

REPORT OF THE STANDARDS COMMITTEE.

Councillors Saima Afzal

PORTFOLIO COORDINATING

DIRECTOR: David Fairclough

This report updates the Council Forum on the work of the Standards Committee.

1 Personal Safety for Elected Members

On 4th July 2019, the Local Government Association (LGA) published its Guide to handling intimidation for Councillors. The Guide is available to download in full via the link below.

www.local.gov.uk/councillors-guide-handling-intimidation

The guide covers 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 link to the Guide, to all Councillors in Blackburn with Darwen Borough Council on the date of publication. The Standards Committee then reviewed the Guide alongside our current local general advice to members. At their meetings in October 2019 and January 2020 the Standards Committee discussed the Guide and has produced a shortened local Guide to supplement the national guide.

At their meeting in March the Standards Committee also agreed to recommend, the adoption of the Social Media Guidance contained within the LGA Guide to handling intimidation for Councillors.

Recommendation 1

The Standards Committee recommend that the Full Council adopt the local Guide (Appendix A) to supplement that produced by the LGA (including the Social Media Guidance), with both Guides to be available on the Council's website for easy access.

2 Guidance for Councillors on Personal References.

The Committee has considered provision of advice for Councillors for handling reference requests reviewing that provided previously in 2016. It was felt appropriate to update this advice. The Committee therefore reviewed and updated guidance following advice from the Deputy Monitoring Officer.

Recommendation 2

The Standards Committee now recommend the updated Guidance (Appendix B) for adoption by the Full Council.

3 Arrangements for dealing with complaints about the Code of Conduct for Members

At their meeting in March the Committee received a detailed report on the outcome of a complaint considered under the above arrangements. Exceptionally in this case the Monitoring Officer publicly published his decision, which was contained in a comprehensive written decision notice to the complainants, in respect of Councillors, Kay, Sidat, McFall, and Groves who had all apologised as regards their actions.

In this very openly public case it became apparent that there was an expectation from a number of interested parties including the media reporting this matter that the `Arrangements for dealing with complaints about the Code of Conduct for members`, included an option for suspension, pending investigation and/or later dismissal from office. Albeit the `Arrangements for dealing with complaints about the Code of Conduct for members` does not and, cannot make such a provision.

These options are not provided for in legislation and the powers available to the Council in the event of an alleged breach of the Code of Conduct, are only those as set out in the current `Arrangements for dealing with complaints about the Code of Conduct for members`.

The Standards Committee therefore from the experience of this case propose that under the introduction to these `Arrangements` that the following be added to make the position explicit at the outset for complainants, subject members, other Councillors and any other interested parties:

Paragraph

- 1.5 *There are no powers in legislation and therefore under this complaints process for the suspension or dismissal of an elected councillor. In the event of a councillor being found in breach of the Code of Conduct only the sanctions as set out in Paragraph 13 below apply.*

Recommendation 3

That the Council Forum adopt the additional paragraph in the `Arrangements` as set out above.

**Councillor Saima Afzal
Chair of Standards Committee**

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