

|                          |   |
|--------------------------|---|
| <b>Report to:</b>        | <b>STANDARDS COMMITTEE</b>  |
| <b>Relevant Officer:</b> | Mark Towers, Director of Governance and Partnerships / Monitoring Officer |
| <b>Date of Meeting:</b>  | 3 December 2020   |

## STANDARDS UPDATE REPORT

### 1.0 Purpose of the report:

- 1.1 To consider an update report from the Monitoring Officer on standards issues and the recent consultation on a model code of conduct from the Local Government Association.

### 2.0 Recommendation(s):

- 2.1 To consider the update report, note the issues raised to date and the response to the LGA Code of Conduct consultation.
- 2.2 To support training being provided for elected members on the use of social media and conflict resolution training, both to be facilitated by an external provider.

### 3.0 Reasons for recommendation(s):

- 3.1 To make Standards Committee members aware of the type of issues raised and seek support for training for members.

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 This report covers all of the Council's priorities.

## 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 However, the Monitoring Officer should seek resolution of complaints without formal investigation wherever practicable and has the discretion to refer matters to the Standards Committee where they feel it is inappropriate to take a decision on a referral for investigation. They 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.
- 5.4 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.

### *Update on standards issues raised*

- 5.5 The schedule below sets out the issues raised on a category basis since the last report to the Committee in September 2019.

*Failure to declare an interest* – Councillor spoken with, Independent Person consulted and concluded that there was no interest to declare under the code. No action taken. (Jan 2020).

*Treating others with respect* – one Councillor. Matter passed to group to be considered - advice provided. (March 2020).

*Bringing office into disrepute* – social media post complaint – posting removed – advice given (May 2020).

*Bringing office into disrepute* – complaint about how a committee meeting was conducted. On review of the complaint, no code of conduct issues raised. (Sept 2020).

- 5.6 At the last meeting of the committee, it was reported that a programme of training regarding ‘standards of behaviour’ had been developed which also covered a small section on the use of social media. The training was provided to Committee members at the time and sessions put on for other members in the following weeks. Although the use of social media formed part of that training there have also been instances of complaints raised relating to social media and it was also a key part of the consultation for a model code of conduct led by the Local Government Association (see para 5.10 below). As members are aware the code only applies to elected members when acting in an official capacity and it is considered that training on the use of social media would assist elected members undertake their role. A recommendation has also been made following the ‘standards of behaviour’ training about members being provided with conflict resolution training to assist them in difficult situations. The committee is asked to support this request.

*Whistleblowing process*

- 5.7 There have been no accepted allegations submitted under the whistleblowing process.

*Review of local government standards*

- 5.8 Members will recall that the Committee on Standards in Public Life had in January 2019 undertaken a review of local government ethical standards. The outcome of the review was referred to at the last meeting. Some recommendations related to bringing in good practice (referred to in Agenda item 4) and some related to recommendations to Government to change legislation (greater sanctions etc). There has not been a response from Government as yet.
- 5.9 Prior to 2012, there was a model code of conduct which was adopted by councils across the country but this changed with the Localism Act in 2012 and councils now have very differing codes differing in breadth, length, clarity and detail. Below is an extract from the Committee on Standards in Public Life report regarding a proposed re-introduction of a model code.

“A model code of conduct would create consistency across England, and reflect the common expectations of the public regardless of geography or tier. It would also reduce the potential for confusion among dual-hatted or triple-hatted councillors. As we discuss below, areas such as gifts and hospitality, social media use, and bullying and harassment have all increased in salience, and are not regularly reflected in local authority codes of conduct. All local authorities need to take account of these areas, and a model code of conduct would help to ensure that they do so.”

5.10 The Local Government Association took on the role of coordinating and producing a new draft code. It produced a draft code incorporating the recommendations from the Committee on Standard's in Public Life's and other recognised good practice areas. This went out to consultation in the summer and the Chair and Vice Chair of this Committee, the Chair and Vice Chair of the Fylde Audit and Standards Committee and the two independent persons held a workshop to seek a joint response to the consultation. A copy of the consultation response is attached at Appendix 3(a). A final draft was due to go to the LGA's Executive Advisory Board before being presented to the next LGA General Assembly. The Committee will be informed when there are any further developments.

#### *Independent Persons*

5.11 At the Council meeting on 20<sup>th</sup> July 2020, Council was informed of the sad passing of one of the three standards independent persons, Mr Tony Mozley. Council passed a resolution expressing its condolences to his family and paid tribute to his dedication during his term of office. As members are aware the three independent persons are a joint appointment between Blackpool and Fylde Council. Both councils have now agreed to recruit to the vacancy and the position is currently out to advert.

5.12 Does the information submitted include any exempt information? No

#### 5.13 **List of Appendices:**

5.14 Appendix 3(a) – Blackpool and Fylde Councils' joint consultation response to the model code of conduct for elected members.

#### 6.0 **Legal considerations:**

6.1 None.

#### 7.0 **Human Resources considerations:**

7.1 None, this is an update report.

#### 8.0 **Equalities considerations:**

8.1 None, this is an update report.

#### 9.0 **Financial considerations:**

9.1 The recommended training can be met from the Member Training budget.

**10.0 Risk management considerations:**

10.1 Members attending training will become more aware of the standards of behaviour expected both in relation to social media and dealing with conflict situations. This will mean that there should be a reduced risk of breaches of the code of conduct.

**11.0 Ethical considerations:**

11.1 None.

**12.0 Internal/ External Consultation undertaken:**

12.1 Yes – on one standards complaint, an Independent Person was consulted and advice sought.

**13.0 Background papers:**

13.1 Exempt.