

Blackpool Council

4 June 2018

To: Councillors Clapham, Collett, Mrs Henderson MBE, Hunter, Jackson, I Taylor and L Williams

The above members are requested to attend the:

STANDARDS COMMITTEE

Tuesday, 12 June 2018 at 6.00 pm
in Committee Room A, 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 either a

- (a) personal interest
- (b) prejudicial interest
- (c) disclosable pecuniary interest (DPI)

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 22 JANUARY 2018 (Pages 1 - 4)

To agree the minutes of the last meeting held on 22 January 2018 as a true and correct record.

3 STANDARDS UPDATE REPORT (Pages 5 - 12)

To consider an update report from the Monitoring Officer on standards issues, including the recent response to the paper on the Local government ethical standards:

stakeholder consultation and to consider training topics for the induction following the 2019 local election. Included in the update is the protocol between the Monitoring Officer and Lancashire Constabulary which has been revised following the previous Committee meeting.

4 DATE OF NEXT MEETING

To note the date of the next meeting as 27 November 2018, to be held in Committee Room A, Town Hall, Blackpool.

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

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at www.blackpool.gov.uk.

Present:

Councillor Jackson (in the Chair)

Councillors

Clapham	Mrs Henderson	I Taylor
Collett	Hunter	L Williams

In Attendance:

Mrs Lorraine Hurst, Head of Democratic Governance
Mr Mark Towers, Director of Governance and Partnerships
Mr Chris Williams, Democratic Services Adviser

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE LAST MEETING HELD ON 20 JULY 2017

The Committee agreed that the minutes of the meeting held on 20 July 2017 be signed by the Chairman as a correct record.

3 REGISTERING AND DECLARING INTERESTS

The Committee considered the update report from the Monitoring Officer on the current situation concerning the registering and declaring of interests by elected members. Mr Towers advised that at the last meeting of the Standards Committee, consideration was given to instances of failure to register and declare interests, in particular regarding the registration of disclosable pecuniary interests. The Committee had agreed a number of recommendations at that meeting including: mandatory training of all elected members with regard to registering and disclosing interests, an annual review of interests and the drafting of a protocol between the Council and the Constabulary for referring potential failures to register or declare disclosable pecuniary interests.

In relation to the recommendations agreed at the last Committee meeting, Mr Towers reported that 34 Members had now completed the mandatory training and that a further session would be held for any members who had not yet attended.

Members noted that following the relative success of the Code of Conduct training it was recommended that further training in the same format be held for elected members with regard to Code of Conduct and standards of behaviour, working relationships with officers with reference to the 'Protocol on Member/Officer Relations' and Planning Protocol (for Planning Committee members). Mrs Hurst added that a planned IPool interactive training refresher package was being developed and Members would be notified when this became available.

MINUTES OF STANDARDS COMMITTEE MEETING - MONDAY, 22 JANUARY 2018

Mr Towers went on to outline the two draft documents that had been circulated to Committee members. The first document related to interpretative guidance developed to assist members in completing their registration of interests form and to aid Member's understanding of the nature of individual types of interests. It was hoped that this would encourage greater compliance with regards to the completion of Register of Interest forms and declaring of interests at meetings.

Members were advised that the wording related to declarations of interests on the cover of all formal Council committee agendas had now been amended to include a prompt on the different types of interests and that members would be prompted to declare appropriately at meetings. It was also recommended that an Annual Review of Register of Interest forms be undertaken following the Annual Meeting of Council each year. Mr Towers added that a minor constitutional change to the way declarations of Disclosable Pecuniary Interests (DPIs) and prejudicial interests were dealt with at full Council meetings when Executive Member reports were presented would also be required and the change would necessitate an 'ask and answer' procedure to be put in place.

Mr Towers referred to the Protocol between Lancashire Constabulary and the Monitoring Officer that had been drafted and attached at Appendix 3(b) of the report. The Committee noted that the recommendation was that the draft protocol serves as a working document for consideration with Lancashire Constabulary with a final draft being brought back for endorsement to the Committee on 12 June 2017.

Resolved:

1. To endorse the interpretative guidance at Appendix 3a of the report and request that the Monitoring Officer circulates it to elected members and to confirm that the Monitoring Officer keeps the guidance under review and publishes any revised version, as and when necessary.
2. To agree that elected members be asked to complete an annual review of their register of interest forms following each year's annual meeting, as well as within 28 days of any change to their circumstances.
3. To agree that the draft Protocol at Appendix 3b of the report forms the basis of further discussion with Lancashire Constabulary.
4. To request that the Monitoring Officer reports to the Annual Council meeting to alter the constitution to reflect the change needed in dealing with declaration of interests in Executive Member reports at Council.
5. To support further training for members on the Code and related Protocols and to request the Monitoring Officer to report back at a future Committee meeting.

4 DATE OF NEXT MEETING

The Committee noted the date of the next meeting as Tuesday 12 June 2018.

MINUTES OF STANDARDS COMMITTEE MEETING - MONDAY, 22 JANUARY 2018

Chairman

(The meeting ended at 6.22 pm)

Any queries regarding these minutes, please contact:

Lorraine Hurst, Head of Democratic Governance

Tel: (01253) 477127

E-mail: lorraine.hurst@blackpool.gov.uk

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Report to:	Standards Committee
Relevant Officer:	Mark Towers, Director of Governance and Partnerships / Monitoring Officer
Date of Meeting:	12 June 2018

STANDARDS UPDATE REPORT

1.0 Purpose of the report:

- 1.1 To consider an update report from the Monitoring Officer on standards issues, including the recent response to the paper on the Local government ethical standards: stakeholder consultation and to consider training topics for the induction following the 2019 local election. Included in the update is the protocol between Lancashire Constabulary and the Monitoring Officer which has been revised following the previous Committee meeting.

2.0 Recommendation(s):

- 2.1 To consider the update report, note the issues raised to date and comment on proposed future training topics.
- 2.2 To agree the draft protocol between the Lancashire Constabulary and the Monitoring Officer as attached at Appendix 3a.

3.0 Reasons for recommendation(s):

- 3.1 To make Standards Committee members aware of the type of issues raised. To ensure that the updated version of the protocol is approved by the Standards Committee following the last meeting and discussions with Lancashire Constabulary.

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 Since the last meeting the recommendations agreed at that meeting have been progressed as follows:

1. To endorse the interpretative guidance at Appendix 3a of the report and request that the Monitoring Officer circulates it to elected members and to confirm that the Monitoring Officer keeps the guidance under review and publishes any revised version, as and when necessary.
Comment: this has been used as part of the training of elected members and will be sent to all members as part of their annual review.
2. To agree that elected members be asked to complete an annual review of their register of interest forms following each year's annual meeting, as well as within 28 days of any change to their circumstances.
Comment: this will be circulated to all members prior to this committee meeting and an update will be given at the meeting.
3. To agree that the draft Protocol at Appendix 3b of the report (from the last standards committee) forms the basis of further discussion with Lancashire Constabulary.
Comment: this has happened and minor adjustments/ clarifications made and an updated version is attached at Appendix 3a for consideration. This will be reviewed if it is utilised in the future.
4. To request that the Monitoring Officer reports to the Annual Council meeting to alter the constitution to reflect the change needed in dealing with declaration of interests in Executive Member reports at Council.
Comment: This was undertaken and Council agreed to the changes.
5. To support further training for members on the Code and related Protocols and to request the Monitoring Officer to report back at a future Committee meeting.
Comment: With the election now less than 12 months away, it is considered that further training be targeted at the new Council in 2019. The training on registering and declaring interests as a single topic has been well received and other areas such as code of conduct and standards of behaviour, planning protocol and member and officer relationships.

5.2 In relation to recommendation 5 above, the Committee's views are sought in particular as to the range of topics to be considered and any other areas. This can then be fed into the

proposed induction programme.

- 5.3 The Committee on Standards in Public Life has recently undertaken a review of local government ethical standards:

The review considered all levels of local government and its terms of reference included:

- examining structures, processes and practices in local government in England for:
 - maintaining codes of conduct for local councillors
 - investigating alleged breaches
 - imposing sanctions for misconduct
 - declaring interests and managing conflicts of interest
 - whistleblowing

- 5.4 The consultation closed on 18 May 2018. As members are aware a joint workshop was held with the Fylde Borough Council's Standards Committee and a joint response was agreed and sent and a copy has been shared with committee members shortly after the deadline.

- 5.5 The views of the workshop strongly favoured stronger sanctions being available for Standards Committees to deal with certain proven areas of misconduct such as bullying and intimidation and also promoted the good joint working between Blackpool and Fylde as good practice for other Councils to consider adopting. It was also considered that there should be a 'model' code of conduct (as existed prior to the Localism Act) between Councils to ensure consistency across Councils and also national guidance in relation to registering and declaring interests.

- 5.6 The consultation responses from various councils, Monitoring Officers and other interested parties are now being examined and a view from the Committee on Standards in Public Life is expected in due course. When this is received a report will be submitted to this committee.

- 5.7 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.

- 5.8 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.

- 5.9 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.
- 5.10 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.
- 5.11 *Update on standards issues raised*

The schedule below sets out the issues raised on a category basis since the last report to the Committee in July 2017.

Bringing office into disrepute – one Councillor. Matter when reviewed not a code of conduct issue. Feedback given to Group Leader and matter dealt with within the group. (October/ November 2017).

Bringing office into disrepute and treating others with respect – 3 complaints received. Independent person consulted. Matter resolved by local resolution with the subject member opting to step down from position, send letters of apology and attend training. (March 2018).

Failure to declare an interest at a meeting – one Councillor – on looking into this matter there was not an interest to declare. No action taken (May 2018).

Treating others with respect – complaint about two members of a committee questioning/ speaking inappropriately to a member of the public. On undertaking an initial assessment of this complaint, the allegations were found to be without foundation and no further action necessary (May 2018).

- 5.12 There has only been one allegation considered under the whistleblowing process and that was in relation to an appointments process and no action was undertaken after this was reviewed.

- 5.13 Does the information submitted include any exempt information? No

- 5.14 **List of Appendices:**

Appendix 3a – Protocol between Lancashire Constabulary and the Monitoring Officer.

6.0 Legal considerations:

6.1 None, the Council has a locally agreed procedure for dealing with standards allegations and a whistleblowing procedure agreed by this Committee.

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 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 one standards complaint, an independent person was consulted and advice sought.

13.0 Background papers:

13.1 Exempt.

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Appendix 3a: Protocol between Lancashire Constabulary and the Monitoring Officer of Blackpool Council

1. Background

- 1.1 Section 34 of the Localism Act 2011, introduced summary offences relating to elected and co-opted members' failure to register / disclose and participate in meetings where they have certain 'Disclosable Pecuniary Interests'. These are detailed in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 [no 1464].
- 1.2 This Protocol sets out the framework for reporting and dealing with potential criminal offences arising from the failure to register or declare Disclosable Pecuniary Interests (DPIs) or from speaking and voting where a member has a disclosable pecuniary interest and has not first sought a dispensation.

2. Receipt of allegation

- 2.1 If the Lancashire Constabulary receives an allegation, then contact will be made with the Monitoring Officer of the Council, at the earliest opportunity and the code of conduct process will be followed, in accordance with this protocol.
- 2.2 If the Monitoring Officer receives a complaint regarding a potential DPI, they will make an initial assessment, considering factors including but not exclusively:
 - the public benefit in investigating the alleged complaint
 - whether the information submitted is sufficient to make a decision as to whether to refer for investigation
 - whether the subject member is still a serving member
 - is the complaint the same or similar to a previous complaint
 - the time passed since the alleged conduct occurred
 - does the complaint appear to be malicious, politically motivated or vexatious
 - whether the matter complained of is an individual act or part of a continuous pattern of behaviour which should be cumulatively considered
 - the severity of the complaint made
 - steps taken or proposed to remedy the action complained of.
- 2.3 If following the initial assessment, the Monitoring Officer decides to refer the matter to the Lancashire Constabulary, this will be done following consultation with the Council's independent person. The referral will be to the nominated Police Single Point of Contact (SPOC).
- 2.4 The Monitoring Officer may informally consult the Police SPOC to help inform any proposed course of action, which may or may not be a referral.

2.5 If a referral to the Police is made, then the SPOC will exercise professional discretion in accepting the referral for police investigation, taking into account the nature and quality of evidence in the referral, the sufficiency of evidence, proportionality of obtaining sufficient evidence, public interests factors in undertaking any investigation and as appropriate, the Crown Prosecution Service view.

3. Consideration of allegation if referred

3.1 Following consideration of the matter, the Lancashire Constabulary shall confirm its decision and any action or prospective action to the relevant Monitoring Officer and other appropriate person(s). This would normally be within 28 days of receipt of the referral.

3.2 If an investigation is to be held, the Council will fully support the Police in the investigation.

3.3 If Lancashire Constabulary decides not to prosecute in the public interest, they may consider less formal action, such as a warning or referral back to the Council to consider whether the complaint should be considered as a breach of the Code of Conduct through the relevant procedure. If referred to the Crown Prosecution Service then they could also decide to prosecute or could take no further action.

4. Signatories

Signed on behalf of Lancashire Constabulary: _____

Signed on behalf of Blackpool Council: _____
Mark Towers, Monitoring Officer