



Gill Rowe LL.B (Hons) Solicitor  
Managing Director (People and Places)

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Managing Director (Transformation)

52 Derby Street  
Ormskirk  
West Lancashire  
L39 2DF

12 February 2013

TO:

COUNCILLORS: GRANT, ATHERLEY, DAVIS, FILLIS, KAY  
(VACANCY)

INDEPENDENT PERSON: (MR S IBBS)  
RESERVE INDEPENDENT PERSON: (MR S GARVEY)

Dear Member,

A meeting of the **STANDARDS COMMITTEE** will be held in the **CABINET & COMMITTEE ROOM, 52 DERBY STREET, ORMSKIRK, WEST LANCASHIRE, L39 2DF** on **WEDNESDAY 20 FEBRUARY 2013** at **6:00pm** at which your attendance is requested.

Yours faithfully,

Gill Rowe  
Managing Director (People and Places)

**A G E N D A**  
(Open to the Public)

**1. APOLOGIES**

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

Note: No other business is permitted unless, by reason of special circumstances, which shall be specified at the meeting, the Chairman is of the opinion that the item(s) should be considered as a matter of urgency.

**3. DECLARATIONS OF INTEREST**

If a member requires advice on Declarations of Interest, he/she is advised to contact the Borough Solicitor in advance of the meeting. (For the assistance of members a checklist for use in considering their position on any particular item is included at the end of this agenda sheet.)

**Page(s) 105 to 106**

**4. MINUTES**

To receive as a correct record the minutes of the meeting held on 26 November 2012. **Page(s) 107 to End**

**5. DISPENSATIONS**

To consider the joint report of the Managing Director (People and Places) and Borough Solicitor. *(to follow)*

**We can provide this document, upon request, on audiotape, in large print, in Braille and in other languages.**

**FIRE EVACUATION PROCEDURE: Please see attached sheet.**

**MOBILE PHONES: These should be switched off or to 'silent' at all meetings.**

*For further information, please contact:-*

*Cathryn Jackson on 01695 585016*

*or email [cathryn.jackson@westlancs.gov.uk](mailto:cathryn.jackson@westlancs.gov.uk)*

**FIRE PRECAUTIONS ACT 1971**  
**FIRE EVACUATION PROCEDURE FOR MEETINGS WHERE OFFICERS ARE**  
**PRESENT**  
**(52 DERBY STREET, ORMSKIRK)**

**PERSON IN CHARGE:** Most Senior Officer present  
**ZONE WARDEN:** Member Services Officer

**IF YOU DISCOVER A FIRE**

1. Operate the nearest **FIRE CALL POINT** by breaking the glass.
2. Attack the fire with the extinguishers provided only if you have been trained and it is safe to do so. **Do not** take risks.

**ON HEARING THE FIRE ALARM**

1. Leave the building via the **NEAREST SAFE EXIT**. **Do not stop** to collect personal belongings.
2. Proceed to the **ASSEMBLY POINT** on the car park and report your presence to the **PERSON IN CHARGE**.
3. **DO NOT** return to the premises until authorised to do so by the **PERSON IN CHARGE**.

**NOTES:**

Officers are required to direct all visitors regarding these procedures i.e. exit routes and place of assembly.

**CHECKLIST FOR PERSON IN CHARGE**

**The Person in Charge must take the following actions:**

1. Advise other interested parties present that you are the person in charge in the event of an evacuation.
2. Make yourself familiar with the location of the fire escape routes and inform any interested parties of the escape routes.
3. Make yourself familiar with the location of the assembly point and inform any interested parties of that location.
4. Make yourself familiar with the location of the fire alarm and detection control panel.
5. Ensure that the Zone Warden is aware of their role and responsibilities.
6. Arrange for a register of attendance to be completed (if considered appropriate/practicable).

**IN THE EVENT OF A FIRE, OR THE FIRE ALARM BEING SOUNDED**

1. Ensure that the room in which the meeting is being held is cleared of all persons.
2. Evacuate via the nearest safe Fire Exit and proceed to the **ASSEMBLY POINT** in the car park.
3. Delegate a person at the **ASSEMBLY POINT** who will proceed to the HOME CARE LINK SECTION in Westec House, in order to ensure that a back-up call is made to the **FIRE AND RESCUE SERVICE**.
4. Ensure that the **ZONE WARDEN** has reported to you on the results of his checks, i.e. that the rooms in use have been cleared of all persons.
5. If an Attendance Register has been taken, take a **ROLL CALL**.

6. Report the results of these checks to the **FIRE AND RESCUE OFFICER IN CHARGE** on arrival and inform them of the location of the **FIRE ALARM CONTROL PANEL**.
7. Authorise return to the building only when it is cleared to do so by the **FIRE AND RESCUE OFFICER IN CHARGE**.

**NOTE:**

The Fire Alarm system will automatically call the FIRE AND RESCUE SERVICE. The purpose of the 999 back-up call is to meet a requirement of the Fire Precautions Act to supplement the automatic call.

**CHECKLIST FOR ZONE WARDEN**

1. Carry out a physical check of the rooms being used for the meeting, including adjacent toilets, kitchen.
2. Ensure that **ALL PERSONS**, both officers and members of the public are made aware of the **FIRE ALERT**.
3. Ensure that **ALL PERSONS** evacuate **IMMEDIATELY**, in accordance with the **FIRE EVACUATION PROCEDURE**.
4. Proceed to the **ASSEMBLY POINT** and report to the **PERSON IN CHARGE** that the rooms within your control have been cleared.
5. Assist the **PERSON IN CHARGE** to discharge their duties.

## 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 <b>because</b> it affects my financial position or the financial position of a person or body described in 10.1(1)(i) and (ii) <b>and</b> the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest 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) <b>and</b> the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest	<input type="checkbox"/>          <input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 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.	<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: 26 NOVEMBER 2012**

Start: 4.30pm

Finish: 5.10pm

**PRESENT:**

Councillors: Grant (Chairman)

Mrs Atherley	Kay
Fillis	Savage
J Hodson	

In attendance: Mr S Ibbs (Independent Person)  
Mr S Garvey (Reserve Independent Person)Officers: Managing Director (People and Places) (Mrs G Rowe)  
Borough Solicitor (Mr T Broderick)  
Principal Overview and Scrutiny Officer (Mrs C A Jackson)**19. APOLOGIES**

There were no apologies for absence.

**20. MEMBERSHIP OF THE COMMITTEE**

In accordance with Council Procedure Rule 4, Members noted the termination of membership of Councillors Davis and Coyle and the appointment of Councillors J Hodson and Savage for this meeting only, thereby giving effect to the wishes of the Political Groups.

**21. URGENT BUSINESS**

There were no items of urgent business.

**22. DECLARATIONS OF INTEREST**

There were no declarations of interests.

**23. MINUTES**

RESOLVED: That the minutes of the Standards Committee meeting held on 16 July 2012 be received as a correct record and signed by the Chairman.

**24. COMPLAINTS - STATISTICS**

The Committee considered the complaint statistics to 2012/13 as set out at page 75 of the Book of Reports. Members were advised that one allegation had been considered in the relevant period under the previous standards regime complaints processes. The Assessment Sub-Committee met in June and found no breach in relation to the complaint.

RESOLVED: That the statistics be noted.

**25. GUIDE FOR COUNCILLORS - OPENNESS AND TRANSPARENCY ON PERSONAL INTERESTS**

Consideration was given to the joint report of the Managing Director (People and Places) and Borough Solicitor which gave details of the circulation of 'Openness and transparency on personal interests – A guide for councillors' issued by the Department of Communities and Local Government (DCLG) to all Councillors, Parish Councillors and Parish Clerks, as detailed at pages 77 to 88 of the Book of Reports.

RESOLVED: That the guide 'Openness and transparency on personal interests', attached at Appendix 1, be noted.

**26. REVIEW OF NEW STANDARDS COMMITTEE BY THE MANAGING DIRECTOR (PEOPLE AND PLACES) IN CONSULTATION WITH THE LEADER AND LEADER OF THE LABOUR GROUP - 3 DECEMBER 2012**

The Managing Director (People and Places) explained the background to the item in respect of the decision of Council on 19 June 2012 set down in the circulated Minute 16, in relation to the introduction of the new Standards regime as required by the Localism Act 2011 that established a Standards Committee and related arrangements and sought the views of the Committee in relation to the operation of the arrangements prior to the review scheduled to take place on 3 December 2012.

RESOLVED: A. That the decision of Council of 19 June 2012 be noted.

B. That a further review of the Standards Committee and related arrangements be undertaken in 18 months, subject to need.

**27. ANNUAL MONITORING TRAINING REPORT**

Consideration was given to the report of the joint report of the Managing Director (People and Places) and the Borough Solicitor which detailed training undertaken to date and its effectiveness in relation to the code of conduct and standards.

Members discussed the effectiveness of the training, particularly the seminar sessions, that had been undertaken and the case studies used within those training sessions. Members welcomed the continuation of this type of training with Borough and Parish Councillors and the circulation of the training packs which had acted as a good reference tool for Members, especially those recently provided in relation to the changes affected by the Localism Act 2011.

RESOLVED: That the training undertaken and the evaluation of it be noted and that the established approach to training be continued.

**28. UNDERSTANDING THE LOCAL STANDARDS FRAMEWORK - WORKSHOP 23 OCTOBER 2012**

Consideration was given to the feedback provided by the Independent Person (IP) and Reserved Independent Person (RIP) in relation to participation in a workshop 'Understanding the Local Standards Framework' on 23 October 2012. The presentation was supported by a report as contained on page 103 of the Book of Reports.



Following the presentation a discussion ensued into the role and responsibilities of the IP and RIP under the new Standards regime; the complaints procedure and proportionality of the work involved in relation to their investigation of complaints.

It was noted that the procedures in relation to the investigation of any complaints under the Code of Conduct were currently being updated.

RESOLVED: That the presentation by the Independent Person and Reserved Independent Person be noted.

## **29. DISPENSATIONS PARISHES**

Consideration was given to the extract from Part 1 Localism Act 2011 (“the Act”) in relation to Dispensations. The Managing Director (People and Places) provided an overview of the regulations and the responsibilities in relation to dispensations at the Parish tier.

A discussion ensued in relation to the dispensations that may be granted by the Parishes under “the Act” and the role of the Parish Clerks in keeping the Monitoring Officer and Standards Committee informed of those dispensations. It was felt that to maintain standards and ensure transparency and consistency across all Parish Councils in the Borough that each Parish Clerk should ensure that the Monitoring Officer is kept abreast of any dispensations awarded by them.

RESOLVED: A. That all Parish Clerks be requested to inform the Managing Director (People and Places) of any dispensations that are granted to Parish Councillors (or co-opted members).

B. That the Managing Director (People and Places) write to the Parish Clerks informing them of the Committee’s decision and the process.

## **30. PARISH COUNCILS - ADOPTION OF THE CODE**

Members noted the Adoption of the Code of Conduct under the provisions of the Localism Act 2011 by all Parish Councils in the Borough, as set down on page 97 of the Book of Reports.

RESOLVED: That the adoption of the West Lancashire Borough Council and Parish Councils Members’ Code of Conduct by all Parish Councils in West Lancashire be noted.

**31. WORK PROGRAMME**

The Committee considered the Work Programme for 2012/13. It was agreed that the Committee should meet every six months with additional meetings, to be held on an ad hoc basis, should the need arise.

- RESOLVED: A. That the Work Programme for 2012/13 be noted.
- B. That the Standards Committee be scheduled to meet every six months.

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Chairman