

# Standards Committee

Thursday, 06 July 2017

18:00

Conference Room 1, Blackburn Town Hall,

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## AGENDA

### PART I: ITEMS FOR CONSIDERATION IN PUBLIC

- 1 Welcome and Apologies
- 2 Minutes of the Previous Meeting  
Minutes 15th March 2017 3 - 8
- 3 Declarations of Interest in Items on this Agenda  
*If a Member requires advice on any items involving a possible Declaration of Interest which could affect his/her ability to speak and/or vote he/she is advised to contact Phil Llewellyn at least 24 hours before the meeting*  
Declaration of Interest Form 9 - 10
- 4 Member Training Update to the Standards Committee  
Member Training Update - Report to July 2017 11 - 12
- 5 Complaints Update to the Standards Committee  
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### PART 2: ITEMS FOR CONSIDERATION IN PRIVATE

**PART 2 – THE PRESS AND THE PUBLIC MAY BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEMS**

Date Published: Wednesday, 28 June 2017  
Harry Catherall, Chief Executive



**STANDARDS COMMITTEE**  
**WEDNESDAY, 15<sup>TH</sup> MARCH 2017**

**PRESENT** - *Councillors: McGurk (in the Chair), Brookfield, Gunn, Akhtar P, Daniel Wild, Tassadaq Hussain and Paul Fletcher.*

**ALSO IN ATTENDANCE** - *David Fairclough, Asad Laher, Stewart Wright, Phil Llewellyn and Wendy Bridson.*

**1. Welcome and Apologies**

The Chair welcomed members to the meeting and received apologies from Councillors Lee, Mahmood, and Slater.

**2. Minutes of the meeting held on 8<sup>th</sup> February 2017**

The minutes of the meeting held on 8<sup>th</sup> February 2017 were submitted.

Clarification was sought on the definition of 'mandatory' attendance under Item 4 – Member Training Update, which David Fairclough explained would be further discussed under Item 5 on the Agenda.

**RESOLVED-** That the minutes of the meeting held on 8<sup>th</sup> February 2017 be approved as a correct record and signed by the Chair.

**3. Declarations of Interest**

There were no declarations of interest received.

**4. Establishment of a Standards Hearing Panel**

The Committee received a report of the Monitoring Officer seeking consideration of the establishment of a Standards Hearings Panel for the local hearing of complaints against Members.

The Committee received an update on the Council's local procedure and how it would be implemented. Discussions took place around the membership of the sub-committee which would comprise of at least one of the Independent Members of the Standards Committee along with three elected Members of the Standards Committee drawn from at least two different political parties.

Concerns were raised surrounding the Complainant receiving a copy of the agenda and papers along with the procedure to be followed at the Hearing, the Investigation Officer's final report and any responses received from the Subject Matter in advance of the Hearing. It was felt that a letter outlining the date of the Hearing would be sufficient enough, along with an update on the findings once

the Hearing had taken place. It was agreed that the Hearings Panel Procedure note be updated to reflect this.

The Committee discussed the role of the Independent Member on the Hearings Panel and whilst their views would be taken into consideration, they would be a non-voting Member and had no entitlement to vote. It was agreed that a first informal vote that would convey the views of the Independent Member, would take place and be recorded within the minutes, but that a formal and binding vote, without the Independent Member would follow. Furthermore, it was highlighted that the Independent Person's views must also be sought and taken into consideration before deliberations begun.

A question was asked around whether or not an Elected Parish Member or Town Councillor had voting rights if a Parish or Town Council matter was being discussed. Asad Laher agreed to look into this and would advise the Committee in due course.

It was suggested and agreed that item 1.3 on the Part 2 Hearings Panel: Procedure be amended to read that the Committee would nominate and agree who would Chair the Hearing each time.

It was also agreed that during deliberations of the Hearing, individual reasons and views be recorded but that the formal published decision would be a collective decision.

The Committee were then asked if they wished to see the final version of the report or whether they were happy for the Chair or Vice Chair to sign off. It was agreed that an updated version be emailed to the Committee asking for comments before then being signed off by the Chair.

#### **RESOLVED-**

- 1) That a Sub-Committee be established, constituted in accordance with the Council's Arrangements for dealing with complaints where Council Members had failed to comply with the Code ("the Arrangements"), to act as a Hearings Panel for the local hearing of complaints against Members;
- 2) That the Standards Committee delegates to the Hearings Panel the function to determine complaints, referred to it under the Arrangements; and
- 3) That the draft procedure for the Hearings Panel be approved, with the final version to be signed off by the Chair.

## **5. Member Training Update to the Standards Committee**

Members were updated on the plans for the 2017/18 Member Training Programme.

Further to the Chairs of Committees and Group Leaders being consulted on the types of Member training and development that should be planned for 2017/18, and which ones should be considered Mandatory, the results from that engagement were reported at the meeting. The results only included those that replied within the timeframe but it was noted that Members would be invited to provide further views in advance of the programme being finalised and that the programme would come to the next meeting of the Standards Committee for approval.

The Monitoring Officer advised that he would differentiate between 'mandatory' and 'essential' training as necessary when drawing up the final programme.

### **RESOLVED-**

- 1) That the Committee note the update report on the formulation of the member training programme for 2017/18.

## **6. Complaints Update to the Standards Committee**

A report was submitted updating Members on complaints received regarding Members conduct under the Arrangements for dealing with complaints about the Code of Conduct for Members.

The Committee were updated that further to the last meeting in December two cases had now concluded with one case still ongoing, as highlighted in the report submitted.

In addition, four complaints had been received by the Monitoring Officer in December, in general e-mail form, however when the complainants were asked to submit their complaint in accordance with the procedure having been sent the prescribed complaints form to complete, they did not proceed with their complaints, therefore no formal complaints had been registered.

Furthermore, a complaint had been received in January 2017 which was currently the subject of initial assessment and it was anticipated that this would be resolved within a few days.

### **RESOLVED- That the Committee**

- 1) Note the update report; and
- 2) Note that there are two complaints in progress at this time

## **7. Hearing Panel Arrangements – Complaint received re Councillor**

A report was submitted which updated the Committee in relation to the complaint made against a Councillor for an alleged breach of the Code of Conduct, and to make the arrangements for a meeting of the Hearings Panel.

Councillor Michael Lee was nominated as Opposition Member of the Panel however due to Councillor Lee's absence, it was agreed that the Chair of the Standards Committee contact Councillor Lee outside of the Committee to discuss this and give him an opportunity to respond.

It was agreed that the following Members also be appointed to the Hearing Panel;

Councillor Vicky McGurk  
Councillor Julie Gunn  
Independent Member – Paul Fletcher  
Independent Person – Stewart Wright

The Committee were asked to submit any comments on the procedure by the end of March as it was hoped that a date be set for the Hearings Panel to take place at the end of April or beginning of May.

The Committee were informed that in the event the Subject Member apologised and agreed to comply with the Code of Conduct and undertake further thorough training, that the Monitoring Officer would be authorized to cancel the hearing. The Monitoring Officer highlighted that the point of no return would be 14 days prior to the Hearing and after the final papers had been sent out.

Asad Laher confirmed that a substitute for Michael Lee would be acceptable, from within the Conservative Group, if either Michael Lee or Julie Slater were unable to attend.

### **RESOLVED- That the Committee**

- 1) Note the Monitoring Officers action to refer the matter of the Complaint into the conduct of a Councillor to a Hearing Panel; and

- 2) Nominate the Members of the Standards Committee to form a Hearing Panel to consider the matter of the Complaint into the conduct of a subject Councillor as referenced in the report.
- 3) That in the event of a material change, the Monitoring Officer in consultation with the Committee, be authorized to cancel the hearing.

8. **Date of the Next Meeting**

**RESOLVED-** It was noted that the next meeting of the Committee would take place on Thursday 6<sup>th</sup> July 2017.

Signed.....

Chair of the meeting at which the Minutes were signed

Date.....





**DECLARATIONS OF INTEREST IN  
ITEMS ON THIS AGENDA**

**Members attending a Council, Committee, Board or other meeting with a personal interest in a matter on the Agenda must disclose the existence and nature of the interest and, if it is a prejudicial interest, should leave the meeting during discussion and voting on the item.**

**Members declaring an interest(s) should complete this form and hand it to the Democratic Services Officer at the commencement of the meeting and declare such an interest at the appropriate point on the agenda.**

MEETING:               **Standards Committee**

DATE:                   **6<sup>th</sup> July 2017**

AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

NATURE OF INTEREST:

PERSONAL/PREJUDICIAL (delete as appropriate)

SIGNED :

PRINT NAME:

(Paragraphs 8 to 13 of the Code of Conduct for Members of the Council refer)





**REPORT OF:**           **The Monitoring Officer**

**TO:**                       **Standards Committee**

**DATE:**                   **6<sup>th</sup> July 2017**

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**SUBJECT:**               **Member Training Update to the Standards Committee**

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## **1. PURPOSE OF THE REPORT**

To update Members on the 2017/18 Member Training Programme.

## **2. RECOMMENDATIONS**

The Committee is asked to:

Note the update report on this year's member training programme and approve the programme for the municipal year 2017/18.

## **3. BACKGROUND**

At their previous meetings, the Committee has received reports regarding the members training programme for 2017/18.

In fulfilling its role of advising, training or arranging to train members on matters related to the Code of Conduct, the Committee regularly oversees the development of a member training and delivery programme, which seeks to ensure that councillors can fulfil their obligations in an effective and efficient way, supporting delivery of services to the Community whilst complying with the Code of Conduct.

The Committee also considered options for ensuring Councillors attended training which was important to the fulfilment of their role.

Early actions have been taken to deliver the initial stages of the Member Training Programme for 2017/18 and at the meeting the Committee will be asked to receive information relating to the early events and also approve the programme for the new Municipal Year, dates for which are currently being finalised.

## **4. RATIONALE**

The Committee has a role in promoting and maintaining high standards of conduct by councillors and co-opted members. The advising on the provision of training or arranging to train councillors on matters related to the code of conduct is part of the Committee's role and function as stated in the Constitution (Part 3, Section 5).

## **5. LEGAL IMPLICATIONS**

The statutory provisions for the Standards Framework are set out in the Localism Act 2011. The Standards Committees role, functions and powers are stated in the Council's Constitution. This includes advising on the provision of training or arranging to train councillors on matters related to the code of conduct.

## **6. POLICY IMPLICATIONS**

A governance framework in local authorities is necessary to promote and maintain high ethical standards, and to ensure public confidence.

## **7. FINANCIAL IMPLICATIONS**

None contained in this report.

## **8. CONSULTATIONS**

Feedback from members on the training programme has been collated from discussions at the early training events this year in the Programme and a recent survey of key members.

### **Chief Officer/Member**

Contact Officer: David Fairclough  
Date: 26 June 2017

Background Papers: Member Trainings & Standards



<b>REPORT OF:</b>	<b>The Monitoring Officer</b>
<b>TO:</b>	<b>Standards Committee</b>
<b>DATE:</b>	<b>6<sup>th</sup> July 2017</b>

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**SUBJECT:                   Complaints Update to the Standards Committee**

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## **1. PURPOSE OF THE REPORT**

To update Members on complaints received regarding Members conduct under the Arrangements for dealing with complaints about the Code of Conduct for Members.

## **2. RECOMMENDATIONS**

The Committee is asked:

- i) to note the update report.
- ii) to note that there is one complaint in progress at this time.

## **3. BACKGROUND**

The Committee has a role in considering any complaints received relating to the conduct of Members of the Borough Council, co-opted Members and Parish Councils in its area. Members will be aware that not all complaints are proceeded with for various reasons (unsubstantiated complaints, vexatious complaints etc.) however it is important that members are aware of receipt of these and legitimate complaints that are being processed and progressed.

Members of the Committee are to be kept up to date on receipt of all complaints and progress at meetings of the Standards Committee where appropriate subject to any relevant provisions relating to confidentiality.

At the meeting in March 2017 the Monitoring Officer reported there were two matters ongoing subject to the Complaints process.

One of these cases is the subject of a Hearing on 6<sup>th</sup> July 2017.

One case was concluded when the Councillor apologised to the complainant who accepted the apology.

In April 2017 a further complaint was received regarding 3 alleged breaches of the code of conduct, i.e. inappropriate smearing campaign, incitement via social media comments and referring matters to an employer. Following initial assessment and consultation with the Independent Person, the complaint was rejected on the grounds that although two of the three main allegations disclosed a potential breach of the Code of Conduct, the complaint was not serious enough to merit any action and the resources needed to investigate further and determine the complaint would be wholly disproportionate and in all the circumstances there was no overriding

public benefit in carrying out a full investigation. The third allegation was proven but was not a breach of the Code of Conduct.

In June 2017 a complaint was received alleging misconduct of a councillor in a conversation with an employee. This complaint was subsequently withdrawn during the Initial Assessment stage.

The total numbers of complaints in due process at this time (26 June 2017) is therefore one.

#### **4. RATIONALE**

The Localism Act requires Councils to put in place mechanisms for reporting and investigation of complaints. This report provides information for the Standards Committee in a clear and transparent way to ensure that all members of the committee are aware of complaints received, progress and outcomes.

#### **5. LEGAL IMPLICATIONS**

The statutory provisions for the Standards Framework are set out in the Localism Act 2011.

#### **6. POLICY IMPLICATIONS**

A governance framework in local authorities is necessary to promote and maintain high ethical standards, and to ensure public confidence.

#### **7. FINANCIAL IMPLICATIONS**

None contained in this report.

#### **8. CONSULTATIONS**

The Council's arrangements for promoting and maintaining high standards of conduct have been discussed by the Standards Committee and the arrangements for dealing with complaints about the Code of Conduct for Members are the subject of this report, to ensure openness and transparency to Members of the Committee on complaints received and progress.

#### **Chief Officer/Member**

Contact Officer: David Fairclough

Date: 26<sup>th</sup> June 2017

Background Papers: The Localism Act 2011