

Public Document Pack

Standards Committee

**Monday, 16th July, 2018
Conference Room 1
Blackburn Town Hall
6.00 pm**

AGENDA

1. **Welcome and Apologies**
2. **Minutes of the Meeting held on 4th January 2018**
Minutes of the meeting held on 4th January 2018 3 - 5
3. **Declarations of Interest**
Declarations of Interest 6
4. **Update on receipt of Register of Interests Forms**
Verbal update from David Fairclough
5. **Member Induction and Training Programme 2018/19**
Members Training and Induction June 2018 7 - 13
Member Training 2017 18_
6. **Complaints Update to the Standards Committee**
Complaints report to June 2018 14 - 15
7. **Local Government Ethical Standards Consultation**
Local Government Ethical Standards Consultation June 2018 16 - 20
8. **Work Programme 2018/19**
Verbal update – proposed items:

October 25th – Member/Officer Protocol

January 2019 – new date for meeting to be agreed plus main focus area to be be agreed.

March 18th 2019 – Main focus area to be agreed.

Date Published: Date Not Specified
Harry Catherall, Chief Executive

STANDARDS COMMITTEE

4th January 2018

PRESENT – *Councillors Lee (Vice -Chair), Gunn, Z Khan, Tassadaq Hussain, and Paul Fletcher.*

Also Present – Sian Roxborough, Asad Laher, Christian Williams-White, Alan Eastwood, and Phil Llewellyn.

RESOLUTIONS

12. Welcome and apologies

The Chair welcomed everyone to the meeting. Apologies were received from Councillors Fazal, McFall, Brookfield and Julie Slater.

13. Minutes of the meeting held on the 26th October 2017

RESOLVED – That the Minutes of the meeting held on the 26th October 2017 be agreed as a correct record.

Councillor Julie Gunn verbally reported on the response to her e-mail to all Members on the best time of day for Members training, and advised that the majority of respondents favoured a 6pm start. Some Members had suggested a double session, ie. two topics in one night as with less Councillors after May 2018, time would be of the essence.

There followed discussion on the On-line Portal and its better utilisation, and it was noted that there had been no training for Co-opted Members, and perhaps there could be a dedicated section on the Portal for them.

It was agreed that there would be a report submitted to the next meeting on what was available on the On-line Portal.

14. Declarations of Interest in items on this Agenda

There were no Declarations of Interest received.

15. Protocol on Member/Officer Relations

A report was submitted regarding a review of the Protocol on Member/Officer Relations.

At their meeting in January 2015 the Committee agreed a revised Protocol on Member/Officer relations. Following 3 years operation it was considered by the Committee at their meeting in October 2017 for a review of operation to be undertaken at the next meeting. The current Protocol was approved by Council and contained in the Constitution of the Council.

The current arrangements subject to some amendments made following recommendations from the Standards Committee in January 2015 had been in place since the enactment of the Localism Act 2011 and reflected the current legislative framework.

Although to date there had been relatively low activity in relation to matters arising relating to the Member/Officer Protocol it was suggested to nevertheless be appropriate to review the current Protocol.

In recent times the Monitoring Officer and Council Solicitor had both had to advise Members as regards handling 'social care matters' and 'other litigation matters' which Members may be approached in their community role about. It was suggested therefore this advice could be updated in a revised protocol.

Following the general discussion where Members noted the need for officers to be supported in their dealings with 'strong' Members, it was agreed that:

- The Protocol needed to reflect that Members could get into trouble with the Courts if they got involved in particular cases, ie. Social Care and they could negatively impact on the Council's case.
- The Protocol needed to emphasise that Signposting by Members was fine – helping constituents find the right Council Officers to talk to.
- The Protocol needed to set out that Members had to demonstrate the 'Need to Know'.
- The Protocol also needed to be updated to take into account Social Media.

RESOLVED – That the amended Member/Officer Protocol be presented to the next meeting of the Committee, for approval, ahead of submission to Full Council.

16. Complaints Update to the Standards Committee

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

Updates were presented on the three cases reported to the October meeting. The report covered the period up to Friday 15th December 2017. The Committee would be updated at its next meeting of any complaints received and registered after this date.

RESOLVED – That the Update report be noted and it also be noted that there were no complaints in progress as at 15th December 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 Disclosable Pecuniary Interest or an Other Interest under paragraph 16.1 of the Code of Conduct, 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: **27TH JUNE 2018**

AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

NATURE OF INTEREST:

DISCLOSABLE PECUNIARY/OTHER (delete as appropriate)

SIGNED :

PRINT NAME:

(Paragraphs 8 to 17 of the Code of Conduct for Members of the Council refer)



REPORT OF: DIRECTOR OF HR & LEGAL & GOVERNANCE

TO: STANDARDS COMMITTEE

ON: 27th June 2018

SUBJECT: Member Induction & Training Programme 2018/19

1. PURPOSE OF THE REPORT

To consider the Member Training & Induction Programme following the all-out elections on 3rd May 2018.

2. RECOMMENDATIONS

The Standards Committee is asked:

1. To review the Members Induction Programme for 2018 and
2. Highlight any further areas that they would like to see covered.
3. Agree subjects that the Committee feel should be mandatory for Member's attendance at training events to be planned through the year.
4. Agree an outline programme for Strategic Development Sessions for all members and timetable
5. Consider the invitation of Parish Councillors to selected courses as appropriate to their roles.

3. BACKGROUND

Members of the Committee will be aware that on 3rd May 2018 the Council conducted all out elections following the recent boundary changes. This had the effect also of reducing the number of Members.

Following the election in accordance with good practice an induction process was put in place to assist members in their role as Councillors. As Members training and development is under the remit of the Standards Committee a copy of the programme presentation is attached. The programme includes items that this Committee has previously considered as mandatory and areas that the committee has felt necessary for members to be aware of in carrying out their duties as a Councillor.

During recent years the Council has also introduced a number of short training events and encouraged member attendance. This is now supplemented by Councillors having access to the `MeLearning` platform which provides a range of `online` training courses.

4. RATIONALE

The election on 3rd May 2018 was the Council's first all-out election for a number of years and presented an opportunity to reassess the needs of members and the information necessary to carry out their duties safely and within the legal framework. The level of experience of the `new Councillors` is variable from those who have served on the council previously for a number of years and those who are newly elected for the first time.

Given the requirements as set out in the Constitution for a number of years all Councillors following an election process, irrespective of experience are required to attend the annual `governance training (covered in the Induction session), which address the requirements of the members Code of Conduct.

The Standards Committee has previously also agreed that a number of topics should be Mandatory for all members of the Council these topics include Child Sexual Exploitation, Data Protection and The Code of Conduct. Training for Members who wish to sit or substitute on the Planning and Highways and Licensing Committees is also mandatory. Corporate Parenting training is also made available to all members.

During the course of the work of this Committee it has looked at a number of issues that members have felt should be offered as general training for all Council Members to ensure that they are aware of in their role as elected member. This has resulted in a broad programme of `bitesize` training events delivered by officers throughout the municipal year. These supplemented by all Members having access to the `MeLearning` Portal provides a full range of development opportunities throughout the year.

At the meeting of the Policy and Corporate Services Overview and Scrutiny Committee on 5th March the Committee looked at two issues that members have asked this committee to consider for inclusion in the Members Induction Training Programme. These issues are Data Protection/ Handling Information and Health and Safety. The Committee have asked the Standards Committee to consider making Data Protection/Handling information mandatory for members and that Health and Safety for Councillors be included in the wider Induction Programme.

A request has also been put forward by the International Women Week Organising Committee that the equality agenda be addressed for members through training. This would involve making Members of the Council aware of the issues affecting all sections of the community and how the Council's policies can have implications for these different sections.

A draft list of items to be included in the induction process for new Members has been drawn up and is attached for Member's consideration alongside some early suggestions for the `Bitesize` training programme for 2018/19. A copy of the `Bitesize` programme from 2017/18 is attached also for information.

In addition, it has been suggested that regularly throughout the year there should be the consideration of some general strategic briefings for all members covering key elements of their roles and responsibilities.

The programme could include:

Session 1
Induction (as above)

Session 2

Familiarisation -The Borough, facts & figures (including population, wards, boundaries) & understanding the Council – its role function, duties & responsibilities, departmental contacts and functions

Session 3

Being a Councillor – Health & Safety, Information Management, Handling Conflict, dealing with difficult situations, Advocating effectively, Chairing meetings etc.

Session 4

Understanding Local Government Finance

Introduction of these sessions would reduce the number and frequency of the `bitesize' events, but would continue to be complemented by the e-training available to all members 24 hours a day via MeLearning.

The Standards Committee have in the past been asked to consider the invitation of Members of Parish Councils to some elements of the programme. The Committee are invited to consider what aspects of the programmes should be made more widely available.

5. POLICY IMPLICATIONS

There are no direct policy implications from the report however the introduction of new mandatory training of Members of the Council is a policy implication.

6. FINANCIAL IMPLICATIONS

None

7. LEGAL IMPLICATIONS

The attendance of Members of the Planning and Highways Committee and Licensing Committee at Mandatory Training is a legal requirement and reflects the current legislation. Attendance at other mandatory courses (Data Protection, CSA etc) whilst not being a legal requirement are seen as good practice.

8. RESOURCE IMPLICATIONS

The Members Induction programme is delivered in-house and will be delivered within existing budgets. The Director of HR, Legal and Governance will evaluate all areas of the Induction Programme to ensure that maximum use is made of delivery via the Council's bitesize training programmes or through use of digital technology.

9. EQUALITY IMPLICATIONS

Any proposals for change will be assessed to establish any potential equality implications. One of the key areas highlighted for consideration for including in the programme is Equality Training which will enhance members understanding of equality implications in the development of Councils services.

10. CONSULTATIONS

The Standards Committee is being consulted through this report.

David Fairclough
Monitoring Officer

Contact Officer: David Fairclough/ Paul Conlon
Date: 30th May 2018

DRAFT - Members Training Programme 2018/19

All Members - Induction – May 2018 (3 hours)

The Digital Member (Includes issue of IT equipment and associated user information, My view etc)
Code of Conduct and Acceptable Standards
Introduction to the Council (Council Forum, Overview & Scrutiny, Protocols, decision making etc)
Introduction to Social Media for members
LGA handbook for members
LGA Resources for Members

Subject Specific Training (1 hour)

Planning and Highways Training (full and Refresher)
Licencing training (full and Refresher)

Mandatory Training Events (1 - 2 hours)

Child Sexual Exploitation – Awareness & Members responsibilities
Corporate Parenting – The Members role
Information Governance & Cybersecurity for Members
Equality Training for Members
Civil Contingencies – Members Role and responsibilities

Other Training Events (Bitesize) (1 hour)

Accessing the training Portal
Dog Fouling & Litter Enforcement
Health & Safety Enforcement
Noise nuisance complaints
Privately rented Sector & Property Licencing
Allergens & Corporate manslaughter
Using asset based approaches and volunteers to build communities
Using the Roadworks App.

Members Strategic Development Sessions (2-3 hours)

Session 1

Induction as above

Session 2

Familiarisation -The Borough, facts & figures (including population, wards, boundaries) & understanding the Council – accessing information, council role function, duties & responsibilities, departmental functions/familiarisation/contacts.

Session 3

Being a Councillor – Health & Safety, Information Management, Handling Conflict, Dealing with difficult situations, Navigating Media & Communications, Advocating effectively, Chairing meetings, Do's and Don'ts etc.

Session 4

Understanding Local Government Finance

Member Training 2017/18

Date	Event	Time & Venue	Presented/Led by	Code	Attendance
Thursday 25 th May 2017	Planning & Highways Training (1)	Council Chamber 5.30 p.m. to 6.30 p.m.	Gavin Prescott Asad Laher	M	18
Monday 12 th June 2017	Chairing Skills (1)	Council Chamber 6.00 p.m. to 8.00 p.m.	David Fairclough Ben Aspinall	M / R	12
Wednesday 14 th June 2017	Licensing Training	Conference Room 1 5.00 p.m. to 6.00 p.m.	Donna Riding Asad Laher	M	17
Monday 19 th June 2017	Chairing Skills (2)	Council Chamber 6.00 p.m. to 8.00 p.m.	David Fairclough Ben Aspinall	M / R	4
Tuesday 20 th June 2017	Code of Conduct / Ethical Standards (1)	Meeting Room A 6.00 p.m. to 7.30 p.m.	David Fairclough	M	8
Thursday 22 nd June 2017	Planning & Highways Training (2)	Meeting Room A 4.00 p.m. to 5.00 p.m.	Gavin Prescott Asad Laher	M	7
Tuesday 27 th June 2017	Code of Conduct / Ethical Standards (2)	Meeting Room A 6.00 p.m. to 7.30 p.m.	David Fairclough	M	24
Monday 3 rd July 2017	Code of Conduct / Ethical Standards (3)	Meeting Room A 6.00 p.m. to 7.30 p.m.	David Fairclough	M	20
Wednesday 5 th July 2017	Lancashire Volunteer Partnership (1)	Council Chamber 6.00 p.m. to 7.00 p.m.	Imran Hajat Sayed Osman	R	7
Tuesday 11 th July 2017	Accessing the Training Portal (1)	Meeting Room A 6.00 p.m. to 7.00 p.m.	Graham Fawcett	R	6
Tuesday 8 th August 2017	Roadworks.Org (1)	Meeting Room A 5.00 p.m. to 6.00 p.m.	Kate Mahoney Ricky Wilson (Capita)	R	6
Wednesday 9 th August 2017	Roadworks.Org (2)	Meeting Room A 6.00 p.m. to 7.00 p.m.	Kate Mahoney Ricky Wilson (Capita)	R	7
Tuesday 29 th August 2017	Data Protection & Cyber Security Training (1)	Meeting Room A 6.00 p.m. to 7.00 p.m.	Shane Agnew/ Sarah Critchley	M	19
Wednesday 20 th September 2017	Safeguarding	Meeting Room A 6.00 p.m. to 7.00 p.m.	Linda Clegg/Jeanette Richards/Cat Coulier	M	36
Tuesday 26 th September 2017	Data Protection & Cyber Security Training (2)	Meeting Room A 6.00 p.m. to 7.00 p.m.	Shane Agnew/ Sarah Critchley	M	21
Wednesday 4 th October 2017	Lancashire Volunteer Partnership (2)	Meeting Room A 6.00 p.m. to 7.00 p.m.	Imran Hajat Sayed Osman	R	12
Monday 16 th October 2017	Enviro-Crime	Meeting Room A 6.00 p.m. to 7.00 p.m.	Gary Johnston	R	21
Tuesday 24 th October 2017	Accessing the Training Portal (2)	Meeting Room A 6.00 p.m. to 7.00 p.m.	Graham Fawcett	R	7
Monday 30 th October 2017	Response to Recovery and impacts upon the Community (Grenfell)	Meeting Room A 6.00 p.m. to 7.30 p.m.	Rachel Hutchinson	R	28

Date	Event	Time & Venue	Presented/Led by	Code	Attendance
Tuesday 7th November 2017	Guide to approach to Highways Service requests	Meeting Room A 6.00 p.m. to 7.00 p.m.	Kaye Mahoney	R	9
Thursday 8th November 2017	Guide to approach to Highways Service requests	Meeting Room C 5.00 p.m. to 6.00 p.m.	Kaye Mahoney	R	15
Tuesday 14th November 2017	Licencing and the role of Public Health in the Local Authority (1)	Meeting Room A 5.00 to 6.00 p.m.	Barry Ashbolt	R	11
Wednesday 15th November 2017	Introductory Mental Health Awareness Course (1 of 2) Accredited training (attendance at 2 sessions)	Meeting Room A 6.00 p.m. to 7.30 p.m.	Tony Cox	R	11
Monday 20th November 2017	Air Quality	Meeting Room A 6.00 p.m. to 7.00 p.m.	Gary Johnston	R	10
Wednesday 22nd November 2017	Licencing and the role of Public Health in the Local Authority (2)	Meeting Room A 6.00 to 7.00 p.m.	Barry Ashbolt	R	7
Wednesday 29th November 2017	Introductory Mental Health Awareness Course (2 of 2) Accredited training (attendance at 2 sessions)	Meeting Room A 6.00 p.m. to 7.30 p.m.	Tony Cox	R	11
Monday 4th December 2017	Illicit tobacco and also underage sales	Meeting Room A 4.30 p.m. to 5.30 p.m.	Gary Johnson	R	6
Tuesday 12th December 2017	Understanding Adult Safeguarding – A Members Guide	Meeting Room A 6.00 p.m. to 7.30 p.m.	Paul Lee Dawn Walmsley Sam Mirfin	M	9
Monday 29th January 2018	Recipe for Health	Meeting Room A 6.00 p.m. to 7.00 p.m.	Denise Andrews	R	10
Wednesday 7th February 2018	Local Government Finance and Digital/Universal Credit/Council Tax Support	Council Chamber 6.00 p.m. to 7.30 p.m.	Louise Mattinson Andy Ormerod	R	30
Monday 12th February 2018	Understanding Adult Safeguarding – A Members Guide	Meeting Room A 6.00 p.m. to 7.30 p.m.	Paul Lee Dawn Walmsley Sam Mirfin	M	17
Wednesday 21st February 2018	Corporate Parenting – A Members Guide	Meeting Room A 6.00 p.m. to 7.00 p.m.	Linda Clegg	M	18
Wednesday 7th March 2018	State of the Borough	Council Chamber 6.00 p.m. to 7.00 p.m.	Alison Schmid Elise Carroll	R	24
Wednesday 14th March 2018	Dealing with unauthorised Encampment	Meeting Room A 6.00 p.m. to 7.00 p.m.	Sian Roxborough Capita/Police	R	13

CODE: M = Mandatory R = Recommended TBC = To be Confirmed



REPORT OF:	The Monitoring Officer
TO:	Standards Committee
DATE:	27th June 2018

SUBJECT: Complaints Update to the Standards Committee

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 were no new complaints in progress as at 1st June 2018.

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 January 2018 (the March meeting was cancelled) the Monitoring Officer reported on cases up to 15th December 2018 all of which had been resolved.

In December a further complaint was received. This was in relation to a member who is no longer on the Council and the investigation into which was not concluded prior to the elections. Accordingly this complaint has been closed with no further action.

This report is up Friday 1st June 2018. The Committee will be updated at its next meeting of any complaints received and registered after this date.

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: 1st June 2018

Background Papers: The Localism Act 2011



REPORT OF:	The Monitoring Officer
TO:	Standards Committee
DATE:	27th June 2018

SUBJECT: Local Government Ethical Standards Consultation

1. PURPOSE OF THE REPORT

To update Members on the response provided to 'The Committee on Standards in Public Life' national consultation and review of local government ethical standards.

2. RECOMMENDATIONS

The Committee is asked to note the report.

3. BACKGROUND

The Committee on Standards in Public Life is undertaking a review of local government ethical standards.

As part of this review they have conducted consultation between 29th January 2018 and 18th May 2018

The terms of reference for the review were:

1. *Examine the structures, processes and practices in local government in England for:*
 - a. *Maintaining codes of conduct for local councillors;*
 - b. *Investigating alleged breaches fairly and with due process;*
 - c. *Enforcing codes and imposing sanctions for misconduct;*
 - d. *Declaring interests and managing conflicts of interest; and*
 - e. *Whistleblowing.*
2. *Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;*
3. *Make any recommendations for how they can be improved; and*
4. *Note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.*

The review will consider all levels of local government in England, including town and parish councils, principal authorities, combined authorities (including Metro Mayors) and the Greater London Authority (including the Mayor of London).

Local government ethical standards are a devolved issue.

Submissions will be published online alongside the Committee's final report, with any contact information (for example, email addresses) removed.

Consultation questions

The Committee invited responses to the following consultation questions. The response sent on behalf of the Chair and Monitoring Officer is then set out in italics:

- a. Are the existing structures, processes and practices in place working to ensure high standards of conduct by local councillors? If not, please say why. – *Generally, the current Standards arrangements are working in maintaining high standards. The level and of complaints is low in comparison to other Councils.*
- b. What, if any, are the most significant gaps in the current ethical standards regime for local government? - *Fortunately, the Council has not received a complaint of a serious nature but if such a complaint was found to be substantiated there are no effective sanctions that the Council could impose which reflects the severity of serious misconduct.*

Codes of conduct

- c. Are local authority adopted codes of conduct for councillors clear and easily understood? Do the codes cover an appropriate range of behaviours? What examples of good practice, including induction processes, exist? – *The Council adopted the Code prepared in conjunction with AGMA authorities and has made minor amendments over years. The Code covers the General Principles of Conduct for Members reflecting the 'Nolan' principles and sets out a range of obligations that members must comply with. The Code also describes Disclosable Pecuniary Interests and Other Interests (Non - pecuniary) and the actions that must be taken by members in situations where those interests apply.*
- d. A local authority has a statutory duty to ensure that its adopted code of conduct for councillors is consistent with the Seven Principles of Public Life and that it includes appropriate provision (as decided by the local authority) for registering and declaring councillors' interests. Are these requirements appropriate as they stand? If not, please say why. - *Yes, please refer to (c) above.*

Investigations and decisions on allegations

- e. Are allegations of councillor misconduct investigated and decided fairly and with due process? - *Yes*
- i. What processes do local authorities have in place for investigating and deciding upon allegations? Do these processes meet requirements for due process? Should any additional safeguards be put in place to ensure due process? – *The Council's Standards arrangements include a process for investigation complaints which is published and reflected in the Council's constitution. The process includes guidance on how complaints can be made, the initial assessment of a complaint with the Independent Person, the investigation process, the Hearings Panel and a process for the panel considering the complaint following investigation.*

- ii. Is the current requirement that the views of an Independent Person must be sought and taken into account before deciding on an allegation sufficient to ensure the objectivity and fairness of the decision process? Should this requirement be strengthened? If so, how? – *The Monitoring Officer determines the allegation but consults the Independent Person at the initial assessment stage. This arrangement has worked in ensuring objectivity and fairness in assessing the allegations.*
- iii. Monitoring Officers are often involved in the process of investigating and deciding upon code breaches. Could Monitoring Officers be subject to conflicts of interest or undue pressure when doing so? How could Monitoring Officers be protected from this risk? *This has not been an issue for the Council as the role of Monitoring Officer is respected. Equally the role of the Monitoring officer is to apply the previously agreed procedures set against the Code of Conduct. It follows that in determining the approach the Monitoring Officer is seen to operate the previously agreed processes and procedures. Not only that they are doing so with a view from an Independent Person. In the case of a matter ultimately presented to a Hearings Panel, the Panel will of course also take a view of the initial assessment by the Monitoring Officer in consultation with the Independent Person.*

Sanctions

- f. Are existing sanctions for councillor misconduct sufficient? *Not for serious misconduct*
- i. What sanctions do local authorities use when councillors are found to have breached the code of conduct? Are these sanctions sufficient to deter breaches and, where relevant, to enforce compliance? - *The available sanctions are listed in the arrangements, and include publishing the findings, reporting to Council, placing restrictions on access to staff, withdrawing facilities, and making a range of recommendations to Council, Group Leaders, Monitoring Officer such as removing the subject member from committees, outside bodies and arranging relevant training.*
- ii. Should local authorities be given the ability to use additional sanctions? If so, what should these be? – *Yes, the Hearings Panel in consultation with the Independent Person should be provided with powers to impose the sanctions directly rather than making recommendations. Also, in cases of serious misconduct the range of sanctions available may be not be sufficient and additional sanctions may be needed, such as suspension with loss of allowances for pre-determined periods.*

Declaring interests and conflicts of interest

- g. Are existing arrangements to declare councillors' interests and manage conflicts of interest satisfactory? If not please say why.
- i. A local councillor is under a legal duty to register any pecuniary interests (or those of their spouse or partner), and cannot participate in discussion or votes that engage a disclosable pecuniary interest, nor take any further steps in relation to that matter, although local authorities can grant dispensations under certain circumstances. Are these statutory duties appropriate as they stand? - *Yes, but range could be extended to cover other family members and close associates.*
- ii. What arrangements do local authorities have in place to declare councillors' interests, and manage conflicts of interest that go beyond the statutory requirements?

Are these satisfactory? If not, please say why. - *The Council's Code provided for declaring 'other interests' in order manage any potential conflict of interest. Members are encouraged to seek legal advice in situation where they may have a conflict of interest (e.g. twin-hatted councillors, and councillors appointed to outside bodies).*

Whistleblowing

h. What arrangements are in place for whistleblowing, by the public, councillors, and officials? Are these satisfactory? *The Council has a well-publicised and available whistleblowing policy.*

Improving standards

i. What steps could *local authorities* take to improve local government ethical standards? – *have mandatory training on the code and ethical standards for all elected councillors on an annual basis.*

j. What steps could *central government* take to improve local government ethical standards?

- *Through legislation provide additional sanctions to LAs for cases of serious misconduct.*

- *Through legislation provide for mandatory Standard Committees with an independent chair and composition which requires independent members with voting rights.*

Intimidation of local councillors

k. What is the nature, scale, and extent of intimidation towards local councillors?

i. What measures could be put in place to prevent and address this intimidation?
We have not experienced any significant intimidation.

4. RATIONALE

As there was no meeting of the Standards Committee prior to the closure of the consultation the Chair and Monitoring Officer provided some views for consideration of the Committee on Standards in Public Life and these are set out in this report.

5. LEGAL IMPLICATIONS

The statutory provisions for the Standards Framework are set out in the Localism Act 2011. The Committee for Standards in Public Life may make recommendations for changes to the current arrangements which are intended to assure robust standards to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government.

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

This report outlines the Chair and Monitoring Officer response to a national consultation conducted by the Committee for Standards in Public Life. This consultation was open for any person to respond to.

Chief Officer/Member

Contact Officer: David Fairclough

Date: 1st June 2018

Background Papers:

The Localism Act 2011

Consultation Review of Local Government Ethical Standards 2018