

STANDARDS COMMITTEE

Wednesday, 23 October 2019

PRESENT – Councillors, , Afzal, Casey, Fazal, Gunn, Hussain, McGurk, Pearson, Slater and Whittle.

OFFICERS - David Fairclough (Director of HR, Legal and Governance) and Asad Laher

RESOLUTIONS

15 **Welcome and Apologies**

The Chair welcomed all present to the meeting. Apologies were received from Alan Eastwood (Independent Person), Stewart Wright (Independent Person) Daniel Wilde (Parish Councillor) and Paul Fletcher (Independent Person)

16 **Minutes of the Previous Meeting**

Under Matters Arising, in terms of Members Training and Induction, the poor attendance by Members at the recent Corporate Parenting development session was highlighted and it was agreed that a reminder be circulated about the forthcoming dementia awareness session.

Members also discussed mandatory training and the need for a clear message to be sent to all Political Groups about attendance.

Additionally the process for DBS checks was discussed and David Fairclough advised that the Committee would be kept updated on the progress of applications by Councillors.

RESOLVED – That the minutes of the previous meeting held on 26th June 2019, be agreed as a correct record.

17 **Declarations of Interest**

No Declarations of Interest were submitted.

18 **Members Training & Induction 2019/20 - Equality & Inclusion Workshop**

Graham Fawcett updated the Committee on the development of an Equality and Inclusion Workshop to which all Councillors would be invited and expected to attend.

An outline plan on the Equality and Inclusion Workshop was brought to Committee for the Members to contribute to the design and content of the session to assure that matters from an Election Members perspective were fully covered by the training. The Committee also considered if it was appropriate for external consultancy support to assist in the development, presentation and delivery.

The Committee had identified the programme for 2019/20 should include, Corporate Parenting (held in September) Adult Safeguarding (November 2019), Local Government Finance (January 2020) and Equality & Inclusion (March 2020).

The Members of the Committee had agreed that a number of topics should be Mandatory for all members of the Council the topics included were Child Sexual Exploitation, Data Protection and The Code of Conduct. For Members who to sit or substitute on the Planning and Highways and Licensing Committee training would also be mandatory.

RESOLVED –

- That the update on work undertaken since the last meeting of the Committee be received

19 Member E-learning Update - Information Management

The Members of the Committee were updated on the Member E-learning scheme. It was noted that 37 Councillors had registered to the online system and 14 Councillors were yet to sign up.

Discussions took place regarding the E-learning system and how it could be more accessible. It was suggested to look into making the E-learning into an App on Councillors phones or tablets. This would also be available for external and independent members.

When a Councillor has signed up to the E-learning they will then be automatically enrolled onto the Governance Course to complete. To date 6 Members had completed the course out of the 37 registered Councillors.

David Fairclough advised he would circulate a reminder to all Members about the importance of mandatory training.

The Committee requested that the link to the E-learning portal be circulated again to all Members.

RESOLVED – That the update be noted.

20 LGA Councillors Guide to Handling Intimidation

A report was submitted to discuss the Local Government Association (LGA) guide to handling intimidation which was published on 4th July 2019. The guide covered topics such as how to handle abuse, both face-to-face, letters or online and the legal and practical remedies, including the nature of the criminal offences involved and the LGA have confirmed this will be continuously updated with the latest advice and information available.

The Monitoring Officer circulated the guide to all Councillors in Blackburn with Darwen Borough Council on the date of publication and advised that a review of the guide alongside the current local general advice to Members be considered at the next Committee meeting.

It was discussed that Councillors were not employees of the Council and did not have the benefit of safeguards in employment legislation if they suffered intimidation. The Council sought to support Councillors to undertake their duties safely and without fear. In undertaking activities as a Councillor they were protected by the same legislation relating to intimidation or threats as to any member of the public.

RESOLVED –

- That the LGA guide to handling intimidation be received
- That the guide to all Councillors by the Monitoring Officer be noted

21 Advice to Councillors - Request for References

A report was brought to Committee to review the current advice, last issued in December 2016, to Councillors who were requested to provide a reference and to also provide any proposals for change to the advice to be adopted by the Council.

It was noted that Councillors were often requested to provide references for various purposes and previous advice has been sought on how such requests should be responded to.

There are no legal obligations on Councillors to provide a reference nor are there any legal restrictions. Nevertheless, Councillors should not provide personal reference on any matters where the Council is involved in anyway; otherwise, there could be a potential breach of the code. Furthermore, councillors providing personal references were advised that the contents were honest and factual. Any responsibility, liability or any other consequence arising from providing a personal reference would rest entirely with the Councillor concerned, and not with the Council.

The Committee discussed the report and gave examples of occasions where they were approached to provide references.

RESOLVED – That the Monitoring Officer reissue the advice to group leaders

22 Complaints Update

The Director for HR, Legal & Governance updated the Members on complaints received regarding Members conduct under the Arrangements for dealing with complaints about the Code of Conduct for Members.

It was noted that two complaints were received in June 2019 and further details were requested by the Monitoring Officer alongside the completion of the complaint form (a requirement of the Procedure). There were no completed forms received, so both complaints were closed.

A further complaint was received about a Parish Councillor and mediation was suggested however, this proposal was not progressed as the complainant did not agree.

In the absence of which the Monitoring Officer further considered in consultation with the Independent Person, if the complaint merited formal

investigation and if this would be both reasonable and proportionate. In this context under paragraph 3.2 of the Arrangements for dealing with complaints about the Code of Conduct, where `the Authority makes a reasonable offer of local resolution, but it is rejected by the Page 19 Agenda Item 8 complainant, the Monitoring Officer can take account of this in deciding whether the complaint merits formal investigation.

The Monitoring Officers conclusion in this case, was that given there was an opportunity to resolve the complaint via local resolution and in the alternative the resources needed to investigate further would not be proportionate to the allegations; he had to conclude there was no overriding public benefit in carrying out a full investigation.

RESOLVED – That the report be noted.

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed