

MINUTES OF STANDARDS COMMITTEE MEETING - 16TH AUGUST 2012

Present:

Councillor Mrs Haynes (in the Chair)

Councillors

Mrs Delves Hutton Riding Ryan

In attendance:

Mark Towers, Head of Democratic Services and Monitoring Officer

Lorraine Hurst, Assistant Head of Democratic Services and Deputy Monitoring Officer

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. MINUTES OF THE MEETING HELD ON 30 MAY 2012

Resolved: That the minutes of the meeting held on 30 May 2012 be signed by the Chairman as a correct record.

3. REVIEW OF THE CODE OF CONDUCT FOR MEMBERS

Members were aware that the Council, at its meeting on 20 June 2012, had approved a Code of Conduct for Members and had agreed that the Committee would report back with further final recommendations in relation to the Code.

The Committee considered the content and wording of the Code and suggested areas for improvement in relation to 'other interests' in order to make the terminology more meaningful.

Members went on to consider the arrangements for dispensation and noted that although the Code that had been approved in June, had included the provision for dispensation in relation to those matters that would normally affect most Council members (including members' allowances, setting Council tax and ceremonial honours), the legislation required that a written request for dispensation is submitted by each member.

Resolved:

That Council be recommended to agree:

1. That 'other interests' as set out in the Code of Conduct for Members be amended to read 'personal interests' in order for the terminology to be more meaningful.

MINUTES OF STANDARDS COMMITTEE MEETING - 16TH AUGUST 2012

2. That, subject to 1. above, in cases of non participation due to a personal interest (paragraph 15 of the Code) that the Code is amended to read 'personal and prejudicial interests'.

3. To note that training will be organised for all members which will help explain the different categories of interests.

4. That dispensation for all members of the Council be granted, allowing them to participate and vote upon the areas referred to in paragraph 15(3) of the Code of Conduct, until the end of the current term of office, subject to the submission of a pre-populated request signed by each member.

4. ARRANGEMENTS FOR DEALING WITH ALLEGATIONS OF MEMBER MISCONDUCT

Members noted that the Localism Act required that local authorities adopt arrangements for dealing with allegations of member misconduct and the Council at its meeting on 20th June 2012, had agreed for the Standards Committee to consider the arrangements and report back on proposals.

The Committee had previously acknowledged that a new framework for dealing with allegations could benefit from a slicker and more streamlined approach and that wherever appropriate, the arrangements should focus around securing a mediated outcome. Furthermore, the Localism Act allowed a new flexibility to delegate to the Monitoring Officer the initial decision on whether a complaint required investigation or informal resolution as well as the ability to refer complaints to Standards Committee.

Members were aware that the Council was pursuing reciprocal arrangements with Fylde Borough Council to enable investigations to be carried out on behalf of each authority to avoid any conflict of interest. For these arrangements to work effectively, both Councils would benefit from having the same or very similar arrangements for dealing with allegations and members noted that Fylde Borough Council had adopted the same arrangements that were being considered by the Committee.

Resolved:

1. That the Council be recommended to agree the following arrangements for dealing with allegations of member misconduct:

i) That the Monitoring Officer be appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct regarding councillors and co-opted members.

ii) That the Monitoring Officer be given delegated powers, after consultation with the Independent Person, to determine whether a complaint merits formal investigation and to arrange such investigation.

iii) That the Monitoring Officer should seek resolution of complaints without formal investigation wherever practicable and that s/he be given discretion to refer recommendations on investigation to the Standards Committee where s/he feel that it is

MINUTES OF STANDARDS COMMITTEE MEETING - 16TH AUGUST 2012

inappropriate for him/her to take the decision and to report periodically on the discharge of this function.

iv) Where the investigation finds no evidence of failure to comply with the Code of Conduct, that the Monitoring Officer be instructed to close the matter, providing a copy of the report and findings of the investigation to the complainant and to the member concerned and to the Standards Committee for information.

v) 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.

vi) That the Standards Committee be given delegated powers to undertake the following in respect of a member who is found on hearing to have failed to comply with the Code of Conduct, such actions to include:

a) Reporting its findings to a meeting of Council for information and/or a press release to the media (a censure)

b) Recommending to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to committees) that he/she be removed from any or all committees or sub-committees of the Council

c) Recommending to the Leader of the Council that the member be removed from the Executive, or removed from particular Cabinet Member responsibilities

d) Recommending the Monitoring Officer to arrange training for the member

e) Recommending removal from all outside appointments to which he/she has been appointed or nominated

f) Recommending withdrawing facilities provided to the member by the Council, such as a computer, website and/or email and Internet access(providing it does not obstruct the democratic process)

g) Recommending excluding the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, committee/sub committee and Executive meetings

h) Recommending the member to contact the Council via specified point(s) of contact.

(In determining the appropriate action, the Standards Committee must be aware that a Member must not be precluded from carrying out their official duty).

2. That Council considers a revised 'Responsibility for Functions' for the Committee based on the proposed new arrangements.

MINUTES OF STANDARDS COMMITTEE MEETING - 16TH AUGUST 2012

3. That the Committee receives a report each year to include a summary of themes arising from allegations in relation to members, key information in relating to Code requirements and details of training undertaken.

5. APPOINTMENT OF INDEPENDENT PERSON(S)

The Committee considered the proposals for the appointment of the independent person as required by the Localism Act and in doing so noted the reciprocal arrangements being pursued with Fylde Borough Council in relation to dealing with allegations of misconduct. Members noted that a pool of three independent persons was being proposed and that each authority would appoint one of the independent persons as its lead with a third member to draw upon to cover in times of absence or where they may be conflicts of interest. The Committee went on to consider the proposed recruitment process for these roles.

Resolved:

1. That positions for three independent persons are advertised to be shared between Blackpool Council and Fylde Borough Council (subject also to the agreement of Fylde Council's Standards Committee).
2. That each Authority nominates one of the independent persons as its lead.
3. That the process for recruitment and proposals as set out in the report be agreed.
4. To note that the Independent Remuneration Panels from both Councils will consider whether remuneration is appropriate for the position(s).

6. UPDATED MEMBER AND OFFICER PROTOCOL FOR PLANNING MATTERS

The Head of Democratic Services reported upon an amended Member and Officer Protocol for Planning Matters that had been recommended for approval by the Council's Planning Committee. The document had been revised in order to provide clear and understandable guidance and included a detailed schedule on site visits.

Members also noted the proposals for a scheme allowing ward members to refer planning applications, which ordinarily would be dealt with by officers under delegated powers, to the Planning Committee for consideration.

Resolved:

That Council be recommended to agree:

1. That the amended Member and Officer Protocol for Planning Matters including the Planning Committee Site Visits Schedule be approved.
2. That the procedure for referral by ward councillors be approved and that the document is reviewed after a 12 month period.

MINUTES OF STANDARDS COMMITTEE MEETING - 16TH AUGUST 2012

3. That the Head of Democratic Services update the Constitution accordingly.

Members thanked officers for their work in relation to the items under discussion on the agenda.

Chairman

(The meeting ended at 6:47 pm)

Any queries regarding these minutes, please contact:
Lorraine Hurst, Assistant Head of Democratic Services
Tel: 01253 477127
E-mail: lorraine.hurst@blackpool.gov.uk