

<b>Report to:</b>	Standards Committee
<b>Relevant Officer:</b>	Mark Towers, Director of Governance and Regulatory Services / Monitoring Officer
<b>Date of Meeting:</b>	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.