



Kim Webber B.Sc. M.Sc.
Chief Executive
52 Derby Street
Ormskirk
West Lancashire
L39 2DF

13 March 2017

**TO: COUNCILLORS I MORAN (CHAIRMAN), D WESTLEY (VICE CHAIRMAN),
S BAILEY, J DAVIS, MRS J MARSHALL AND K WRIGHT**

**ALSO INVITED: THE INDEPENDENT PERSON (MR S IBBS)
THE 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 L39 2DF** on **TUESDAY, 21 MARCH 2017** at **5.00 PM** at which your attendance is requested.

Yours faithfully

A handwritten signature in black ink, appearing to be "Kim Webber", written over a horizontal line.

Kim Webber
Chief Executive

AGENDA
(Open to the Public)

1. **APOLOGIES** Page(s)
2. **MEMBERSHIP OF THE COMMITTEE**

To be apprised of any changes to the membership of the Committee in accordance with Council Procedure Rule 4. This rule should only apply to the Standards Committee in exceptional circumstances and if the nominated substitute has been appropriately trained.

- 3. DECLARATIONS OF INTEREST** 47 - 48
- 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.)
- 4. 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.
- 5. PUBLIC SPEAKING** 49 - 52
- Residents of West Lancashire, on giving notice, may address the meeting to make representations on any item on the agenda except where the public and press are to be excluded during consideration of the item. The deadline for submission is 5.00pm on Thursday 16 March 2017. A copy of the public speaking protocol and form to be completed is attached.
- 6. MINUTES** 53 - 56
- To receive as a correct record the minutes of the meeting held on 20 September 2016.
- 7. WHISTLEBLOWING CODE**
- To receive an update from the Borough Solicitor.
- 8. OFFICER CODE OF CONDUCT**
- To receive an update from the Borough Solicitor.
- 9. INDEPENDENT PERSON - PROTOCOL** 57 - 62
- To consider the report of the Borough Solicitor.
- 10. COMPLAINTS STATISTICS** 63 - 68
- To consider the report of the Borough Solicitor.
- 11. WORK PROGRAMME AND DATES OF FUTURE MEETINGS** 69 - 70
- To note the Work Programme of the Committee and date of future meetings, 19 September 2017 and 20 March 2018.

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

**FIRE EVACUATION PROCEDURE FOR:
COUNCIL MEETINGS WHERE OFFICERS ARE PRESENT
(52 DERBY STREET, ORMSKIRK)**

PERSON IN CHARGE: Most Senior Officer Present
ZONE WARDEN: Member Services Officer / Lawyer
DOOR WARDEN(S): Usher / Caretaker

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.

The only persons not required to report to the Assembly Point are the Door Wardens.

CHECKLIST FOR PERSON IN CHARGE

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 and door wardens are aware of their roles 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 **HOME CARE LINK** in order to ensure that a back-up call is made to the **FIRE BRIGADE**.
4. Delegate another person to ensure that **DOOR WARDENS** have been posted outside the relevant Fire Exit Doors.

5. 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.
6. If an Attendance Register has been taken, take a **ROLL CALL**.
7. Report the results of these checks to the Fire and Rescue Service on arrival and inform them of the location of the **FIRE ALARM CONTROL PANEL**.
8. Authorise return to the building only when it is cleared to do so by the **FIRE AND RESCUE SERVICE OFFICER IN CHARGE**. Inform the **DOOR WARDENS** to allow re-entry to the building.

NOTE:

The Fire Alarm system will automatically call the Fire Brigade. 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.

It is desirable that the **ZONE WARDEN** should be an **OFFICER** who is normally based in this building and is familiar with the layout of the rooms to be checked.

INSTRUCTIONS FOR DOOR WARDENS

1. Stand outside the **FIRE EXIT DOOR(S)**
2. Keep the **FIRE EXIT DOOR SHUT**.
3. Ensure that **NO PERSON**, whether staff or public enters the building until **YOU** are told by the **PERSON IN CHARGE** that it is safe to do so.
4. If anyone attempts to enter the premises, report this to the **PERSON IN CHARGE**.
5. Do not leave the door **UNATTENDED**.

Agenda Item 3

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		
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 connected person or, a 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 a connected person or, a 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 20/09/16) 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 20/09/16 – 19/09/20)	<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

Prescribed description

Employment, office, trade, profession or vocation

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

Sponsorship

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.

PUBLIC SPEAKING – PROTOCOL

(For meetings of Cabinet, Overview & Scrutiny Committees, Audit & Governance Committee and Standards Committee)

1.0 Public Speaking

1.1 Residents of West Lancashire may, on giving notice, address any of the above meetings to make representations on any item on the agenda for those meetings, except where the public and press are to be excluded from the meeting during consideration of the item.

1.2 The form attached as an Appendix to this Protocol should be used for submitting requests.

2.0 Deadline for submission

2.1 The prescribed form should be received by Member Services by 5.00 pm on the Thursday of the week preceding the meeting. This can be submitted by e-mail to member.services@westlancs.gov.uk or by sending to:

Member Services
West Lancashire Borough Council
52 Derby Street
Ormskirk
West Lancashire
L39 2DF

2.2 Completed forms will be collated by Member Services and circulated via e-mail to relevant Members and officers and published on the Council website via Modgov. Only the name of the resident and details of the issue to be raised will be published.

2.3 Groups of persons with similar views should elect a spokesperson to speak on their behalf to avoid undue repetition of similar points. Spokespersons should identify in writing on whose behalf they are speaking.

3.0 Scope

3.1 Any matters raised must be relevant to an item on the agenda for the meeting.

3.2 The Borough Solicitor may reject a submission if it:

- (i) is defamatory, frivolous or offensive;
- (ii) is substantially the same as representations which have already been submitted at a previous meeting; or
- (iii) discloses or requires the disclosure of confidential or exempt information.

4.0 Number of items

- 4.1 A maximum of one form per resident will be accepted for each Agenda Item.
- 4.2 There will be a maximum of 10 speakers per meeting. Where there are more than 10 forms submitted by residents, the Borough Solicitor will prioritise the list of those allowed to speak. This will be dependent on:
 - a. The order in which forms were received.
 - b. If one resident has asked to speak on a number of items, priority will be given to other residents who also wish to speak
 - c. If a request has been submitted in relation to the same issue.
- 4.3 All submissions will be circulated to relevant Members and officers for information, although no amendments will be made to the list of speakers once it has been agreed (regardless of withdrawal of a request to speak).

5.0 At the Meeting

- 5.1 Speakers will be shown to their seats. An item 'Public Speaking' will be included on the agenda to enable local residents to make their representations within a period of up to 30 minutes at the start of the meeting. Residents will have up to 3 minutes to address the meeting when introduced by the Chairman for that meeting. The address must reflect the issue included on the prescribed form submitted in advance.
- 5.2 Members may discuss what the speaker has said along with all other information, when the item is being considered later on the agenda and will make a decision then. Speakers should not circulate any supporting documentation at the meeting and should not enter into a debate with Councillors.
- 5.4 If residents feel nervous or uncomfortable speaking in public, then they can ask someone else to do it for them. They can also bring an interpreter if they need one. They should be aware there may be others speaking as well.
- 5.5 Speakers may leave the meeting at any time, taking care not to disturb the meeting.



REQUEST FOR PUBLIC SPEAKING AT MEETINGS

MEETING & DATEStandards Committee – 21 March 2017.....

NAME

ADDRESS

.....

Post Code

PHONE

Email

Please indicate if you will be in attendance at the meeting

YES/NO*

*delete as applicable

Note: This page will not be published.

(P.T.O.)

PRESENT:

Councillor: I Moran (Chairman)

Councillors: S Bailey D Westley
J Davis K Wright
J Gordon

In attendance: Mr S Ibbs (Independent Person)
Mr S Garvey (Reserve Independent Person)

Officers: Borough Solicitor (Mr T Broderick)
Legal and Member Services Manager (Mr M Jones)
Principal Overview and Scrutiny Officer (Mrs C A Jackson)

23 APOLOGIES

There were no apologies for absence. An apology for late arrival from Cllr Davis was noted.

24 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, as related to Standards Committee substitutions, Members noted the termination of membership of Councillor Mrs Marshall and the appointment of Councillor Gordon, for this meeting only, thereby giving effect to the wishes of the Political Groups.

25 DECLARATIONS OF INTEREST

There were no declarations of interest.

26 URGENT BUSINESS

There were no items of urgent business.

27 PUBLIC SPEAKING

There were no items under this heading.

28 MINUTES

RESOLVED: That the minutes of the Standards Committee held on 29 March 2016 be received as a correct record and signed by the Chairman.

29 ETHICAL STANDARDS FOR THE PROVIDERS OF PUBLIC SERVICES

Consideration was given to the report of the Borough Solicitor as contained on pages 17 to 21 of the Book of Reports which provided information through a report of the Committee for Standards in Public Life (CSPL) on ethical standards for providers of public services, with particular regard as to whether any of the assurance mechanisms it described should be adopted by the Council.

Actions to be undertaken by the Borough Solicitor under delegated arrangements, as detailed in paragraph 6.2 of the report, were highlighted.

RESOLVED: That the report be noted.

30 DISPENSATIONS

Consideration was given to the report of the Borough Solicitor as contained on pages 23 to 28 of the Book of Reports which sought approval to grant dispensations to Councillors in relation to interests that relate to the functions of the authority. It also sought delegate authority to grant urgent applications for the dispensations to the Borough Solicitor.

RESOLVED: A That a dispensation be granted, until September 2020, 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 debate.

B That a dispensation in the following terms be granted until September 2020 to all members and co-opted members of the Borough Council and all members of the Parish Councils in West Lancashire (insofar as it is applicable and within the Committee's powers):

"Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a disclosable pecuniary interest that relates to the functions of the council in respect of:-

- (i) housing where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease.
- (ii) school meals, or school transport and travelling expenses where you are parent or guardian of a child in full time education, or are a parent governor of a school, and its does not relate particularly to the school which the child attends.
- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or entitled to the receipt of, such pay.
- (iv) an allowance, payment or indemnity given to members.
- (v) any ceremonial honour given to members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992."

- C That delegated authority be given to the Borough Solicitor, in consultation with the Leader and Leader of the Opposition, to grant dispensations, in cases of urgency.

(Note: Councillor Davis arrived at the start of this item.)

31 ANNUAL MONITORING OF TRAINING 2015/16

Consideration was given to the report of the Borough Solicitor as contained on pages 29 to 33 of the Book of Reports which detailed training undertaken in 2015/16 and its effectiveness in relation to the Code of Conduct and standards.

Members discussed the effectiveness of the training, the annual training session that had taken place on 12 July 2016 at the Council offices in Ormskirk and the proposals to refresh and re-enliven the Code of Conduct session for 2017.

It was noted that a Training Pack had been issued to all Standards Committee Members, Borough Councillors, Parish Clerks and Parish Councillors in the Borough which included a copy of the Members' Code of Conduct and a set of notes and case studies with model answers.

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

32 STANDARDS COMMITTEE ANNUAL REPORT 2015/16

Consideration was given to the report of the Borough Solicitor that provided details of the work undertaken by the Committee during 2015/16.

RESOLVED: That the Standards Committee Annual Report 2015/16, attached as an Appendix, be noted, endorsed and published on the Council's website.

33 COMPLAINTS STATISTICS

The Committee considered the complaints statistics for 2015/16 as set down at pages 9 to 14 of the Book of Reports.

RESOLVED: That the Standards Complaints Statistics, attached at Appendix 1, be noted.

34 WORK PROGRAMME 2016/17 AND DATE OF NEXT MEETING

The Committee considered the Work Programme and noted that an update on the Whistleblowing Code would be considered at the next meeting on 21 March 2017.

RESOLVED: That the Work Programme, as amended, be noted.

.....
Chairman



STANDARDS COMMITTEE
21 March 2017

Report of: 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 review the 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 Independent Person Protocol (Constitution 16.5), has been adopted to clarify how the Independent Person will fulfil this role.

3.3 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (the Regulations) introduced a requirement that the Council provide revised arrangements for disciplinary action in respect of its statutory officers, i.e. the Head of Paid Service, The Chief Financial Officer and the Monitoring Officer. The Regulations also provided an additional role for Independent Persons.

3.4 The Regulations also provided an additional role for Independent Persons.

3.5 Following consideration by the Standards Committee on 29 March 2016, the Independent Person recognised the extension to their role and amendments to the Independent Person Protocol and Indemnity arrangements (Constitution 17.3). It is noted that the Independent Person may decline a request to be

involved then the Council will seek to reply on reciprocal arrangements with nearby local authorities.

4.0 CURRENT POSITION

4.1 Following the introduction of the Independent Person Protocol in July 2013, the Committee has annually reviewed the Protocol.

4.2 The latest version of the Independent Protocol, is attached at Appendix 1.

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 The Independent Person and the Reserve Independent Person receive a small allowance in line with recommendations made by the Council's Independent Remuneration Panel. Any additional payment, up to the level of the standards remuneration would be paid for any relevant disciplinary action in which they agreed to take a role. This would be met from within existing budgets.

5.2 Should a claim be made that is covered by the Indemnity Arrangements then details of the financial implications will be reported back to the Members of the Committee.

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 (Constitution 16.5, Article 5).



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 Members' 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 him 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 Advisory role in relation to disciplining of statutory officers

- 5.1 The Independent Person and/or the Reserve may be requested to form (part of) a Panel (Committee) for the purpose of advising the Council on all matters relating to the dismissal of the Head of the Paid Service, Monitoring Officer or Chief Finance Officer in accordance with the requirements of the Local Authorities (Standing Orders) (Amendment) Regulations 2015. It is noted that the Independent Person and Reserve may chose not to accept such an appointment.

6.0 Other matters

- 6.1 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. In carrying out the role the IP and Reserve shall keep confidential all confidential information they shall receive or become aware of in undertaking their duties. Access to such information shall be agreed with the MO except where it shall otherwise come into the possession of the IP or Reserve in the course of performing their role.
- 6.2 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.
- 6.3 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. In carrying out their respective roles the IP and Reserve shall have regard to the principles set out in the annex to this agreement.
- 6.4 The Council shall indemnify the Independent Person and Reserve in relation to the carrying out of their duties. (whether in relation to their standards role or in their disciplinary role) in accordance with the terms of the Indemnity 2008 (see Constitution 17.3)).

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.



**STANDARDS COMMITTEE
21 MARCH 2017**

Report of: Borough Solicitor

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

SUBJECT: COMPLAINTS STATISTICS

Wards affected: Borough wide.

1.0 PURPOSE OF THE REPORT

1.1 To provide statistical information in relation to Standards Complaints.

2.0 RECOMMENDATION

2.1 That the Standards Complaints Statistics, attached at Appendix 1, be noted.

3.0 CURRENT POSITION

3.1 Attached at Appendix 1 is statistical information provided in relation to Standards Complaints for 2016/17, period 1 April 2016 to 13 March 2017.

4.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

4.1 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.

5.0 FINANCIAL AND RESOURCE IMPLICATIONS

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

6.0 RISK ASSESSMENT

6.1 This item 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.

Appendices

Appendix 1 - Standards Complaints 2016/17 (1 April 2016 to 13 March 2017)

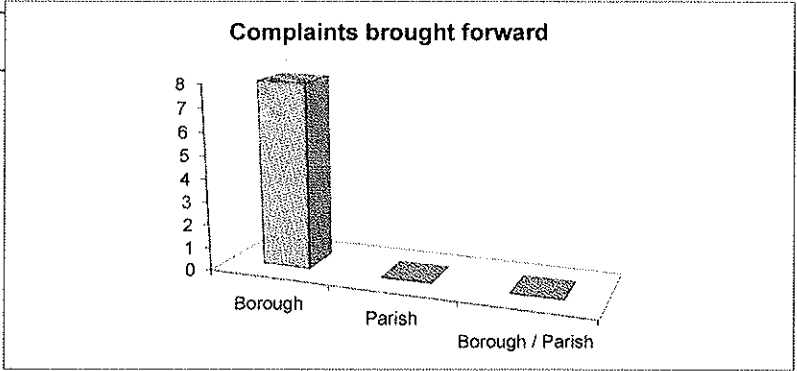


STANDARDS COMPLAINTS 2016 / 2017

As at 13/03/2017

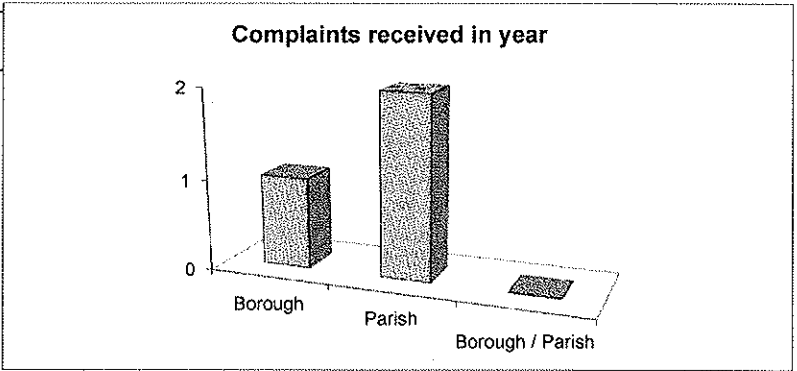
Complaints brought forward

Borough	8
Parish	0
Borough / Parish	0
Total	8



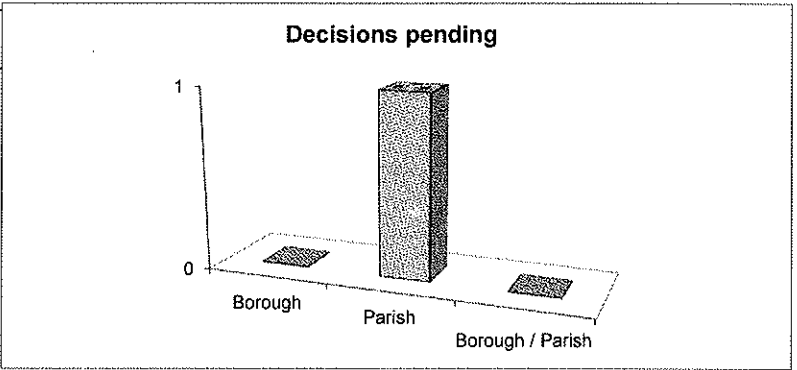
Complaints received in year

Borough	1
Parish	2
Borough / Parish	0
Total	3



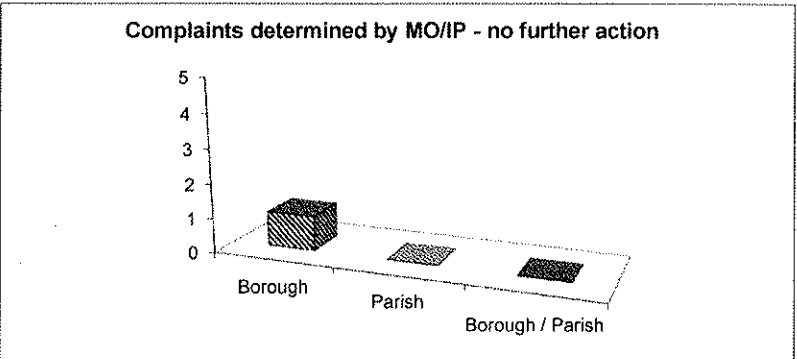
Decisions pending

Borough	0
Parish	1
Borough / Parish	0
Total	1



Monitoring officer in consultation with IP - complaint does not merit further action

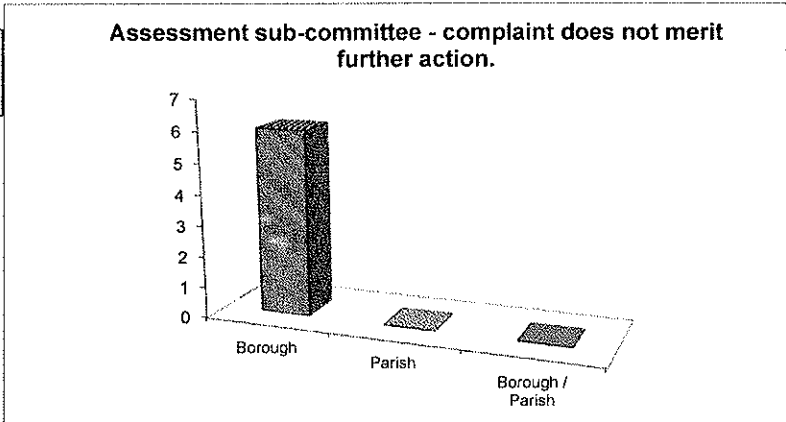
Borough	1
Parish	0
Borough / Parish	0
Total	1



As at 13/03/17

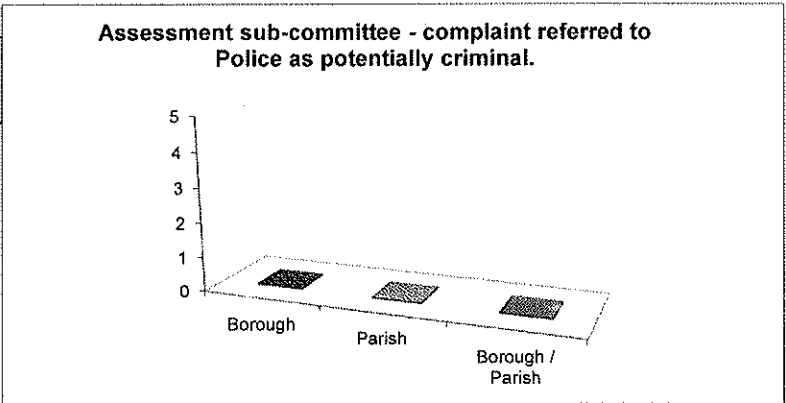
Assessment sub-committee -
complaint does not merit further
action

Borough	6
Parish	0
Borough / Parish	0
Total	6



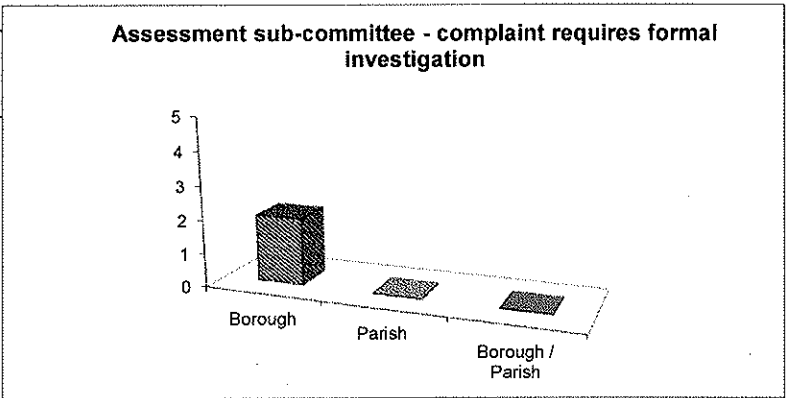
Assessment sub-committee -
complaint referred to the Police as
potentially criminal

Borough	0
Parish	0
Borough / Parish	0
Total	0



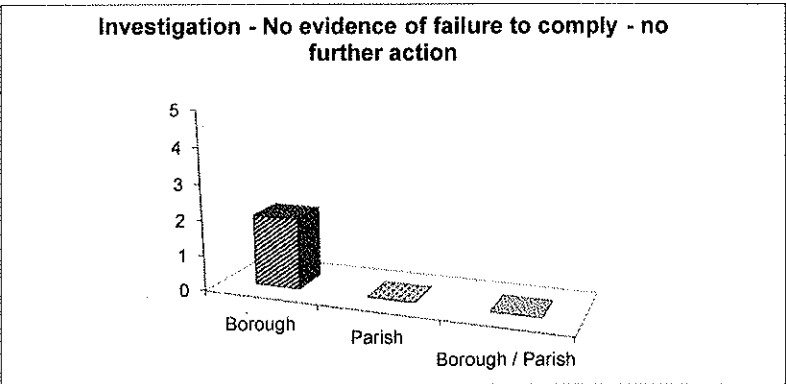
Assessment sub-committee -
complaint requires formal
investigation

Borough	2
Parish	0
Borough / Parish	0
Total	2



Investigation - No evidence of failure
to comply - no further action

Borough	2
Parish	0
Borough / Parish	0
Total	2





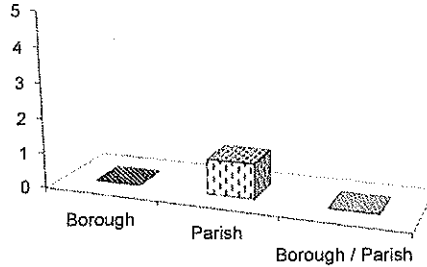
STANDARDS COMPLAINTS 2016 / 2017

As at 13/03/17

MO in consultation with IP -
complaint can be resolved without
need for formal investigation

Borough	0
Parish	1
Borough / Parish	0
Total	<input type="text" value="1"/>

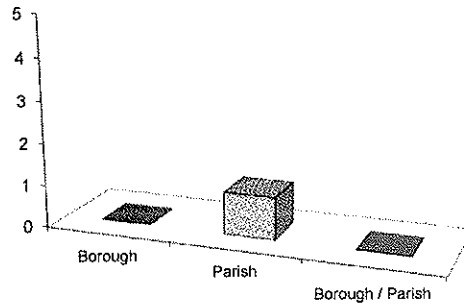
Complaints determined by MO/IP - resolve without need for formal investigation (local resolution).



MO in consultation with IP -
complaint requires formal
investigation

Borough	0
Parish	1
Borough / Parish	0
Total	<input type="text" value="1"/>

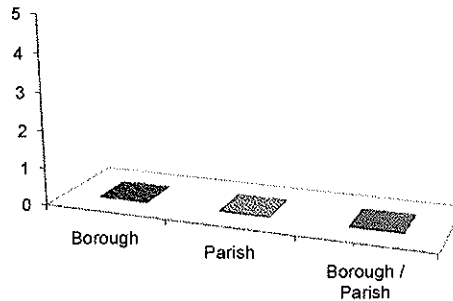
Complaints determined by MO/IP - require formal investigation.



MO in consultation with IP -
Complaint referred to the Police as
potentially criminal.

Borough	0
Parish	0
Borough / Parish	0
Total	<input type="text" value="0"/>

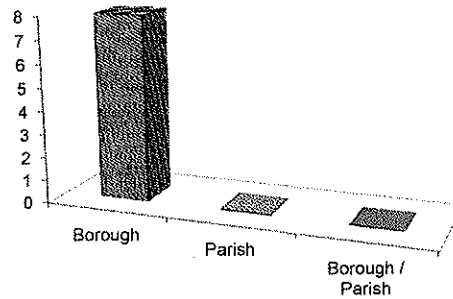
Complaints determined by MO/IP - referred to Police as potentially criminal.



MO in consultation with IP -
complaints referred to Assessment
sub-committee for consideration

Borough	8
Parish	0
Borough / Parish	0
Total	<input type="text" value="8"/>

Complaints referred to Assessment sub-committee by MO/IP.



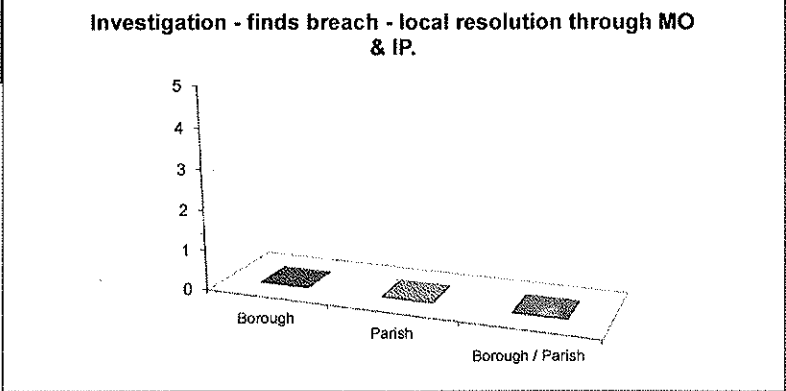


STANDARDS COMPLAINTS 2016 / 2017

As at 13/03/17

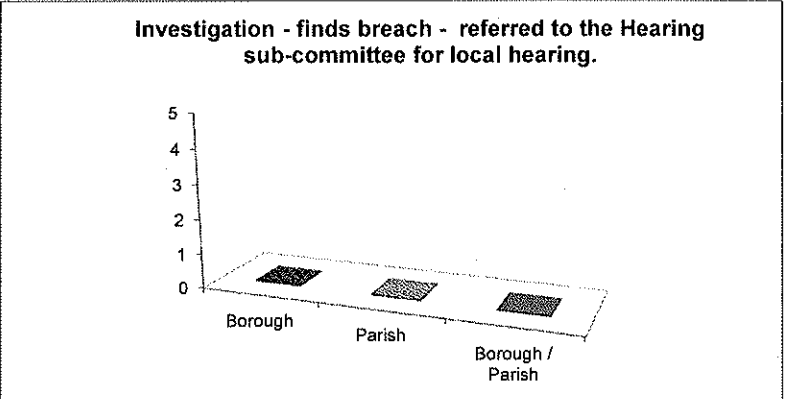
Investigation - finds breach - local resolution through MO & IP

Borough	0
Parish	0
Borough / Parish	0
Total	0



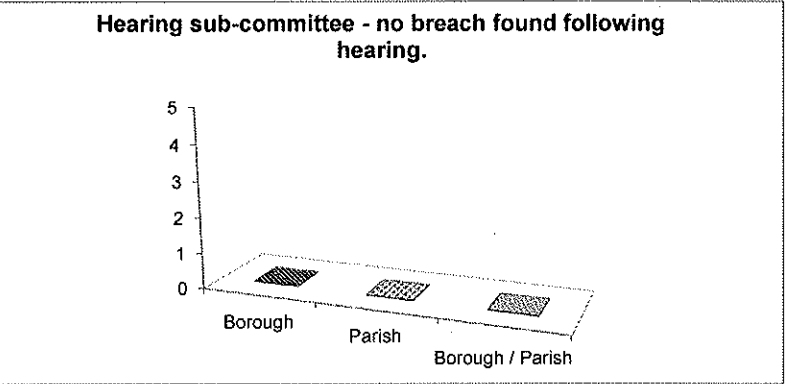
Investigation - finds breach - referred to the Hearing sub - committee for local hearing.

Borough	0
Parish	0
Borough / Parish	0
Total	0



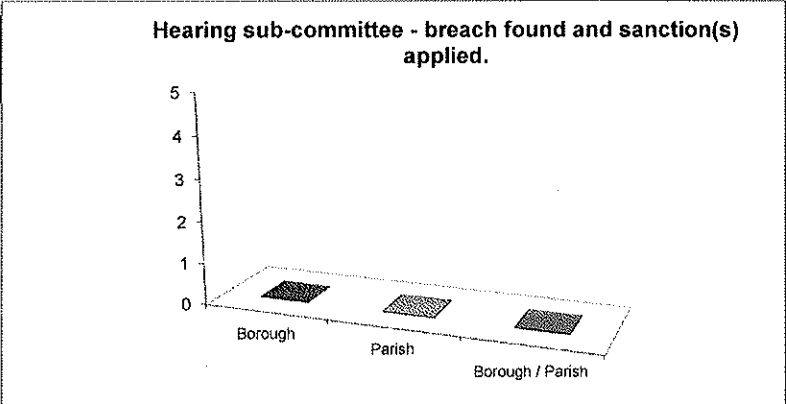
Hearing sub-committee - no breach found following hearing

Borough	0
Parish	0
Borough / Parish	0
Total	0



Hearing sub-committee - breach found and sanction(s) applied.

Borough	0
Parish	0
Borough / Parish	0
Total	0



Agenda Item 11

Standards Committee Work Programme – March 2017

(Meetings end March and September, as appropriate)

	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 Complaints Statistics	Each meeting	
4 Individual Training Needs Survey, Individual Training Plans and Training Records for Independent Person and Reserve Independent Person	Annual	
5 Code of Conduct Seminar for Officers, Borough and Parish Councillors (Press Release to be issued – Details on website)	June 2017	
6 Hearings and Investigations	As and when required	On going
7 Consideration of applications for dispensations	As and when required	On going
8 Standards Committee – Annual Report	19 September 2017	
9 Annual Monitoring of Training Report	19 September 2017	
10 Review of the IP Protocol	20 March 2018	
11 Update on Whistleblowing Code	20 March 2018	
12 Officer Code of Conduct	20 March 2018	

