

STANDARDS COMMITTEE

Wednesday, 4 March 2020

PRESENT – Councillors, Afzal, Davies, Gunn, Slater and Whittle.

OFFICERS - David Fairclough (Director of HR, Legal and Governance) and Asad Laher, Beth Wolfenden, Shannon Gardiner

RESOLUTIONS

30 **Welcome and Apologies**

The Chair welcomed all present to the meeting. Apologies were received from Cllr John Pearson Cllr Jim Casey, Stewart Wright, Alan Eastwood, Paul Fletcher and Tassadaq Hussain.

31 **Minutes of the Previous Meeting**

RESOLVED – That the minutes of the previous meeting held on 15th January 2020, be agreed as a correct record.

32 **Declarations of Interest**

There were no Declarations of Interest received.

33 **Member Health & Wellbeing Training and Development Programme**

The Committee received a presentation by Beth Wolfenden, Public Health Development Manager, to inform Members about the proposed Pennine Lancashire cross-district health and wellbeing training programme.

It was noted that in the last three years Pennine Lancashire had been selected to deliver two programmes; the Department of Health and Social Care funded Healthier Place Healthier Future (HPHF) and the Sport England funded Together an Active Future (TaAf). The aim of the programmes was to support the health and wellbeing in communities by improving the food environment and increasing levels of physical activity.

The HPHF programme focused on the development of Elected Members as community and system leaders were in the position to influence health and wellbeing in their wards. After a consultation period across Pennine Lancashire it was identified that there was an opportunity to co-produce a comprehensive development.

Although Blackburn with Darwen has a public health function as part of its statutory responsibility, Members from district authorities reported, during the consultation period, that they had no direct responsibility for health and wellbeing. This training programme will ensure that health is understood to be everyone's responsibility.

The programme is being co-designed with a number of Elected Members from each of the six districts to ensure it is fit for purpose, relevance and sustainability to suit all 254 Elected Members. A key lever was to work with

Members to develop their knowledge, skills and confidence in supporting the health and wellbeing of their communities.

The Pennine Lancashire Elected Member Health and Wellbeing Forum was organised to support the development of a comprehensive and relevant training development programme. The next forum is being held at Shadsworth Children Centre on 24th March and all Elected Members are welcome to attend.

Members were informed that training and tools were being developed to support Members and will be tested as they are produced. Training was being designed to be interactive, stimulating and accessible in a number of formats to cater to all learning needs and styles including, online training, face to face and video and audio. The cost of the development of the online training and wider development was funded through HPHF and TaAF programmes.

RESOLVED – That the report and presentation be noted and that the development of a health and wellbeing programme for all Elected Members be endorsed.

34 Personal Safety of Councillors

A report was brought to Committee to consider the introduction of a new Accident and Incident Reporting Guide for Elected Members.

At the previous Committee meeting in January 2020 the Local Government Association (LGA) Guide to handling intimidation for Councillors was reviewed. The guide covered how to handle abuse, both face to face, letters or online and the LGA have confirmed that this would be continuously updated with the latest advice and information available.

The Committee also approved a recommendation to Full Council of a short local guide renamed to Personal Safety Guide for Councillors in addition to the advice produced by LGA. The two guides will be available on the Council's website as well as on Members desktops for easy access.

Councillors are not employees of the Council and do not have the benefit of safeguarding in employment legislation if they suffer intimidation. However, the Council does seek to support Councillors to undertake their duties safely and without fear or intimidation. Incidents and accidents can occur in Elected Member roles and the Council has a general duty to seek to ensure a safe working environment, as far as is reasonably practicable

It was noted that Councillors are encouraged to report accidents and incidents which may affect them during their duties for the Council as this would help inform other and enables careful and informed planning to avoid the potential for future repetition.

A digital solution for reporting incidents and accidents had been developed which would ensure the Council and Elected Members were kept informed of relevant incidents and receive appropriate support in the event of this being required. The Committee were informed that one accident and incident form had been submitted.

RESOLVED –

- That the Accident and Incident Reporting Guide for Elected Members be approved
- That the button for the Guide be placed onto Elected Members desktops

35 Councillors and Social Media

A report was brought to the Standards Committee to review the current LGA advice available in respect of Councillors and Social Media.

Over the years the Council has provided training to Members and general support and guidance. At a previous meeting the Committee reviewed the LGA guide to handling intimidation for Councillors, which will be continuously updated with the latest advice and information.

The guide also provides specific links to general social media guidance covering key points such as;

- Social media being useful in getting feedback on proposals and communicating information about Councillors' activities
- Councillors being aware that they are subject to the Council's code of conduct when using social media
- Why Councillors many find social media useful
- Responsibilities of Councillors on social media

The national Guide describes how social media has become an every-day communications tool for Councillors and the people they represent, and the potential for Councillors using social media is huge. Social media allows Councillors to be innovative and responsive as well as providing links to useful sources of information or signposting to other organisations.

However Social Media also presents different challenges for Councillors in undertaking their safely and effectively. For example, Councillors are personally responsible for the content they publish on any form of social media. Publishing or allowing to be published (in the form of a comment) an untrue statement about a person which is damaging to their reputation may incur a defamation action for which you will be personally liable. The same applies if a Councillor passed on any similar untrue statements they receive.

Another example is fully acknowledging and understanding that social media sites are in the public domain and how important it is, to ensure Councillors are confident of the nature of the information they publish. Once published, content is almost impossible to control and may be manipulated without a Councillor's consent, used in different contexts, or further distributed.

RESOLVED – That the report be noted.

36 Complaints Update

The Monitoring Officer 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 31st January 2020.

It was noted that in December 2019 and January 2020 there had been 7 complaints received by the Monitoring Officer covering 5 different Councillors.

In the first case the issue of confidentiality did not arise as the matter was in the public domain. Complaints were received regarding an alleged anti-Semitic Facebook post by a Councillor and also that the post was 'liked' by 3 other Councillors.

These complaints were considered in accordance with the 'Arrangements for dealing with complaints about the Code of Conduct for Members' as set out in the Council's constitution. Under the 'Arrangements' the Monitoring Officer must make an initial assessment as regards whether the complaint merits investigation or another course of action and do so following consultation with the Independent person.

All four Councillors accepted the Monitoring Officers decision and confirmed their apologies be reported in public at the Standards Committee.

A complainant further sought an explanation why there was not an initial suspension and potential dismissal of the Councillor(s) however it was explained that the Council does not have legal powers to suspend or dismiss any Councillor. It was advised that the only sanctions available to the Council and Standards Committee – Hearing Panel in the event a matter was brought before them were those set out in Paragraph 13 of the 'Arrangements for dealing with complaints about the Code of Conduct for members.

In this public case it became clear to the Monitoring Officer 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. Although the 'Arrangements for dealing with complaints about the Code of Conduct for members does not and, cannot make such a provision.

It is suggested therefore from experience of this case that under the introduction to these Arrangements that the following could be added to make the position explicit at the outset for complainants, subject members, other Councillors and any other interested parties:

'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'

The second case that the Monitoring Officer received involved a Tree Preservation Order and 3 separate complaints were lodged relating to 1 Councillor who was alleged to have misrepresented the matter.

The first complainant did not pursue their complaint. In respect of the remaining two complainants the Monitoring Officer reviewed the complaints and representations received with the Independent Person and it was concluded that, the allegation did disclose a potential breach of the Code of Conduct, but the complaint was not serious enough to merit any action.

In this case there was some concern about the role being undertaken by Councillors who may hold different positions (e.g. Parish Councillor and Borough Councillor), potential conflicts of interest and who they represent at any given time. Previously the Committee had considered the challenges presented by Councillors wearing `two hats` and the Monitoring Officer is proposing to present a report to a future meeting of the Committee to review current advice and updates as appropriate following experience from this case.

Up to 31st January 2020 there were no further complaints received under the Members Complaints Procedures.

RESOLVED –

- That an update of the Arrangements for dealing with complaints about the Code of Conduct for Members be recommended to Full Council as set out in this report.
- That a report on updated guidance on ‘two hatted’ Councillors be considered at a future meeting of the Standards Committee
- That the report be noted

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed