

Public Document Pack

Standards Committee

Wednesday, 30th March, 2022

6.00 pm

Meeting Room A

AGENDA

- | | | |
|----|---|---------|
| 1. | Welcome & Apologies | |
| 2. | Minutes of the Previous Meeting
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| 3. | Declarations of Interest
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| 4. | Member Training Update
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| 5. | Member Interests
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| 6. | Complaints March
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Date Published: 22nd March 2022
Denise Park, Chief Executive

Agenda Item 2

STANDARDS COMMITTEE

Wednesday, 27 October 2021

PRESENT – Councillors, Humphrys (Chair), Casey, Liddle, Rawat and Whittle.

ALSO IN ATTENDANCE – Miranda Carruthers-Watt and Paul Fletcher

OFFICERS – Asad Laher and Shannon Gardiner

RESOLUTIONS

10 **Welcome and Apologies**

The Chair welcomed everyone to the meeting.

Apologies were received from Councillor Samim Desai and Alan Eastwood (Independent Member)

The Chair expressed his disappointment again that no Members of the opposition had attended the meeting and that the Standards Committee was an important meeting to attend. Other Members of the Committee also shared the same views.

11 **Minutes of the Previous Meetings**

RESOLVED – That the minutes of the previous meeting held on 21st July 2021 be agreed as a correct record.

Councillor Sylvia Liddle enquired if all the Disclosure & Barring Service (DBS) Checks had been received from all Elected Members and it was noted that the majority of the checks had been completed and any outstanding would be looked at imminently.

12 **Declarations of Interest**

There were no Declarations of Interest received.

13 **Update of Personal Safety Guidance for Elected members**

The Committee was asked to approve the Local Guide to handling intimidation to supplement the Local Government Association (LGA) Guide published on 4th July 2021 and updated in October 2021.

The Local Government Association (LGA) published the Guide to handling intimidation for Councillors in 2019 and this had been updated in 2021

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 web link to the Guide to all Councillors in Blackburn with Darwen Borough Council on the date of publication and

advised that the Standards Committee would consider a review of the Guide alongside our current local general advice to members.

At the Standards Committee in October 2019 the Committee discussed the Guide and suggested that a shortened local Guide be produced to supplement the national one. This had been updated in October 2021 to meet current national guidance.

This had been drafted by officers and due to the General Election was circulated in draft form to all elected members to assist them in the event of any issues arising during the campaigning

It is now proposed that the Standards Committee consider recommending to the Full Council the adoption of the updated local Guide to supplement that produced by the LGA. Both Guides to be available on the Council's website for easy access.

The Chair reminded the Committee to be mindful and aware of their own safety when out and about and when visiting residents. The Members were aware that they could contact officers for advice and also they could refer to the caution list.

RESOLVED –

- That the action taken to date following the update of the LGA Guide in 2021 be noted
- That the local short guide was approved

14 Petitions - advice for Councillors

Asad Laher, Strategic Head of Legal informed the Committee of the Council's Petitions Scheme and request the Members to consider any implications for Councillors who may be involved in supporting or leading on petitions to the Council.

The Council has had a petition scheme since 2010, which was revised in January 2021 following Council approval. The adopted petition scheme was contained in the Council Constitution (Part 7) detailing the procedure for submission and consideration of petitions.

The petition Scheme stated that anyone who lives, works or studies in Blackburn with Darwen can submit a petition. Therefore, under the scheme Councillors were eligible to sign and submit petitions to the Council. Under the Petition Scheme, "Ordinary" petitions signed by at least 50 people who live, work or study in Blackburn with Darwen were considered by the Executive Board, and petitions containing 4,200 signatures or more were debated by full Council. The Council may also respond to petitions by referring them to an Overview & Scrutiny Committee.

All Members (and co-opted Members) were required to comply with the adopted Members Code of Conduct, which includes the general principles of conduct, the general obligations in Part 1, and the registration/declaration of interests in Part 2 of the Code. Members should also avoid any conflict of interests particularly when acting in their role as Councillors.

Many councillors also hold additional responsibilities in the Council (such as Executive Member, Assistant Executive Member and Chair/Vice-chair of committees), and appointed to committees of the Council and outside/joint bodies.

The Localism Act 2011 places the Council under a duty to promote and maintain high standards of conduct for members (and co-opted members). This was delegated by the Council in August 2012 to the Standards Committee. Under the Constitution, the Standards Committee also has a role in assisting councillors (and co-opted members) to observe the Members Code of Conduct, and make appropriate recommendations to the Council with respect to:

- promoting and maintaining high standards of conduct and
- the provision of training, guidance and assistance for Members in relation to the Members' Code of Conduct

Whilst Councillors are eligible to sign and submit petitions to the Council under the Council's petition scheme, they must also comply with the Members Code of Conduct and avoid any potential conflict of interests, particularly when they are subsequently involved in dealing with the submitted petition or any issues relating to it.

RESOLVED –

- That the report be noted
- To prepare an advisory note for Councillors on petitions

15 Complaints Update

The Strategic Head of Legal updated the Committee on complaints received regarding Members conduct under the Arrangements for dealing with complaints about the Code of Conduct for Members up to 18th October 2021.

From June 2021 through to October 2021 there had been 3 complaints received by the Monitoring Officer.

The first complaint was made by a Member against another Member following an altercation at a residents meeting. Although the member subsequently confirmed that he did not wish to pursue it further, there were issues that came to light from enquires made. The Monitoring Officer arranged mediation meeting between the parties and resolved the matter informally.

The second complaint was by a member of the public in relation to messages/comments posted on social media by a Member. It is alleged that the messages/comments were sarcastic and unprofessional. Further information had been requested from complainant before the complaint can be progressed.

The final complaint was from a parish councillor in relation a message posted on social media by a Member, questioning the accuracy and truthfulness of the statements made. The Monitoring Officer was currently in the process of consulting with the Independent Person before an Initial Assessment can be made.

Up to 18th October 2021 there were no further complaints received under the Members Complaints Procedures.

The Chair expressed that Elected Members need to be very aware on social media and on social platforms when 'liking' or 'commenting' on posts as previously Members have been suspended and dismissed for their actions online.

RESOLVED – That the update report be noted.

16 Date of Next Meeting

The Committee provisionally agreed to hold the next Standards Committee on Monday 17th January.

RESOLVED – To inform all Committee Members of the new proposed date

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed

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:

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:	The Monitoring Officer
TO:	Standards Committee
ON:	30 March 2022

SUBJECT: Member Training - Update

1. PURPOSE OF THE REPORT

To update the Committee of the Member Training Programme for 2021/22

2. RECOMMENDATIONS

The Committee is asked to:

- note the update of the Member Training Programme for 2021/22 and in relation to the mandatory training attendance.
- note that the equality and diversity related training & workshop in the Member Training Programme for 2021/22 has been postponed until a date after the May 2022 local elections.
- note that a further report will be presented to the Committee at the next meeting to consider the Member Training Programme for 2022/23.

3. BACKGROUND

The Committee at its meeting on 21 July 2021 a Member Training Programme for 2021/22. The programme included items that this Committee considered mandatory and areas that the committee feel it necessary for members to be aware of in carrying out their duties as a Councillor.

The Committee agreed the continuation for all Members to undertake the mandatory e-learning packages: Civil Contingencies for Elected Members, DOJO Cyber Security Awareness and Information Governance for Elected Members.

The Committee also approved for Equality & Diversity Training be arranged 'in person' during the course of this municipal year, as restrictions were lifted. The Committee also endorsed a message to all members to take the opportunity to review the LGA elected member course portfolio accessible direct to them via the MeLearning Portal, and access the training and development which they consider would best assist their continued effectiveness as a councillor.

Finally, the Committee also approved an outline local programme of additional 'online' and 'in person' training events as set out in the Appendix to this report to support elected members of the Borough to fulfil their duties and responsibilities in an effective and safe manner.

The Committee requested reporting of councillor's attendance on training courses provided, particularly the three mandatory courses. The attendance has varied and councillors need to be further encouraged attend, particularly the online courses. In relation to the mandatory most councillors had completed the IG training in 2019/20, but are required to refresh this training. A tailored specific DOJO Cyber Security Awareness course content for Members has been procured for 2022-2023. This is due to be launched in April.

4. RATIONALE

Members training and development is under the remit of the Standards Committee and the programme is agreed and updated each year. The programme includes items that this Committee has considered as mandatory and areas that the committee felt necessary for members to be aware of in carrying out their duties as a Councillor.

5. LEGAL IMPLICATIONS

Members are expected to ensure they are regularly updated with key knowledge of main legislation relating to their work as Councillors. These courses assist the delivery of that objective. Attendance at mandatory courses whilst not being a legal requirement is seen as good practice.

6. POLICY IMPLICATIONS

Member training and development is necessary for providing them with key knowledge, and enabling them to undertake their public roles. The Council should therefore put in place adequate provision for training and development for its members (particularly the newly elected members), and provide support and encouragement to members to undertake the training provided.

7. FINANCIAL IMPLICATIONS

None.

8. CONSULTATIONS

The Committee hold a role in member training and development and will be considering the Member Training programme for 2022/23. Chief Officers will also be consulted for topics of training relating to their operational areas.

Chief Officer/Member

Contact Officer: Asad Laher, Strategic Head of Service – Legal & Governance and Monitoring Officer.

Date: 8th March 2022

Background Papers: None

Member Training 2021/22

Date	Event	Time & Venue	Presented/Led by
2 August 2021	Governance & Council Functions & Operations	Online	Chief Executive & Strategic Directors
9 August 2021	Health, Safety & Well Being for Councillors	Online	David Fairclough / Corinne McMillan
15 th September 2021	Being Safe Online & Using Social Media	Online	Corinne McMillan/ Andrea Sturgess / Ben Greenwood (Recorded)
29 th September 2021	Safeguarding Adults and Children's	Hornby Lecture Theatre Blackburn Library (side entrance)	Sayyed Osman / Jayne Ivory
18 th October 2021	Understanding Inspections in Children's Services	Online	Jayne Ivory (Recorded)
28 th October 2021	Integrated Care Services	Hornby Lecture Theatre Blackburn Library (side entrance)	Sayyed Osman
1 st November 2021	Neglect	Online	Julie Gunn/Sandra Jackson (Recorded)
15 th November 2021	Corporate Parenting - A Members responsibility	Online	Jayne Ivory (Recorded)
25 th November 2021	Public Order and Managing Protests	Online	Sayyed Osman / Police Mark Aspin is liaising with Police (Recorded)
26 th January 2022	Local Government Finance	Online	Dean Langton
January/February 2022	Raising awareness of the Engage Service in Children's Services	In Person – Council Chamber	Imran Akuij (Justine Westwell)
cancelled	Equality and Diversity	Online	Corinne McMillan / Mandy Singh / Graham Fawcett

Online = Teams Meeting

In Person = Subject to Covid Restrictions being lifted `In Person Meeting`

	Being prepared – looking for dates
	Date and room booked
	Members emailed
	Training Completed



REPORT OF:	The Monitoring Officer
TO:	Standards Committee
ON:	30 March 2022

SUBJECT: Register of Members' Interests

1. PURPOSE OF THE REPORT

To consider the legal framework applicable to the registration and declaration of member interest, and consider review the process for submitting and updating the Register of Members' Interests.

2. RECOMMENDATIONS

The Committee is asked to:

- note the legal framework for the requirement to register interests, and consider the process for submitting and updating the Register of Members' Interests.
- recommend to Council that Members are reminded of the requirements to register and declare interests, as outlined in the report.
- recommend to Council of the revised process for submitting and updating the Register of Members' Interests registering, as outlined in the report.

3. LEGAL FRAMEWORK

The current legal framework relating to members interests and standards is set out in the Localism Act 2011 ('the Act'). Under the Act Councils are required to:

- to promote and maintain high standards of conduct by its members, and;
- adopt a code dealing with the conduct that is expected of its members.

In relation to the Code of Conduct ('the Code'), the requirement is simply that a council's code is consistent with the following principles:

- Selflessness;
- Integrity;
- Objectivity;
- Accountability;
- Openness;
- Honesty; and
- Leadership

These principles are recognised as the Nolan Principles of standards in public life.

The Act also requires councils to ensure that its code includes such provisions the council considers appropriate in respect of the registration and disclosure of both:

- Pecuniary interests; and
- Interests other than pecuniary interests.

Pecuniary interests and the specific requirements are set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. The list of those matters coming within the definition of a Disclosable Pecuniary Interest (**DPI**) is contained in Part 2 of the adopted Code (contained in Part 5, section 1 of the Constitution).

The Localism Act 2011 requires Members to notify the Monitoring Officer within 28 days of becoming a Member of any Disclosable Pecuniary Interests (DPIs). In addition, if a Member is present at a meeting and they have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting, which is not yet registered, they must notify the Monitoring Officer of the interest within 28 days. These requirements are set out in the Code. The Codes also outlines that it is a criminal offence to:

- fail to notify the Monitoring Officer, of any DPI within 28 days of election
- fail to disclose a DPI at a meeting if it is not on the Register of Members' Interests.
- fail to notify the Monitoring Officer within 28 days of a DPI that the Members has been disclosed at meeting but is not on the Register of Members' Interests
- participating in any discussion or vote on a matter in which the Member has a DPI,
- knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

The criminal penalties available to a court are to impose an unlimited fine and disqualification from being a councillor for up to 5 years.

4. THE COUNCIL'S ARRANGEMENTS

The Council adopted a Code of Conduct in August 2012 in accordance with the Act, and since then some minor amendments have been made. The current version of the Code is published on the Council's website and is also contained in Part 5, section 1 of the Constitution.

Currently, the Members are asked to complete on an annual basis a form adopted by the Council in 2012. Once all the completed forms are collated, they are scanned and published on the Council's website. In view of the legal requirements referred to above, members are also advised to notify and update any changes to the register during the year. Such changes could include change of employment/office/trade, change of ownership or interest in land, new sponsorships, membership of bodies, gifts/hospitality etc. However, many new Members have joined the Council over the years and the practice of registering interests amongst Members varies.

The Council's Mod.Gov system has a facility for registering interests for each Member, which is then published in a table format. Many councils are already using the Mod.Gov system to register and publish Member interests.

It is also acknowledged that some Members require advice and guidance when registering their interests. The Government has published a guide for councillors, '*Openness and transparency on personal interests*' (see web link below), which members can refer to as well as seek specific guidance from the Monitoring Officer [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/240134/Openness and transparency on personal interests.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/240134/Openness_and_transparency_on_personal_interests.pdf)

In order to assist Members and simplify the process for registering their interests, the Monitoring Officer will put in place arrangements for individual Members to receive guidance when registering their interests, as soon as they are elected to office. The completed register of interest would then be published via the Mod.Gov system. In addition, all members would be requested to notify the Monitoring Officer of any changes, and update the register of interest. An annual reminder will also be sent to all Members to review the register and notify of any changes.

5. RATIONALE

The Committee has a role in promoting and maintaining high standards of conduct and make appropriate recommendations to Council in this regard. This includes monitoring all relevant procedures and processes.

6. LEGAL IMPLICATIONS

The Localism Act 2011 ("the Act") places the Council under a duty to promote and maintain high standards of conduct for members (and co-opted members). This was delegated by the Council in August 2012 to the Standards Committee. Under the Constitution, the Standards Committee also has a role in assisting councillors (and co-opted members) to observe the Members Code of Conduct, and make appropriate recommendations to the Council with respect to:

- promoting and maintaining high standards of conduct and
- the provision of training, guidance and assistance for Members in relation to the Members' Code of Conduct.

The Act also requires local authorities to adopt a Code of Conduct that is consistent with the 'Nolan' principles, and include provisions to regulate pecuniary and other interests. In addition, the Act requires the Monitoring Officer is required to establish a register of members' interests for each authority (i.e. also for parish councils) within their area. For parish councils, the district or unitary authority's Monitoring Officer must ensure that every parish council's register is available for inspection within the principal authority' and, if the parish council has a website, the parish council must ensure that the register is accessible on their website.

The legal requirements for registering interests are referred to in section 3 on this report ('Legal Framework').

7. POLICY IMPLICATIONS

A good governance framework in local authorities is necessary to promote and maintain high ethical standards, and to ensure public confidence. In this regard and for transparency and compliance with legislation, the Council must ensure it has sound systems in place for the registration of member's interests.

8. FINANCIAL IMPLICATIONS

None.

9. CONSULTATIONS

The Committee has a role in promoting and maintaining high standards of conduct. Following consideration at Committee, recommendations will be made to Council to approve any changes to the process for registering interests

Chief Officer/Member

Contact Officer: Asad Laher, Strategic Head of Service – Legal & Governance and Monitoring Officer.

Date: 8th March 2022

Background Papers: None



REPORT OF:	The Monitoring Officer
TO:	Standards Committee
ON:	30 March 2022

SUBJECT: Complaints Update

1. PURPOSE OF THE REPORT

To update the Committee on complaints received regarding Members conduct under the adopted arrangements for dealing with Member complaints for alleged breach of the Code of Conduct.

2. RECOMMENDATIONS

The Committee is asked to note the update report on complaints received by the Monitoring Officer.

3. BACKGROUND

The Committee has a role in promoting and maintaining high standards in the conduct of council and Parish/Town Councils business, and in the conduct of Members, and may make appropriate recommendations in this regard. The Committee also has a role in the provision of training, guidance and assistance for Members in relation to the Council's Code of Conduct for Members.

Under the adopted Arrangements for dealing with complaints about the Code of Conduct for Members, the Monitoring Officer receives any submitted complaints and undertakes an Initial Assessment following consultation with the Independent Person.

Members of the Committee will be aware that not all complaints are continued for various reasons (unsubstantiated complaints, vexatious complaints etc.). However, it is important that the Committee is made aware of receipt of these and legitimate complaints that are being processed and progressed.

In view of the Committee's over-arching role, it is to be informed of all complaints submitted and the progress at its meetings where appropriate, subject to confidentiality of certain detail and information. This would enable the Committee to consider any particular issues that are highlighted and make appropriate recommendations to the Council.

At its meeting in October 2021 the Committee was informed of 3 complaints received by the Monitoring Officer of which two were still 'live'. On one of the complaints, after being informed of the range of possible sanctions available to the Committee and the Council, the complainant did not respond to requests for further

information. It was therefore assumed that the complainant did not wish to continue with the complaint. The other complaint was from a parish councillor in relation a message posted on social media by a Member questioning the accuracy and truthfulness of the statements made. After consulting the Independent Person it was decided that the matter would not be taken any further as there was no apparent breach of the Code and it was clear that the nature of the matter and the issues that arose were politically motivated on both sides. However, the Monitoring officer provided advice and guidance to the Member.

Since October 2021 the Monitoring Officer has received further complaints:

1. Two complaints from members of the public were received against a Parish councillor in relation to the content of a public statement made before a parish council meeting. After considering an explanation provided by parish councillor and consulting the Independent Person, it was determined that as the public statement was general in nature rather to targeted individuals or groups of persons there was no breach of the code as suggested by the complainants. It was therefore advised that the parish councillor should provide an explanation to the statement at the next parish council meeting. No further action was taken.
2. Complaints were received against a Member over the use of social media. The concerns raised related to using social media for allegedly self-promoting for activities undertaken by others. Although this was not substantiated it was evident that the member concerned had forwarded social media messages with altered photo images and other edited material posted by the complainants (one councillor and a member of the public) in order to mock them, and thereby causing offence to them. This was identified as a breach of the Code and after meetings with Monitoring Officer, the Member has offered to apologise to the two complainants. The Monitoring Officer has also made a number of other recommendations including face-to-face training on the Code of Conduct and the use of social media, removal of the altered images from social media and actions by the group leader. There were other allegations against the Member, including harassment and shouting abuse. There was no sufficient evidence to substantiate these.

4. RATIONALE

The Committee has a role in promoting and maintaining high standards of conduct and make appropriate recommendations to Council in this regard. The Committee should therefore be informed and updated of the complaints received by the Monitoring Officer and update its progress.

5. LEGAL IMPLICATIONS

The Localism Act 2011 (“the Act”) places the Council under a duty to promote and maintain high standards of conduct for members (and co-opted members). This was delegated by the Council in August 2012 to the Standards Committee. Under the Constitution, the Standards Committee also has a role in assisting councillors (and co-opted members) to observe the Members Code of Conduct, and make appropriate recommendations to the Council with respect to:

- promoting and maintaining high standards of conduct and
- the provision of training, guidance and assistance for Members in relation to the Members’ Code of Conduct.

The Act also requires local authorities to adopt a Code of Conduct that is consistent with the ‘Nolan’ principles, and include provisions to regulate pecuniary and other interests. In addition, the local authorities are required to put in place arrangements for dealing with complaints both about Council Members and Parish/Town Council members. Under these arrangements, local authorities must appoint at least one ‘Independent Person’ who must be consulted before making a decision on a Member conduct complaint.

The Council has delegated authority to the Monitoring Officer to handle complaints and refer an investigation finding of breach to the Hearing Panel of the Standards Committee. The Monitoring Officer must handle the complaints in accordance with the Arrangements for dealing with complaints about the Code of Conduct for members

6. POLICY IMPLICATIONS

A good governance framework in local authorities is necessary to promote and maintain high ethical standards, and to ensure public confidence. In this regard, the Committee must have confidence that complaints made for alleged breaches of the Code are considered impartially and objectively, and in accordance with the arrangements adopted by the Council.

7. FINANCIAL IMPLICATIONS

None.

8. CONSULTATIONS

The Committee has a role in promoting and maintaining high standards of conduct. This report seeks to update the Committee of recent complaints received and progress, which would inform the Committee when considering any general recommendations to Council in relation to promoting and maintaining high standards of conduct.

Chief Officer/Member

Contact Officer: Asad Laher, Strategic Head of Service – Legal & Governance and Monitoring Officer.

Date: 21st March 2022

Background Papers: None