



FYLDE BOROUGH COUNCIL



Meeting Agenda

**Standards Committee
Reception Room, Town Hall
12 December 2006, 7:00pm**

STANDARDS COMMITTEE

MEMBERSHIP

CHAIRMAN - Mr D Birchall

VICE-CHAIRMAN - _____

Councillor Eric Bamber

Mr A Marsh

Councillor John Longstaff

Mrs J McCormick

Councillor Howard Henshaw

Mr W E Twist

Councillor Paul Hayhurst

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CORPORATE OBJECTIVES

The Council's investment and activities are focused on achieving our five key objectives which aim to :

- Conserve, protect and enhance the quality of the Fylde natural and built environment
- Work with partners to help maintain safe communities in which individuals and businesses can thrive
- Stimulate strong economic prosperity and regeneration within a diverse and vibrant economic environment
- Improve access to good quality local housing and promote the health and wellbeing and equality of opportunity of all people in the Borough
- Ensure we are an efficient and effective council.

CORE VALUES

In striving to achieve these objectives we have adopted a number of key values which underpin everything we do :

- Provide equal access to services whether you live in town, village or countryside,
- Provide effective leadership for the community,
- Value our staff and create a 'can do' culture,
- Work effectively through partnerships,
- Strive to achieve 'more with less'.



A G E N D A

PART I - MATTERS DELEGATED TO COMMITTEE

ITEM	PAGE
1. DECLARATIONS OF INTEREST: <i>in accordance with the council's code of conduct, members are reminded that any personal/prejudicial interests should be declared as required by the council's code of conduct adopted in accordance with the local government act 2000.</i>	4
2. CONFIRMATION OF MINUTES: <i>to confirm as a correct record the minutes of the standards committee held on 9 February 2006.</i>	4
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REPORT



REPORT OF	MEETING	DATE	ITEM NO
MONITORING OFFICER	STANDARDS COMMITTEE	18 OCT 2006	4

COMPLAINTS TO THE STANDARDS BOARD: STATISTICS

Public item

This item is for consideration in the public part of the meeting.

Summary

There have been complaints to the Standards Board about three borough or parish councillors since the last meeting of the committee. None of these have been referred for investigation.

Recommendation/s

1. Note the statistical information.

Cabinet portfolio

The item falls within the following cabinet portfolio: Corporate performance and development (Councillor Sue Fazackerley).

Report

1. The last meeting of the Standards Committee was in February this year. This report sets out a statistical breakdown of complaints since then. As members know, the committee covers both Fylde Borough Council and the 15 parish councils within the borough.
2. Since the last meeting, the Standards Board for England has received one complaint about three councillors in the Fylde area. One of the councillors concerned was a member of the borough council and of a parish council. The remaining two were members of a parish council. For the purposes of this report, I

have treated the matter as one complaint. The complaint was not referred for investigation as the ethical standards officer found that the alleged conduct was not of sufficient significance to justify investigation.

3. At the time of the last committee meeting, two complaints had been referred to an ethical standards officer for investigation, but no decision had been reached on them. Those investigations have now been completed. In both cases, the ethical standards officer found that there was no evidence that the code of conduct had been broken.
4. The table below sets out national statistics published by the Standards Board showing the nature of complaints referred for investigation since the beginning of April 2006. No local statistics are included as no complaints about the conduct of councillors in Fylde or its parishes have been referred in this time.

	National %
Bringing authority into disrepute	21
Failure to disclose personal interest	14
Failure to register financial interests	1
Failure to treat others with respect	9
Prejudicial interest	29
Using position to confer or secure an advantage or disadvantage	12
Other	14

5. The Standards Board also publishes data about the source of allegations. The table below compares that information (from April 2006) with local information.

	National %	Local (number)	%
Fellow councillor	34	0	
Council employee	5	0	
Member of the public	59	100 (1)	
Other	2	0	

IMPLICATIONS	
Finance	None
Legal	None
Community Safety	None
Human Rights and Equalities	None
Sustainability	None
Health & Safety and Risk Management	None

REPORT AUTHOR	TEL	DATE	DOC ID
Ian Curtis	(01253) 658506	25 September 2006	

LIST OF BACKGROUND PAPERS		
NAME OF DOCUMENT	DATE	WHERE AVAILABLE FOR INSPECTION
Case summary SBE13261.05	10 April 2006	Town Hall, St Annes
Case summary SBE13511.05	8 June 2006	Town Hall, St Annes
Allegation notification SBE15154.06	9 June 2006	Town Hall, St Annes
Standards Board monthly statistical digest	September 2006	www.standardsboard.co.uk/Casesummaries/MonthlyStatisticalDigest/

REPORT



REPORT OF	MEETING	DATE	ITEM NO
MONITORING OFFICER	STANDARDS COMMITTEE	18 OCT 2006	5

CASE REVIEWS

Public item

This item is for consideration in the public part of the meeting.

Summary

This report presents notes of cases that may be of interest that have occurred elsewhere than at Fylde or its parishes.

Recommendation/s

1. That the cases in the report be noted.

Executive brief

The item falls within the following cabinet portfolio: Corporate performance and development (Councillor Sue Fazackerley).

Report

Introduction

1. The Standards Board for England deals with thousands of complaints about the conduct of councillors each year. More than three quarters of complaints are not referred for investigation. Another report on this agenda will give a breakdown of the national statistics and compare them with those relating to Fylde and its parishes.
2. It can be instructive to look at cases from elsewhere, both from the standpoint of assessing how ethical governance in the Fylde area compares with that in other

councils, and to build up a foundation of knowledge for dealing with any allegations that may be referred to the committee for local investigation and consideration.

3. I have selected three cases that may be instructive. All are taken from the comprehensive database of cases at the website of the Standards Board for England (www.standardsboard.co.uk). The first case, *Baker*, was the subject of a Standards Board case alert earlier this year, and is regarded by the Board as being particularly important in illustrating the concepts that it deals with. The other two, *Coe* and *Blackie et al*, show when members may or may not be regarded as having overstepped the mark in their treatment of officers and others. The cases are set out as appendices to this report.

IMPLICATIONS	
Finance	No implications
Legal	The Standards Committee is not bound by decisions involving other councils, but guidance is useful for securing consistency
Community Safety	No implications
Human Rights and Equalities	The decision in <i>Baker</i> is particularly useful in clarifying that the requirement for a member to leave the meeting during discussion of an item in which he has a prejudicial interest does not breach the member's human rights.
Sustainability	No implications
Health & Safety and Risk Management	No implications

REPORT AUTHOR	TEL	DATE	DOC ID
Ian Curtis	(01253) 658506	22 September 2006	

LIST OF BACKGROUND PAPERS		
NAME OF DOCUMENT	DATE	WHERE AVAILABLE FOR INSPECTION
Case Alert 1	May 2006	www.standardsboard.co.uk/Casestudies/TheCaseAlert/Casealerts2006/#d.en.4421
Case Summary SBE3951.03 and SBE6385.0	November 2005	www.standardsboard.co.uk/Casesummaries/Casesummaries/C/CastleMorpethBoroughCouncil/Name,3865,en.html

Case summary SBE13632.05, SBE13633.05, SBE13634.05, SBE13635.05 and SBE13636.05	June 2006	www.standardsboard.co.uk/Casesummaries/Casesummaries/R/RichmondshireDistrictCouncil/Name,4677,en.html
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Attached documents

Standard Board case alert 1: Councillor Baker, North Norfolk District Council

Case Summary: Councillor Coe, Castle Morpeth Borough Council

Case Summary, Councillors Blackie et al., Richmondshire District Council

Appendix 1

Councillor with conflict of interest suspended

North Norfolk district councillor Michael Baker was suspended from office for 12 months, following a hearing of the Adjudication Panel for England on 9 January 2006.

The panel's tribunal decided that Councillor Baker had breached the Code of Conduct by taking part in a meeting in which he had a prejudicial interest. The tribunal expressed concerns that members and council officers had not clearly explained the councillor's obligations under the Code of Conduct.

The decision in the case clarifies councillors' duties when they have conflicts of interest in meetings, particularly in relation to the current definition of personal and prejudicial interests and the implications of human rights legislation.

The planning application

Councillor Baker was found to have taken part in the consideration of his own company's planning application for flats and shop storage at the council's development committee meeting on 3 February 2005.

Councillor Baker was the managing director of the company, as well as a company shareholder and employee. However, he did not declare an interest at the meeting, nor withdraw from the room when the application was discussed.

Official capacity

Councillor Baker said that he attended the meeting as an applicant, and not as a councillor. However, the case tribunal referred to a Court of Appeal judgment — *R. (on the application of Richardson) v North Yorkshire CC [2003] EWCA Civ 1860*. This judgment stated that members could not avoid the rules on interests by claiming to be present at meetings in a professional capacity. He would still be a member, and regarded as representing his authority. (See chapter 3 of *The Case Review number 2* – 'Prejudicial interests: an attack on local democracy?' – for details of this judgment.)

There was a potential conflict of interest between Councillor Baker's role as an applicant, and his role as an elected member. His ability to take part in the meeting was restricted by the rules on personal and prejudicial interests in the Code of Conduct.

Personal and prejudicial interests

Members of the committee appeared to be aware of Councillor Baker's interest in the application, but no one seemed to challenge his participation at the meeting. Councillor Baker later claimed that he had not sought to take advantage of his position, but had acted to help build affordable housing for the company's employees, which he regarded as "social housing". However, the test of whether he had a prejudicial interest was an objective one, set out in the Code of Conduct.

The Code states that a member has a personal interest if it relates to one of their interests in the register of interests, or if it could be regarded as affecting his financial position or well-being to a greater extent than others in

the area of the authority. A member also has a prejudicial interest if it is one that a member of the public would reasonably regard as so significant that it is likely to impair their judgment of the public interest.

The Adjudication Panel's case tribunal found Councillor Baker had both a personal and prejudicial interest according to these criteria. He was the managing director of the company, as well as a shareholder and employee, and a decision on the application would affect him more than others in the area of the authority. The tribunal also found that a member of the public would be in no doubt that Councillor Baker had a prejudicial interest.

Councillor Baker accordingly had a duty under the Code of Conduct to declare a personal interest and withdraw from the meeting when the application was considered.

Human rights

The case tribunal also looked at the implications of human rights legislation for members making representations at council meetings.

Councillor Baker argued that it was unfair in terms of his human rights that he had been denied the right to speak on the application as a result of his holding office.

Article 6 of the *European Convention on Human Rights* states that "In the determination of his civil rights and obligations ... everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law."

The tribunal found that the company had the right to a fair and public hearing and to send anyone to make representations except Councillor Baker, who was prevented from doing so by the Code of Conduct. The tribunal regarded this as a proportionate and lawful restriction to prevent bias and ensure that the planning process was fair:

"The restriction on the company, as to who could represent them ... was a proportionate restriction in pursuit of a legitimate aim, to prevent bias and ensure fairness in the planning decision making process."

There was also a question of whether this restriction infringed Councillor Baker's right to freedom of expression.

Article 10(1) of the convention states that:

"Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by a public authority..."

However, Article 10(2) states that:

"The exercise of these freedoms ... may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society ... for the protection of the reputation or rights of others..."

The tribunal found that Councillor Baker's undertaking to comply with the Code of Conduct restricted his right to freedom of expression. The tribunal decided that this was not an infringement of his human rights, as the restriction was in accordance with the law and "necessary in a democratic society for the protection of the rights of others".

The tribunal took into account the High Court judgment *Sanders v Kingston* [2005] EWHC 1145. This judgment found that interference with freedom of expression was lawful and justified by the need to protect the rights of others in a democracy, in accordance with Article 10(2) of the convention. The judge concluded that the member was not expressing political opinions, which have a higher level of protection (see [The Case Review number 3](#), pages 46-49 for more details).

The case tribunal's decision

The Adjudication Panel's case tribunal decided that Councillor Baker had failed to comply with the Code of Conduct by failing to declare a personal interest, failing to withdraw from a meeting when a matter in which he had a prejudicial interest was considered, and improperly seeking to influence a decision on the matter.

The tribunal also decided that Councillor Baker had brought his office or authority into disrepute, particularly by choosing to ignore the advice of council officers before and during the meeting.

The 12-month suspension was imposed in view of the seriousness of the breach, but took into account the fact that Councillor Baker had not received clear advice at the meeting.

Appendix 2

Allegation: A member failed to treat others with respect and brought his office or authority into disrepute.

SBE outcome: The Ethical Standards Officer referred the matter to the Monitoring Officer for determination by the Standards Committee.

Standards Committee outcome:

The Standards Committee suspended the member for three months.

Two separate allegations were made concerning the alleged behaviour of Councillor Ernest Coe of Castle Morpeth Borough Council. The first complaint alleged that Councillor Coe had, by his actions and comments over a period of 20 months, failed to treat the complainant with respect. Councillor Coe allegedly put the complainant under severe pressure and undermined his position and credibility within the council through aggressive and offensive personal attacks. The complainant alleged that Councillor Coe was particularly disrespectful at meetings in October and November 2002, January 2003 and February 2003.

The second complainant alleged that, at a meeting of the council's scrutiny committee on 19 February 2004, Councillor Coe failed to treat him with respect. Councillor Coe allegedly inappropriately directed questions to the complainant instead of the relevant portfolio holder, interrupted the complainant whilst he was speaking and spoke to him in a raised voice, and accused the complainant of withholding information from members and misleading members. The complainant also alleged that, following the meeting, Councillor Coe made a threatening comment to him and that Councillor Coe's criticisms were paraphrased in the local press, leading to a negative impact on the complainant's reputation.

Councillor Coe stated that although he had a clear, loud speaking voice he did not shout at the complainants. Councillor Coe also stated that he had high professional standards and that it was his job to seek answers on behalf of his constituents.

The Standards Committee considered the two allegations separately.

In relation to the first complaint, the Standards Committee considered that Councillor Coe behaved inappropriately towards the complainant at the meetings in October and November 2002 and that Councillor Coe's conduct amounted to a personal attack on the complainant's competence and professionalism at the meetings in January and February 2003.

In coming to its decision, the Standards Committee took into account Councillor Coe's inability or unwillingness to follow procedure, that he had failed to modify his behaviour despite a previous complaint and a warning from another member, and that his conduct had occurred over a sustained period of time. The Standards Committee found that through his actions Councillor Coe failed to treat the complainant with respect and brought his office or authority into disrepute. The Standards Committee suspended Councillor Coe for three months and required that Councillor Coe undertake training on understanding the Code of Conduct, on protocols for raising concern over officer behaviour and on officer and member roles and relationships.

In relation to the second allegation, the Standards Committee considered that Councillor Coe's comments at the meeting on 19 February 2004 were a targeted personal attack on the complainant. The Standards Committee considered that Councillor Coe accused the complainant, in a public meeting, of withholding important financial information from council members and that this was a very serious charge which disturbed the complainant by the manner in which it was made. The Standards Committee also considered that Councillor Coe's comment to the complainant after the meeting could be regarded as threatening. The Standards Committee found that, in relation to these incidents, Councillor Coe failed to treat the complainant with respect.

The Standards Committee considered Councillor Coe's failure to comply with the Code of Conduct was a serious breach and that his comments to the complainant were particularly disrespectful. The Standards Committee suspended Councillor Coe for three months, to run concurrently with the suspension given in regard to the first complaint, and imposed the same training requirements.

The Standards Committee recommended that Castle Morpeth Borough Council:

- reviews its training arrangements to ensure that all members have proper understanding of the Code of Conduct
- ensures that all members have guidance on how they should appropriately raise concerns about an officer's conduct
- reviews training arrangements to ensure that all members have a proper understanding of the roles of officers and members

Relevant Paragraphs of the Code of Conduct

The allegation in this case relates to Paragraphs 2(b) and 4 of the Code of Conduct. Paragraph 2(b) states that a member must "treat others with respect". Paragraph 4 states that "a member must not in his official capacity, or any other circumstance, conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute".

Appendix 3

Allegation: Members failed to treat others with respect and brought their office or authority into disrepute.

SBE outcome: The Ethical Standards Officer found that, in the circumstances of this case, the members did not fail to comply with the Code and no action needs to be taken.

The complainant alleged that Councillor John Blackie, Councillor Sheila Clarke, Councillor John Harris, Councillor Wendy Morton and Councillor Stuart Parsons, members of Richmondshire District Council, sent a fax asking the chairman of the council to call a special meeting. The fax included a notice of a motion, stating that:

“This Council is concerned that ... in their treatment of and in their dealings with [an independent political group on the council] the Chief Executive and the Monitoring Officer may have placed the council in the position of failing to comply with the spirit of and/or the letter of the law in respect of the Local Government and Housing Act 1989”.

Allegation A

It was alleged that the members publicly questioned the Monitoring Officer's advice, when they could have raised the issue with the Chief Executive – the Monitoring Officer's line manager – so that it could be addressed by the council's resources committee in private. It was also alleged that the members failed to follow the council's disciplinary procedures for dealing with issues involving an officer's capability and conduct.

The Ethical Standards Officer considered that the members disagreed with the Monitoring Officer's advice because they had concerns about the setting up of the independent political group. The Ethical Standards Officer considered that the members submitted the notice of motion because they wished to encourage public debate on their concerns, which they held in good faith. The Ethical Standards Officer accepted the members' claim that they did not have concerns about the Monitoring Officer's capability or conduct.

The Ethical Standards Officer concluded that the members did not act disrespectfully or bring their office or authority into disrepute.

Allegation B

It was alleged that the notice of motion implied that the Monitoring Officer and the Chief Executive gave incorrect advice that resulted in the council breaking the law. This allegedly made the Monitoring Officer's position difficult, especially as she would have had no right as an officer to speak on a motion which affected her position.

The Ethical Standards Officer considered that the wording of the notice of motion appeared to question the integrity of the Monitoring Officer and the Chief Executive, and gave the impression that they were putting the council in legal difficulties. However, the Ethical Standards Officer considered that the members acted in good faith and, in all the circumstances, concluded that they did not treat others disrespectfully or bring their office or authority into disrepute.

Allegation C

It was alleged that the members forwarded the notice to the local media, despite the fact that the motion would have been sent to the media as a matter of course if it were accepted.

The Ethical Standards Officer did not consider that the members sent the notice to the media in an attempt to publicise criticism of the council's chief officers before any council debate. The Ethical Standards Officer therefore considered that the forwarding of the notice was not disrespectful.

The Ethical Standards Officer also considered that the members sent the notice to the media to encourage political debate, and not in an attempt to undermine the officers. The Ethical Standards Officer therefore considered that the members did not bring their office or authority into disrepute.

Allegation D

Finally, it was alleged that the members made unsubstantiated complaints that the committee meetings they had attended since the formation of the independent political group were unlawful. The complaints were made after the council reviewed the proportionality of members on committees on 31 October 2005.

The Ethical Standards Officer considered that the members were entitled to record their concerns in council meetings. The Ethical Standards Officer therefore concluded that the members did not breach the Code of Conduct.

Finding

The Ethical Standards Officer found that, in the circumstances of this case, no action needed to be taken.

Relevant Paragraphs of the Code of Conduct

The allegations in this case relate to paragraphs 2(b) and 4 of the Code of Conduct. Paragraph 2(b) states that a member must "treat others with respect". Paragraph 4 states that "a member must not in his official capacity, or any other circumstance, conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute".

REPORT



REPORT OF	MEETING	DATE	ITEM NO
MONITORING OFFICER	STANDARDS COMMITTEE	18 OCT 2006	6

PERSONAL AND PREJUDICIAL INTERESTS

Public item

This item is for consideration in the public part of the meeting.

Summary

The Development Control Committee recently recommended that a change be made to the Fylde BC code of conduct to make it clear that a member who has been appointed or nominated to an outside body by the council should regard himself as having a prejudicial interest in an application for regulatory approval made by that body.

The final decision on adopting such a change rests with the council, after considering the views of the Standards Committee.

Recommendation

1. Recommend the Council to add the additional wording set out in paragraph 15 to clause 10.2.3 of the code of conduct.

Report

Introduction

1. At a recent meeting of the Development Control committee, a number of members queried the appropriateness of a councillor taking part in the decision-making process for a planning application where the councillor was a director of the applicant. The chairman of that committee asked that I bring a report on the principles of the issues involved to another meeting of the committee. The relevant parts of my report are reproduced as an appendix to this report.

2. A change to the code of conduct can only be made by the full council and only on after consideration by the Standards Committee. Additionally, the Local Government Act 2000 only allows additions to be made that are consistent with the model code. The Standards Committee is best placed to consider the wider ramifications of any change and whether it could be regarded as being consistent with the model code.
3. The Development Control Committee therefore resolved to *“Ask the Standards Committee to consider recommending the Council to add the additional wording set out in paragraph 15 to clause 10.2.3 of the code of conduct”*.
4. Standards Committee is asked to consider whether to recommend that change suggested by the Development Control Committee to the full council for adoption.

Appendix: The Development Control Committee report

1. ...
2. *The issue is governed by the Members’ Code of Conduct, adopted by the council under the Local Government Act 2000. The code is, for all material purposes, identical to the model code set out in the Local Authorities (Model Code of Conduct) (England) Order 2001. The council can only change the code to extent allowed by the legislation.*
3. *The report first sets out the requirements of the code, then looks at the specific issues canvassed at the [previous] meeting and finally discusses what could be changed, and how.*

The code of conduct

4. *Under the code, a member must register certain financial or other interests. The register of interests is open to public inspection. The interests that must be registered include:*

“the name of the person who employs or has appointed him, the name of any firm in which he is a partner, and the name of any company for which he is a remunerated director”; and

“his membership of or position of general control or management in any...[b]ody to which he has been appointed or nominated by the authority as its representative”

5. *An interest that must be registered is a personal interest of the member concerned. A member must declare a personal interest in a matter at any meeting he attends at which that matter is to be discussed. He will also have a personal interest, in a matter if a decision upon it might reasonably be regarded as affecting to a greater extent than other council tax payers, ratepayers or inhabitants of the authority’s area, the well-being or financial position of himself, a relative or a friend or –*

any employment or business carried on by such persons;

any person who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or

certain other bodies listed in the code.

6. *A member need only leave the meeting if a personal interest is also a prejudicial interest. An interest will only be prejudicial if “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 the member’s judgement of the public interest”.*
7. *However, the code provides that: “A member may regard himself as not having a prejudicial interest in a matter if that matter relates to [a] body to which he has been appointed or nominated by the authority as its representative”.*

The issue at the recent meeting

8. *The councillor concerned is a director of a housing association operating in the area. The housing association is a limited company. The councillor was nominated to be a director by the council.*
9. *The councillor plainly would have a personal interest in any planning application made by the housing association, and would need to declare his directorship at the meeting.*
10. *Subject to paragraph 11, he would also have a prejudicial interest in the application if his interest was 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 the member’s judgement of the public interest. This test is an objective one, which means that the issue is not whether or not the member’s judgement of the public interest was prejudiced, but whether or not the hypothetical informed member of the public would reasonably regard such prejudice as likely.*
11. *However, as the councillor was appointed to the board of the housing association by the council, he “may regard” himself as not having a prejudicial interest in its application. The decision as to whether he regards his interest as prejudicial appears to be one for the member.*
12. *I do not consider that the member concerned would have breached the code of conduct if he had stayed in the meeting while the committee discussed the application.*

Changes that the council can make

13. *Changing the rules so that the councillor would not be able to “regard himself” as not having a prejudicial interest in the circumstances discussed could involve removing clause 10.2.3 of the council’s code of conduct.*
14. *However, the Local Government Act 2000 requires that a council’s code of conduct incorporates the mandatory provisions of the model code. All of the provisions of the model code are mandatory. On the face of it, the council could not lawfully remove clause 10.2.3.*

15. Another approach would be to add wording that would alter the application of clause 10.2.3. For example, the words “(but only if the matter does not relate to an application for planning, licensing or any other regulatory consent applied for by or on behalf of that body)” could be added. The sub-clause would then read:

“A member may regard himself as not having a prejudicial interest in a matter if that matter relates to [a] body to which he has been appointed or nominated by the authority as its representative (but only if as the matter does not relate to an application for planning, licensing or any other regulatory consent applied for by or on behalf of that body)”

IMPLICATIONS	
Finance	None
Legal	As set out in the report, the council can only add words to its code of conduct if they are consistent with the model code.
Community Safety	None
Human Rights and Equalities	The suggested change does not prevent any member having a financial, or other interest in any company or other body. The further restriction on member's ability to influence decisions involving such bodies would be justified by the public interest in transparent and accountable decision-making.
Sustainability	
Health & Safety and Risk Management	

REPORT AUTHOR	TEL	DATE	DOC ID
Ian Curtis	(01253) 658506	18 September 2006	

LIST OF BACKGROUND PAPERS		
NAME OF DOCUMENT	DATE	WHERE AVAILABLE FOR INSPECTION
None		Council office or website address

REPORT



REPORT OF	MEETING	DATE	ITEM NO
MONITORING OFFICER	STANDARDS COMMITTEE	12 DEC 2006	7

LOCAL GOVERNMENT WHITE PAPER

Public/Exempt item

This item is for consideration in the public part of the meeting.

Summary

The local government white paper looks likely to introduce a time of significant change for standards committees, monitoring officers and all those concerned with the ethical framework for councillors. In broad terms, there seems to be a recognition that many of the restrictions placed by the present code of conduct on the activities of members have been disproportionate in relation to any benefit gained.

Recommendation/s

1. Note the report.
2. Welcome the likely changes to the Code of Conduct

Executive brief

The item falls within the following executive brief[s]: Corporate performance and development (Councillor Sue Fazackerley).

Report

1. In October the Government issued its long-awaited white paper "Strong and Prosperous Communities". This is what it has to say on standards of conduct:

All democratic and public governance relies on high standards of probity. When conduct and behaviour are corrupt or improper it erodes confidence in the

democratic system. The UK has a strong reputation for high standards in public life and it is important for the future well-being of local government that this is maintained.

The Graham Committee on Standards in Public Life reported in 2005 that the vast majority of councillors observe high standards of conduct. It also concluded that such standards would be more likely to be guaranteed if decision making on conduct issues was devolved to the greatest extent possible to the local level.

Strong and accountable local leadership requires the highest standards of conduct. In December 2005, we consulted on proposals to promote these high standards in local government and to improve the conduct regime, including whether there was support for a more local system for investigating allegations of misconduct.

Following this consultation, which showed broad support for the proposals, we will legislate to deliver:

- a more locally-based regime, with local standards committees making initial assessments of misconduct allegations and most investigations and decisions made at local level;*
- a revised strategic regulatory role for the Standards Board to provide supervision, support and guidance for local authorities and ensure consistent standards.*

We will also put in place a clearer, simpler and more proportionate code of conduct for local authority members and a new code for employees. Changes to the members' code will include amending the rules on personal and prejudicial interests to remove the current barriers to councillors speaking up for their constituents or for the public bodies on which they have been appointed to serve. So, for example, in future members of a planning or licensing committee will have more opportunities to represent their constituents on planning or licensing issues that affect their wards. Members will be able to speak and vote on such issues unless their interests in the matter are greater than those of most other people in the ward.

2. Most, if not all, of the Government's intentions as set out in the white paper have been trailed in consultations and pronouncements over the previous year or so. Nevertheless, the white paper is helpful in that it crystallises the government's thinking on the issues involved and sets out a clear intention to legislate to achieve change.
3. Shortly after the publication of the white paper, Paul Hoey, Head of Policy at the Standards Board for England, spoke at the Conference of the Association of Council Secretaries and Solicitors and made gave the following pointers to future action:
 - Declarations of Interest should be simplified*
 - The Whistleblowing duty - to report member on member breaches - will be removed from the new code of conduct and there is likely to be a provision about bullying*
 - A Consultation Paper on the Revised Code and related matters will be issued very shortly". There is likely to be a six week consultation period as the matters have already been the subject of extensive consultation by the Standards Board for England. If it all goes to plan, the consultation period will*

be concluded by Christmas and appropriate legislation will be tabled, by Statutory Instrument, in February 2007 with a view to adoption by local authorities of the Revised Code of Conduct for Member at Annual General Meetings in May 2007

- *There will, as in the past, a window of opportunity of six months to allow local authorities to adopt the Revised Code of Conduct. Paul urged local authorities to act quickly so that the Revised Code of Conduct for Members could be in place for the May Annual General Meetings. Monitoring Officers will need to ensure that relevant Standards Committees are engaged over the next six months with this agenda.*
- *There is likely to be a reduced number of personal interests and if it relates to a public service matter, there will be greater freedom for members to participate. The public service interests will also be limited to a Ward based definition as opposed to the existing LA area or a Parish wide definition.*
- *There will also be greater powers given to local Standards Committees to award dispensations to Members so as to ensure that, combined with the public interests, there is a greater supporting of Councillors with regard to their community advocacy role*
- *It is likely that the Government will not introduce the ten General Principles of Public Life as a Preamble to the Revised Code of Conduct for Members as the attempt to introduce them may adversely impact on the Parliamentary timescale*

IMPLICATIONS	
Finance	None
Legal	Contained within the report
Community Safety	None
Human Rights and Equalities	None
Sustainability	None
Health & Safety and Risk Management	The expected revisions to the Code of Conduct will lessen the chances of borough or parish members inadvertently breaching the code while acting for residents in their parish or ward.

REPORT AUTHOR	TEL	DATE	DOC ID
Ian Curtis	(01253) 658506	30 November 2006	

LIST OF BACKGROUND PAPERS		
NAME OF DOCUMENT	DATE	WHERE AVAILABLE FOR INSPECTION
Strong and Prosperous Communities: the Local Government White Paper	October 2006	www.communities.gov.uk/pub/98/StrongandProsperousCommunitiestheLocalGovernmentWhitePaperVol1_id1504098.pdf
Email from North West ACSeS	13 November 2006	Town Hall, St Annes

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