



STANDARDS COMMITTEE ANNUAL REPORT 2020/21

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.

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 2021/22 six 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 have been nominated as Parish/Town representatives on the Standards Committee.

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 2020/21 – 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 Legal and Democratic Services Manager 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 2020/21 no complaints were received.

(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.

The procedure was not carried out during 2020/21.

(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 2020/21.

(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 Hearings Sub-Committee did not meet during 2020/21.

(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 9 July 2019. An updated training pack was also issued to all Councillors and Parish Councillors. Due to Covid restrictions, no training session was provided for in 2020/21.

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 Democratic Services Manager 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 2020/21

During 2020/21, under the Chairmanship of Councillor Moran 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) An update on the Planning Code of Good Practice.
- (c) National Review of Local Government Ethical Standards
- (d) Parish council representation on standards committee
- (e) Consideration of a revised Code of Conduct with supporting guidance
- (f) Consideration of a revised Whistleblowing Policy,

2.6 Dispensations

No applications for dispensations were considered by the Committee during 2020/21.

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 3.13A 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 21/22 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 are revising the Members Model Code of Conduct, Whistleblowing Policy and 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.

In line with the above review the LGA produced a Model Code of Conduct and supporting guidance but a recent LLG survey shows most local authorities are

not inclined to adopt the Code but are either amending their own Codes or partially adopting the Model Code.

7.0 OFFICER SUPPORT

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