

# Blackpool Council

8 July 2016

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

The above members are requested to attend the:

## **STANDARDS COMMITTEE**

Tuesday, 19 July 2016 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 23 JUNE 2015** (Pages 1 - 2)

To agree the minutes of the last meeting held on 23 June 2015 as a true and correct record.

### **3 STANDARDS UPDATE** (Pages 3 - 6)

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

### **4 DISMISSAL ARRANGEMENTS - STATUTORY OFFICERS** (Pages 7 - 10)

To consider a report from the Monitoring Officer in relation to the procedure for dismissal / disciplinary action for statutory officers.

**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](mailto: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](http://www.blackpool.gov.uk).

### **Present:**

Councillor Jackson (in the Chair)

Councillors

Cain

Clapham

I Coleman

Mrs Henderson MBE

Hunter

Singleton

### **In Attendance:**

Mr Ellwood, Independent Person

Mr Mozley, Independent Person

Mark Towers, Director of Governance and Regulatory Services

Lorraine Hurst, Head of Democratic Governance

### **1 DECLARATIONS OF INTEREST**

Mr Mozley advised the Committee in relation to the item 4 on the agenda 'Standards Update Report', that he was also a member of the Council's Independent Remuneration Panel.

### **2 MINUTES OF THE LAST MEETING HELD ON 24 SEPTEMBER 2014**

The Committee agreed that the minutes of the meeting held on 24 September 2014 be signed by the Chairman as a correct record.

### **3 REVIEW OF THE CODE OF CONDUCT FOR MEMBERS**

Members were aware that since the last meeting of the Committee, a workshop had taken place with councillors from Blackpool Council and Fylde Borough Council along with the independent persons, to review the Code of Conduct.

It was noted that the proposals from the workshop were that whilst the intent of the current code should be kept, the requirement to declare the sources of gifts and hospitality as a personal interest for three years was disproportionate and should be removed from the Code. It was also proposed for the layout to be simplified and in clearer English.

The Committee also noted that the working group had yet to undertake a review of the process for dealing with allegations of member misconduct and therefore sought a representative to replace Councillor Mrs Delves who had retired from office at the local election.

## MINUTES OF STANDARDS COMMITTEE MEETING - TUESDAY, 23 JUNE 2015

The Committee agreed:

1. To recommend approval of the revised Code of Conduct for Members to Council.
2. To appoint Councillor Clapham on the joint working group with Fylde Borough Council and the independent persons.

### 4 STANDARDS UPDATE REPORT

The Committee received an update report from the Monitoring Officer on the number of issues raised on a category basis since the last report to Committee in September 2014. Members noted that the issues had been relatively minor and had been resolved informally. There were also a number instances where the issues had not been related to the Code of Conduct.

It was also noted that training had been provided on the Code of Conduct and the Protocol on Member/Officer Relations for new and returning members as part of the induction programme.

Discussion then took place on the use of social media by councillors and whether it would be beneficial for the joint working group with Fylde Borough Council and the independent persons, to consider how issues of inappropriate use could be addressed through any Codes or Protocols that were currently in place. A number of issues were highlighted including whether there could be any safeguards for councillors when comments were made on social media sites, the appropriateness of responding to comments and the use of social media in an official or personal capacity. There was general agreement that the joint working group could look at these issues and that comments from other Council members could also be fed back to the working group.

The Monitoring Officer also reported on legislative changes in relation to the role of the independent persons in that the Council was required to invite its independent persons to form a Panel that would make recommendations to the Council in disciplinary cases relating to certain statutory officers. Members noted that the three independent persons had agreed to fulfil this role.

The Committee agreed to note the update report and the issues raised to date.

### Chairman

(The meeting ended at 6.35 pm)

Any queries regarding these minutes, please contact:  
Lorraine Hurst, Head of Democratic Governance  
Tel: (01253) 477127  
E-mail: [lorraine.hurst@blackpool.gov.uk](mailto:lorraine.hurst@blackpool.gov.uk)

<b>Report to:</b>	Standards Committee
<b>Relevant Officer:</b>	Mark Towers, Director of Governance and Partnerships / Monitoring Officer
<b>Date of Meeting:</b>	19 July 2016

## 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 standards framework.

### 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 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 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 June 2015.

##### September 2015

***Treating others with respect / bringing office into disrepute*** - one initial assessment and an informal resolution was agreed with a councillor. Advice was also given about the code of conduct.

##### October 2015

***Not a Code of Conduct issue*** - a number of co-ordinated referrals about two councillors and their alleged lack of responding to correspondence. On closer inspection of the issues raised with the two councillors, these had been responded to but not to the satisfaction of the complainants (in terms of an outcome). This was not deemed to be a code of conduct matter and a response was sent to the complainants and no action taken.

##### January 2016

***Bringing office into disrepute*** – an initial assessment was undertaken with regard to an allegation regarding a councillor (including consultation with an independent person) and it was agreed that there was no code of conduct issue to answer and a note for the record was taken and no further action deemed necessary.

January 2016

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

January 2016

***Treating others with respect / bringing office into disrepute*** – an initial assessment was undertaken which found that an apology had been given at the incident. The subject member was advised about the code of conduct and their behaviour.

February 2016

***Misuse of Council resources / use of position to confer an advantage*** – one matter looked into with regard to a councillor allegedly seeking to gain an advantage from their position. No foundation at all with the allegation. Not a code of conduct issue. No action taken.

March 2016

***Declaration of interest / treating others with respect*** – a complaint regarding a councillor failing to declare an interest and an allegation about the behaviour of another councillor – both at the same meeting. An initial assessment was undertaken (including consultation with an independent person) and it was deemed that there was no interest to declare and the allegation regarding the behaviour of the other councillor was without foundation.

June/ July 2016

***Bringing office into disrepute*** – a complaint was made regarding a councillor failing to report a matter to the relevant department. This matter is ongoing and is at the initial assessment phase.

#### 5.5 **Joint Working Group on Standards Issues**

At the last meeting of the Committee, it was noted that the Joint Working Group on Standards issues which had been set up with the Fylde Borough councillors and the independent persons had a Blackpool councillor vacancy. Councillor Clapham was appointed to that vacancy. However, for a number of reasons including a change in the committee membership of Fylde councillors and the re advertising of the independent persons positions, that working group has not met since. The Monitoring Officer will update further at the meeting.

5.6 Does the information submitted include any exempt information? No

#### 5.7 **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 Yes – on relevant complaints, an independent person was consulted and advice sought.

**13.0 Background papers:**

13.1 Exempt.



<b>Report to:</b>	Standards Committee
<b>Relevant Officer:</b>	Mark Towers, Director of Governance and Partnerships / Monitoring Officer
<b>Date of Meeting:</b>	19 July 2016

## DISMISSAL ARRANGEMENTS – STATUTORY OFFICERS

### 1.0 Purpose of the report:

- 1.1 To consider an update report from the Monitoring Officer on how the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 have been interpreted and to report on the creation of a procedure for Blackpool and Fylde Councils.

### 2.0 Recommendation(s):

- 2.1 To consider the update report.

### 3.0 Reasons for recommendation(s):

- 3.1 To update Standards Committee members on these arrangements.

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 Council priorities.

### 5.0 Background Information

- 5.1 At the meeting of the committee in June 2015, the Committee was updated on the

legislative changes in relation to the role of the standards Independent Persons in relation to Chief Officer disciplinary / dismissal matters.

- 5.2 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. Prior to the legislative changes last year, where the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer of the authority were subject to a dismissal action, no subsequent action could have been 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.
- 5.3 The new Regulations were intended to simplify the process, in particular by putting the decision fully in the hand of the full Council meeting, who would be obliged to consider any advice, views or recommendations from an independent panel (in effect a committee of the Council). That Independent Panel to comprise of at least two of the Independent Persons appointed under the Localism Act to advise on standards matters for councillors.
- 5.4 The Council subsequently agreed "..... to appoint a Disciplinary Panel to comprise of the three Independent Persons who have been appointed under the Members' Code of Conduct framework (Section 28 (7) of the Localism Act 2011),.....". Since that report was written, one Independent Person, Mr Ellwood has been replaced by Mrs Broughton and she has also agreed to sit on the Panel.
- 5.5 There has been some uncertainty in local government circles as to whether this requirement incorporated the need to maintain political balance in this committee. That would mean that there would need to be the requisite number of councillors also appointed on a proportional political party basis (as per appointments to other committees). The Joint Negotiating Committee for Chief Executives of Local Authorities, having consulted the Department for Communities and Local Government, has accepted that it is possible that the Panel can comprise only independent persons provided that is what the authority resolves and therefore in the national model process, the Independent Panel shall comprise only independent persons (at least two) appointed under S28(7) of the Localism Act 2011. In other words, no elected members should sit on the Panel. Fortunately that was the interpretation applied in Blackpool when the Panel was set up in July 2015.
- 5.6 In discussions with the Independent Persons in recent months and also during the induction of the new appointee Mrs Broughton, it was acknowledged that as this was a new area for the Independent Persons that briefings/ training should be organised for them and a procedure drawn up, to enable that Panel to act quickly should the occasion ever arise.

5.7 This has now commenced and it is envisaged that a procedure will be brought back to the next meeting of the Standards Committee for consideration.

Does the information submitted include any exempt information?

No

**List of Appendices:**

None

**6.0 Legal considerations:**

6.1 These are covered within the report.

**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 with the three Independent Persons.

**13.0 Background papers:**

13.1 Letter from the Joint Negotiating Committee for Chief Executives of Local Authorities dated 5 May 2016.

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