

Public Document Pack

Standards Committee

Wednesday, 29th June, 2022

6.00 pm

Meeting Room A

AGENDA

1. **Welcome and Apologies**
2. **Minutes of the Previous Meeting**
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3. **Declaration of Interest**
Declarations of Interest 8
4. **Membership for Standards Committee**
To discuss the Membership of the Committee.
5. **Standards Arrangements**
For the Committee to receive a presentation on the Standards Arrangements
6. **Member Training 2022/2023**
Report 9 - 16
Member Training programme 2021-22
Member Training Programme 2022 - 23
7. **Standards Committee Work Programme**
Report 17 - 18
8. **DBS Checks for Councillors**
Report 19 - 20
9. **Complaints Update**
For the Deputy Director of Legal & Governance to give a verbal update on the complaints received regarding Members conduct.

Date Published: 21st June 2022
Denise Park, Chief Executive

STANDARDS COMMITTEE Wednesday, 30 March 2022

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

Independent – Paul Fletcher

OFFICERS – Asad Laher, Corinne McMillan and Shannon Gardiner

RESOLUTIONS

17 **Welcome & Apologies**

The Chair welcomed everyone to the meeting.

Apologies were received from Miranda Carruthers-Watt and Alan Eastwood.

On behalf of the Committee the Chair thanked Cllr Ron Whittle, who recently resigned, for all his services and hard work for the Standards Committee and that he would be missed. The Committee wished Ron all the best.

18 **Minutes of the Previous Meeting**

RESOLVED – That the minutes of the previous meeting held on 27th October 2021 be agreed as a correct record.

19 **Declarations of Interest**

RESOLVED – There were no Declarations of Interest received.

20 **Member Training Update**

The Committee were updated on the Member Training Programme for 2021/2022. It was noted that at the previous meeting the Committee agreed the continuation for all Members to undertake the mandatory e-learning packages, which included, 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 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 had varied and councillors needed to be further encouraged to attend,

particularly the online courses. In relation to the mandatory courses most councillors had completed the IG training in 2019/20, but are required to refresh this training each year. A tailored specific DOJO Cyber Security Awareness course content for Members had been procured for 2022-2023 which is due to be launched in April 2022.

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

RESOLVED –

- That the update of the Member Training Programme for 2021/22 and in relation to the mandatory training attendance be noted
- 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 be noted
- That a further report will be presented to the Committee at the next meeting to consider the Member Training Programme for 2022/23 be noted

21 Member Interests

The Committee considered the legal framework applicable to the registration and declaration of Member Interests and reviewed the process of submitting and updating the register of Members' Interests.

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 were 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.

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' which members can refer to as well as seek specific guidance from the Monitoring Officer.

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.

RESOLVED –

- That the legal framework for the requirement to register interests, and consider the process for submitting and updating the Register of Members' Interests be noted
- That Members be reminded of the requirements to register and declare interests be recommended to Council
- That the revised process for submitting and updating the Register of Members' Interests be recommended to Council

22 Complaints March

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 since October 2021.

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 to 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 had received further complaints:

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 the Parish Councillor and consulting with 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.

Further 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 had offered to apologise to the two complainants. The Monitoring Officer had 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.

RESOLVED – That the update report be noted.

Other Business

The Chair thanked the Members of the Committee for attending the last meeting of the municipal year and thanked them for their ideas, discussions and dedication to the Standards Committee.

The Chair also thanked the Officers who support the Standards Committee.

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed



| | |
|-------------------|-------------------------------|
| REPORT OF: | The Monitoring Officer |
| TO: | Standards Committee |
| ON: | 29 June 2022 |

SUBJECT: Member Training – 2022/23

1. PURPOSE OF THE REPORT

To review the Member Training 2021/22 and consider the training programme for 2022/23.

2. RECOMMENDATIONS

The Standards Committee is requested to:

2.1 Consider the following mandatory courses and the how they should be undertaken:

- Information Governance for Elected Members
- DOJO Cyber Security Awareness for Elected Members.

2.2 Note the that the Equality & Diversity Training be arranged `in person` during the course of this municipal year.

2.3 Encourage all Members to review the LGA elected member course portfolio now accessible via the MeLearning Portal and access the training and development, which they consider would best assist generally in their role as a councillor and in their specific responsibilities.

2.4 Review the local training programme delivered in for 2021/22 (**Appendix 1**) and consider the outline local training programme for 2022/23 (**Appendix 2**)

3. BACKGROUND

The Standards Committee has a key role in directing the provision of member development in order to ensure that elected members receive training, which meets their needs as decision makers and ward councillors. The Committee therefore reviews and updates the training and development needs each year, and considers the training programme. The programme includes items that the Committee consider mandatory and areas that it also feels necessary for members to be aware of in carrying out their duties generally as a Councillor and in their specific roles.

4. RATIONALE

The Council offers online MeLearning e-learning facility as part of a blended approach to learning, which the Committee has previously endorsed. The MeLearning portal has a selection of courses available to all Members. On-line training (via MeLearning and MS Team presentations) provided a vital training method during the pandemic for ensuring members kept up to date with key areas of their role.

In addition to the constitutional requirement for elected members sitting on Planning & Highways and Licensing Committees, three other essential training courses were made available 'online' specifically for councillors:

- Civil Contingencies for Elected Members
- DOJO Cyber Security Awareness
- Information Governance for Elected Members

All elected members were expected to undertake and refresh their training in the above three areas. The Committee is requested to consider the continuation of the essential courses relating to Information Governance and DOJO Cyber Security Awareness, and method of learning that best delivers the outcomes. The Committee will be aware of the importance of these courses for both officer and councillors who use the Council's IT systems to undertake their roles.

The Committee also recommended previously that all elected members should undertake the equality and diversity training & workshop, which would be an externally arranged in-person event. This had to be postponed due to the Covid-19 restrictions but can now continue at a future date in 2022/23.

The MeLearning portal offers a number of generic e-courses available to elected members and staff, including the following courses produced by the Local Government Association (LGA) specifically targeted at Councillors:

1. Commissioning of Services
2. Community Engagement & Leadership
3. Councillor Induction
4. Equality & Diversity
5. Facilitation & Conflict Resolution
6. Handling Complaints for Service Improvement
7. Handling Intimidation
8. Holding Council Meetings Online
9. Influencing Skills
10. Licensing & Regulation
11. Local Government Finance
12. Planning
13. Police & Crime Panels
14. Scrutiny for Councillors
15. Stress Management & Personal Resilience
16. Supporting Mentally Healthier Communities
17. Supporting your Constituents
18. The Effective Ward Councillor

These relevant courses can be accessed by Members at any time and at their convenience.

In addition to the above, a local training programme will also be offered for 2022/23. to the Committee. These will include briefings and presentations delivered online (MS Teams), in-person, or through the 'hybrid' method where an in-person event can be joined remotely by other councillors. A number of these briefings and presentations were delivered during 2021/22 (**Appendix 1**) and following consultation with senior officers a number of topics have been identified for 2022/23 (**Appendix 2**), which the Committee is requested to consider.

5. LEGAL IMPLICATIONS

Members are expected to ensure they are regularly updated with the necessary knowledge of key legislation relating to their work as Councillors as well as their specific roles. This is particularly important to enable Councillors to make informed decisions. The training and development opportunities detailed in this report would assist in the delivery of that objective. In addition, there is a constitutional requirement for elected members sitting on Planning & Highways and Licensing Committee to have received up to date training.

Attendance at mandatory courses whilst not being a legal requirement as Councillors handle data, it is recommended by the Information Commissioner's Office.

6. POLICY IMPLICATIONS

Member training and development is necessary for providing elected members with key knowledge to enable 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

Most costs are contained within the existing activities and work of the HR and Governance Teams, and system contract costs. Should the external Equalities and Diversity Programme proceed this would include an additional cost, funding for which would come from the associated members training and allowances budget.

8. RESOURCE IMPLICATIONS

The courses that are developed and accessible through e-learning represent an effective and efficient use of digital technology. The training that is delivered in-person for better engagement, require the investment of time and resources from senior officers and the Governance team.

9. EQUALITY IMPLICATIONS

The provision of all training to elected members incorporates elements (and in particular the Equality & Diversity Training) which will enhance members

understanding of equality aspects/implications in the development and delivery of Council services, and also in their roles.

10. CONSULTATIONS

The Committee holding a key 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, Deputy Director – Legal & Governance and Monitoring Officer.

Date: 20th June 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 |

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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 |

Member Training 2022/23 (draft)

| Date | Event | Time & Venue/online | Presented/Led by |
|------------------------|---|---------------------|-----------------------|
| May – August 2022 | Council Tax Collection and Benefits. | | Dean Langton |
| September/October 2022 | Local Government Finance: Session One: Financial Strategy and Medium Term Financial Plan. | | Dean Langton |
| | New Values & Behaviours (link with the Code of Conduct & Member:Officer protocol) | | TBC |
| | Health & Care Integration | | TBC |
| | Election Changes | | TBC |
| | Risk Management | | Jen Czapla (Zurich) |
| January 2023 | Local Government Finance: Session Two: Local Government Finance Settlement | | Dean Langton |
| | Briefing: Health & Care Act 2022 and the Role of Health and Wellbeing Boards in the New System Architecture | | Abdul Razaq |
| | Capital Borrowing & Treasury | | Dean Langton/Jodi |
| | Training on Safeguarding | | Jayne Ivory |
| | Corporate Parenting | | Jayne Ivory |
| | Schools/Education – Complaints & Supporting Vulnerable Learners | | Jayne Ivory/Jo Siddle |

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 |



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| REPORT OF: | The Monitoring Officer |
| TO: | Standards Committee |
| ON: | 29 June 2022 |

SUBJECT: Standards Committee Work Programme 2023/23

1. PURPOSE OF THE REPORT

To establish the work programme of the Standards Committee for 2022/23.

2. RECOMMENDATIONS

The Committee is asked to agree its work programme for 2022/23.

3. BACKGROUND

The Standard's Committee's role and function is contained in the constitution, which includes monitoring the operation of the Council's standards arrangements and to make such recommendations to the Council as the Committee considers appropriate with respect to:

- the promotion and maintenance of high standards in the conduct of council and Parish/Town Councils business, and in the conduct of Members;
- the maintenance and review of a Code of Conduct for Members of the Council, together with such other code, procedure, protocol or guidance as the Committee considers to be appropriate and to make recommendations to the Council on such codes and regulations;
- the provision of training, guidance and assistance for Members in relation to the Council's Code of Conduct for Members and any other such code, procedure or protocol.

Although there has been some disruption in the schedule of meetings due to the Covid restrictions, the Standards Committee has considered personal safety for members, which remains a continuing concern with the number of incidents of abuse via social media or direct physical confrontations being noted nationally as on the increase. The Committee approved the adoption of local Guidance supplementing that provided by the Local Government Association and may wish to review and re-fresh during the course of this year.

The Committee has also considered, and in particular whether to maintain the locally adopted Code, with some improvements or adopt the newly developed LGA model code. Full Council subsequently approved the continuation of the local updated Code of Conduct in March 2021. The Committee may wish to consider a further review during 2022/23 a further review of the Code and also a review of the Complaints Procedure ("Arrangements for dealing with complaints about the Code

of Conduct for Members”). During 2022/23, the Committee also considered the Virtual meetings Member Protocol, petitions advice for councillors and a review of the arrangements for the registration of member interests.

The Monitoring Officer has received a number of complaints against members during 2021/22 many of which related to the use of social media. The Committee may therefore wish to consider the issue and how further training and guidance could be provided to Members.

The Committee is invited to also consider any other areas/issues it would wish to include in the 2022/23 work programme.

4. RATIONALE

In addition to considering standing items such as the Monitoring Officer’s report on member complaints and national standards update, the Committee is encouraged to set a work programme for the year, which provide information in an open and transparent manner on the focus of its business. Setting work programmes is also considered best practice.

5. LEGAL IMPLICATIONS

The Council has a duty under section 27 of the Localism Act 2011 to promote and maintain high standards of conduct by its members and to adopt a code of conduct that is consistent with the Nolan Principles. A planned work programme to deal with the specific roles and functions of the Committee, as set out in the constitution, will assist compliance with this duty.

6. POLICY IMPLICATIONS

None.

7. FINANCIAL IMPLICATIONS

None.

8. CONSULTATIONS

None.

Chief Officer/Member

Contact Officer: Asad Laher, Deputy Director – Legal & Governance and Monitoring Officer.

Date: 20th June 2022

Background Papers: None



| | |
|-------------------|-------------------------------|
| REPORT OF: | The Monitoring Officer |
| TO: | Standards Committee |
| ON: | 29 June 2022 |

SUBJECT: DBS (Disclosure and Barring Service) Checks

1. PURPOSE OF THE REPORT

To advise the Committee in relation to DBS (Disclosure and Barring Service) Checks for Councillors.

2. RECOMMENDATIONS

The Committee is asked to note that the Governance Team will check that all Members have a current DBS certificate, and assist the newly elected councillors in May 2022 in the application process.

3. BACKGROUND

Following discussions at Standards Committee and Council Forum, it was agreed that all Councillors would be required to undertake a DBS check appropriate to their role, either Standard or Enhanced. Council Forum in July 2019 agreed a DBS Policy See links to the Council report and policy:

(<https://democracy.blackburn.gov.uk/documents/s6848/DBS%20Checks.pdf>
<https://democracy.blackburn.gov.uk/documents/s6849/Appendix%20A%20Policy%20June%202019%20DBS%20Checks.pdf>)

The Governance team have assisted Members in the application process, but it remains the individual Members responsibility to ensure that they had the necessary current DBS Certificate.

4. RATIONALE

DBS Certificates last for four years, therefore the majority of Councillors will have a valid DBS certificate. However, DBS checks are required for newly elected Councillors, and the Governance Team as part of this process will also be checking that all other Members have current DBS Certificates or are assisted in the application process to receive one. The Standards Committee will receive regular updates on DBS checks to ensure that all Members have the necessary clearances.

5. LEGAL IMPLICATIONS

Although there is no specific legal requirement to undertake DBS checks on elected members, the Council can lawfully decide to introduce DBS checks. This was discussed at the Standards Committee on 14 January 2019, and made recommendations to Council for consideration. The Council Forum at its meeting in July 2019 approved the recommendations of the Standards Committee.

The current disqualification rules for Councillors and Mayors contained in section 80, Local Government Act 1972 includes a provision that anyone convicted of an offence carrying a prison sentence of more than three months (without the option of a fine) is banned from serving as a local Councillor. Individual candidates are required to make a self-declaration on the prescribed form during the nomination process that they are not disqualified to stand and be elected as a local councillor.

All DBS checks by the Council need to be in accordance with The Protection of Freedoms Act 2012. The DBS policy has been developed to ensure lawfulness and transparency in the Council's procedures when undertaking DBS checks for elected Members.

6. POLICY IMPLICATIONS

DBS checks for elected Members would promote greater public confidence in the role of Councillors.

7. FINANCIAL IMPLICATIONS

None.

8. CONSULTATIONS

DBS checks was discussed at Standards Committee and the policy was considered and approved by full Council in July 2019.

Chief Officer/Member

Contact Officer: Asad Laher, Deputy Director – Legal & Governance and Monitoring Officer.

Date: 16th June 2022

Background Papers: None