



Jacqui Sinnott-Lacey
Chief Operating Officer

52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Monday, 26 February 2024

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

Dear Councillor,

A meeting of the **STANDARDS COMMITTEE** will be held in the **CABINET/COMMITTEE ROOM - 52 DERBY STREET, ORMSKIRK L39 2DF** on **TUESDAY, 5 MARCH 2024** 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 circular stamp.

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**
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).

1 - 2

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** 3 - 4
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 29 February 2024. A copy of the public speaking protocol and form to be completed is attached.
6. **MINUTES** 5 - 6
To receive as a correct record the minutes of the last meeting of the Committee held on 19 September 2023.
7. **PARISH/TOWN COUNCIL REPRESENTATIVES** 7 - 12
To Consider the report of the Head of Legal and Democratic Services, and supporting appendix, regarding the Nominated Parish Councillors to be appointed to Standards Committee.
8. **COMPLAINTS STATISTICS REPORT** 13 - 14
To consider the report of the Head of Legal and Democratic Services & Monitoring Officer.
9. **GENERAL DISPENSATION TO ALL COUNCILLORS** 15 - 22
To consider the report of the Head of Legal & Democratic Services requesting to grant a dispensation to members to allow them to continue to speak and vote at Council meetings in relation to relevant lines in the budget and specific functions of the Council.
10. **INDEPENDENT PERSON PROTOCOL** 23 - 30
To consider the report with supporting appendix, of the Head of Legal and Democratic Services regarding a review of the Independent Person Protocol.,
11. **WORK PROGRAMME** 31 - 32
To note the work programme and consider any items for inclusion.
12. **DATE OF NEXT MEETING**
To note the next meeting will be held on Tuesday 17 September 2024.

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:-

Duncan Jowitt on 01695 583 495

Or email Duncan.Jowitt@westlancs.gov.uk

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

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

IF YOU DISCOVER A FIRE

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

ON HEARING THE FIRE ALARM

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

NOTES:

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

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

CHECKLIST FOR PERSON IN CHARGE

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

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

1. Ensure that the room in which the meeting is being held is cleared of all persons.
2. Evacuate via the nearest safe Fire Exit and proceed to the **ASSEMBLY POINT** in the car park.
3. Delegate a person at the **ASSEMBLY POINT** who will proceed to **HOME CARE LINK** in order to ensure that a back-up call is made to the **FIRE BRIGADE**.
4. Delegate another person to ensure that **DOOR WARDENS** have been posted outside the relevant Fire Exit Doors.

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

NOTE:

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

CHECKLIST FOR ZONE WARDEN

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

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

INSTRUCTIONS FOR DOOR WARDENS

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

	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.



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, 19 September 2023

Start: 7.00 pm

Finish: 7.23 pm

PRESENT:

Councillor: Y Gagen (Chairman)

Councillors: D Westley P Burnside
V Cummins A Fennell
T De Freitas N Furey
J Witter Webster

Independent Persons: S Garvey M Fawcett

In attendance: Councillor G Dowling

Officers: Kay Lovelady, Head of Legal & Democratic Services
Duncan Jowitt, Democratic Services Officer

19 APOLOGIES

There were no apologies received.

20 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of Councillor Howard, and the appointment of Councillor De Freitas for this meeting only, thereby giving effect to the wishes of the Political Groups.

21 DECLARATIONS OF INTEREST

Councillor Westley declared a non-pecuniary interest in item 7 because as a parish councillor, he had been a former colleague of one of the applicants, George Pratt, but was not a close friend.

22 URGENT BUSINESS

There were no urgent items of business.

23 PUBLIC SPEAKING

There were no items under this heading.

24 MINUTES

RESOLVED: That the Minutes of the meeting held on 14 March 2023 be received as a correct record and signed by the Chairman.

25 APPOINTMENT OF PARISH / TOWN COUNCIL REPRESENTATIVES ON STANDARDS COMMITTEE

The Head of Legal & Democratic Services submitted a report asking the Standards Committee to consider the suitability of two applications from Parish Councillors to be appointed to Standards Committee.

Members considered the concerns raised regarding the potential for accusations of conflict of interest or perceived conflict of interest in any future business of the Committee as outlined in the report, which might preclude Parish Councillor George Pratt from undertaking the role of Parish Council Representative.

RESOLVED: That the application from Parish Councillor Andrew Grant be approved and the application from Parish Councillor George Pratt be rejected.

26 COMPLAINTS STATISTICS

The Head of Legal and Democratic Services presented the Complaints Statistics as contained on pages 15-18 of the Book of Reports, which provided Members with statistical information in relation to Standards Complaints for the period 14 March 2023 to 19 September 2023.

In total 4 complaints had been received, 3 of which related to parish councillors. The other was in relation to a person who was no longer a borough councillor. None required further action. The Head of Legal and Democratic Services thanked both Independent Persons for their invaluable input.

Councillors asked about the process for dealing with vexatious complaints and the Head of Legal and Democratic Services said the procedural rules covered the steps that could be taken.

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

27 STANDARDS COMMITTEE ANNUAL REPORT 2022-2023

The Head of Legal and Democratic Services presented the Standards Committee Annual Report as contained on pages 19-30 of the Book of Reports and explained that when the new governance arrangements were in place, reports would be back on the regular cycle.

Councillors asked whether offensive messages about the council made by members of the public could be removed from the council's social media accounts, and it was agreed that this would be raised with the Communications Team.

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

28 WORK PROGRAM

RESOLVED: That the work programme be noted.

.....
Chairman



**STANDARDS COMMITTEE:
5 MARCH 2024**

**COUNCIL:
17 APRIL 2024**

Report of: Head of Legal & Democratic Services

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

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

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 To consider the Parish Council Application (Appendix 1) for appointment to Standards Committee, and if supported;
- 1.2 To request the extension of the existing Parish Councillor Representative's Term of Appointment to coincide with the new appointment.

2.0 RECOMMENDATION STANDARDS COMMITTEE and COUNCIL

- 2.1 To note that following consideration of two Nominees to fulfil two Vacant Parish/Town Council Representative Positions on Standards Committee, The Appointment of Councillor Andrew Grant, as Parish/Town Council Representative on Standards Committee, for a term of three years, ending May 2026, was supported by Standards Committee 19 September 2023, and Endorsed by Council 18 October 2023. The other Nominee was deemed unsuitable therefore it was agreed that Standards Committee would proceed with one appointed Parish Councillor Representative and one Vacancy, until such time that application was received for the vacant position.
- 2.2 To consider and approve the Application (at Appendix 1) for appointment to the Vacant Position, and if supported by Standards Committee, Endorsement be given by Council on 17 April 2024, to Appoint the Applicant Councillor Derrick Moss as Parish Council Representative for the Term of Three Years, ending May 2027.

And if the appointment of Councillor Derrick Moss be Agreed;

- 2.3 To approve extending the Term of Appointment of the existing Parish/Town Council Representative, Councillor Andrew Grant, to co-inside with the Newly Appointed Parish/Town Council Representative, with both Terms ending May 2027.
-

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 Two Parish Councillors were appointed for the term of three years, which ended May 2023. Following which applications for new nominations were requested from Parish Councils across West Lancs.
- 3.4 Two nominations were received and considered by Standards Committee 19 September 2023. One nominee was deemed suitable, and Council endorsed their three year Appointment, ending May 2026, at the meeting on 18 October 2023.
- 3.5 One Nominee was deemed unsuitable due to not meeting the criteria that: "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."
- 3.6 It was agreed at the Appointment of Councillor Andrew Grant, that Standards Committee would proceed with one appointed Parish Councillor Representative and one Vacancy, until such time that application was received for consideration of the vacant position.
- 3.8 Nomination has now been received for consideration to fill the Vacant position, which is attached at Appendix 1.
- 3.9 Members are asked to consider the suitability of the application, and if agreed, endorsement be sought by full Council on 17 April 2024, to Appoint Councillor Derrick Moss as Parish Council Representative, for a Term of three years ending May 2027.
- 3.10 If the appointment of Councillor Derrick Moss is supported, Members are also asked to consider extending the Term of Appointment of existing Parish Council Representative, Andrew Grant, to end May 2027. Coordinating the Term of Appointments will provide consistency for Standards Committee, and streamline the process for seeking nominations to fulfil the positions in future years.
- 3.11 If supported, endorsement to extend the Term of Appointment of Councillor Andrew Grant will be sought by Full Council on 17 April 2024.

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 The Councils Members Scheme of Allowances makes provision for an allowance of £250 per annum, to Parish/Town Council Representatives appointed to Standards Committee. Therefore all financial and resources provisions are met within current financial arrangements.

6.0 RISK ASSESSMENT

6.1 There are no direct risks in relation to recommendations within this report. The Council currently have one appointed Parish/Council Representative, the report seeks the appointment of a second representative. Therefore this 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.

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 1 – Parish Council Application.



NOMINATION FOR APPOINTMENT AS TOWN COUNCIL REPRESENTATIVE ON THE STANDARDS COMMITTEE

1 NAME

TOWN COUNCILLOR: DERRICK MOSS

2 TOWN COUNCIL

BURSCOUGH

3. BRIEF PERSONAL PROFILE

Currently I am Vice Chairman of Burscough Town Council.

I am 75 years of age, and live in the village of Burscough, with my wife, Janet, having moved here from Southport in 2001.

It was my keen interest in local community that influenced my decision to apply to join the Town Council in August 2018, culminating in my co-option on 12 September 2018.

Being semi retired, I am able to devote time and energy to a number of the Town Council's working group projects such as **Personnel, Street Scene, Newsletter & Publicity and Capital Projects.**

I still work on a part time basis, and hold a Sefton, Hackney Owner/Driver Licence – which I primarily use to service special needs school transportation on a contract basis.

Previous to this I had a progressive career, spanning in excess of 40 years, in the entertainment industry, employed mainly in Cinemas & Bingo Clubs as follows:

1995 to 2004 – Proprietor, Curzon Bingo & Twin Screen Cinema, Urmston, Manchester.

Previous appointments - Operations Director, Bass Leisure Entertainments Division –Arizona, USA based. Also, UK Divisional Controller (North) for Gala Bingo – 26 Clubs. A more extensive CV is available if required.

Referring to my nomination to represent Burscough Town Council on the Standards Committee.

Life, and my various working environments, has taught me a keen sense of right and wrong, the importance of teamwork, and as such being able to listen to different arguments & viewpoints.

I have experience in mediation on management committees, from which I also learnt the significance of being both impartial and objective. I have familiarised myself with the Nolan Principles, hold myself to a high standard, and believe that affords me the right to expect the same from others, particularly when it comes to acting in the public interest.

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

NO.

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

NO.


DETAILS

N/A


6 ADDRESS (including Post Code)


--

7 TELEPHONE NUMBER


--

8. E-MAIL ADDRESS


--

(Please note that page 1 of this proforma will be circulated to all Parish Councils, page 2 will remain confidential.)



**STANDARDS COMMITTEE
05 MARCH 2024**

Report of: The Head of Legal and Democratic Services

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

SUBJECT: COMPLAINTS STATISTICS

Wards affected: Borough wide.

1.0 PURPOSE OF THE REPORT

1.1 To provide statistical information in relation to Standards Complaints.

2.0 RECOMMENDATION

2.1 That the Standards Complaints Statistics be noted.

3.0 CURRENT POSITION

3.1 During the period since Standards Complaint Statistics were last reported on 19 September 2023 to 05 March 2024, the Council have not received any formal complaints under the Members Code of Conduct.

3.2 It is a requirement that Standards Complaints are regularly reported to Standards Committee, therefore this is a reoccurring item on the Committee's Work Plan.

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.

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
5 MARCH 2024**

Report of: Head of Legal and Democratic Services

**Contact for further information: Kay Lovelady (Extn. 5075)
(E-mail: Kay.Loveladyll@westlancs.gov.uk)**

SUBJECT: DISPENSATIONS

Wards affected: Borough wide.

1.0 PURPOSE OF THE REPORT

- 1.1 To seek approval to grant a dispensation to members to allow them to continue to speak and vote at Council meetings in relation to relevant lines in the budget and specific functions of the Council.

2.0 RECOMMENDATIONS

- 2.1 That a dispensation be granted, until 13 September 2028, to all members who have disclosable pecuniary or pecuniary interests in relation to relevant lines in the budget to allow them to participate and vote in budget debates.
- 2.2 That a dispensation in the following terms be granted until 13 September 2028 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 or 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. The Act also included the introduction of a new criminal offence for not declaring a disclosable pecuniary interest. The Act requires that a member who has a disclosable pecuniary interest 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 in relation to pecuniary interests (as defined in the Code). Dispensations may be granted under the Act, under specific circumstances, to allow members who have a disclosable pecuniary interest to still participate and vote at meetings.
- 3.2 Council has delegated authority to the Standards Committee to grant dispensations.

4.0 CURRENT POSITION – GENERAL DISPENSATIONS

- 4.1 On 15 September 2020 Standards Committee, pursuant its powers under the Localism Act, granted a 4 year dispensation to all members who have disclosable pecuniary or pecuniary interests in relation to relevant lines in the budget, allowing them to participate and vote in the budget debate.
- 4.2 At the same meeting Standards Committee granted a dispensation 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) in the following terms for a period of 4 years:

“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 or 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.”*

5.0 DISPENSATIONS – STATUTORY POSITION

5.1 Section 33 of the Localism Act enables the Council to grant dispensations in any of the following circumstances:

- (a) that without the dispensation the number of persons prohibited 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) (restrictions on participation and voting) from participating in any particular business to be transacted by the authority's executive, or
- (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) (restrictions on participation and voting) does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under Section 33.

5.4 Whilst it is open to any member to apply for a dispensation in accordance with the criteria set out above, it is proposed to regard all members as so applying unless they specifically request otherwise.

6.0 PROPOSALS

6.1 It is proposed that the general dispensations granted by Standards Committee on 15 September 2020 be extended for a further four years in accordance with the recommendations at paragraphs 2.1 and 2.2 for the reasons set out below.

6.2 With regard to budget debates members who have disclosable pecuniary or pecuniary interests in relation to relevant lines in the budget have for a number of years declared such interests, but in reliance on the dispensation, have been able to participate and vote in the budget debate (subject to declaring that if there is a detailed debate on the items declared which affect the financial position of the Body in question they will 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). This approach is consistent with former guidance from the then Department of the Transport, Local Government and the Regions which 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. Similarly, with regard to the Council functions listed at listed at 2.2 (i) – (vi), members have, subject to disclosing any relevant interest,

been able to participate in votes concerning those functions, for example in relation to housing matters where they hold a Council tenancy (providing the matter does not relate particularly to their tenancy or lease).

- 6.3 Accordingly, it is proposed that maintaining the current dispensations ensures openness and transparency whilst maximising full and balanced member involvement in the interests of local democracy in accordance with Section 33(a),(b),(c) and (e) of the Localism Act 2011.

7.0 SUSTAINABILITY IMPLICATIONS

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

8.0 HEALTH & WELLBEING IMPLICATIONS

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

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 disclosable pecuniary 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 HEALTH & WELLBEING IMPLICATIONS

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

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 EIA

Equality Impact Assessment Form



Directorate: Legal and Democratic Services	Member Services:
Completed by: Legal and Democratic Services Manager	Date: 5 March 2024
Subject Title: Dispensations	
1. DESCRIPTION	
Is a policy or strategy being produced or revised:	<i>*delete as appropriate</i>
	No*
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 (Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations):	
	No*
Details of the matter under consideration:	Dispensations for Borough Members, Co-opted Members and Parish Councillors
<p><i>If you answered Yes to any of the above go straight to Section 3</i></p> <p><i>If you answered No to all the above please complete Section 2</i></p>	
2. RELEVANCE	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	<i>*delete as appropriate</i>
	Yes
If Yes , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered Yes go to Section 3</i>	
If you answered No 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>	Members as part of their responsibilities under the Members' Code of Conduct
3. EVIDENCE COLLECTION	
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?	<i>*delete as appropriate</i>
Age	No*
Gender	No*
Disability	No*
Race and Culture	No*
Sexual Orientation	No*
Religion or Belief	No*
Gender Reassignment	No*
Marriage and Civil Partnership	No*
Pregnancy and Maternity	No*
4. DATA ANALYSIS	
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 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?	
If any further data/consultation is needed and is to be gathered, please specify:	
5. IMPACT OF DECISIONS	
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
6. CONSIDERING THE IMPACT	
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.
7. MONITORING AND REVIEWING	
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 (Head of Legal & Democratic Services)



**STANDARDS COMMITTEE:
5 March 2024**

Report of: Head of Legal and Democratic Services

**Contact for further information: Kay Lovelady (Extn. 5075)
(E-mail:Kay.lovelady@westlancs.gov.uk)**

SUBJECT: REVIEW OF THE INDEPENDENT PERSON PROTOCOL

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To review the Independent Person Protocol.

2.0 RECOMMENDATIONS

2.1 That the Independent Person Protocol, attached at Appendix 1, be approved.

3.0 INDEPENDENT PERSONS

3.1 The system of regulation of standards of member conduct in England is governed by the Localism Act 2011.

3.2 All local authorities (other than parish and town councils) must have procedures in place to deal with complaints about member conduct. It is for the authority to decide the details of those procedures, but legally they must appoint at least one Independent Person whose views are to be taken into account before making a decision on a complaint that the authority have decided to investigate.

3.3 The Independent Person Protocol (Appendix 1) was adopted to clarify how this role is to be fulfilled. As part of its national review of local government standards, the Committee on Standards in Public Life reported that in their view the Independent Person should be seen primarily as an impartial advisor to the Council on code of conduct matters and that they should provide a view on code of conduct allegations based on the evidence before them, and whilst being aware of the political context, should be politically neutral with local authorities making use of their perspective and expertise when reviewing their code of conduct and processes. The Committee

considered that the advice of the Independent Person should also be able to be sought from subject members and members of the public, in line with the requirements of the Localism Act. They also reported that an Independent Person needs not just to be independent according to the requirements of the Localism Act 2011 but should also show an ability to:

- offer authoritative and impartial advice
- maintain independence in a politically sensitive environment
- gain the confidence of councillors, officers, and the public
- make decisions on an impartial basis, grounded in the evidence
- work constructively with the local authority and senior officers

3.4 The Independent Person Protocol (the Protocol) was last reviewed and amended to take into account the emerging recommendations at the time and a revised version was approved on the 16th March 2021.

3.5 The Protocol has been used to assess several complaints since that time and appears to work well. Complaints have generally been determined with input from Mr Garvey and Mr Fawcett, the current Independent Persons.

3.6 Members are therefore asked to approve the attached Protocol for another period of 3 years unless a further review is deemed necessary prior to this date.

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.

6.0 RISK ASSESSMENT

6.1 The Council must put in place arrangements in order to comply with the requirements of the Localism Act. Failure to do so or to adhere to suitable arrangements may expose the Council to the risk of judicial review proceedings or Ombudsman action. Any action taken in respect of Members would be proportionate in accordance with the requirements of the Human Rights Act.

7.0 HEALTH AND WELLBEING IMPLICATIONS

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

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

1. Current Independent Person Protocol



The statutory role of an Independent Person appointed under Section 28(7) of the Localism Act 2011 is to assist the Council to discharge its duty to promote and maintain high standards of conduct amongst Members and Co-opted Members both of the Borough Council and those Parish Councils within the Borough.

The Independent Person should be seen primarily as an impartial advisor to the Council on Code of Conduct matters but should also shown an ability to:

- Offer authoritative and impartial advice
- Maintain independence in a politically sensitive environment
- Make decisions on an impartial basis, grounded in the evidence
- Work constructively with the local authority and senior offices

The Council will appoint at least two Independent Persons at all times. Either Independent Person can offer advice, guidance and support to Subject Members and Members of the Public in line with the requirements of the Localism Act 2011.

This protocol has been established to clarify how the Independent Person will fulfil this role:

1. Considering complaints of failure to comply with the Members' Code of Conduct
 - 1.1 The Monitoring Officer (MO) will seek the views of one of the Independent Persons (IP) before determining whether a written complaint merits formal investigation, recognising that where appropriate the MO will seek to resolve complaints without formal investigation.

- 1.2 The MO has been given discretion by Council to refer decisions on investigation to the Standards Committee where he feels that it is inappropriate for him to take the decision and report to Standards Committee on the discharge of this function.
- 1.3 Following consideration of a written complaint, a decision letter will be issued by the MO which will record that the IP has been consulted, provide details of the IP's decision and confirm that their views have been taken into account.
- 1.4 Where at any time an IP is unable to act because of a conflict of interest or because they are otherwise unavailable their role will be carried out by one of the other Independent Persons .

2. Matters under investigation

- 2.1 The MO may consult the IP at any stage during the process.
- 2.2 Where a matter has been referred to the Standards Committee for determination, the Committee may seek the views of the IP before reaching its conclusions.
- 2.3 The IP may be consulted by a member or co-opted member of the Council or of a Parish Council against whom a complaint has been made.

3.0 Decisions

- 3.1 The IP must be consulted before a finding is made as to whether a member has failed to comply with the Code of Conduct; or action to be taken in respect of that member (this means on a decision to take no action where the investigation finds no evidence of breach or, where the investigation finds evidence that there has been a breach, on any local resolution of the complaint, or on any finding of breach and on any decision on action as a result of that finding);

4.0 Relationship with the Standards Committee

- 4.1 The Standards Committee and MO are responsible for ensuring that the Council meets its duty to promote and maintain high standards. However, the IP has the right to be consulted on any proposed changes to the Code of Conduct or procedures for handling allegations.
- 4.2 The IPs shall receive agendas and minutes of all meetings of the Standards Committee and shall be entitled to attend those meetings and, with the agreement of the Chairman, speak at the Committee.

5.0 Advisory role in relation to disciplining of statutory officers

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

6.0 Other matters

6.1 All the IP's have the right of access to confidential information required to carry out their role. Access to such information shall be agreed with the MO. In carrying out the role the IP's shall keep confidential all confidential information they shall receive or become aware of in undertaking their duties. Access to such information shall be agreed with the MO except where it shall otherwise come into the possession of the IP's in the course of performing their role.

6.2 The IP's have the right of access to Council buildings in order to carry out their role. Access should be agreed with the MO.

6.3 The IP's are expected to declare any relevant interests in relation to cases to the MO who will decide whether the interests conflicts them out of involvement in the matter. In carrying out their respective roles the IP's shall have regard to the principles set out in the annex to this agreement.

6.4 The Council shall indemnify the IP's in relation to the carrying out of their duties. * (whether in relation to their standards role or in their disciplinary role) in accordance with the terms of the Indemnity 2008 (see Constitution 17.3)).

ANNEX**PRINCIPLES****Selflessness**

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Agenda Item 11

Standards Committee Work Programme – March 2024

(Meetings end March and September, as appropriate)

	Timescale	Comments
Complaints Statistics	March 2024 / Sept 2024	
Appointment of 2 nd Member Parish/Town Co-Opted Member	March 2024	
General dispensation to all Councillors	March 2024	
Independent Person Protocol	March 2024	
Code of Conduct Seminar for Officers, Borough and Parish Councillors	TBA	
Induction Training session for newly elected Councillors	Summer 2024	Completed summer 2023
Standards Committee – Annual Report 2022-2023	September 2024	
Officer Code of Conduct	September 2024	
Members Code of Conduct	23 February 2027	On going
Whistleblowing Code	23 February 2027	On going
Appointment of New Parish/Town Co-Opted Member/s	March 2026/ March 2027 (appointments to commence May)	March 2027 if appointment extended until May 2027
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

