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Blackpool Council

12 June 2015

To: Councillors Cain, Clapham, I Coleman, Mrs Henderson MBE, Hunter, Jackson and Singleton

The above members are requested to attend the:

STANDARDS COMMITTEE

Tuesday, 23 June 2015 at 6.00 pm
in Committee Room B, Town Hall, Blackpool

A G E N D A

1 DECLARATIONS OF INTEREST

Members are asked to declare any interests in the items under consideration and in doing so state:

- (1) the type of interest concerned; and
- (2) the nature of the interest concerned

If any member requires advice on declarations of interests, they are advised to contact the Head of Democratic Governance in advance of the meeting.

2 MINUTES OF THE LAST MEETING HELD ON 24 SEPTEMBER 2014 (Pages 1 - 2)

To agree the minutes of the last meeting held on 24 September 2014 as a true and correct record.

3 REVIEW OF THE CODE OF CONDUCT FOR MEMBERS (Pages 3 - 12)

To consider the attached report from the Monitoring Officer on the proposed review of the Code of Conduct for Members.

4 STANDARDS UPDATE REPORT (Pages 13 - 18)

To receive and comment upon the update report from the Monitoring Officer.

Venue information:

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

Other information:

For queries regarding this agenda please contact Lorraine Hurst, Head of Democratic Governance, Tel: (01253) 477127, e-mail lorraine.hurst@blackpool.gov.uk

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at www.blackpool.gov.uk.

Present:

Councillor Jackson (in the Chair)

Councillors

Cain

I Coleman

Mrs Delves

Hunter

In Attendance:

Mr Ellwood, Independent Person

Mr Mozley, Independent Person

Mark Towers, Director of Governance and Regulatory Services

Lorraine Hurst, Head of Democratic Governances

1 DECLARATIONS OF INTEREST

There were no declarations of interest.

2 MINUTES OF THE LAST MEETING HELD ON 16 AUGUST 2012

The Committee agreed that the minutes of the meeting held on 16th August 2012 be signed by the Chairman as a correct record.

3 INDEPENDENT PERSON PROTOCOL

The Committee considered the draft Protocol which set out to clarify the role of the Independent Person and provide consistency and transparency in terms of the Independent Member assisting in allegations of member misconduct, liaison with the subject member, the relationship with the Standards Committee and general matters.

Members acknowledged that the role of Independent Person was still in its infancy and as such, noted the proposal for the Protocol to be developed further.

The Committee agreed:

To adopt the Protocol for the Independent Person and to agree to keep this under review.

4 STANDARDS UPDATE REPORT

The Monitoring Officer provided Committee members with an overview of matters referred to him in relation to allegations of a failure to comply with the Code of Conduct, since the adoption of the Code in 2012. The view was expressed that the Council had a relatively low number of member misconduct allegations and it was noted that those allegations that had related to the Code of Conduct, had been resolved informally. The Monitoring Officer provided members with an update of a recent investigation that had also been concluded on an informal basis.

MINUTES OF STANDARDS COMMITTEE MEETING - WEDNESDAY, 24 SEPTEMBER 2014

It was reported that in terms of promotion of high standards of conduct, the Monitoring Officer had received support from the political group leaders and the Committee also acknowledged the work undertaken by officers and Independent Persons in this respect.

Members were advised that the experience of operating arrangements for standards complaints had prompted a request from the Monitoring Officer from both Blackpool Council and Fylde Council, with which the Council had reciprocal arrangements for standards matters, to review the Code of Conduct and framework surrounding it, ahead of the local elections in 2015. To that end, a joint working group was proposed to include the three Independent Persons and representatives from the Standards Committees from both authorities.

The Committee agreed:

1. To note the update report and the issues raised to date.
2. To form a joint working group with Fylde Borough Council members and the three Independent Members to review the Code of Conduct for Members and the arrangements for dealing with complaints of member misconduct.
3. That the Chairman and Vice-Chairman of the Standards Committee along with Councillor Mrs Delves be the representatives on the joint working group.

Chairman

(The meeting ended at 3.25 pm)

Any queries regarding these minutes, please contact:

Lorraine Hurst, Head of Democratic Governance

Tel: (01253) 477127

E-mail: lorraine.hurst@blackpool.gov.uk

Report to:	Standards Committee
Relevant Officer:	Mark Towers, Director of Governance and Regulatory Services / Monitoring Officer
Date of Meeting	23 June 2015

REVIEW OF THE CODE OF CONDUCT FOR MEMBERS

1.0 Purpose of the report:

- 1.1 To consider a draft revised Code of Conduct for Members following a joint workshop with three members of the Standards Committee, three Independent Persons and three councillors from Fylde Borough Council.

2.0 Recommendation(s):

- 2.1 To consider the attached revised Code of Conduct and if in agreement recommend this document to Council to for approval.
- 2.2 To appoint a replacement opposition councillor to serve on the Joint Working Group, to replace former Councillor Mrs Delves.

3.0 Reasons for recommendation(s):

- 3.1 The Code of Conduct has not been reviewed since its approval in June 2012. The document is more succinct, provides greater clarity and is based upon the legislation and recommendations from the joint workshop.

- 3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No but it will, if approved replace the current Code of Conduct for Members, in the Council's Constitution.

- 3.2b Is the recommendation in accordance with the Council's approved budget? Yes

- 3.3 Other alternative options to be considered:

To not agree to a revised code of conduct and maintain the current code or to make different changes to the Code. However, having the same/ very similar Code of Conduct to Fylde Borough Council will help in carrying out reciprocal arrangements.

4.0 Council Priority:

4.1 The relevant Council Priority is “Deliver quality services through a professional, well-rewarded and motivated workforce.”

5.0 Background Information

5.1 This Committee last met on 24th September 2014 and at that meeting agreed to review the Code of Conduct for Members and the framework surrounding it, ahead of the local elections in 2015. It was noted that Blackpool Council and Fylde Borough Council had reciprocal arrangements relating to standards issues. To that end, a joint working group was proposed to include the three Independent Persons and representatives from the Standards Committees from both Fylde Borough Council and Blackpool Council. It was agreed at that meeting that the Blackpool representatives be the Chairman and Vice-Chairman of the Standards Committee, along with Councillor Mrs Delves.

5.2 Both Councils have had identical codes since the introduction of the Localism Act 2011. Prior to the Localism Act, Councils had to adopt a prescribed national Code of Conduct, but this was amended by the Act. The Act specified mandatory aspects of the Code in relation to disclosable pecuniary interests although other aspects such as personal and prejudicial interests, together with other general provisions, were left to local choice as to precisely what should be added.

5.3 A joint workshop was held in late February 2015 and proposed amendments were made to the Code in light of discussions at the workshop. As a consequence, a revised Code is now presented to the Standards Committee for consideration with a view to this being recommended to Council for its formal approval. Fylde Borough Council has already had this code adopted by their Council meeting prior to the election. Due to the timing of Council meetings, this is the first opportunity to formally present it to this committee.

5.4 At the workshop to review the Code, the following key issues emerged:

- That the fabric of the intent of the current code should be kept, i.e. to include a part on personal and prejudicial interests and other general matters, in addition to the statutory disclosable pecuniary interest aspects and the Code should not be diluted.
- That the layout should be simplified and the language be in clearer English where possible.
- That personal interests relating to the declaration of gifts and hospitality should be removed as a declaration of interest requirement at meetings (although there would still be a requirement for members to register the receipt of gifts and hospitality). It was felt unreasonable to expect members to have remembered such instances three years later.

All these changes have been incorporated, together with other minor drafting changes. The proposed revised Code is now presented to members for their consideration.

- 5.5 The other role of the Working Group was to look at the framework surrounding the code of conduct, in particular the process for dealing with complaints. Unfortunately the Working Group was unable to complete this piece of work prior to the election and this will be revisited in the weeks to come. As members will be aware Councillor Mrs Delves retired from office at the recent local election and therefore the committee will be asked to nominate another opposition group councillor to take her place on the Working Group. The representative should be a councillor with experience of standards issues and the code of conduct and its interpretation.

Does the information submitted include any exempt information?

No

List of Appendices:

An updated Code of conduct for Members.

6.0 Legal considerations:

- 6.1 Under the Localism Act 2011, every council must adopt a Code of Conduct, which must at least include disclosable pecuniary interests and any local additions.

7.0 Human Resources considerations:

- 7.1 None.

8.0 Equalities considerations:

- 8.1 None.

9.0 Financial considerations:

- 9.1 There are no financial implications associated with this report.

10.0 Risk management considerations:

- 10.1 Having a clearer, more user-friendly code of conduct will hopefully assist with the understanding of it by elected members and the public and therefore there should be less breaches of it.

11.0 Ethical considerations:

11.1 The Council has a value of being accountable and this revised Code of Conduct will help embed the standards that elected and co-opted members have to adhere to.

12.0 Internal/ External Consultation undertaken:

12.1 Consultation has taken place with the joint working group between Fylde Borough Council, Blackpool Council and the three independent persons.

13.0 Background papers:

13.1 None.

Code of Conduct for Members	
Effective from xxx	Approved by Council on xxx

1. Principles

1.1 These principles underpin the Code of Conduct. Although they do not form part of the Code, it is expected that you will act with:

- Selflessness
- Honesty and integrity
- Objectivity
- Accountability
- Openness
- Respect for others
- Commitment to uphold the law
- Leadership

2. Application

2.1 This Code applies to you whenever you:

- are acting in your capacity as a member or when you claim to act or give the impression you are acting in your capacity as a member
- act as a representative of your authority on another body.

3. Sanctions

3.1 Failure to comply with the provisions of this Code may result in a sanction being imposed:

- either by the Council (if it relates to the Code itself or a personal / personal prejudicial interest)
- through criminal proceedings (if it relates to a Disclosable Pecuniary Interest which may result in a criminal conviction and a fine of up to £5,000 and/ or disqualification from office for a period of up to 5 years).

4. General obligations of the Code

You must:

4.1 Treat others with respect.

4.2 When using or authorising the use by others of the authority's resources, do so in accordance with the authority's requirements and ensure that resources are not used improperly (including political purposes).

4.3 Have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

4.4 Have regard, when reaching decisions, to advice provided to you by the authority's Chief Finance Officer or Monitoring Officer when they are acting in accordance with their statutory duties.

- 4.5 Give reasons for all decisions in accordance with any statutory requirements and any additional requirements of the authority.
- 4.6 Not do anything which may cause your authority to breach the Equality Act 2010 (or subsequent legislation)
- 4.7 Not bully any person.
- 4.8 Not intimidate or attempt to intimidate any person who is or is likely to be:
- a complainant
 - a witness
 - involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with the code of conduct.
- 4.9 Not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority.
- 4.10 Not disclose confidential information except where:
- you have the consent of a person authorised to give it
 - you are required by law to do so
 - the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person
 - the disclosure is reasonable, in the public interest, made in good faith and in compliance with the reasonable requirements of the authority
- 4.11 Not prevent another person from gaining access to information to which they are entitled by law.
- 4.12 Not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
- 4.13 Not use or attempt to use your position as a member improperly to gain for yourself or any other person, an advantage or disadvantage.

5. **Disclosable Pecuniary Interests (DPI)**

- 5.1 This part explains the statutory requirements of the Localism Act 2011 (Sections 29- 34) in relation to disclosable pecuniary interests (DPIs). These are enforced by criminal sanction.
- 5.2 A **disclosable pecuniary interest** is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) of the descriptions set out at Appendix 1.
- 5.3 You must:
- (i) Notify the Monitoring Officer in writing within 28 days of becoming a member, or within 28 days of any change or becoming aware of any existence of a DPI.
 - (ii) Make a verbal declaration (at the beginning or as soon as you become aware of your interest) of the existence and nature of any DPI at any meeting at which you are present where an item of business which affects or relates to the subject matter of the interest is under consideration.

- (iii) Comply with the statutory requirements to withdraw from participating in respect of any matter in which you have a DPI and comply with the Council's Procedure Rules by leaving the room.
- (iv) Cease further participation in the item (where acting alone outside of a meeting). This includes where an executive member makes an individual decision and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the executive member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

6. Dispensations

- 6.1 The Standards Committee may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

7. Offences

- 7.1 It is a criminal offence to:

- fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the Register
- fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- as an executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest
- knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

- 7.2 The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

8. Personal Interests

- 8.1 You have a **personal interest** where:

- (i) A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a member of your family or any person with whom you have a close association
- (ii) You are a member of any body or in a position of general control or management and to which you are appointed or nominated by your authority
- (iii) You are a member of any body (other than another local authority) exercising functions of a public nature, any body directed to charitable purposes or any body one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management.

8.2 You must:

- (i) Notify the Monitoring Officer in writing within 28 days of becoming a member, or within 28 days of any change or becoming aware of any existence of a personal interest set out in paragraph 8.1 (ii) and (iii) above.
- (ii) Make a verbal declaration (at the beginning, or as soon as you become aware of your interest) of the existence and nature of any personal interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of the interest is under consideration.

9. Prejudicial interests9.1 Your personal interests would become **prejudicial** in the following instances:

- (i) Where a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgment of the public interest AND where that business:
 - (a) affects your financial position or the financial position of a person or body through whom the interest arises or
 - (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person through whom the interest arises.

9.2 You must:

- (i) Make a verbal declaration (at the beginning, or as soon as you become aware of your interest) of the existence and nature of any prejudicial interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of the interest is under consideration.
- (ii) Comply with the Council's Procedure Rules by withdrawing from any discussion of the matter at the meeting, and you may not participate in any vote taken on the matter at the meeting.
- (iii) Cease further participation in the item (where acting alone outside of a meeting). This includes where an executive member makes an individual decision and becomes aware of prejudicial interest in a matter being dealt with or to be dealt with by her/him, the executive member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

9.3 Where you have a prejudicial interest you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise, and provided that you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

10. General dispensations

10.1 You may attend a meeting and vote on a matter where you have an interest that relates to the functions of the authority relating to:

- (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease

- (ii) an allowance, payment or indemnity given to members
- (iii) any ceremonial honour given to members
- (iv) setting council tax or a precept under the Local Government Finance Act 1992.
- (v) Another local authority

11. Registering interests, gifts and hospitality

- 11.1 Any interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the Council's website.
- 11.2 You must also register details of any gift or hospitality with an estimated value of at least £25 that you have received in connection with your role as a member of the Council and details of the donor.

12. Sensitive interests

- 12.1 Where you consider that disclosure of the details of a personal or prejudicial interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

Appendix 1 – Categories of Disclosable Pecuniary Interests (DPIs)

Subject	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority - (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) – (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where (a) that body (to your knowledge) has a place of business or land in the area of the relevant authority; and (b) either – (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (j) if that share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Report to:	Standards Committee
Relevant Officer:	Mark Towers, Director of Governance and Regulatory Services / Monitoring Officer
Date of Meeting:	23 June 2015

STANDARDS UPDATE REPORT

1.0 Purpose of the report:

- 1.1 To consider an update report from the Monitoring Officer on standards issues raised to date under the new framework, to note and comment on the training of members since the election and to highlight forthcoming matters in relation to standards issues.

2.0 Recommendation(s):

- 2.1 To consider the update report and note the issues raised to date.

3.0 Reasons for recommendation(s):

- 3.1 To make Standards Committee members aware of the type of issues raised.

- 3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

- 3.2b Is the recommendation in accordance with the Council's approved budget? Yes

- 3.3 Other alternative options to be considered:

None. This is an update report.

4.0 Council Priority:

- 4.1 The relevant Council Priority is "Deliver quality services through a professional, well-rewarded and motivated workforce."

5.0 Background Information

- 5.1 The Monitoring Officer has been appointed as Proper Officer to receive allegations of failure to comply with the Code of Conduct regarding elected members and co-opted members. The Monitoring Officer has delegated authority, after consultation with an Independent Person, to determine whether an allegation of a member's misconduct requires investigation and to arrange such an investigation.
- 5.2 The Monitoring Officer should seek resolution of complaints without formal investigation wherever practicable and he has the discretion to refer matters to the Standards Committee where he feels it is inappropriate to take a decision on a referral for investigation. He should also periodically prepare reports for the Standards Committee on the discharge of this function.
- 5.3 It should be noted that there are a number of stages in dealing with reported matters. Some matters are brought to the attention of the Monitoring Officer without merit. In instances where a breach may have been considered to arise and in line with agreed procedures, wherever possible the Monitoring Officer should seek the resolution of complaints without the need for formal investigation. Periodic reports to the Standards Committee show all the matters which have been brought to the attention of the Monitoring Officer for review in order that members of the Standards Committee have an appreciation of all matters arising.

5.4 **Update on standards issues raised**

The schedule below sets out the issues raised on a category basis since the last report to Committee in September 2014.

November 2014

Treating others with respect/ bringing office into disrepute - one initial assessment and an informal resolution (including letter of apology) was agreed with the complainant and subject member.

November 2014/ December 2014

Not a code of conduct issue - one referral in connection with an Area Forum meeting regarding the chairman (a co-opted member) for that meeting. However, on closer inspection of the issues the complaint was not relating to a specific part of the code of conduct and there were disputed accounts of the complaint.

January 2015

Treating others with respect/ bringing office into disrepute - one initial assessment (regarding two councillors) and an informal resolution (including verbal apology) was agreed with the complainant and subject members.

April/ May 2015

Not code of conduct issues - two referrals but these were not code of conduct issues.

These were mainly prompted by the onset of the local election. These instances were without foundation and were in effect only hearsay complaints without any factual backup relating to alleged exchanges between in one instance a councillor and a candidate and in another instance a councillor and a member of the public. When prompted for more information and a reference to the code, none was forthcoming. One of these instances involved the use of social media.

Misuse of council resources/ Use position to confer an advantage – A complaint was made in regard to the inappropriate use of a council email address during the lead up to the election. However, this was not taken forward as it was clear no advantage was gained.

5.5 **Training for new and returning members**

As members will see from a separate item on the agenda, the current Code of Conduct has been subject to a review and training on the Code of Conduct, in particular for new members, will have taken place on Monday 15 June 2015. The training will also cover the Protocol on Member/ Officer Relations.

5.6 One area of increasing concern around the country is inappropriate use of social media by councillors. This has not been a major concern in Blackpool but there have been one or two instances where advice has been given. It is considered though that the Committee may wish to consider this area in more detail. The Monitoring Officer will report further at the meeting.

5.7 **Forthcoming matters – the role of Designated Independent Persons**

The Committee is asked to note the legislative changes in relation to the role of the standards Independent Persons in relation to Chief Officer employment matters.

5.8 The Constitution sets out the rules and procedures within which the Council operates. Within these, there is a Chapter relating to Officer Employment Procedure Rules which set out the procedures for recruitment and appointment of Chief Officers, discipline and dismissal matters. Part of the current rules provide that in an instance where a Chief Officer is subject to disciplinary action, that no subsequent action can be taken other than in accordance with a recommendation in a report made by a 'designated independent person' (DPI). In practice, this would usually be someone external to the Council, such as an investigating officer appointed by the North West Employers Organisation. Their recommendation would be binding on the Council.

5.9 The new Regulations are intended to simplify the process, in particular by putting the decision fully in the hand of Council members who must consider any advice, views or recommendations from an independent panel. In practice the matter would be

considered by the Chief Officers Employment Committee which would make its recommendation to Council after considering the views of the Panel, the conclusions of the investigation and representations from the officer concerned.

- 5.10 The Council is required to invite independent persons who have been appointed to support the members' conduct regime to form the Panel. A consultation has taken place with the independent persons appointed under the standards mechanism, namely Mr Horrocks, Mr Ellwood and Mr Mozley. They have agreed that they will fulfil this role. This may well necessitate some training and this enhanced role will require further consideration, in terms of their remuneration payment, from the Independent Remuneration Panel.

Does the information submitted include any exempt information?

No

List of Appendices:

None

6.0 Legal considerations:

- 6.1 None - the Council has a locally agreed procedure for dealing with allegations.

7.0 Human Resources considerations:

- 7.1 None

8.0 Equalities considerations:

- 8.1 None

9.0 Financial considerations:

- 9.1 There are no financial implications associated with this report.

10.0 Risk management considerations:

- 10.1 None.

11.0 Ethical considerations:

- 11.1 None.

12.0 Internal/ External Consultation undertaken:

12.1 None – the complaints were not considered serious enough to involve the relevant Independent Person.

13.0 Background papers:

13.1 Exempt.

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