



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 With the introduction of the Localism Act 2011 (“the Act”) this was repealed.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.

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

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