



Jacqui Sinnott-Lacey BA(Hons) PGDipWL  
Chief Operating Officer

52 Derby Street  
Ormskirk  
West Lancashire  
L39 2DF

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Monday 9 March 2020

**TO: COUNCILLORS** I MORAN, D WESTLEY, I DAVIS, D EVANS, MRS J MARSHALL,  
K WRIGHT.

**PARISH/TOWN  
COUNCIL  
REPRESENTATIVES:** J STOPFORD AND WEBSTER

**ALSO INVITED:** THE INDEPENDENT PERSON (MR S IBBS)  
THE RESERVE INDEPENDENT PERSON (MR S GARVEY)

Dear All,

A meeting of the **STANDARDS COMMITTEE** will be held in the **CABINET/COMMITTEE ROOM - 52 DERBY STREET, ORMSKIRK L39 2DF** on **TUESDAY, 17 MARCH 2020** at **5.00 PM** at which your attendance is requested.

Yours faithfully

A handwritten signature in black ink, appearing to be 'JSL', enclosed in a rectangular box.

Jacqui Sinnott-Lacey  
Chief Operating Officer

**AGENDA**  
**(Open to the Public)**

**1. APOLOGIES**

**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** 175 - 176  
If a Member requires advice on Declarations of Interest, he/she is advised to contact the Legal & Democratic Services Manager in advance of the meeting. (For the assistance of members a checklist for the use in considering their position on any particular item is included at the end of this agenda sheet).
- 4. URGENT BUSINESS**  
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** 177 - 182  
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 10.00am on Friday 13 March 2020. A copy of the public speaking protocol and form to be completed is attached.
- 6. MINUTES** 183 - 186  
To receive as a correct record the minutes of the last meeting of the Committee held on 17 September 2019.
- 7. COMPLAINTS STATISTICS** 187 - 192  
To consider the report of the Legal and Democratic Services Manager.
- 8. DISPENSATIONS** 193 - 198  
To consider the report of the Legal and Democratic Services Manager.
- 9. PARISH/TOWN COUNCIL REPRESENTATION ON STANDARDS COMMITTEE REPORT TO COMMITTEE** 199 - 200  
To consider the report of the Legal and Democratic Services Manager.
- 10. WORK PROGRAMME** 201 - 202

**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:- Kirsty Breakell  
Email [Kirsty.Breakell@westlancls.gov.uk](mailto:Kirsty.Breakell@westlancls.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**.



	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 A Parish Council Representative 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.
- 1.3 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 10.00 am on the Friday of the week preceding the meeting. This can be submitted by e-mail to [member.services@westlancs.gov.uk](mailto: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 speaker (and representative) 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 Legal & Democratic Services Manager 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 Legal & Democratic Services Manager will prioritise the list of those allowed to speak. This will be considered having regard to all relevant matters including:
  - 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. Whether a request has been submitted in relation to the same issue.

No amendments will be made to the list of speakers once it has been compiled (regardless of withdrawal of a request to speak).

- 4.3 All submissions received will be published on the Council's website and circulated to Members of the relevant body and officers for consideration.

#### **5.0 At the Meeting**

- 5.1 Speakers will be shown to their seats. At the commencement of consideration of each agenda item the Leader/Chairman will invite the speakers to make their representations. Speakers will have up to 3 minutes to address the meeting. The address must reflect the issue included on the prescribed form submitted in advance.
- 5.2 Members may discuss what the speaker/s have said, along with any other information/representations submitted under this protocol, when all speakers on that item have finished and will then make a decision. 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, including a Parish or Borough Councillor representative. They can also bring an interpreter if they need one. They should be aware there may be others speaking as well.

(Note: If a Resident wishes to have their Borough Councillor speak on their behalf, the Borough Councillor is not a member of the body considering the item.)



5.5 Speakers may leave the meeting at any time, taking care not to disturb the meeting.

(Please see attached form.)





## REQUEST FOR PUBLIC SPEAKING AT MEETINGS

**MEETING & DATE** .....

**NAME** .....

**ADDRESS** .....

Post Code .....

**PHONE** .....

**Email** .....

Please indicate if you will be in attendance at the meeting

**YES/NO\***

\*delete as applicable

Please indicate if someone will be speaking on your behalf at the meeting

**YES/NO\***

\*delete as applicable

If someone is speaking on your behalf please provide their contact details:

**NAME** .....

**PHONE** .....

**Email** .....

Note: This page will not be published.

(P.T.O.)



# Agenda Item 6

## STANDARDS COMMITTEE

**HELD:** Tuesday, 17 September 2019

Start: 5.00pm

Finish: 5.10pm

### PRESENT:

Councillor: I Moran (Chairman)

Councillors: D Westley I Davis  
D Evans K Wright

In attendance: Mr S Garvey (Reserve Independent Person)

Officers: Terry Broderick, Borough Solicitor  
Matthew Jones, Deputy Borough Solicitor  
Kay Lovelady, Principal Solicitor  
Sue Griffiths, Principal Member Services Officer

#### 1 APOLOGIES

Apologies for absence were submitted on behalf of Mr Stuart Ibbs (Independent Person).

#### 2 MEMBERSHIP OF THE COMMITTEE

There were no changes to membership of the Committee.

#### 3 DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 4 URGENT BUSINESS

There were no items of urgent business.

#### 5 PUBLIC SPEAKING

There were no items under this Heading.

#### 6 MINUTES

RESOLVED That the minutes of the meeting of the Committee held on 19 March 2019 be approved as a correct record and signed by the Chairman.

#### 7 COMPLAINTS STATISTICS

The Committee considered the complaints statistics for 2019/20 as set down at pages 11 – 18 of the Book of Reports.

RESOLVED That the Standards Complaints Statistics, attached at Appendix 1 to the report be noted

**8 STANDARDS COMMITTEE- ANNUAL REPORT 2018-2019**

The Borough Solicitor presented the Standards Committee Annual Report as circulated and contained on pages 19 – 26 of the Book of Reports.

RESOLVED That the Standards Committee Annual Report 2018/19 be noted, endorsed and published on the Council's website.

**9 ANNUAL MONITORING OF TRAINING REPORT**

Consideration was given to the report of the Borough Solicitor as circulated and contained on pages 27 – 32 of the Book of Reports which detailed training undertaken in 2018/18 and its effectiveness in relation to the Code of Conduct and standards.

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

**10 NATIONAL REVIEW OF LOCAL GOVERNMENT ETHICAL STANDARDS**

Further to minute no. 19 of the last meeting of the Committee and contained on pages 33 - 155 of the Book of Reports, the Borough Solicitor referred to the best practice recommendations of the Committee on Standards in Public Life and outlined proposed actions in order to ensure that the Council continues to exemplify best practice in local ethical standards.

RESOLVED That the best practice recommendations of the Committee on Standards in Public Life be noted and the actions as set out in Appendix B to the report be implemented.

**11 PARISH COUNCIL REPRESENTATION ON STANDARDS COMMITTEE**

Consideration was given to the report of the Borough Solicitor as contained on pages 157 – 172 of the Book of Reports which proposed a procedure for the nomination and appointment of two Parish Council representatives to serve on the Standards Committee for a 3 year term of office. It was reported also that the matter of remuneration of the Parish Council representatives would be considered as part of the Independent Remuneration Panel's considerations and reported to Budget Council in February 2020.

RESOLVED A. That the procedure for the nomination and appointment of two

Parish Council representatives to serve on the Standards Committee for a 3 year term of office, attached at Appendix 1 to the report, be agreed.

- B. That the report be submitted to the next meeting of the Parish Clerks Liaison Committee for information.

12 **WORK PROGRAMME**

Consideration was given to the Committee's Work Programme as contained on page 173 of the Book of Reports.

RESOLVED A. That the Work Programme be noted.

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**Chairman**







**STANDARDS COMMITTEE**  
**17 MARCH 2020**

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**Report of: Legal and Democratic Services Manager**

**Contact for further information: Miss K Breakell (Extn 3312)**  
**(E-mail: [Kirsty.Breakell@westlancs.gov.uk](mailto:Kirsty.Breakell@westlancs.gov.uk))**

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**SUBJECT: COMPLAINTS STATISTICS**

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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.

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## **3.0 CURRENT POSITION**

3.1 Attached at Appendix 1 is statistical information provided in relation to Standards Complaints for 2019/20, period 1 April 2019 to 9 March 2020.

## **4.0 SUSTAINABILITY IMPLICATIONS**

4.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

## **5.0 FINANCIAL AND RESOURCE IMPLICATIONS**

5.1 There are no significant financial or resource implications arising from this report. Activity to date has been undertaken within available budgets.

## **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.

## **7.0 HEALTH & WELLBEING IMPLICATIONS**

7.1 There are no health and wellbeing implications arising from this report.

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### **Background Documents**

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

### **Appendices**

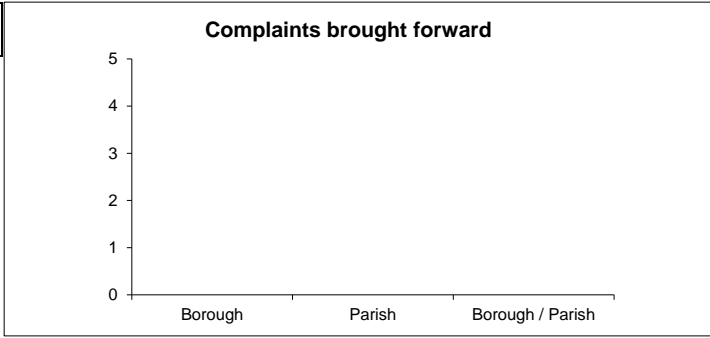
Appendix 1 - Standards Complaints 2019/20 (1 April 2019 to 9 March 2020)



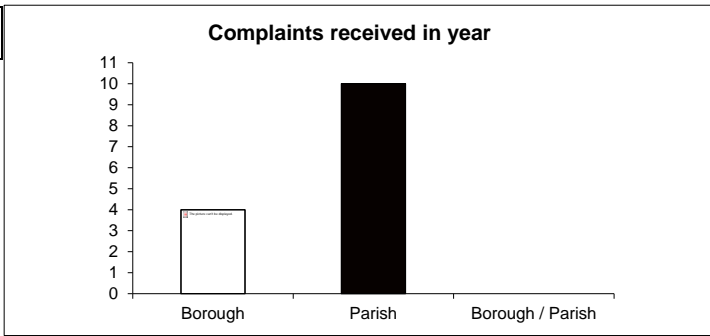
**STANDARDS COMPLAINTS 2019 / 2020**

**As at 09/03/2020**

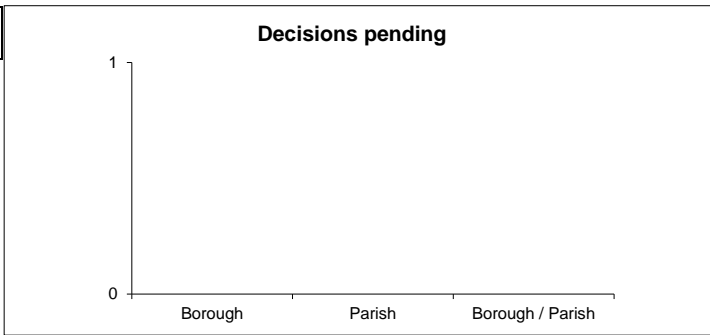
<b>Complaints brought forward</b>	
Borough	0
Parish	0
Borough / Parish	0
Total	0



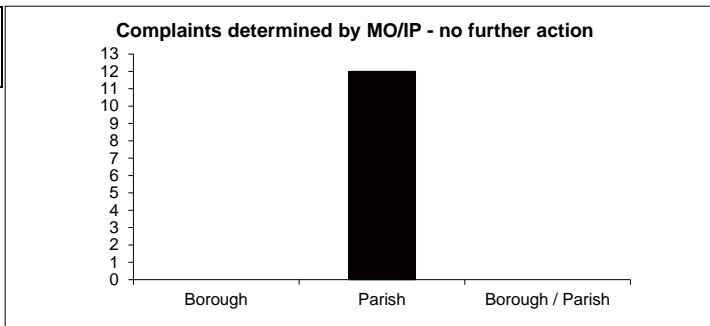
<b>Complaints received in year</b>	
Borough	4
Parish	10
Borough / Parish	0
Total	14



<b>Decisions pending</b>	
Borough	0
Parish	0
Borough / Parish	0
Total	0



<b>Monitoring officer in consultation with IP - complaint does not merit further action</b>	
Borough	0
Parish	12
Borough / Parish	0
Total	12



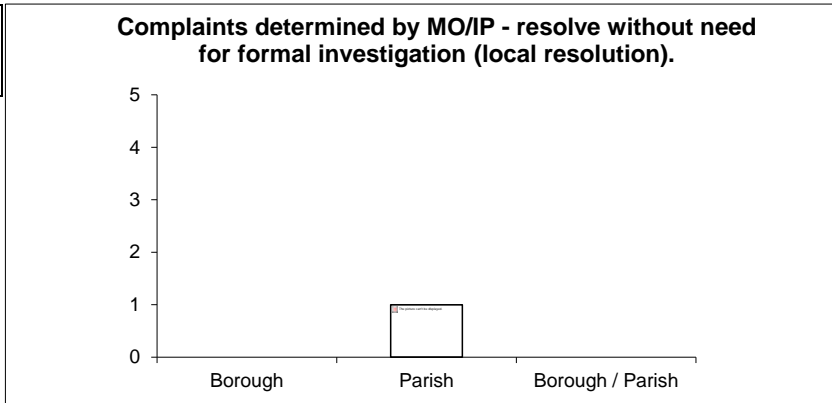
Complaints	14
Resolved	13
Unresolved	0
Withdrawn	1



**As at 09/03/2020**

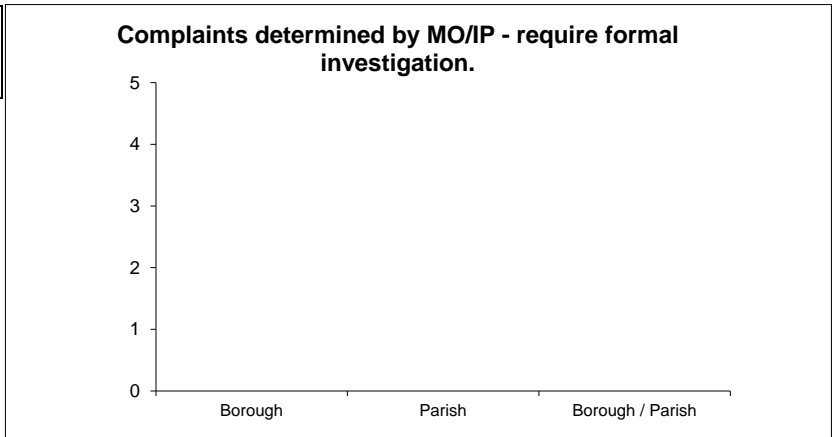
MO in consultation with IP -  
complaint can be resolved without  
need for formal investigation

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



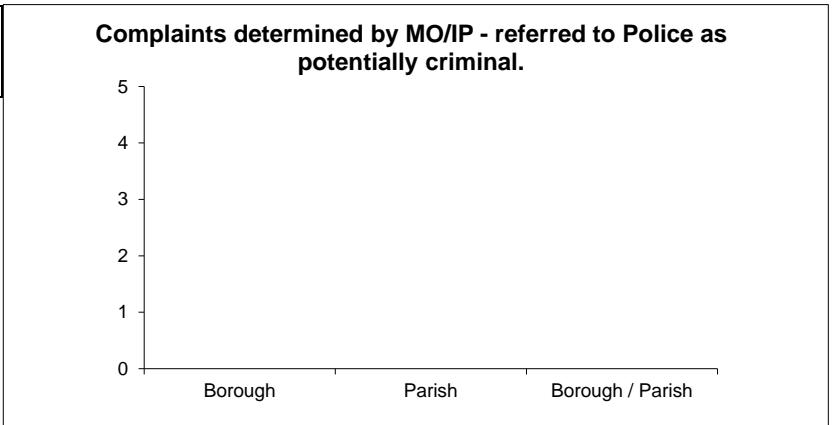
MO in consultation with IP -  
complaint requires formal  
investigation

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



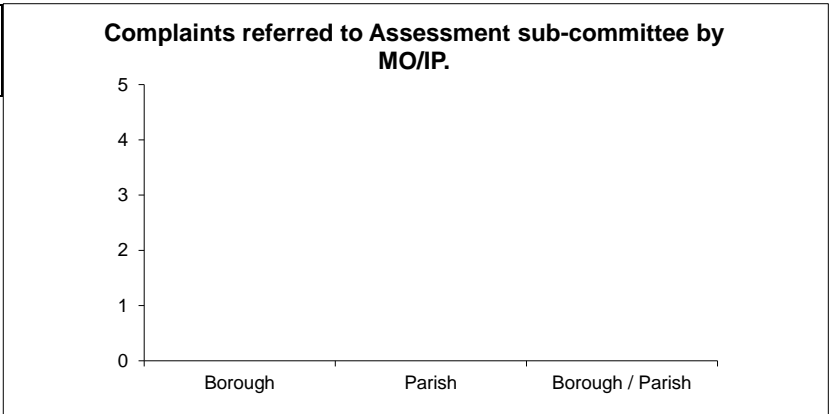
MO in consultation with IP -  
Complaint referred to the Police as  
potentially criminal.

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



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

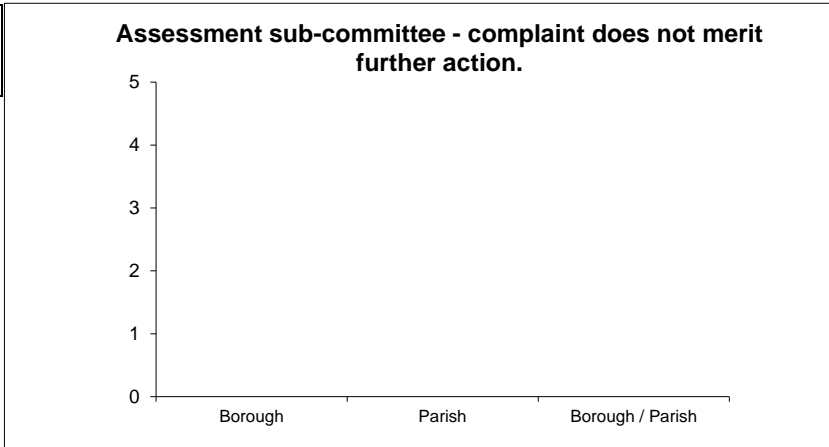
Borough	0
Parish	0
Borough / Parish	0
Total	<input type="text" value="0"/>



**As at 09/03/2020**

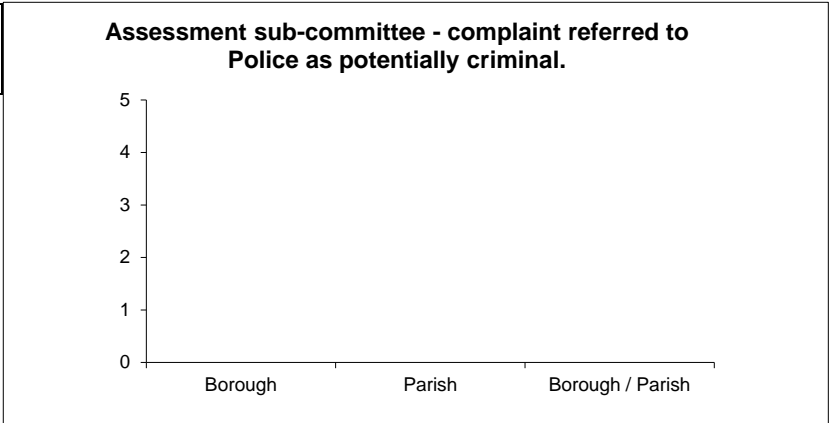
Assessment sub-committee -  
complaint does not merit further  
action

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



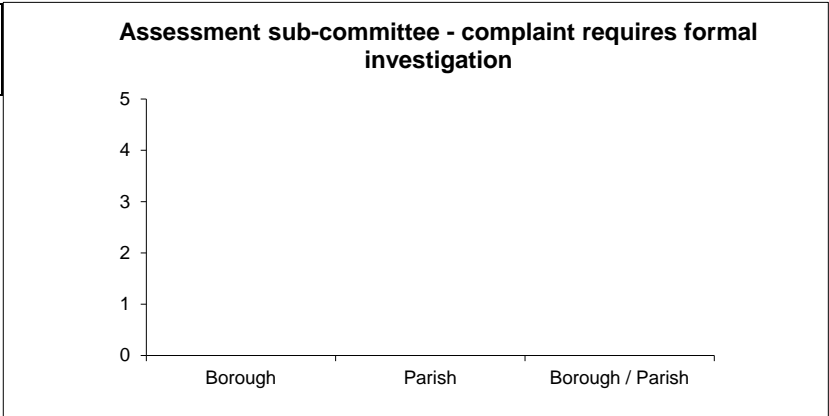
Assessment sub-committee -  
complaint referred to the Police as  
potentially criminal

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



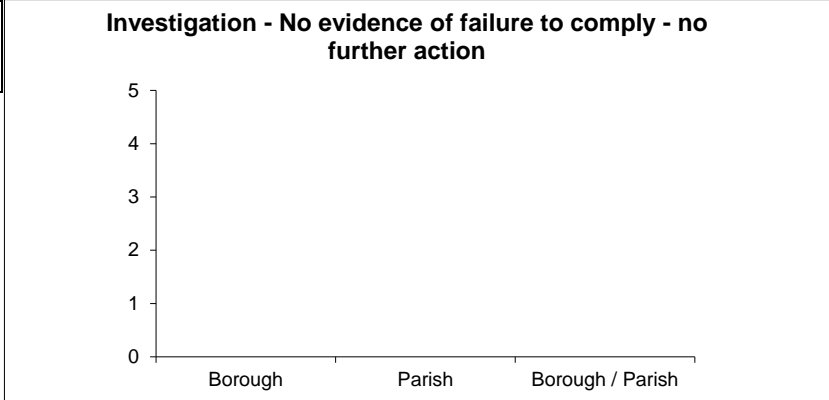
Assessment sub-committee -  
complaint requires formal  
investigation

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



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

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

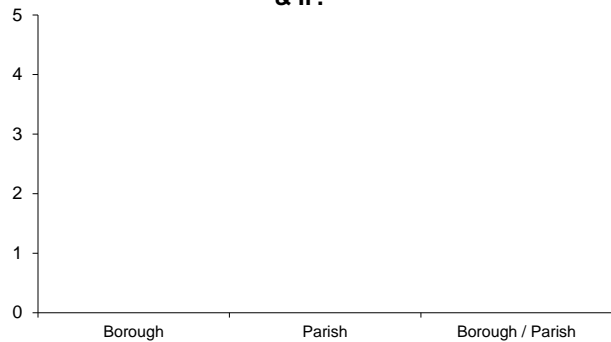


**As at 09/03/2020**

Investigation - finds breach - local resolution through MO & IP

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

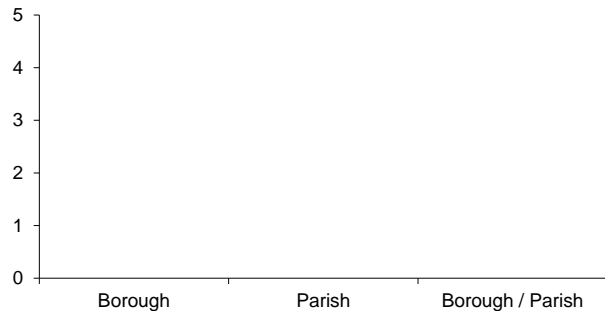
**Investigation - finds breach - local resolution through MO & IP.**



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

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

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



Hearing sub-committee - no breach found following hearing

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

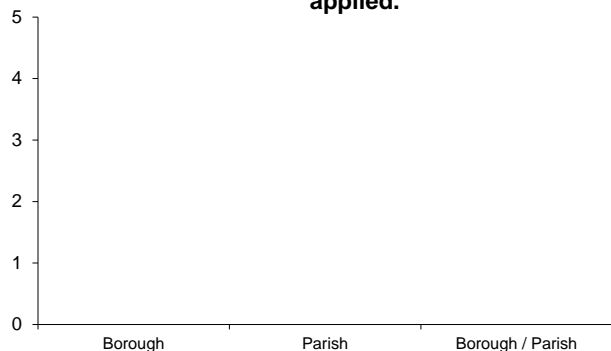
**Hearing sub-committee - no breach found following hearing.**



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

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

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





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**Report of: Legal and Democratic Services Manager**

**Contact for further information: Miss K Breakell Extn. 3312)**  
**(E-mail: [kirsty.breakell@westlancs.gov.uk](mailto:kirsty.breakell@westlancs.gov.uk))**

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**SUBJECT: DISPENSATIONS**

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Wards affected: Borough wide.

## **1.0 PURPOSE OF THE REPORT**

1.1 To seek approval to grant dispensations to Councillors in relation to interests in relevant lines in the budget and in relation to specific pecuniary interests that relates to the functions of the authority.

## **2.0 RECOMMENDATIONS**

2.1 That a dispensation be granted, until 16 March 2024, 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.

2.2 That a dispensation in the following terms be granted until 16 March 2024 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.”
- 

### **3.0 BACKGROUND**

- 3.1 The Localism Act 2011 introduced a new standards regime including the declaration of Disclosable Pecuniary Interests (DPI), pecuniary interests and non pecuniary interests. The Act also included the introduction of a new criminal offence for not declaring a DPI. The Act requires that a Member who has a DPI must not participate or vote at a meeting at which the relevant interests apply. The Council also has a Code of Conduct which applies similar provisions to pecuniary interests. Paragraph 10.5(3) of the Code does however permit Members who have a pecuniary interest to speak before leaving the meeting if there are public speaking rights for the meeting in question.
- 3.2 Council has delegated authority to the Standards Committee to grant dispensations.

### **4.0 CURRENT POSITION – GENERAL DISPENSATIONS**

- 4.1 Paragraph 10.5 of the Council's Code of Conduct in relation to pecuniary interests and the specific dispensation dated 16 July 2012 in relation to DPIs provides general dispensation to permit Members who have a disclosable pecuniary interest or a pecuniary interest to speak and vote in respect of an interest that relates to the Council's functions as follows:
  - (i) Housing where they are a tenant of the Council, and those functions do not relate particularly to the 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 its does not relate particularly to the school which the child attends.
  - (iii) Statutory sick pay where they are 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.
- 4.2 Over recent years in respect of declaration of interests Members have declared interests in relation to relevant lines in the budgets at meetings of the Council. These Councillors have also declared that if there was a detailed debate on the items declared which affect the financial position of the Body in question they would leave the meeting room for that element of the discussion but return for the rest of the debate and then vote (unless it is a vote affecting the financial position of the Body in question). Prior to this, for each budget, the then Department of the Transport, Local Government and the Regions used to issue dispensations for Members who had pecuniary interests in lines in the budget to enable them to participate and vote in the budget debate, which seemed to be a more sensible way forward.



## **5.0 DISPENSATIONS – CURRENT STATUTORY POSITION**

5.1 Section 33 of the 2011 Act came into force on 8 June 2012 and enables the Council to grant dispensations in the following circumstances:

- (a) that without the dispensation the number of persons prohibited by section 31(4) from participating in the business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
- (b) that without the dispensation the representation of the different political groups on the body transacting the business would be so upset as to alter the outcome of any vote relating to the business;
- (c) that granting the dispensation is in the interests of persons living in the authority's area;
- (d) in the case of an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers without the dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive;
- (e) that it is otherwise appropriate to grant a dispensation

5.2 A dispensation under this section must specify the period for which it has effect, and the period specified must not exceed four years.

5.3 Section 33(4) also states that Section 31(4) does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under Section 33.

## **6.0 ISSUES**

6.1 Whilst it is open to any Member to apply for a dispensation in accordance with the criteria set out above in relation to the budget, it is proposed to regard all Members as so applying unless they specifically request otherwise.

6.2 Whilst Council has delegated authority to the Standards Committee to grant dispensations there may be occasions where a dispensation needs consideration urgently.

## **7.0 PROPOSALS**

7.1 That the dispensation at paragraph 2.1 above be granted, in accordance with Section 33(a),(b),(c) and (e) of the Localism Act 2011 and other enabling powers to maximise full and balanced Member involvement in the decision making process in the interests of local democracy .

7.2 That the dispensation at paragraph 2.2 above be granted for a further four years in accordance with paragraph 10.5(4) of the West Lancashire Borough Council and Parish Councils Members' Code of Conduct.

## **8.0 SUSTAINABILITY IMPLICATIONS**

8.1 There are no significant sustainability impacts associated with this report/update and in particular, no significant impact on crime and disorder.

## **9.0 FINANCIAL AND RESOURCE IMPLICATIONS**

9.1 There are no resource implications arising from this report. A record of dispensations granted is kept with the Register of Members Interests and maintained by the Monitoring Officer.

## **10.0 RISK ASSESSMENT**

10.1 Section 31 of the Localism Act 2011 and the Code of Conduct set out what a member must do if he or she has a DPI or pecuniary interest in a matter which is to be considered at a meeting. Dispensations under Section 33 of the Act permits Members to speak and vote to avoid breaching the Act and Code of Conduct in appropriate circumstances.

## **11.0 HEALTH AND WELLBEING IMPLICATIONS**

11.1 There are no health and wellbeing implications arising from this report.

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### **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 stakeholders, however there is a direct impact on elected members. Therefore an Equality Impact Assessment (EIA) is attached as Appendix 1 to this report.

### **Appendices**

Appendix 1      Equality Impact Assessment

# Equality Impact Assessment Form



<b>Directorate: Legal and Democratic Services</b>	<b>Member Services:</b>
<b>Completed by: Civic/Member Services Officer</b>	<b>Date: 17 March 2020</b>

**Subject Title: Dispensations**

<b>1. DESCRIPTION</b>	
Is a policy or strategy being produced or revised:	<i>*delete as appropriate</i>
Is a service being designed, redesigned or cutback:	No
Is a commissioning plan or contract specification being developed:	No
Is a budget being set or funding allocated:	No
Is a programme or project being planned:	No
Are recommendations being presented to senior managers and/or Councillors:	Yes
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty ( <b>Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations</b> ):	No
Details of the matter under consideration:	Dispensations for Borough Members, Co-opted Members and Parish/Town Councillors

*If you answered **Yes** to any of the above **go straight to Section 3**  
If you answered **No** to all the above **please complete Section 2***

<b>2. RELEVANCE</b>	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	<i>*delete as appropriate</i>
If <b>Yes</b> , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered <b>Yes</b> go to <b>Section 3</b></i>	
If you answered <b>No</b> to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>	

<b>3. EVIDENCE COLLECTION</b>	
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	Members as part of their responsibilities under the Members' Code of Conduct
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	N/A
Which of the protected characteristics are most	

relevant to the work being carried out?  Age Gender Disability Race and Culture Sexual Orientation Religion or Belief Gender Reassignment Marriage and Civil Partnership Pregnancy and Maternity	<i>*delete as appropriate</i>  No No No No No No No No No No
<b>4. DATA ANALYSIS</b>	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	Members, Co-opted Members and Parish/Town Councillors and part of their decision-making responsibilities and requirements under the Members Code of Conduct.
What will the impact of the work being carried out be on usage/the stakeholders?	No disadvantage perceived.
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	N/A
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	Records and knowledge of appointed members.
If any further data/consultation is needed and is to be gathered, please specify:	
<b>5. IMPACT OF DECISIONS</b>	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	N/A
<b>6. CONSIDERING THE IMPACT</b>	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	Dispensations allow Members to participate more fully in debate and decision making..
What actions do you plan to take to address any other issues above?	No actions planned.
<b>7. MONITORING AND REVIEWING</b>	
When will this assessment be reviewed and who will review it?	Dispensations are granted for no more than a 4 year period and monitored by the Monitoring Officer (Legal and Democratic Services Manager)



**STANDARDS COMMITTEE:  
17 MARCH 2020**

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**Report of: Legal & Democratic Services Manager**

**Contact for further information: Mrs S Griffiths (Extn 5017)**  
**(E-mail: [susan.griffiths@westlancs.gov.uk](mailto:susan.griffiths@westlancs.gov.uk))**

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**SUBJECT: APPOINTMENT OF PARISH/TOWN COUNCIL REPRESENTATIVES ON  
THE STANDARDS COMMITTEE**

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Wards affected: Borough wide

## **1.0 PURPOSE OF THE REPORT**

1.1 To note and welcome the appointment of Parish Councillors Justin Stopford and Linda Webster to the Standards Committee.

## **2.0 RECOMMENDATION**

2.1 That the appointment of Parish Councillors Justin Stopford and Linda Webster for a 3 year term of office ending in May 2023 be noted.

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## **3.0 BACKGROUND**

3.1 At Annual Council on 15 May 2019 it was resolved to appoint 2 Parish Council representatives to serve on the Standards Committee,

3.2 The procedure for the nomination and appointment of those representatives was agreed at the Standards Committee on 17 September 2019 and provided for Parish/Town Councils to submit nominations and subsequently vote on the nominees.

## **4.0 CURRENT POSITION**

4.1 The deadline for receipt of votes was 22 January 2020 and the total number of votes cast by the Parish/Town Councils are as follows:-

Linda Webster	7
Justin Stopford	7
Derek Moss	3
Richard Plant	4

4.2 Parish Councils have been notified that Parish Councillors Linda Webster and Justin Stopford have been nominated as Parish/Town representatives on the Standards Committee.

## **5.0 SUSTAINABILITY IMPLICATIONS**

5.1 There are no particular sustainability impacts associated with this report, and in particular, no significant impact on crime and disorder.

## **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. I therefore does not require a formal risk assessment and no changes have been made to the risk register.

## **8.0 HEALTH AND WELLBEING IMPLICATIONS**

8.1 There are no health and wellbeing implications arising from this report.

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### **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, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

### **Appendices**

None

# Agenda Item 10

## Standards Committee Work Programme – March 2020

(Meetings end March and September, as appropriate)

	<b>Timescale</b>	<b>Comments</b>
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 Code of Conduct Seminar for Officers, Borough and Parish Councillors	Held on 9 July 2019	
5 Hearings and Investigations	As and when required	On going
6 Consideration of applications for dispensations	As and when required	On going
7 Standards Committee – Annual Report 2019-2020	September 2020	
8 Annual Monitoring of Training Report	September 2020	
9. Review of the IP Protocol	As and when required	On going
10. Update on Whistleblowing Code	September 2020	
11. Officer Code of Conduct	September 2020	
12. Intimidation in Public Life	As and when required	On going
13. Guidance for newly elected/co-opted Parish Councillors	As and when required	On going
14. Parish Council representation on Standards Committee Report to Committee	17 March 2020	
15. Dispensations – report to Committee	17 March 2020	

