-opted member of the Borough Council or of a Parish Council against whom a complaint has been made.

This causes some problems, as it would be inappropriate for an Independent Person who has been consulted by the member against whom the complaint has been made, and who might as a result be regarded as prejudiced on the matter, to be involved in the determination of that complaint.

Note: The Council has decided to appoint one Independent Person and a Reserve Independent Person who can act in the event that the Independent Person is unable to discharge the function. An allowance of £500 is paid to the Independent Person and £250 to the Reserve Independent Person.



AGENDA ITEM: 7

**STANDARDS COMMITTEE
22 JULY 2013**

Report of: Managing Director (People and Places) and Borough Solicitor

**Contact for further information: Mrs C A Jackson (Extn. 5016)
(E-mail: cathryn.jackson@westlancs.gov.uk)**

SUBJECT: STANDARDS COMMITTEE ANNUAL REPORT 2012/13

Wards affected: Borough wide.

1.0 PURPOSE OF THE REPORT

1.1 To present the Standards Committee Annual Report 2012/13.

2.0 RECOMMENDATIONS

2.1 That the Standards Committee Annual Report 2012/13, attached at Appendix 1, be noted and published on the Council's website.

3.0 BACKGROUND

3.1 The Standards Committee Annual Report is attached at Appendix 1 and provides details of the work undertaken by the Committee during 2012/13.

4.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

4.1 There are no significant sustainability impacts associated with the report. Promoting and maintaining high ethical Standards contributes to achievement of the Community Strategy.

5.0 FINANCIAL AND RESOURCE IMPLICATIONS

5.1 There are no 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

The decision does not have any direct impact on members of the public, employees and / or stakeholders. Therefore no Equality Impact Assessment is required.

Appendices

Appendix 1 Standards Committee Annual Report 2012/13



STANDARDS COMMITTEE ANNUAL REPORT 2012/13

1.0 INTRODUCTION

Section 55 of the Local Government Act 2000 (the 2000 Act) provided a legal requirement for the Council to establish a Standards Committee. With the introduction of the Localism Act 2011 (“the Act”) this was repealed. Although under the Act there is no legal requirement to have a Standards Committee there is still a need to comply with the statutory duty and deal with standards issues and case-work. On 19 June 2012 Council considered proposals in relation to the introduction of a new Standards regime as required by the Act and agreed the establishment of a Standards Committee from 1 July 2012.

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 Councillors and Co-opted Members within West Lancashire in following the highest standards of conduct.

1.1 Role and Function of the Standards Committee

- (a) promoting and maintaining high standards of conduct by councillors and co-opted members and operating the “Standards regime – arrangements” as appropriate;
- (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 the monitoring officer on any matter which is referred to the monitoring officer;
- (h) setting up procedures for the initial assessment 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.

1.2 Membership

The Standards Committee must comprise at least six councillors. In 2012/13 six members were appointed to the Committee. The Chairman and Vice-Chairman are appointed at Council and, respectively, are the Leader of the Council and Leader of the main Opposition Group. At least three elected members of the Standards Committee must be present at its meetings.

1.3 Independent Person and Reserve Independent Person

The Localism Act 2011 introduced a requirement to appoint an 'Independent Person'(IP) and a 'Reserve Independent Person'(RIP) and following a recruitment process during May/June 2012 the IP and RIP were appointed effective from 1 July 2012. The IP, and RIP (when the IP is unavailable or conflicted), role is to be consulted on alleged breaches of the Code of Conduct

The IP and RIP are not members of the Standards Committee but are invited to its meetings and they regularly attended during 2012/13.

In October 2012, the IP and RIP attended a workshop on 'Understanding the Local Standards Framework'.

2.0 WORK OF THE COMMITTEE 2012/13 – OVERVIEW

The Committee's main responsibility is to promote and maintain high standards of conduct for Councillors within West Lancashire. It does this through providing training and support and following a proactive Work Programme.

2.1 Standards Committee – Arrangements

As a result of the implementation of duties under the Localism Act 2011, from the 1 July 2012 the arrangements for dealing with complaints of breach of Code of Conduct both by Borough Council members and Parish Council members changed. The main changes were that the Act repealed the requirements for separate Referrals, Review and Hearing Sub-Committees and enabled the Council to establish its own process. However, the Act required that the Council set out its arrangements for dealing with complaints of misconduct and the actions which may be taken against a member who is found to have failed to comply with the relevant Code of Conduct. Also, as the statutory provisions no longer gave the Standards Committee or the Monitoring Officer special powers to deal with complaints, it was necessary for Council to delegate appropriate powers to any Standards Committee and to the Monitoring Officer. The functions of the Standards Committee are set out in Article 9 of the Constitution.

The Managing Director (People and Places) (the Monitoring Officer) on 19 June 2012 was duly appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct.

(a) Decision whether to investigate a complaint

Under delegated power, from 1 July 2012 the initial decision on whether a complaint requires formal investigation, is determined by the Monitoring Officer (MO), subject to consultation with the Independent Person (IP) as is the ability to refer particular complaints to the Standards Committee (Assessment Sub-Committee) where the MO feels that it would be inappropriate for her to take a decision on the complaint, if there were particular sensitivities.

The adoption of these arrangements has provided an opportunity for the MO to seek to resolve a complaint informally before taking a decision on whether the complaint merits formal investigation.

During 2012/13 five complaints were received, one in May 2012 under the previous local arrangements and four under the new arrangements received in April / early May 2013. The outcome of the complaint from May 2012 is reported below and the outcome of the other four complaints will be reported in 2013/14.

The Assessment Sub-Committee met in June 2012 to consider one residual allegation from the previous local assessment of complaints procedure and decided that no action should be taken in relation to that complaint.

The MO provides regular updates to the Standards Committee in respect of the number and nature of complaints received.

(b) “No Breach of Code” finding on investigation

The arrangements also provide that where a formal investigation finds no evidence of failure to comply with the Code of Conduct, the MO be asked to close the matter, providing a copy of the report and findings of the investigation to the complainant and to the member concerned, and to the Independent Person. The findings would also be reported to the Standards Committee for information.

During 2012/13 the use of this procedure was not required.

(c) “Breach of Code” finding on investigation

The arrangements also provide that where a formal investigation finds evidence of a failure to comply with the Code of Conduct, the MO, in consultation with the IP, has been authorised to seek local resolution to the satisfaction of the complainant in appropriate cases, with a summary report for information to the Standards Committee. Where such a local resolution is not possible the MO can report the investigation findings to a Hearings Sub-Committee of the Standards Committee for local hearing.

During 2012/13 the use of this procedure was not required.

(d) Action in response to a Hearing Sub-Committee finding of failure to comply with the Code

The Council has also delegated to a Hearings Sub-Committee powers to take decisions in respect of a member who is found on hearing to have failed to comply with the Code of Conduct. Such actions are set down at paragraph 9.04(e) of Article 9.

During 2012/13 the Hearings Sub-Committee has not met.

(e) **Appeals**

There is no requirement for appeals to be put in place under the new arrangements.

2.2 Sub-Committees – Terms of Reference

- **Assessment Sub-Committee** – ‘To carry out initial assessment of allegations.
- **Recruitment of Independent Members Panel** - ‘To assist in the recruitment of Independent members by shortlisting and interviewing and making recommendations to Council.
- **Hearings Sub-Committee** – ‘To hear cases referred to it and decide whether a member has breached the Code of Conduct and, if so, to decide if a sanction should be applied and what form the sanction should take.’

2.3 Training

The following training has been provided during 2012/13

2 July 2012	Code of Conduct Training	Borough and Parish Councillors, Standards Committee, IP and RIP, Heads of Service and Legal and Member Services Officers.
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2.4 Promoting Standards

The Standards Committee, supported by the Managing Director (People and Places) and the Borough 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) The Council’s Website

A dedicated Standards Committee area of the Council’s website has been provided and this is regularly updated.

(b) Parish Clerks Meeting

The Assistant Member Services Manager attends meetings of this group and advises on the new standards regime.

(c) 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.

(d) 'West Lancs Now'

Articles on the work of the Committee are included regularly in the newsletter which is distributed to Councillors and Officers.

(e) Press Releases

Articles are produced on the work of the Committee.

2.5 Proactive Work Undertaken during 2012/13

The Committee supported by the Monitoring Officer has been active in considering a range of issues during the year including:

- (a) Conclusion of its Assessment work under the previous Standards Regime, including consideration of the Minutes from its Sub-Committee and complaint statistics. Complaints and reviews were assessed within the required performance target.
- (b) Consideration of the detailed proposals in relation to the introduction, as part of the Localism Act 2011 (the Act), of The New Standards Regime – Duty, Standards Committee and Arrangements.
- (c) Consideration of guidance issued by the Department of Communities and Local Government (DCLG) to support Councillors, Parish Councillors in relation to The New Standards Regime.
- (d) Consideration of detailed proposals in relation to the new Code of Conduct as required by the Act.
- (e) The successful appointment of the Independent Person and Reserve Independent Person as required by the Act.
- (f) Consideration of detailed proposals and arrangements relating to the introduction of provisions relating to the registration and disclosure of interests and granting of dispensations as required by the Act.
- (g) Endorsement of the West Lancashire Borough Council and Parish Councils Members' Code of Conduct effective from 1 July 2012.

2.6 Dispensations

The Committee considered and granted applications for dispensations on two occasions in 2012/13.

3.0 REGISTER OF MEMBERS' DISCLOSABLE PECUNIARY (DPI's) AND NON-PECUNIARY INTERESTS (Non-PIs)

As part of the new standards arrangements in 2012 Members were required to complete a notification of DPIs and Non-PIs for inclusion on the Register of Members Disclosable Pecuniary and Non-Pecuniary Interests.

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

Copies of notifications by Members or Co-opted Member of DPIs and Non-PIs in the register are published on the Council's website and the register is available for public inspection.

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

4.0 THE CONSTITUTION

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

- Borough Council and Parish Councils Members' Code 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

Section 3.13A of the Council's Constitution details the Monitoring Officer Protocol.

5.0 PARTNERSHIP GOVERNANCE

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

6.0 THE YEAR AHEAD

To ensure that standards are maintained and promoted the Committee will develop its Work Programme for 2013/14 to:

- Deal with matters or reports from the monitoring Officer;
- Consider the Annual Monitoring Training Report;
- Consider its Annual Report;
- Consider Applications for Dispensation;
- Consider any new / revised Protocols;
- Provide / update information on the dedicated Standards Committee area of the Council's website;
- Provide a Code of Conduct Seminar / Workshop for Standards Committee Members / Officers, Borough and Parish Councillors and the IP and RIP;
- Invite schools during Local Democracy Week to attend the Council Offices to take part in a debate and provide information on the Code of Conduct and Declarations of Interest.

The Committee may also consider, if requested by the MO, alleged breaches of the Code of Conduct referred to it and will note the decisions on alleged breaches determined by the MO in consultation with the IP.

7.0 OFFICER SUPPORT

Gill Rowe, Managing Director (People and Places) (Monitoring Officer)
01695 585004 – Email gill.rowe@westlancs.gov.uk

Terry Broderick, Borough Solicitor (Deputy Monitoring Officer)
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Matthew Jones, Legal and Member Services Manager
01695 585025 – Email matthew.jones@westlancs.gov.uk

Jacky Denning, Assistant Member Services Manager
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Cathryn Jackson, Principal Overview and Scrutiny Officer
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Report of: Managing Director (People and Places) and Borough Solicitor

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

SUBJECT: SEVEN PRINCIPLES OF PUBLIC LIFE – REISSUE OF ANNEX TO THE MEMBERS’ CODE OF CONDUCT

Borough wide interest

1.0 PURPOSE OF THE REPORT

1.1 To advise members of the Committee on Standards in Public Life’s update to the descriptions of the seven principles of public life and to note that the Managing Director (People and Places) has reissued the Annex to the Members’ Code of Conduct to reflect the revised descriptions.

2.0 RECOMMENDATION

2.1 That the Committee on Standards in Public Life’s update to the descriptions of the seven principles of public life be noted.

2.2 That it be noted that the Managing Director (People and Places) has reissued the Annex to the Members’ Code of Conduct (Appendix 1), to reflect the revised descriptions.

3.0 BACKGROUND

3.1 The seven principles of public life underpin the Council’s ethical framework. They lie at the very heart of the Council’s fabric as a public body. The seven principles are:

- Selflessness
- Honesty
- Integrity
- Objectivity

- Accountability
 - Openness
 - Leadership
- 3.2. The Members' Code of Conduct, which forms part of the Council's Constitution, requires members to have regard to the seven principles. The seven principles, and their descriptions, are set out in the annex to the Code.
- 3.3. In its fourteenth report to Parliament entitled "Standards matter – A review of best practice in promoting good behaviour in public life", the Committee on Standards in Public Life comments that since the principles were first formulated the understanding of the meaning of certain words has developed.
- 3.4. At paragraph 3.8 of the report the Committee notes:

"Comments made to us during the course of this review, and previously, suggest there are a number of areas where the descriptions of the seven principles could usefully be brought up to date.

- *The description of the present formulation of honesty refers to holders of public office having a duty to declare any conflicts of interest. The avoidance of conflicts of interest fits more obviously into our current understanding of integrity. Most people today would expect honesty to have a much broader meaning, focusing on truthfulness. This has particular resonance at the present time since a number of issues of current concern have involved allegations of inappropriate behaviour being covered up.....*
- *.....Discussion around the importance of public office-holders making decisions on merit, including in our focus groups, tends to refer more frequently to impartiality than to objectivity. We think it would be helpful to include impartiality in the description of the meaning of objectivity.*
- *Equality of opportunity has become even more of a central tenet of thinking about ethics and values in the period since the principles were first established. We think it would be helpful to make clearer that objectivity requires giving full regard to the importance of equality of opportunity and fair treatment, irrespective of individual characteristics such as disability, race, gender or sexual orientation.*
- *Public office-holders sometimes need to show courage in speaking up about difficult issues, speaking "truth to power" and making or sticking by difficult decisions. We see this as a key element of ethical leadership and have amended the description of leadership accordingly".*

4.0 PROPOSALS

- 4.1 Pursuant to paragraph 4.2A(iii)(3) of the Constitution the Managing Director (People and Places) may make minor operational amendments to the Constitution, subject to notice of any such amendment being given to all Members immediately after each alteration.

4.2 The Managing Director (People and Places) has reissued the Annex to the Code of Conduct (Appendix 1) to reflect the revised descriptions and has given notice of the amendment to all members with an explanation of the changes made. Members are asked to note the revised descriptions and the reissue of the Annex to the Code of Conduct. The Managing Director (People and Places) will write to all Parish clerks of Parish Councils within the Borough to advise them that the Council had reissued its Annex to the Code of Conduct to reflect the revised descriptions.

5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

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

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

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

7.0 RISK ASSESSMENT

7.1 This item is for information only and makes no recommendations. It therefore does not require a formal risk assessment and no changes have been made to risk registers as a result of this report.

Background Documents

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

Equality Impact Assessment

The decision to note the report does not have any direct impact on members of the public, employees, elected members and/or stakeholders. Therefore no Equality Impact Assessment is required.

Appendices

Appendix 1 – Reissued Annex to the Members’ Code of Conduct

ANNEX**PRINCIPLES****Selflessness**

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.



AGENDA ITEM: 9

**STANDARDS COMMITTEE
22 JULY 2013**

Report of: Managing Director (People and Places) and Borough Solicitor

**Contact for further information: Mrs C A Jackson (Extn. 5016)
(E-mail: cathryn.jackson@westlancs.gov.uk)**

SUBJECT: INDEPENDENT PERSON – PROTOCOL

Wards affected: Borough wide.

1.0 PURPOSE OF THE REPORT

1.1 To agree an Independent Person Protocol.

2.0 RECOMMENDATIONS

2.1 That the Independent Person Protocol, attached at Appendix 1, be endorsed.

3.0 BACKGROUND

3.1 The statutory role of the Independent Person appointed under Section 28(7) of the Localism Act 2011 is to assist the Council to discharge its duty to promote and maintain high standards of conduct amongst Members and Co-opted Members both of the Borough Council and those Parish Councils within the Borough.

3.2 The protocol, attached at Appendix 1, has been established to clarify how the Independent Person will fulfil this role.

4.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

4.1 There are no significant sustainability impacts associated with the report. Promoting and maintaining high ethical Standards contributes to achievement of the Community Strategy.

5.0 FINANCIAL AND RESOURCE IMPLICATIONS

5.1 There are no 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 Protocol.

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

The decision does not have any direct impact on members of the public, employees and / or stakeholders. Therefore no Equality Impact Assessment is required.

Appendices

Appendix 1 Independent Person Protocol



INDEPENDENT PERSON PROTOCOL

The statutory role of an Independent Person appointed under Section 28(7) of the Localism Act 2011 is to assist the Council to discharge its duty to promote and maintain high standards of conduct amongst Members and Co-opted Members both of the Borough Council and those Parish Councils within the Borough.

This protocol has been established to clarify how the Independent Person will fulfil this role:

1. Considering complaints of failure to comply with the Code of Conduct
 - 1.1 The Monitoring Officer (MO) will seek the views of the Independent Person (IP) before determining whether a written complaint merits formal investigation, recognising that where appropriate the MO will seek to resolve complaints without formal investigation.
 - 1.2 The MO has been given discretion by Council to refer decisions on investigation to the Standards Committee where she feels that it is inappropriate for her to take the decision and report to Standards Committee on the discharge of this function.
 - 1.3 Following consideration of a written complaint, a decision letter will be issued by the MO which will record that the IP has been consulted and that their views have been taken into account.
 - 1.4 Where at any time the IP is unable to act because of a conflict of interest or because they are otherwise unavailable their role will be carried out by the Reserve Independent Person (Reserve).

2. Matters under investigation

- 2.1 The MO may consult the IP at any stage during the process.
- 2.2 Where a matter has been referred to the Standards Committee for determination, the Committee may seek the views of the IP before reaching its conclusions.
- 2.3 The IP may be consulted by a member or co-opted member of the Council or of a Parish Council against whom a complaint has been made.

3.0 Decisions

- 3.1 The IP must be consulted before a finding is made as to whether a member has failed to comply with the Code of Conduct; or action to be taken in respect of that member (this means on a decision to take no action where the investigation finds no evidence of breach or, where the investigation finds evidence that there has been a breach, on any local resolution of the complaint, or on any finding of breach and on any decision on action as a result of that finding);

4.0 Relationship with the Standards Committee

- 4.1 The Standards Committee and MO are responsible for ensuring that the Council meets its duty to promote and maintain high standards. However, the IP has the right to be consulted on any proposed changes to the Code of Conduct or procedures for handling allegations.
- 4.2 The IP and Reserve shall receive agendas and minutes of all meetings of the Standards Committee and shall be entitled to attend those meetings and, with the agreement of the Chairman, speak at the Committee.

5.0 Other matters

- 5.1 The IP and Reserve have the right of access to confidential information required to carry out their role. Access to such information shall be agreed with the MO.
- 5.2 The IP and Reserve have the right of access to Council buildings in order to carry out their role. Access should be agreed with the MO.
- 5.3 The IP and Reserve are expected to declare any relevant interests in relation to cases to the MO who will decide whether the interests conflicts them out of involvement in the matter.



Report of: Managing Director (People and Places) and Borough Solicitor

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

SUBJECT: PROBITY IN PLANNING – 2013 UPDATE

Borough wide interest

1.0 PURPOSE OF THE REPORT

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

2.0 RECOMMENDATION

2.1 That Members note the contents of the Local Government Association's update to its guidance note "Probity in Planning" upon which training will be offered to all members at the forthcoming annual planning training session organised by the Assistant Director Planning.

3.0 BACKGROUND

3.1 Planning has a positive and proactive role to play at the heart of local government. It helps local authorities stimulate growth whilst looking after important environmental matters. It can help to translate goals into action. It balances social, economic and environmental needs to achieve sustainable development.

3.2. The planning system works best when officers and members involved in planning understand their roles and responsibilities and the context and constraints in which they operate. Planning decisions involve balancing many competing interests. In doing so decision makers need an ethos of decision making in the wider public interest on what can be controversial proposals.

3.3. The challenge of achieving a balance between these competing interests led the Local Government Association (LGA) to issue its original "Probity in Planning" guidance note in 1997. From time to time the guidance has been updated to reflect changes to the ethical framework within which local government operates.

- 3.4. The LGA's 2013 update to its "Probity in Planning" guidance reflects changes introduced by the Localism Act 2011 (the Act). It seeks to clarify how members can get involved in planning discussions on behalf of their communities in a fair, impartial and transparent way.
- 3.5 The Act sets out a duty for each local authority to promote and maintain high standards of conduct by members and to adopt a local code of conduct consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 3.6 In compliance with this duty, on 1 July 2012, the Council adopted a new ethical framework together with a revised Members' Code of Conduct requiring members to register and declare disclosable pecuniary interests (defined within regulations made pursuant to the Act). The Code of Conduct also requires the registration and disclosure of certain pecuniary and non-pecuniary interests (defined within the Code) and provides that members may not participate, or vote, in matters in which they have either a disclosable pecuniary interest or a pecuniary interest. In doing so the provisions of the Act, and the Code of Conduct, seek to separate interests arising from the personal and private interests of members from those arising from the member's public duties.
- 3.7 The LGA's revised guidance also reminds members of the need to avoid any appearance of bias, or of having a predetermined view, before taking a decision on a planning application or on planning policies. Clearly, expressing an intention to vote in a particular way before a meeting (predetermination) is different from where a member makes it clear they are willing to listen to all the considerations presented at committee before deciding how to vote. The revised guidance references Section 25 of the Act which provides that a member should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular matter. Members may recall that I issued a "Councillor Advice Note 3 – Localism Act 2011 – Predisposition and Predetermination" in March 2012 to assist members in this important aspect of decision making.

4.0 PROPOSALS

- 4.1 The updated guidance reflects important changes introduced by the Act. I would recommend that members note the revised guidance to help to ensure that the highest standards of propriety are maintained in West Lancashire.
- 4.2 Training on the updated guidance will be offered to all members at the forthcoming annual planning training session to be organised by the Assistant Director Planning in Autumn 2013.

5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

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

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

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

7.0 RISK ASSESSMENT

7.1 This item is for information only and makes no recommendations. It therefore does not require a formal risk assessment and no changes have been made to risk registers as a result of this report.

Background Documents

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

Equality Impact Assessment

The decision to note the report does not have any direct impact on members of the public, employees, elected members and/or stakeholders. Therefore no Equality Impact Assessment is required.

Appendices

Appendix 1 – LGA’s updated guidance note “Probity in Planning”: (*available at* http://www.local.gov.uk/c/document_library/get_file?uuid=0cd60061-e3bb-416e-84ae-b0falfebd215&groupId=10171).

mjreportprobityinplanning

Standards Committee Work Programme 2013/14

	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	January 2013	On target
4 Individual Training Needs Survey, Individual Training Plans and Training Records for Independent Person and Reserve Independent Person	Annual	Completed
5 Code of Conduct Seminar for Officers, Borough and Parish Councillors (Press Release to be issued – Details on website)	November 2013	
6 Update on Whistleblowing Code	January 2014	
7 Hearings and Investigations	As and when required	On going
8 Consideration of applications for dispensations	As and when required	On going
9 Standards Committee meeting inviting Parish Clerks and Parish Chairman to discuss Code (Press Release to be issued)	January 2014	
10 Standards Committee – Annual Report	Summer 2013	

	Timescale	Comments
11 Press Release to be issued and Para for West Lancs Now and on website explaining how much the Joint Managing Directors and Group Leaders support and encourage high ethical standards	July 2014 and Annually	

Stds Cttee WP 2013_14