



STANDARDS COMMITTEE ANNUAL REPORT 2016/17

1.0 INTRODUCTION

Section 53 of the Local Government Act 2000 (the 2000 Act) provided a legal requirement for the Council to establish a Standards Committee. With the introduction of the Localism Act 2011 (“the Act”) this was repealed. Although under the Act there is no legal requirement to have a Standards Committee there is still a need to comply with the statutory duty to promote and maintain high standards of conduct and 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 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 will have 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

The Standards Committee must comprise at least six councillors. In 2016/17 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. Substitute members may be nominated in exceptional circumstances and if the nominated substitute has been appropriately trained.

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 role of the IP, and RIP (when the IP is unavailable or conflicted), is to be consulted on alleged breaches of the Code of Conduct

The IP and RIP are not members of the Standards Committee but are invited to its meetings and they regularly attended during 2016/17 as well as fulfilling their wider role within the Standards Committee Arrangements, e.g. in assisting in regard to the consideration of complaints.

2.0 WORK OF THE COMMITTEE 2016/17 – 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 Constitution.

The Borough Solicitor is the Monitoring Officer (MO) and on 1 February 2016 was duly appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct.

(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 2016/17 three complaints were received of which two were concluded and one is on-going and the outcome will be reported in 2017-18. Additionally the 8 complaints, brought forward from the previous period were concluded.

The MO provides regular updates to the Standards Committee in respect of the number and nature of complaints 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.

This procedure was carried out in two cases during 2016/17.

(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.

One case has been referred to a Hearings Sub-Committee which is due to meet on 22 September 2017 the outcome will be recorded in the 2017/18 annual report.

(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.

During 2016/17 the Hearings Sub-Committee has not met.

(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 and RIP, Heads of Service and Legal and Member Services Officers was held on 12 July 2016. An updated training pack was also issued to all Councillors and Parish Councillors.

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

2.4 Promoting Standards

The Standards Committee, supported by the Borough Solicitor and Legal and Member Services Manager, 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 Assistant Member 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) 'West Lancs Now' and Press Releases

Appropriate articles on the work of the Committee are included in the 'West Lancs Now' newsletter which is distributed to Councillors and Officers and for the press.

2.5 Proactive Work Undertaken during 2016/17

During 2016/17, 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) Assessment work, including consideration of complaint statistics. Complaints and reviews were assessed within the required performance target.
- (b) 'Ethical Standards for the providers of Public Services' – Report of the Committee for Standards in Public Life.
- (c) An update on the Whistleblowing Code and Officer Code of Conduct.
- (d) The annual review of the Independent Person Protocol introduced in July 2013 to support the work of the IP and RIP.

2.6 Dispensations

The Committee considered and granted applications for dispensations on one occasion in 2016/17.

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 2017/18 to:

- Deal with matters or reports from the Monitoring Officer;
- Consider the Annual Monitoring Training Report;
- Consider its Annual Report;
- Consider 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 and RIP;
- 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.

7.0 OFFICER SUPPORT

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