



Jacqui Sinnott-Lacey  
Chief Operating Officer

52 Derby Street  
Ormskirk  
West Lancashire  
L39 2DF

Monday, 11 September 2023

**TO: COUNCILLORS      Y GAGEN,      D WESTLEY,      P BURNSIDE,      V CUMMINS,  
A FENNELL, N FUREY, J HOWARD, J WITTER, WEBSTER AND  
GARVEY**

Dear Councillor,

A meeting of the **STANDARDS COMMITTEE** will be held in the **CABINET/COMMITTEE ROOM - 52 DERBY STREET, ORMSKIRK L39 2DF** on **TUESDAY, 19 SEPTEMBER 2023 at 7.00 PM** at which your attendance is requested.

Yours faithfully

A handwritten signature in black ink, appearing to be 'JSL', written over a horizontal line.

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** 1 - 2  
If a Member requires advice on Declarations of Interest, he/she is advised to contact the Legal and 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**  
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 14 September 2023** A copy of the public speaking protocol and form to be completed is attached.
6. **MINUTES** 3 - 6  
To receive as a correct record the minutes of the last meeting of the Committee held on Tuesday 14 March 2023.
7. **APPOINTMENT OF PARISH / TOWN COUNCIL REPRESENTATIVES ON STANDARDS COMMITTEE** 7 - 14  
To Consider the report of the Head of Legal and Democratic Services, regarding the Nominated Parish Councillors to be appointed to Standards Committee.
8. **COMPLAINTS STATISTICS** 15 - 18  
To consider the report of the Head of Legal and Democratic Services & Monitoring Officer.
9. **STANDARDS COMMITTEE ANNUAL REPORT 2022-2023** 19 - 30  
To consider the report of the Head of Legal and Democratic Services & Monitoring Officer.
10. **WORK PROGRAM** 31 - 32  
To note the work program and consider and items for inclusion.

**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:-

Helen Peek on

Or email [helen.peek@westlancs.gov.uk](mailto:helen.peek@westlancs.gov.uk)

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

<b>PERSON IN CHARGE:</b>	Most Senior Officer Present
<b>ZONE WARDEN:</b>	Member Services Officer / Lawyer
<b>DOOR WARDEN(S)</b>	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"/>	You cannot speak or vote and must withdraw unless you have also ticked 5 below
2.	I have a non-pecuniary interest.	<input type="checkbox"/>	You may speak and vote
3.	<p>I have a pecuniary interest <b>because</b></p> <p>it affects my financial position or the financial position of a connected person or, a 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</p> <p>or</p> <p>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) <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</p>	<input type="checkbox"/>       <input type="checkbox"/>	<p>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</p>       <p>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</p>
4.	<p>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:</p> <p>(i) Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease.</p> <p>(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.</p> <p>(iii) Statutory sick pay where I am in receipt or entitled to receipt of such pay.</p> <p>(iv) An allowance, payment or indemnity given to Members</p> <p>(v) Any ceremonial honour given to Members</p> <p>(vi) Setting Council tax or a precept under the LGFA 1992</p>	<input type="checkbox"/>       <input type="checkbox"/>       <input type="checkbox"/>       <input type="checkbox"/>       <input type="checkbox"/>       <input type="checkbox"/>	<p>You may speak and vote</p>       <p>You may speak and vote</p>       <p>You may speak and vote</p>       <p>You may speak and vote</p>       <p>You may speak and vote</p>
5.	A Standards Committee dispensation applies (relevant lines in the budget – Dispensation 15/09/20 – 14/09/24)	<input type="checkbox"/>	See the terms of the dispensation
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"/>	You may speak but must leave the room once you have finished and cannot vote

**‘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.

Page 1

	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: Tuesday, 14 March 2023**

Start: 7.00 pm

Finish: 7.15 pm

### PRESENT:

Councillor: Y Gagen (Chairman)

Councillors:	I Davis	J Fillis
	J Howard	G Owen
	J Witter	Stopford
	Webster	Garvey
	Fawcett	

### 10 APOLOGIES

There were no Apologies for absence received.

### 11 MEMBERSHIP OF THE COMMITTEE

There were no changes to the Membership of the Committee.

### 12 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

### 13 URGENT BUSINESS

There was no urgent items of business.

### 14 PUBLIC SPEAKING

There was no public speaking.

### 15 MINUTES

RESOLVED: That the minutes of the meeting held on 20 September 2022, be approved as a correct record.

### 16 COMPLAINTS STATISTICS

The Legal and Democratic Services Manager presented the Complaints Statistics as contained on pages 45-46 of the Book of Reports, which provided Members with statistical information in relation to standards complaints for the period 20 September 2022 to 6 March 2023.

Two formal complaints relating to Parish Council were received. The Monitoring Officer responded to both complainants advising that the Members Code of Conduct had not been breached.

RESOLVED: That the Standards Complaint Statistics be noted.

**17 CHANGE OF GOVERNANCE ARRANGEMENTS DRAFT TERMS OF REFERENCE FOR COMMITTEES**

Members were presented with the draft report of Simon Goacher (Independent Legal Adviser) on behalf of the Chief Operating Officer, regarding the Change of Governance Arrangements Draft Terms of Reference, which will be submitted to Council on 5 April 2023.

The Legal and Democratic Services Manager explained the project which has been implemented to carry out the changes and structures required to facilitate the Change in Governance arrangements, from a Leader/Cabinet System to a Committee System, which the Council have agreed to commence May 2024.

The impact that the change of Governance arrangements was likely to have on Standards Committee was not known at present, but the information presented to Standards Committee was to make Members aware of the future Governance Terms of Reference, ahead of being submitted to Council, and updates would be provided in future.

Members were advised that a Training Session will be provided for All Members of the Council to attend, where Ed Hammond from the Centre for Governance and Scrutiny (CfGS), will be explaining what it feels like to work under a Committee System.

It was noted the positive support other Authorities have provided during the project to date.

RESOLVED: That the Change of Governance Arrangements Draft Terms Of Reference be noted.

**18 WORK PROGRAMME**

The Legal and Democratic Services Manager presented Members with the work plan for the committee, and explained that each Committee will have a work plan moving forward. The intention being that there would be a twelve-month lead in time for large projects, to make Officers and Members aware of the work commitments and considerations required throughout the year. This was in response to the Peer Review feedback.

RESOLVED: That the work programme be noted.

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**Chairman**





**STANDARDS COMMITTEE:  
19 SEPTEMBER 2023**

**COUNCIL:  
18 OCTOBER 2023**

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

**Contact for further information: Helen Peek (Extn 5168)**  
**(E-mail: [helen.peek@westlancs.gov.uk](mailto:helen.peek@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 advise Standards Committee of the two nominated Parish Councillors, to be appointed to Standards Committee.

## **2.0 RECOMMENDATION STANDARDS COMMITTEE and COUNCIL**

- 2.1 To note that the Term of Appointments of Councillor Justin Stopford and Linda Webster, as Parish Council Representatives on Standards Committee, ended May 2023.
- 2.2 That two applications for the role of Parish Councillor Representative on the Standards Committee be considered.
- 2.3 That the appointment of the successful applicant(s) be endorsed at Council 18 October 2023, and term of appointments be three years, ending May 2026.

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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.

- 3.3 Councillors Justin Stopford and Linda Webster, were appointed for the term of three years, which ended May 2023.
- 3.4 Applications for new nominations have been requested from Parish Councils across West Lancs.

- 3.5 Two nominations were received as follows:

Parish Councillor Andrew Grant – Up Holland Parish Council  
Parish Councillor George Pratt – Scarisbrick Parish Council

Both applications are attached at Appendix A.

- 3.6 The procedure for the appointment of new Parish Council Representatives states the following:

"The Member nominated should not be a Borough Councillor and ideally should not be a close friend of any member or officer of the Borough Council."

- 3.7 Members are asked to consider the suitability of both applications. In particular, Members are referred to the application of Parish Councillor George Pratt in which he states the following:

"I was Treasurer of the local Conservative Party until 2018, and was a council member from 2008-2012, so I know most current councillors, although none would be classed as close personal friends"

Officers are also aware that Parish Councillor Pratt also stood as a Conservative Candidate in the May 2022 borough elections.

- 3.8 Members are asked to consider whether the above information would prevent Parish Councillor Pratt from undertaking the role of Parish Council Representative. Officers are concerned about accusations of conflict of interest or perceived conflict of interest in any future business of the Committee.

#### **4.0 SUSTAINABILITY IMPLICATIONS**

- 4.1 There are no particular 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.

#### **6.0 RISK ASSESSMENT**

- 6.1 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.

#### **7.0 HEALTH AND 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.

### **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**

Appendix A – Parish Council Applications.







**Nominee 1.**

**NOMINATION FOR APPOINTMENT AS PARISH  
COUNCIL REPRESENTATIVE ON THE STANDARDS  
COMMITTEE 2023**

**1. NAME:**

PARISH COUNCILLOR: Andrew Grant

**2. PARISH COUNCIL:**

Up Holland

**3. BRIEF PERSONAL PROFILE:**

I have been a member of Up Holland Parish Council since May 2021.

I am not, nor ever have been, a member of any political party or organisation but do take involvement in the community seriously.

I have previously volunteered as a governor at Saint John Rigby College (2013 – 2017) and regularly volunteer at my local church.

In my professional life I work as Finance Director and a member of the senior management team for a large commercial laundry, where I have experience of managing various other departments.

In my personal life I am married with 6 children and 3 grandchildren.

**4. ARE YOU A MEMBER OF WEST LANCASHIRE BOROUGH COUNCIL?**

~~YES~~/NO (please delete as appropriate)

**5. ARE YOU A RELATIVE OR CLOSE FRIEND OF A MEMBER OR OFFICER OF THE COUNCIL?**

~~YES~~/NO (please delete as appropriate)

**DETAILS**

**6. ADDRESS (including Post Code)**

**7. TELEPHONE NUMBER**

Work:  Home:

**8. E-MAIL ADDRESS**

**Nominee 2.**



**NOMINATION FOR APPOINTMENT AS PARISH  
COUNCIL REPRESENTATIVE ON THE STANDARDS  
COMMITTEE 2023**

**1. NAME:**

PARISH COUNCILLOR: George Pratt

**2. PARISH COUNCIL:**

Scarisbrick

**3. BRIEF PERSONAL PROFILE:**

Widowed 2013

Partner  
2019-date

Retired March, 2006

Principal Bank Analyst, Co-operative Bank  
1993-2006

Self-employed business consultant  
1987-1992

Managing Director, Mantech Training Ltd  
1985-1987

Regional Director, KBS Manpower Ltd  
1982-1985

Plant Auditor, Ford Motor Co Ltd  
1977-1982

Self Employed Newsagent  
1973-1977

**4. ARE YOU A MEMBER OF WEST LANCASHIRE BOROUGH COUNCIL?**

**NO** (please delete as appropriate)

**5. ARE YOU A RELATIVE OR CLOSE FRIEND OF A MEMBER OR OFFICER OF THE COUNCIL?**

**NO** (please delete as appropriate)

**DETAILS**

I was Treasurer of the local Conservative Party until 2018, and was a council member from 2008-2012, so I know most current councillors, although none would be classed as close personal friends.

**6. ADDRESS (including Post Code)**

[REDACTED]

**7. TELEPHONE NUMBER**

Work: n/a

Home:

[REDACTED]

**8. E-MAIL ADDRESS**

[REDACTED]



## STANDARDS COMMITTEE 19 SEPTEMBER 2023

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

**Contact for further information: Helen Peek (Extn 5168)**  
**(E-mail: [helen.peek@westlancs.gov.uk](mailto:helen.peek@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 be noted.

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#### **3.0 CURRENT POSITION**

3.1 During the period 14 March 2023 to 19 September 2023 the Council received Two formal complaints, one relating to a Parish Councillors behaviour at a meeting, one relating to a West Lancs Borough Councillor posting information on social media.

3.2 Following consideration, the Monitoring Officer wrote to the complainant regarding the Parish Councillor, to inform them of the decision that in consultation with the Independent Person the decision is that no further action will be taken in relation to this complaint.

3.3 Following consideration, the Monitoring Officer wrote to the Complainant regarding the Borough Councillor, to inform them of the decision, taking into account the criteria for determining a Standards Complaint, and the fact that we are under a duty to protect the public purse. As the Councillor is no longer an appointed Councillor the Monitoring Officer would be unable to take any action, even if the Councillor was found to have breached the Code of Conduct. As such, it is not felt it is in the public interest to pursue this matter further. The Complainant was advised that the submission of the complaint will be recorded, and the outcome reported to Standards Committee.

#### **4.0 PERIOD 20 SEPTEMBER 2022 TO 18 SEPTEMBER 2023**

- 4.1 During the twelve-month period complaints have been four formal complaints received. Two were reported to Standards Committee in March 2023. These were complaints relating to a Parish Council and both were found to not be Breaches of the Members Code of Conduct. The other two are reported above at section 3.

#### **5.0 COMPLAINTS CARRIED FORWARD**

- 5.1 A formal complaint was received in relation to a West Lancs Borough Councillor in February 2022. The complaint was considered and partially resolved, and the complainant written to July 2022, informing of the decision that in consultation with the Independent Person, there should be no further action taken in respect of the taking of the first aspect of the complaint, but the second aspect of the complaint would be referred for formal investigation.
- 5.2 Decision regarding the second part of the complaint was reached following formal investigation, and the complainant written to June 2023, informing of the decision that in consultation with the Independent Person no further action will be taken in relation to the complaint.

#### **6.0 SUSTAINABILITY IMPLICATIONS**

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

#### **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

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

#### **8.0 RISK ASSESSMENT**

- 8.1 This item does not require a formal risk assessment and no changes have been made to risk registers as a result of this report.

#### **9.0 HEALTH & WELLBEING IMPLICATIONS**

- 9.1 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**

None.







## STANDARDS COMMITTEE 19 SEPTEMBER 2023

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**Report of:** Head Legal and Democratic Services & Monitoring Officer

**Contact for further information:** Helen Peek (Extn. 5168)  
(E-mail: [helen.peek@westlancs.gov.uk](mailto:helen.peek@westlancs.gov.uk))

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**SUBJECT: STANDARDS COMMITTEE ANNUAL REPORT 2022/23**

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Wards affected: Borough wide.

### **1.0 PURPOSE OF THE REPORT**

1.1 To present the Standards Committee Annual Report 2022/23.

### **2.0 RECOMMENDATION**

2.1 That the Standards Committee Annual Report 2022/23, attached as an Appendix, be noted, endorsed and published on the Council's website.

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### **3.0 BACKGROUND**

3.1 The Standards Committee Annual Report is attached as an Appendix and provides details of the work undertaken by the Committee during 2022/23. The report demonstrates the effective arrangements in place.

### **4.0 SUSTAINABILITY IMPLICATIONS**

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

### **5.0 FINANCIAL AND RESOURCE IMPLICATIONS**

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

### **6.0 RISK ASSESSMENT**

6.1 There are no risks to the Council's business objectives associated with the Annual Report.

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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 / or stakeholders. Therefore no Equality Impact Assessment is required.

### **Appendices**

Appendix 1      Standards Committee Annual Report 2022/23.



## **STANDARDS COMMITTEE ANNUAL REPORT 2022/23**

### **1.0 INTRODUCTION**

The Council has a statutory duty to promote and maintain high standards of conduct and have in place arrangements to deal with standards issues and case-work. On 19 June 2012 Council considered proposals in relation to the introduction of a new Standards regime as required by the Act and agreed the establishment of a Standards Committee from 1 July 2012.

The main role of the Standards Committee is to promote and maintain high standards of conduct throughout the authority and create a sense of 'ethical well-being'. The Standards Committee and the Monitoring Officer are at the heart of the standards framework. They promote, educate and support Councillors and Co-opted Members within West Lancashire in following the highest standards of conduct.

On 30 January 2019, the Committee on Standards in Public Life published its national report on local government ethical standards. The Standards Committee has continued to review the recommendations of the Report, considered the LGA Model Code of Conduct and supporting guidance and on the 23<sup>rd</sup> February 2022 formally adopted a revised Code of Conduct and guidance document. Training on the new Code and guidance has subsequently been provided to Members, Parish and Town Councillors and officers, and will be undertaken on an annual basis thereafter.

### **1.1 Role and Function of the Standards Committee**

The Standards Committee has the following roles and functions:

- (a) promoting and maintaining high standards of conduct by councillors and co-opted members and operating the "Standards regime – arrangements" as appropriate;
- (b) assisting Councillors and co-opted members to observe the Members' Code of Conduct;

- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation and effectiveness of the Members' Code of Conduct;
- (e) advising, training or arranging to train Councillors and co-opted members on matters relating to the Members' Code of Conduct;
- (f) granting dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) dealing with any reports from the monitoring officer on any matter which is referred to the monitoring officer;
- (h) setting up procedures for the initial assessment of alleged breaches of the Codes of Conduct for Members;
- (i) setting up procedures for the investigation of and subsequent report on, alleged breaches of the Codes of Conduct for Members;
- (j) the exercise of (a) to (i) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils;
- (k) advising the Council on the adoption and subsequent review of a Code of Conduct for officers;
- (l) advising, training or arranging to train officers on matters relating to the Code of Conduct for officers;
- (m) advising the Council on the adoption and subsequent review of the Council's Whistleblowing Code;

## **1.2 Membership**

In 2022/23 seven members were appointed to the Committee. The Chairman and Vice-Chairman are appointed at Council and, respectively, are the Leader of the Council and Leader of the main Opposition Group. At least three elected members of the Standards Committee must be present at its meetings to be quorate. Substitute members may be nominated in exceptional circumstances and if the nominated substitute has been appropriately trained.

At annual Council on 15 May 2019 it was resolved to appoint 2 Parish Council representatives to serve on the Standards Committee. 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. The

deadline for receipt of votes was 22 January 2020 and Parish Councillors Linda Webster and Justin Stopford were nominated as Parish/Town representatives on the Standards Committee. The term of appointment was three years, ending May 2023.

The process of seeking new representatives from Parish Councils has taken place to replace those two current vacant positions.

The Nominated Parish Councillors are Andrew Grant and George Pratt. They have been invited to attend this meeting and appointments will be endorsed at the Council Meeting October 2023. Term of office will be until May 2026.

### **1.3 Independent Person and Reserve Independent Person**

The Localism Act 2011 introduced a requirement to appoint an 'Independent Person' (IP). Following a recruitment process during May/June 2012 an IP and a 'Reserve Independent Person' (RIP) were appointed effective from 1 July 2012. The status of the RIP changed in March 2021, with a new IP Protocol, meaning both IP's now have equal standing, rather than have a first choice and reserve. The role of the IP is to be consulted on alleged breaches of the Code of Conduct

The IP is not a member of the Standards Committee but is invited to the meetings and they regularly attended.

## **2.0 Work Of The Committee 2022/23 – Overview**

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

### **2.1 Standards Committee – Arrangements**

As a result of the implementation of duties under the Localism Act 2011, from the 1 July 2012 the Council set out its arrangements for dealing with complaints of misconduct and the actions which may be taken against a member who is found to have failed to comply with the relevant Code of Conduct. Also, the Council delegated appropriate powers to the Standards Committee and to the Monitoring Officer. The functions of the Standards Committee are set out in Article 9 of the Council's Constitution.

The Head of Legal and Democratic Services is the Monitoring Officer (MO) and duly appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct. The detailed arrangements for handling complaints are set out in the (Procedure for the Assessment of Written Complaints of Breach of the West Lancashire Borough Council and Parish Council Members' Code of Conduct) document published on the Council's website. The MO provides regular updates to the Standards Committee in respect of the number and nature of complaints received.

**(a) Decision whether to investigate a complaint**

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

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

During 2022/23 (*May 2022 - May 2023*) four complaints were received, and one carried forward from 2021/22.

Three of the four complaints received in 2022/23, related to Parish Procedures, and the MO found that no Members had Breach the Code.

The fourth complaint was closed due to the Councillor in question not retaining their seat at the election and was therefore no longer a Councillor to which the Standards Regime applied. As such, it was deemed not in the public interest to pursue.

The partially resolved complaint carried forward from 2021/22 is detailed below at para (b).

The MO has received other complaints which on initial consideration are either not issues to be determined under the remit of the Standards Regime or are clearly not a breach of the Code of Conduct. On these occasions the MO advises the persons concerned or re-directs their complaint if necessary.

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

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

This procedure was applied to the partially unresolved complaint carried forward from 2021/22. Following investigation and consideration with the Independent Person it was found that the Code of Conduct had not been breached and that no further action be taken.

(c) **“Breach of Code” finding on investigation**

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

The procedure was not required during 2022/23

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

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

The procedure was not required during 2022/23

(e) **Appeals**

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

## **2.2 Sub-Committees – Terms of Reference**

- **Assessment Sub-Committee** – ‘To make decisions as to whether to investigate a complaint referred to the Sub-Committee by the Monitoring Officer or to take no further action.’
- **Hearings Sub-Committee** – ‘To hear cases referred to it and decide whether a member has breached the Code of Conduct and, if so, to decide if a sanction should be applied and what form the sanction should take.’

## **2.3 Training**

A training session on the Code of Conduct attended by Borough and Parish Councillors, Standards Committee, IP, Heads of Service and Legal and Member Services Officers was held on 6 July 2022. Training will be periodically arranged as required, and is included in the future work plan for the Committee.

In-house training is also provided to newly elected Councillors as part of the induction session and to Members to support their role particularly on licensing and planning committees.

## **2.4 Promoting Standards**

The Standards Committee, supported works to promote the role of the Committee and to ensure high ethical standards are promoted within West Lancashire in the following manner:

### **(a) The Council's Website**

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

### **(b) Parish Clerks Meeting**

The MO and Principal Democratic Services Officer attends meetings of this group and advises on the standards regime.

### **(c) Local Democracy Week**

Schools are invited to attend the Council Offices to take part in a debate and are given information on the Code of Conduct and Declarations of Interests.

### **(d) 'Team West Lancs' and Press Releases**

Appropriate articles on the work of the Committee are included in the updates issued from time to time and distributed to Officers and for the press as appropriate.

## **2.5 Proactive Work Undertaken during 2022/23**

During 2022/23, under the Chairmanship of Councillor Gagen as Leader of the Council and Vice Chairman Councillor D Westley, as Leader of the Conservative Group, supported by the Monitoring Officer, the Committee considered a range of issues including:

- (a) Consideration of complaint statistics.
- (b) Annual Report 2021/22.
- (c) Change Of Governance Arrangements Terms Of Reference For Committees.
- (d) Work Program
- (e) Members Code of Conduct



- (f) National Review of Local Government Ethical Standards
- (g) Code of Conduct Seminar for Officers, Borough and Parish Councillors

## **2.6 Dispensations**

No applications for dispensations were considered by the Committee during 2022/23.

## **3.0 REGISTER OF MEMBERS' DISCLOSABLE PECUNIARY (DPIs) AND NON-PECUNIARY INTERESTS (Non-PIs)**

Members are required to complete a notification of DPIs and Non-PIs for inclusion on the Register of Members Disclosable Pecuniary and Non-Pecuniary Interests and are reminded annually of their requirement to ensure that their Register of these interests is up to date. Newly elected members are also advised by letter and at induction, of the 28 day deadline for completing their interests forms.

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

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

## **4.0 THE CONSTITUTION**

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

- Borough Council and Parish Councils Members' Code of Conduct
- Protocol on Member/Officer Relations
- Planning Code of Good Practice
- Protocol on the use of ICT by Members
- Independent Person Protocol
- Officers' Code of Conduct
- Whistleblowing Code
- Indemnity

Section 3m.13A of the Council's Constitution details the Monitoring Officer Protocol.

## **5.0 PARTNERSHIP GOVERNANCE**

Governance arrangements are in place for partnerships that are appropriate for the specific arrangement. For example, there is a framework of contracts governing the Council's relationship with the Leisure Trust / Serco and Lancashire County Council/BT Lancashire Services (BTLS) and a Parish Charter on joint working with Parish Councils.

## **6.0 THE YEAR AHEAD**

To ensure that standards are maintained and promoted the Committee will include in its Work Programme for 23/24 items to:

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

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

Looking forward we will continue to embed the Members Code of Conduct, Whistleblowing Policy and look to implement a Employee Code of Conduct. We will also continue to assess the developments of the Report into Conduct in Public Life. Despite referring their recommendations to Central Government they are as yet to comment and a lot of the changes will need primary legislation.

As Members will be aware the Council is moving from a Leader/Cabinet governance arrangement to a Committee System. As part of this move the MO will continue to evaluate the impact of the new arrangements on the Standards Regime and propose amendments where it is deemed appropriate.

## **7.0 OFFICER SUPPORT**

Kay Lovelady, Head of Legal and Democratic Services (Monitoring Officer)  
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# Agenda Item 10

## **Standards Committee Work Programme – September 2023**

(Meetings end March and September, as appropriate)

	<b>Timescale</b>	<b>Comments</b>
Complaints Statistics	Sept 2023 / March 2024	
Appointment of Parish Co-Opted Members	September 2023	
Standards Committee – Annual Report 2021-2022	September 2023	
Code of Conduct Seminar for Officers, Borough and Parish Councillors	TBA	
Officer Code of Conduct	March 2024	
General dispensation to all Councillors	March 2024	
Independent Person Protocol	March 2024	
Induction Training session for newly elected Councillors	Summer 2024	Completed summer 2023
Members Code of Conduct	23 February 2027	On going
Whistleblowing Code	23 February 2027	On going
Appointment of New Parish Co-Opted Members	May 2026	
Consideration of ad hoc applications for dispensations	As and when required	On going
Lessons to be learned from reported complaints/monitoring of compliance with the Code	As and when required	On going
New/Revised Protocols	As and when required	On going
Hearings and Investigations	As and when required	On going
Intimidation in Public Life	As and when required	On going

