

Public Document Pack

Standards Committee

Thursday, 25th October, 2018

6.00 pm

Town Hall Blackburn

AGENDA

1. **Welcome and Apologies**
2. **Declarations of Interest**
DECLARATIONS OF INTEREST FORM **2**
3. **Minutes of the Meeting held on 16th July 2018**
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4. **Complaints Update Report**
Complaints report to October 2018 **10 - 15**
5. **Protocol-Member to Member Relations**
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6. **Protocol on Member Member Relations Appendix B V.2**
Protocol on Member Member Relations Appendix B V.2 **20 - 21**

Date Published: Date 17th October 2018
Harry Catherall, Chief Executive

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: **25th October 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)

STANDARDS COMMITTEE

16th July 2018

PRESENT – Councillor Saima Afzal (Chair)
Councillor Neil Slater (Vice Chair)
Councillor Vicky McGurk
Councillor Talseem Fazal
Councillor Julie Gunn
Councillor Naushad Surve
Councillor Sylvia Liddle
Councillor Jamie Groves

Independent Member - Tassadaq Hussain

Also Present – David Fairclough, Monitoring Officer
Stuart Wright, Independent Person

RESOLUTIONS

1. Welcome and apologies

The Chair welcomed everyone to the meeting. Apologies were received from, Paul Fletcher, Independent Member, Daniel Wilde, Parish Councillor.

2. Minutes of the meeting held on the 4th January 2018

RESOLVED – That the Minutes of the meeting held on the 4th January 2018 be agreed as a correct record.

3. Declarations of Interest in items on this Agenda

There were no Declarations of Interest received.

4. Update on receipt of Register of Interest Forms

David Fairclough reported to the Committee that currently there were 3 forms outstanding. It was resolved that David as Monitoring Officer remind Members of their obligations and also identify for group leaders those members who had not yet completed their forms. David was asked to ensure Members were advised to submit their forms by the end of the week and update the Committee at its next meeting.

5. **Member Induction and Training Programme 2018/19**

The Committee noted that following the election on 3rd May 2018 in accordance with good practice an induction process was put in place to assist members in their role as Councillors.

It was also noted that Members training and development was now under the remit of the Standards Committee and a draft programme was presented for consideration by the Committee.

The programme included items that this Committee had previously considered as mandatory and areas that the committee had felt previously necessary for members to be aware of in carrying out their duties as a Councillor.

It was noted this training offer is now supplemented by Councillors having access to the 'MeLearning' platform which provides a range of 'online' training courses.

The Standards Committee had previously also agreed that a number of topics should be Mandatory for all members of the Council these topics included 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 also was mandatory as was Corporate Parenting training.

The Committee noted it has previously 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 had resulted in a broad programme of 'bitesize' training events delivered by officers throughout the municipal year.

At the meeting of the Policy and Corporate Services Overview and Scrutiny Committee on 5th March 2018 the Committee looked at two issues that members have asked this committee to consider for inclusion in the Members Induction Training Programme. These issues being; Data Protection/ Handling Information and Health and Safety. The Committee 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 had 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.

From all this a draft list of items to be included in the induction process for new Members had been drawn up and was presented in the report to this meeting 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 was attached also for information.

It had also 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 it was suggested could include:

Session 1

Induction (including Code of Conduct)

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

Members of the Committee considered the background to all the training undertaken in recent years and considered the positive and less positive aspects of the approach and the training itself.

Focussing initially on the 'bitesize' training Members of the Committee expressed views about the varying quality of the presentations and felt that, if they were to continue they should be more concise, focus on simple messages and perhaps be combined so that two topics could be covered in the hour slot. During the course of the discussion the Committee also concluded that these courses did lend themselves more to their replacement over time with 'e-learning' solutions. The numbers of courses was also discussed and although the Committee considered and understood that they were designed to be optional course to attend, their number and frequency presented potential pressures and feelings of obligation for councillors to try and attend.

In this context, the committee reviewed the increasing time pressures placed on councillors currently and therefore in considering the future programme of training, the combining of as many 'face to face' training events into fewer actual evening commitments would be an advantage.

It was also in this context, that given the amount of information councillors were required to have a general understanding of, that the 'bitesize' programme could not end completely but the committee considered it should be phased out over time with more use made of digital solutions.

The Committee noted that the e-learning platform was currently available for access by all members and that training courses were being added all the time and all 51 councillors would be invited shortly (as in previous years) to sign up. With more members signing up, the design and delivery of focussed 'on line' training events would progress.

It was acknowledged that there would remain the need for some Mandatory training events and that these would/should be a combination of 'face to face' and e-learning over time, with also the option of video presentations for review by members.

The Committee also concluded after much discussion that where a councillor had attended a mandatory course the previous year they need not be required to attend the following year (as a re-refresh).

It was also recommended that the Mandatory training events be scheduled in the year planner approved at Annual Council each year, with training programmes based as now on municipal years.

Given the fact that incidents could occur during the year that require councillors to receive additional training, for example in 2017 a mandatory 'civil contingencies' session was held. The Committee noted that there would be occasions when new courses would need to be added in year. Where possible this would follow a discussion with the Committee. It was noted however that the number of Mandatory Courses would be kept to a minimum and, it was agreed for 2018/19, that the course introduced for 'civil contingencies' be removed from the list and added to the 'bitesize' programme.

Discussion also took place as regards the member's strategic development sessions which commenced this year with a full induction programme (given the election of 51 councillors to the 'new' council post boundary review).

With the previous discussions confirming the phasing out over time of the 'bitesize' training and emphasis on digital solutions, the determination of some sessions with combined agenda's covering a range of issues in one night, 4 times a year was considered to be a potential solution to the issues of pressures on members time.

It was also concluded that in the event of a training issue being identified late in the year, that needed to be presented to all members, Officers could be invited to Group meetings to undertake short training briefings.

The Standards Committee also considered the invitation of, Independent Members of Committee, Co-opted members, independent persons and Members of Parish Councils to some elements of the programme. The Committee concluded that some of the revised programme could be made available and asked for the Monitoring Officer to open relevant courses for attendance including the e-learning solution where practicable.

RESOLVED –

1. To phase out the `bitesize` training programme during 2018/19, replacing with e-learning programmes, group briefings or video presentations going forward into the programme to be designed for 19/20.
2. To move `civil contingencies update training` to a `bitesize` event for 2018/19.
3. To advise the Monitoring Officer when promoting the 2018/19 `bitesize` events to ensure the notifications of the training are clear these events are optional for members to attend.
4. To confirm that the following Courses will be Mandatory for 2018/19:
 - Child Sexual Exploitation
 - Corporate parenting
 - Information Governance & Cybersecurity
 - Equality Training
5. To agree that attendance at the Mandatory Training is a requirement for all Councillors, except where a Councillor has attended the same course in the previous municipal year.
6. To note that additional Mandatory Courses can be added to the programme during the year where circumstances require.
7. To note that the specific Mandatory Training for Members sitting on the Council's Planning & Highways and Licensing Committees would continue as required in the Council's Constitution.
8. To agree there would be four Strategic Member Development Sessions per annum and for this year, they would cover the issues as presented in the report to this meeting.
9. To agree that all mandatory Training and the four Strategic Member Development Sessions be included in the year planner approved by the Council at Annual Council each year.
10. To agree that Independent Members of Committees, Co-opted members, independent persons and Members of Parish Councils be invited by the Monitoring Officer to appropriate training events as per the revised programme now agreed.

6. 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. At the meeting in January 2018 (the March meeting was cancelled) the Monitoring Officer reported on cases up to 15th December 2018. An update was presented on a case reported after the January meeting. The Committee would be updated at its next meeting of any complaints received and registered after January 2018.

RESOLVED – That the update report be noted.

7. Local Government ethical Standards Consultation

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

As part of this review they 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 is to 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).

The Standards Committee received a report which set out responses to the consultation questions. The response was sent on behalf of the Chair and Monitoring Officer.

RESOLVED – That the report be noted

8. Work Programme 2018/19

The Committee considered its priorities for a work programme for meetings in 2018/19. The committee identified that it would wish to review the protocols in the Constitution under Part 5, Section 3 over the next two meetings. In so doing the committee was keen to consider the drafting of a Member/Member protocol to compliment the Member/Officer protocol in the constitution.

Members of the Committee also discussed the `vexatious' complainant references in the members Complaints process and indicated that they would wish to review this as part of this years work programme.

It was also proposed by the Chair that the date of the January meeting be moved and this was agreed by the Committee.

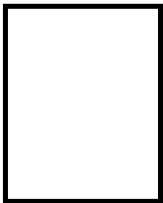
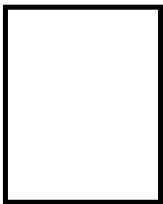
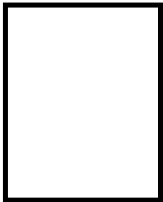
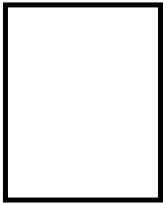
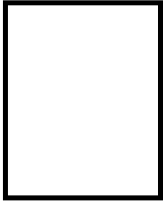
RESOLVED –

1. To agree the change of date for the January meeting from 9th January 2019 to 14th January 2019.
2. To agree that at the October 2018 meeting the Committee consider the drafting of a – Member/Member Protocol to compliment the Members Code of Conduct
3. To agree that at the January 2019 meeting the Committee review the Member/Officer Protocol (carried forward from January 2018)
4. To agree that at the March 2019 meeting the Committee review the Arrangements for dealing with Complaints in respect of Members Code of Conduct – in particular the handling vexatious complainants

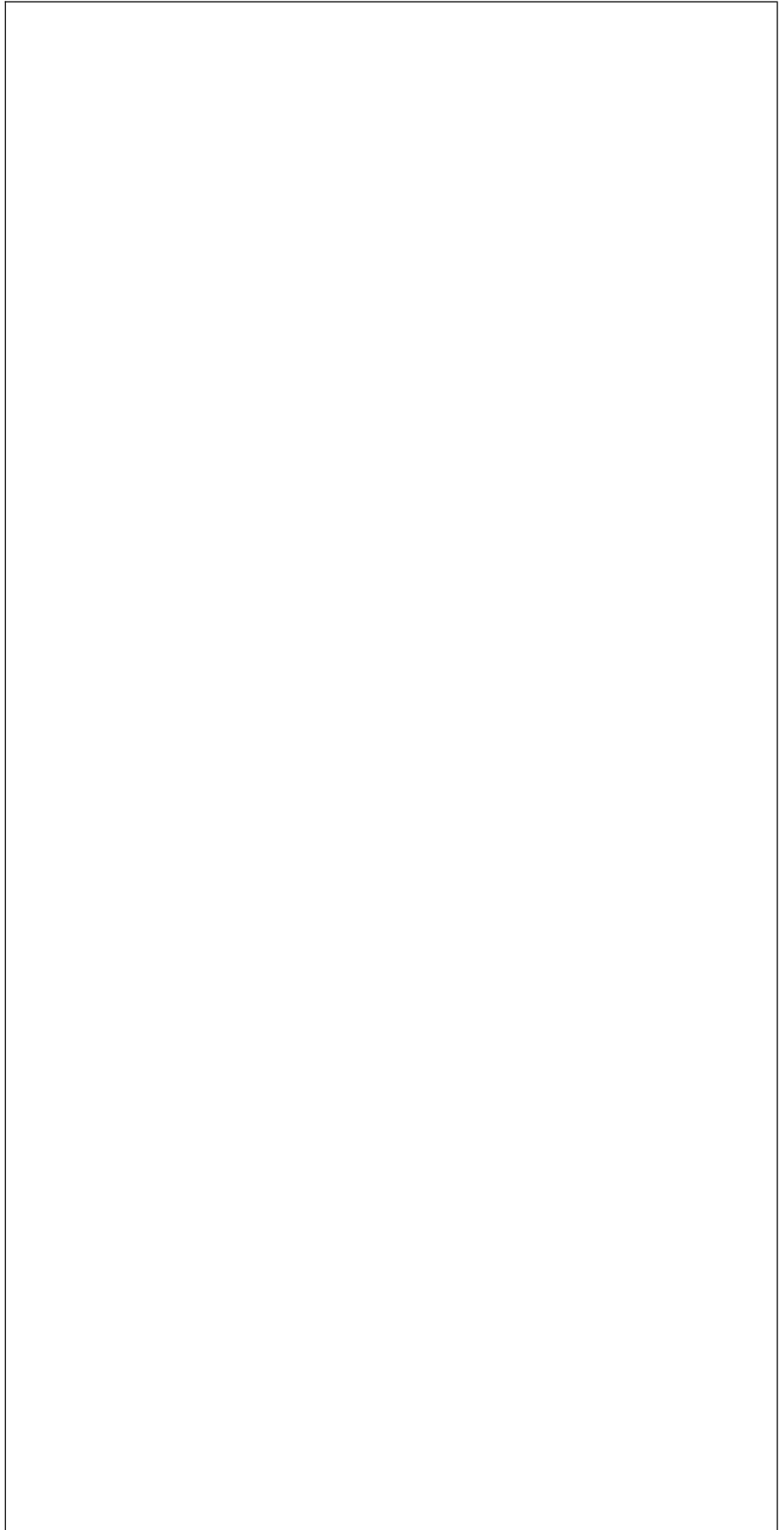
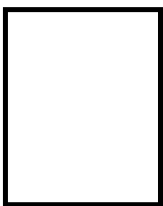
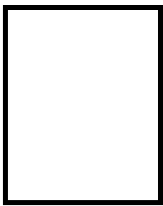
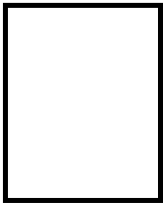
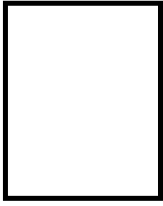
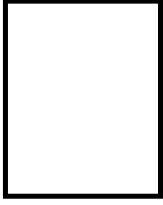
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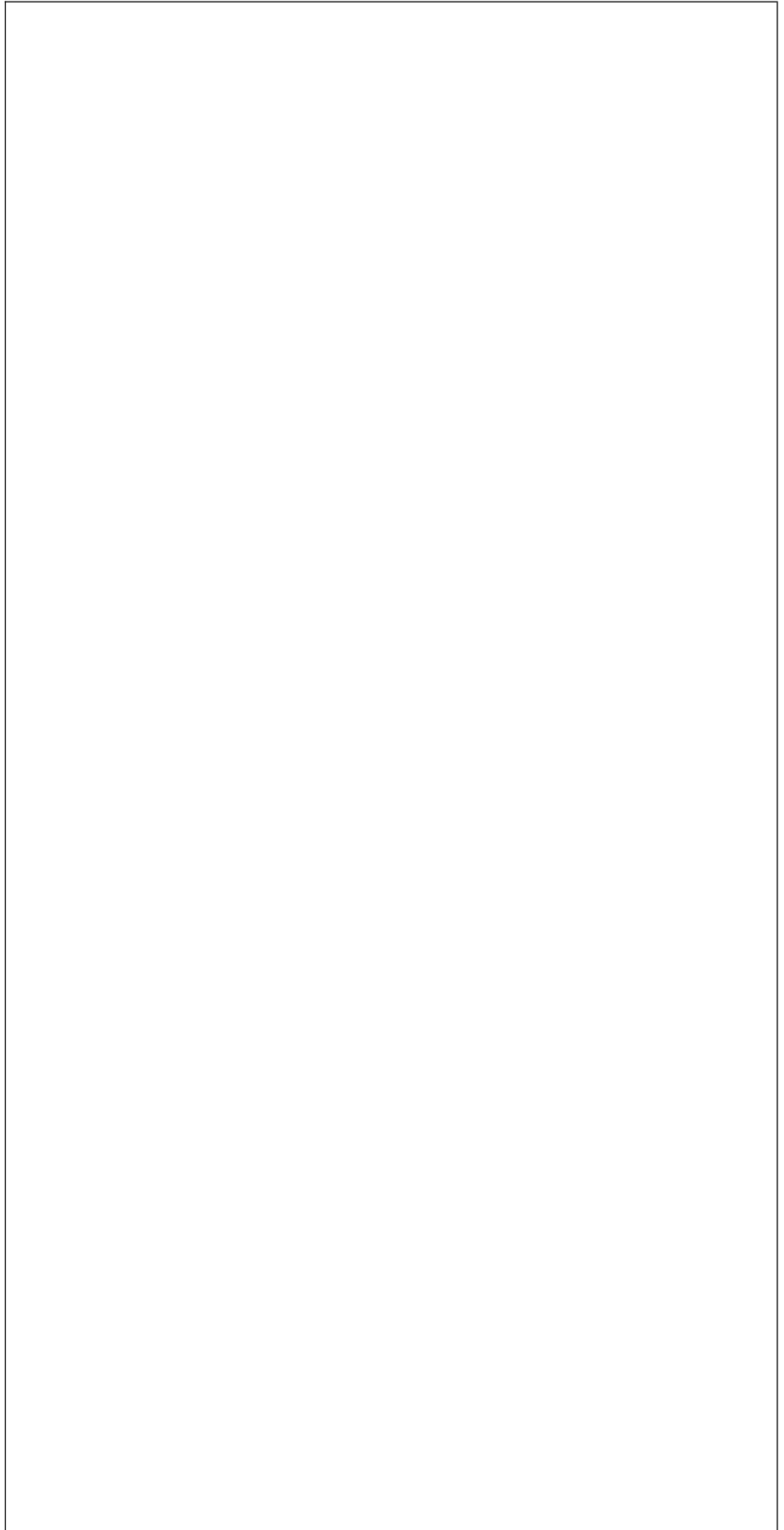
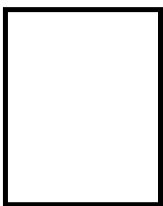
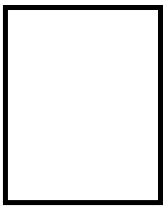
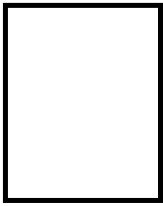
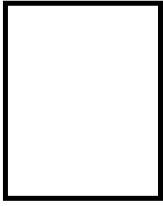
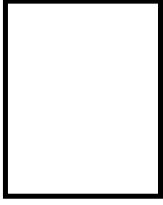
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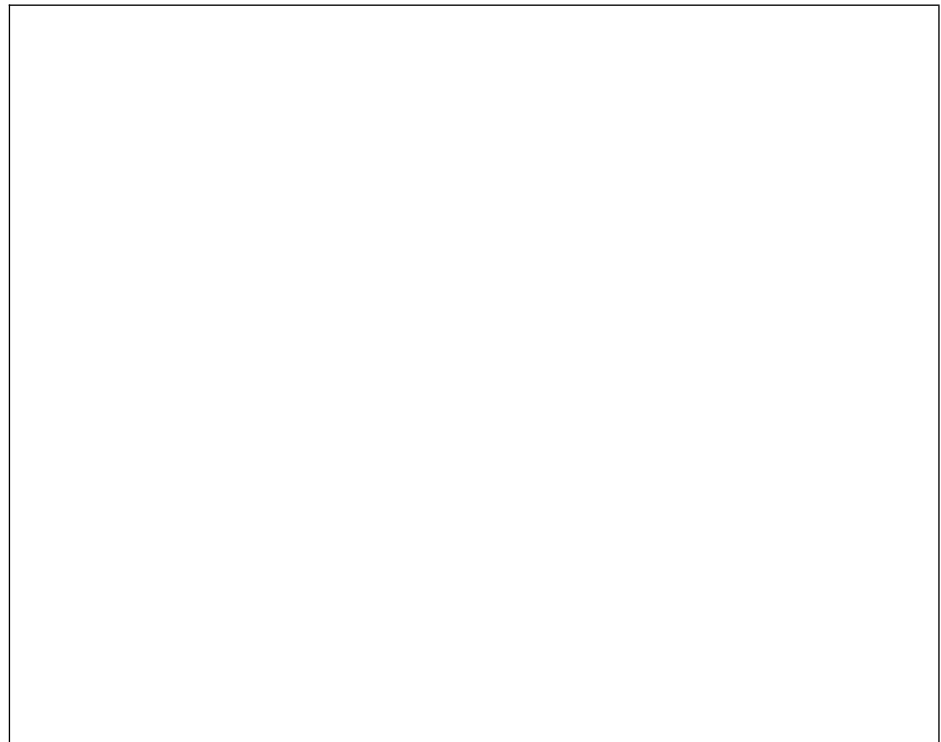
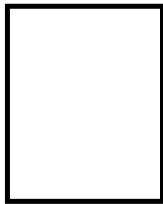
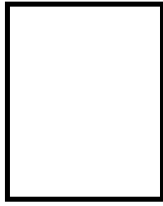
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REPORT OF: **The Monitoring Officer**
TO: **Standards Committee**
DATE: **25th October 2018**







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 to note the update report.

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 June 2018 the Monitoring Officer reported on cases up to 15th December 2017 all of which had been resolved but also a case where the investigation was not concluded prior to the elections in May 2018. Accordingly that complaint had been closed with no further action.

This report is up Friday 5th October 2018 and can now update on all complaints received since December 2017. The Committee will be updated at its next meeting of any complaints received and registered after this date.

In December 2017 the Monitoring officer received a complaint about two councillors relating to alleged misconduct in a licensing matter. These were found to be without foundation, resulting in no further action.

In December also, an anonymous complaint was received alleging corruption and fraud in respect of a councillor. The initial assessment of this complaint followed a preliminary investigation conducted by the Audit and Assurance Team of the Council who found *'no basis to the allegations outlined in the anonymous letter of complaint'*, resulting in no further action.

In March 2018, a complaint was received regarding the alleged failure to respond in reasonable time to an enquiry from a member of the public by a councillor. In the event the matter was resolved outside of the need for a formal complaint proceeding further.

In March also, a complaint was received about a councillor following a Planning Committee meeting with regards to allegations of *'interest'*. Following review of the circumstances the complaint was rejected *'as the complaint if it had been proven would not have been a breach of the Code of Conduct.'*

In late May 2018 a complaint was received regarding the alleged conduct of a councillor, linking back to the local elections. On review the complainant was advised that the member's complaints procedure could not be used for the handling of this complaint.

In June 2018, two complaints were received regarding the same councillor relating to a local planning/development matter. It was clear the complainants had counter opinions and views to the councillor however it was found during initial assessment this did not constitute a breach of the Code of Conduct.

In July 2018, a complaint was received alleging that a councillor had *'fly tipped'* some rubbish. In the event the complainant chose not to make a statement to support their allegation. The matter therefore did not progress to further investigation.

In July 2018 also, a complaint was received about a member relating to housing development policy. The complainant was asked to provide further information and complete the complaints form. No response was received so the matter was closed.

Further, in July 2018, a complaint was received involving the inappropriate use of social media. The Councillor accepted they were wrong, acknowledged the impact of their actions and apologised to the complainant. In the circumstances therefore although the initial investigation had disclosed a potential breach of the code of conduct, in all the circumstances of the case, the monitoring officer found to further investigate and determine matters would be a disproportionate use of public resources, given the steps already taken.

In September 2018, a complaint was received that a councillor had delayed clearing some rubbish from ongoing local works. On establishment of facts this related to local builders responsibilities, so no further action was necessary.

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.

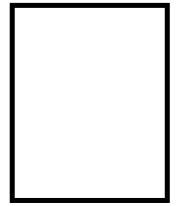
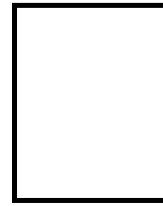
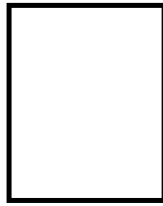
8. CONSULTATIONS

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: 9th October 2018

Background Papers: The Localism Act 2011



SUBJECT: Protocol on Member/Member Relations

1. PURPOSE OF THE REPORT

To consider the introduction of a Member/Members relations protocol in the Council's Constitution.

2. RECOMMENDATIONS

The Standards Committee is asked:

To introduce a formal Protocol on member/member relations and recommend the adoption to Full Council.

3. BACKGROUND

At their previous meetings the Committee has agreed revised Protocols on Member/Officer relations. The current Protocol is approved by Council and is contained in the Constitution of the Council. The Constitution is a key document setting out the governance framework of the Council. From time to time the Constitution is reviewed and must be regularly updated.

At their meeting in July, the Committee considered its priorities for a work programme for meetings in 2018/19. The committee identified that it would wish to review the protocols in the Constitution under Part 5, Section 3 over the next two meetings. In so doing the committee was keen to consider the drafting of a Member/Member protocol to compliment the Member/Officer protocol in the constitution.

4. RATIONALE

The current arrangements for Member/Officer relationships have been in place for a number of years. These have regularly been subject to review and updating by the Standards Committee with the Protocol on Member/Officer relations published in the Council's Constitution.

Expectations on elected councillors are set out also in the Constitution – in the Members Code of Conduct. (**Appendix A refers**).

As indicated above, at their meeting in July, the Committee considered its priorities for a work programme for meetings in 2018/19. The committee identified that it would wish to review the protocols in the Constitution under Part 5, Section 3 over the next two meetings. In so doing the committee was keen to consider the drafting of a Member/Member protocol to compliment the Member/Officer protocol in the constitution.

Members identified that there were occasions during formal meetings of the Council, or beyond, where the actions of councillors towards each other, may place councillors potentially in conflict with the Code of Conduct and Guidance (**Appendix A**), as it is clear from the Code of Conduct for Members that Councillors are expected at all times to *"behave according to the highest standards of personal conduct in everything they do as a member"*.

The Standards Committee will be aware that each individual member has a responsibility to comply with the Code of Conduct and Guidance. The Code is far ranging and covers matters relating to personal probity and integrity, to matters relating to interpersonal relationships and how others should/should not be treated.

The Code is not intended to deter from robust political argument and debate, but does expect that all councillors conduct themselves with honesty, integrity and respect in dealings with others, certainly avoiding any behaviours which could be deemed as bullying, abusive or discriminatory in any way.

As discussed at previous meetings, the Code of Conduct for Members is currently complimented by a Protocol for Member/Officer relations yet there is no complimentary Protocol for Member/Member relations, despite the fact that the Code clearly also applies to Councillor's behaviour towards fellow Councillors.

Given the Code seeks to ensure such inappropriate behaviours are not tolerated, the Standards Committee at their last meeting sought to discuss the introduction of a Member/Member Protocol for inclusion in the Constitution. If developed and agreed by Full Council this Protocol would be inserted in the Constitution in Part 5, Section 1 immediately following the Member Code of Conduct, to provide a transparent expectation of the delivery of the intention of the Code of Conduct in respect of councillor to councillor engagement.

A draft document has been produced at **Appendix B** to initiate discussion by the Standards Committee who is asked to consider reviewing and updating with their comments, subject to which then asking the monitoring officer to finalise for consideration by the Policy Council in December 2018.

5. POLICY IMPLICATIONS

Constitutions set out the governance framework for local authorities, which provide the foundations for any local authority that aspires to be effective, progressive and successful.

It is appropriate to review and update, where appropriate, various elements of Constitutions.

6. FINANCIAL IMPLICATIONS

None

7. LEGAL IMPLICATIONS

The current arrangements have been in place since the enactment of the Localism Act 2011 and reflect the current legislation.

Any changes recommended will need to remain in accordance with this legislative framework and will be subject to approval by full council

8. RESOURCE IMPLICATIONS

None

9. EQUALITY IMPLICATIONS

Any proposals for change will be assessed to establish any potential equality implications. Any final proposals are subject to agreement of the full Council for which an equality impact assessment report will be prepared, as required.

10. CONSULTATIONS

The introduction of a Protocol if agreed by the Standards Committee will be considered by Full Council (all members).

Contact Officer: David Fairclough
Date: 9 October 2018
Background Papers: Council Constitution as published.

Appendix B

Protocol Member to Member Relations

Councillors at all times must promote and maintain high standards and adopted a Code of Conduct for Members in line with its obligations under section 27(2) of the Localism Act 2011. Members and co-opted members must behave according to the highest standards for personal conduct in everything they do as a Member. In particular they must observe the following 10 principles of conduct as set out in the Code of Conduct, some of which are set out in law:

Selflessness, Honesty & Integrity, Objectivity, Accountability, Openness, Personal Judgement, Respect of others, Duty to uphold the law, Stewardship and Leadership

The Code of Conduct makes it clear that *“Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability”* (Respect for others). This applies to all circumstances including working with other councillors.

All councillors have a responsibility to behave in a way that is not offensive to others and to acknowledge that views and opinions held by other councillors may not always coincide with their own. Such differences being expressed are unlikely to constitute harassment. The Code is therefore not intended to deter from robust political argument and debate, but it does expect that all councillors conduct themselves in accordance with these 10 principles at all times, certainly avoiding any behaviours which could be deemed as bullying, harassing or victimising, in any way.

In this context councillors are responsible for being aware of and understanding the following definitions*:

Bullying is a particular form of harassment and may be characterised as persistent, offensive, intimidating, malicious or insulting behaviour, possibly through an abuse or misuse of position or power where the intention or outcome is to undermine, humiliate, denigrate or injure the recipient. Examples of bullying include: shouting at others in public or in private; personal insults; ignoring or excluding individuals; persistent, excessive, unfair or unjustified criticism; setting impossible deadlines or targets/objectives or making inconsistent demands. This list is not exhaustive.

Harassment is, in general terms, unwanted, unreasonable and offensive conduct affecting the dignity of the individual. It includes verbal, non-verbal and physical conduct that may be related to age, gender, race, disability, sexual orientation, religion and belief, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. Examples of harassment include: unwanted physical contact, offensive jokes or banter, offensive emails, pictures or graffiti, unwelcome sexual advances, exclusion and victimisation. This list is not exhaustive.

Victimisation is treating someone less favourably than others because the individual has, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given

evidence in relation to a complaint. Examples include: Isolating someone because the individual has made a complaint or treating them differently.

Councillors can therefore expect of other Councillors:

- To represent their wards effectively and efficiently
- To strive to do their best for their Wards and constituents of the Borough
- To behave in a manner which accords with the Code of Conduct for Members
- To be respectful and courteous
- To respond to enquiries fairly and efficiently
- To act lawfully and to maintain confidentiality when appropriate to do so
- To maintain confidentiality where it is appropriate to do so
- To have regards to social hours regarding contact
- To consider information for the purpose of making informed judgements
- To treat all councillors in a reasonable manner
- Not to make any inappropriate comment towards another councillor, which could be interpreted as discriminatory, demeaning, abusive or bullying.
- Not to ask Councillor's to breach council policy or procedures, or to act unlawfully
- Not to exert undue influence or pressure, or request special treatment for councillors friends or family members.
- Not to request unauthorised access to resources or information held by the council
- Not to breach confidentiality and disclose any personal/private information about another councillor

Failure to follow the Protocol

Any complaint alleging failure to follow this Protocol would be considered under the *'Arrangements for dealing with complaints about the Code of Conduct for Members'*.

Training*

Mandatory training for all Councillors will be provided annually to help support elected Members in understanding equalities, inclusivity and what behaviours may amount to discriminatory behaviour.