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Standards Committee

Wednesday, 27th September, 2023
6.00 pm

AGENDA

1. **Welcome and Apologies**
2. **Minutes of the Previous Meeting**
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3. **Declaration of Interest**
Declarations of Interest **7**
4. **Committee Membership**
5. **Code of Conduct**
6. **Member Training 2023/24 Update**
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7. **Complaints Update**
Report - Complaints September 2023 **13 - 16**

Date Published: Tuesday 19th September 2023
Denise Park, Chief Executive

STANDARDS COMMITTEE Thursday, 22 June 2023

PRESENT – Councillors, Ali (Chair), Casey, Connor, Desai, Irfan, Raja, Shaw, Slater, and Whittingham.

OTHERS IN ATTENDANCE – Paul Fletcher and Daniel Wilde.

OFFICERS – Asad Laher, Corinne McMillan and Christopher Bradley

RESOLUTIONS

1 **Welcome and Apologies**

The Chair welcomed everyone to the meeting.

Apologies were received from Alan Eastwood

2 **Minutes of the Previous Meeting**

RESOLVED – That the minutes of the previous meeting held on 29th March 2023 were agreed and signed as a correct record.

3 **Declarations of Interest**

RESOLVED – There were no Declarations of Interest received.

4 **Membership of Standards**

It was noted that there were 2 current vacancies, one for an independent Member and one for a Parish Member.

For the Independent Member position officers will liaise with HR to produce an advert for advertisement.

It was noted that for the position of Parish Member communication would be circulated to parishes to raise awareness of the post and hopefully to fulfil the position.

RESOLVED – That the update be noted.

5 **Standards Arrangements**

The Committee received a presentation by Asad Laher, Monitoring Officer, about the Standards Arrangements.

The presentation covered what the Standards Committee was, the importance of the Committee and what it stood for. It was presented that the role of the Standards Committee was to promote and maintain high standards of conduct, to review the Code, Member development, dispensations and to appoint Hearing Panels.

The Committee was established in 2012 and had a membership of 9 Blackburn with Darwen Borough Council Members, 2 Parish/Town Council, 2 Independent Members and Independent Persons. Only the Blackburn with Darwen Members have the right to vote.

The presentation also covered other areas of the Standards Committee such as;

- The Localism Act 2011
- Maintain High Standards of Conduct
- Code of conduct
- Register of interests
- Registration
- Disclosure of Interests including Sensitive Interests
- Dispensations
- Sanctions
- Investigating and determining complaints
- Predetermination

RESOLVED – That the presentation be noted.

6 Member Training 2023/24

A report was submitted to review the Member Training 2022/23 and to consider the training programme for 2023/24.

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

The Council offers an online e-learning facility for MeLearning 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, two other essential training courses were made available 'online' specifically for councillors:

- DOJO Cyber Security Awareness
- Information Governance for Elected Members

All elected members were expected to undertake and refresh their training in these 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. As attendance levels were varied in relation to the mandatory DOJO Cyber Security Awareness and Information Governance for Elected Members mandatory courses, IG officers arranged special training sessions (via MS Teams) for those councillors who were unable to undertake their training via the MeLearning portal.

A local training programme will also be offered for 2023/24 which 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 2022/23 and following consultation with senior officers a number of topics have been identified for 2023/24, which the Committee is requested to consider.

RESOLVED –

- That the Standards Committee encouraged 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
- That the local training programme 2022/23 was reviewed and the local training programme for 2023/24 was approved.

7 Standards Committee Work Programme 2023/24

The Committee discussed its work programme for 2023/24. 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.

The Standing items for the committee would be the Monitoring Officer's report update on Member Complaints and any national standards issues and updates.

The Committee considered the following topics for their work programme:-

- Member's Code of Conduct: consider any update to the BwD Member's Code of Conduct and consider adoption of the Local Government Association (LGA) Model Code of Conduct for Members.
- Register of Member's Interests.

- Arrangements for dealing complaints made against councillors: consider and review of existing procedure.
- Protocol on Member/Officer relations: consideration and review of the existing protocol.
- Guidance on Personal References
- Development of Planning Protocol for Members
- Gifts & Hospitality Guidance for Members
- Social Media Guidance for Members

RESOLVED –

- That the committee considered the work programme for 2023/24 and agreed the following programmes:
 - Member’s Code of Conduct: consider any update to the BwD Member’s Code of Conduct and consider adoption of the Local Government Association (LGA) Model Code of Conduct for Members.
 - Protocol on Member/Officer relations: consideration and review of the existing protocol.
 - Development of Planning Protocol for Members
 - Social Media Guidance for Members

8 Councillors as Foster Carers

A report was submitted to the Standards Committee to inform Members that Councillor Vicky McGurk (Executive Member for Finance & Governance) has notified the Monitoring Officer of becoming a Foster Carer for Blackburn with Darwen.

Foster carers are a valuable resource to the council and play a vital role in providing safe and supportive homes for children in care. Children who need to be fostered often have complex family histories and require foster carers who are highly skilled to meet their needs. Councillors will often possess the necessary skills, understanding and motivation to become foster carers.

However, whilst councillors can become foster caring for the same local authority appropriate safeguards need to be in place to avoid any potential conflict of interest and safeguard against other risks to the Council or the Councillor. In addition, other considerations include confidentiality & access to information, maintenance of objectivity, complaints procedures and their employment status as foster carers. Furthermore, the Council’s usual processes and procedures for foster carers will apply, which councillors providing foster care should follow.

Councillor McGurk has updated her public Register of Interest to record the fact that she is a foster carer for BwD, having entered in to a Foster Care Agreement with the Council. Councillor McGurk is also the Executive Member for Finance & Governance, and in accordance with the advice provided by the Monitoring Officer any executive decisions solely within the Finance & Governance portfolio that directly relate to fostering shall be taken by the Leader. At Executive Board, Councillor McGurk has been advised to consider (and seek any advice on agenda items), and withdraw from the meeting before any decisions relating to foster care are considered. Similarly, Councillor McGurk has been advised to consider and seek any necessary advice on agenda items at other council and committee meetings.

The Monitoring Officer and the Strategic Director for Children’s & Education will continue to review and ensure that the necessary processes and arrangements are in place to safeguard against any potential to the Council or Councillors who put themselves forward to provide fostering care to children in Blackburn with Darwen.

RESOLVED –

- That the report be noted
- That the Monitoring Officer had issued appropriate advice/guidance to Councillor McGurk to avoid any potential conflict of interest and safeguard against other risks to the Council or the Councillor.

9 Complaints Update

The Monitoring Officer updated the Committee on complaints that had been received since March 2023.

It was noted that 4 complaints had been received by the Monitoring Officer. The first complaint was regarding a Councillor on Election Day who used inappropriate language towards an agent at a polling station. The independent Person was consulted and the Councillor issued an apology and the complaint was closed.

The second complaint received was against a Councillor regarding a comment on social media however further information had been requested in order to proceed with the complaint.

The third complaint received was against the Chair of Planning and Highways Committee relating to a planning application. The complainant alleged that the Chair abused his position and powers. It was noted that the nature of the complaint was outside the remit of the code and therefore the Monitoring Officer did not take the complaint further.

The final complaint was an ongoing case regarding a planning application which was shortly due to be finalised.

RESOLVED – That the report be noted.

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:	27 September 2023

SUBJECT: Member Training 2023/24 - Update

1. PURPOSE OF THE REPORT

To update the Committee of the local training programme planned for 2034/24 review

2. RECOMMENDATIONS

The Standards Committee is requested to note the local training programme planned for 2023/24 (**Appendix**).

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 a training and development programme for Members. This includes:

- an online MeLearning e-learning facility, which has a selection of courses available to all Members
- mandatory annual training for elected members sitting on Planning & Highways and Licensing Committees
- essential 'online' training courses for DOJO Cyber Security Awareness and Information Governance for Elected Members

In addition to the above, a local training programme is to be for 2023/24. 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. Following discussion at the meeting of the Committee in June, items of the local training programme were considered and now been finalised (**Appendix**).

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 offered would assist in the delivery of that objective.

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

None.

8. RESOURCE IMPLICATIONS

The local training that is delivered either through MS Teams and in-person for better engagement, require the investment of time and resources from senior officers and the Governance team.

9. CONSULTATIONS

The Committee discussed items for the member training programme. The Statutory Governance Officers also considered the training programme to ensure key topical items were included. Chief Officers were 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: 12 September 2023

Background Papers: None

Member Training 2023/24

Date	Event	Frequency	In person / Teams	Presented/Led by
Mandatory Training				
N/A	Member Induction	Annual – for new Members	In person	
18 th September & 8 th November 2023	Information Governance DOJO Cyber Security	Annual	Teams	Lee Gardiner Sarah Critchley
28 th September 2023	Children’s Safeguarding	Annual	Hybrid – Meeting Room A	Joanne Siddle / Emma Ford
26 th October 2023	Adult’s Safeguarding	Annual	Hybrid	Mark Warren
Recommended Training				
11 th October 2023	Corporate Parenting	Annual	Hybrid	Joanne Siddle / Suzanne Kinder
2 nd November 2023	Schools/Education – Supporting Vulnerable Learners	Annual	Hybrid	Joanne Siddle / Michelle Holt/ Carol Grimshaw
13 th December 2023	Member/Officer Protocol – information sharing	Annual	Teams	Asad Laher / Corinne McMillan

22 nd February 2024	Emergency Planning, Business Continuity, Communications and Health & Safety	Annual	Teams	Sarah Riley / Claire Tulloch / Helen Moran
28 th February 2024	Highways - Envirocrime & Enforcement	Annual	Hybrid	Carmel Foster- Devine / Mark Wilde
19 th March 2024	Health & Care Integration	Annual	Teams	Mark Warren / Claire Richardson
28 th March 2024	Social Media & Digital Transformation	Annual	Teams	Andrea Sturgess / Laura Crabtree
N/A	Climate Emergency	Annual	Teams	E-Learning
N/A	Action Counter Terrorism	Every 3 years	Teams	E-Learning
N/A	Safeguarding Against Radicalisation	Annual	Teams	E-Learning
Not needed in 2023/24	Equality, Diversity & Inclusion	Every 2 years – due 2024/2025	In Person - External Provider	TBC
Not needed in 2023/24	Risk Management	Every 2 years – due 2024/25	Teams	Colin Ferguson / Zurich
Briefing				
23 rd November 2023	Procurement	Annual	Teams	Chris Bradley
9 th January 2024	Local Government Finance: Session One: Financial Strategy and Medium-Term Financial Plan	Annual	Teams	TBC
24 th January 2024	Local Government Finance: Session Two: Local Government Finance Settlement	Annual	Teams	TBC

1st February 2024	Capital Borrowing & Treasury	Annual	Teams	TBC
25 th April 2024	Council Tax Collection and Benefits	As required	Teams	Andy Ormerod
As Required	Elections Changes	As required	Teams	Asad Laher / Nafisha Master



REPORT OF:	The Monitoring Officer
TO:	Standards Committee
ON:	27 September 2023

SUBJECT: **Complaints Update**

1. PURPOSE OF THE REPORT

To update the Committee on complaints received 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.
- consider the Monitoring Officer's recommendations detailed in the report relating to planning matters.

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.

Currently, the Monitoring Officer is dealing with two 'live' complaints and are being dealt with under the Arrangements. The first complaint involves an allegation of pecuniary interest that has not been declared and therefore presenting a potential

conflict of interest when taking part in decision-making at committee. The second complaint relates to an allegation of 'inappropriate' involvement in a procurement process. The committee will be updated further on the progress of these two complaints at subsequent meeting.

At the last meeting of the Committee, the Monitoring Officer referred to a member complaint relating to a planning matter. Following the Initial Assessment under the Arrangements the matter was formally investigated to determine whether there had been a breach of the Code by the subject Member. The investigation required collation of facts and information and interviewing relevant officers, the complainants, the subject members and thereafter consulting with the Independent Person. The two complaints were related to two planning applications relating to the same property and concerned the Chair of the Planning & Highways Committee who had become involved with the applicant and the objectors as the property was in his ward. The complainants were also objectors to these planning applications and made a number of allegations against the Chair for breach of the Code, which included :

- contacting the Planning Officer whilst the first application was being considered under the scheme of delegation;
- for not declaring an interest and following the scheme of delegation when considering whether the first planning application should be referred to the Committee for determination;
- for alleged comments made in public at a non-council meeting and alleged posting of comments in a local newspaper.

After a detailed investigation none of the allegations were substantiated and no breach of the code has been found. However, the Monitoring Officer having carefully considered the investigation report has identified a number of learning points and made the following recommendations to assist all members, particularly those serving on the Planning & Highways Committee:

- The internal process for consideration by the Chair of planning applications received (which would usually be determined under officer delegations) for referral to the Planning & Highways Committee be reviewed. There needs to be clear records kept of meetings/consultations, including any declaration of interests by the Chair/Vice-Chair.
- Councillor request for updates on planning applications – it is expected that Councillors would be interested in planning applications in their ward, and would contact the planning department for information (although most information could be obtained from the Council's website). However, they should ensure this cannot be perceived as an attempt to seek to influence or question the planning officer's judgement on the particular applications. To ensure that this does not happen the planning department should also keep a record of enquires made by councillors on specific applications and the responses provided by officers. A suggestion would be to ask councillors to make any enquires by email, and responses to be provided by email. This would also provide some transparency and protect planning officers and councillors against allegations of bias etc (and the perception of that).

- Members of the Planning & Highways Committee and their involvement with applicants and objectors - advice and training should be provided to members of their role in protecting the integrity of the process by always demonstrating impartiality and avoiding or limiting their involvement with applicants/objectors, to reduce risks of any allegations of bias (or the perception of bias).
- Consider adopting a Planning Protocol for Members.

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, Deputy Director – Legal & Governance and Monitoring Officer.

Date: 12 September 2023

Background Papers: None