

Report to:	STANDARDS COMMITTEE
Relevant Officer:	Mark Towers, Director of Governance and Regulatory Services / Monitoring Officer
Date of Meeting:	24 th September 2014

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.

2.0 Recommendation(s):

- 2.1 To consider the update report and note the issues raised to date.
- 2.2 To form a joint working group with Fylde Borough Council members to review the code of Code of Conduct for Members and the arrangements for dealing with complaints of member misconduct.

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 The schedule below sets out the issues raised on a category basis since the new code was agreed by the Council in June 2012.

July 2012 to December 2012

Treating others with respect/ bringing office into disrepute - 1 initial assessment and an informal resolution was agreed with the complainant and subject member.

Not code of conduct issues - 2 referrals but these were not code of conduct issues. (1 of these referrals was considered at an initial assessment stage by someone appointed by the Monitoring Officer to act on his behalf, but was deemed not to be a code of conduct issue)

2013

Interests - advice given to one member regarding a potential breach of the code of conduct in relation to a declaration of interest - advice was taken and no breach was incurred (consultation took place with an Independent person).

Not code of conduct issues - 2 referrals but these were not code of conduct issues.

Advice given to potential complainant - advice was given in 2 instances to potential complainants who then amicably resolved their issues.

2014

Treating others with respect/ bringing office into disrepute - 1 initial assessment and an informal resolution was agreed with the complainant and subject member.

Use position to confer an advantage - 1 initial assessment undertaken but with no code of conduct issue.

Interests - advice given to one member regarding a potential breach of the code of conduct in relation to a declaration of interest - advice was taken and no breach was incurred.

Treating others with respect/ bringing office into disrepute - 1 initial assessment and after consultation with an Independent Person this was referred for investigation. The Investigating Officer's report has been received with a recommendation of a potential breach of the code, in relation to 'treating others with respect'.

- 5.5 The latter instance referred to at 5.4 above relates to a matter where the investigation report was initially due to be considered on this agenda. However, the Monitoring Officer has had further discussions with the complainant and the subject member and the complainant has requested for the matter to be resolved informally and for the matter to remain confidential. The subject member has now agreed to informal resolution and the Monitoring Officer has also consulted the Independent Person. At the time of publication of this agenda, this matter has not yet been concluded and the Monitoring Officer will report further at the meeting.
- 5.6 The Council's agreed procedure for dealing with allegations of misconduct is listed at Appendix 4(a). The relevant paragraph in this situation is shown below:
"Where the investigation finds evidence of a failure to comply with the Code of conduct, the Monitoring Officer after consultation with the Independent Person be authorised to seek local resolution to the satisfaction of the complainant in appropriate cases, with a summary report for information to Standards Committee. Where such local resolution is not appropriate or not possible they are to report the investigation findings to a meeting of the Standards Committee for local hearing."
- 5.7 The experience of operating these arrangements since 2012, has prompted a request from both Blackpool's Monitoring Officer and Fylde Borough Council's Monitoring Officer to review the code of conduct and the framework surrounding it, to allow for a revised code and set of arrangements to be in place following the local elections in

2015. In view of this the Committee will be asked if it wishes to nominate members to form a joint working group with the Independent persons and representatives from Fylde Borough Council.

Does the information submitted include any exempt information?

No - unless further detail is to be disclosed regarding the case referred for investigation.

List of Appendices:

Appendix 4(a) - Procedure for Dealing with Allegations of Misconduct

6.0 Legal considerations:

6.1 None - the Council has a locally agreed procedure for dealing with allegations at Appendix 4(a).

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 Consultation has taken place where appropriate with the relevant Independent Person.

13.0 Background papers:

13.1 Exempt.