

Blackpool Council

24 November 2020

To: Councillors Benson, Clapham, Collett, I Taylor and Wing

The above members are requested to attend the:

STANDARDS COMMITTEE

Thursday, 3 December 2020 at 6.00 pm
Via Zoom Conference Call

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 5 SEPTEMBER 2019 (Pages 1 - 4)

To agree the minutes of the last meeting held 5 September 2019 as a true and correct record.

3 STANDARDS UPDATE REPORT (Pages 5 - 22)

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.

4 COMMITTEE ON STANDARDS IN PUBLIC LIFE - LOCAL GOVERNMENT ETHICAL STANDARDS REVIEW UPDATE

(Pages 23 - 38)

To receive an update on the best practice recommendations from the findings of the Committee on Standards in Public Life review of local government ethical standards.

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 Taylor (in the Chair)

Councillors

Benson

Wing

In Attendance:

Mrs Lorraine Hurst, Head of Democratic Governance

Mr Mark Towers, Director of Governance and Partnerships/ Monitoring Officer

Mrs Bernadette Jarvis, Senior Democratic Governance Adviser

Also Present:

Ms Helen Broughton – Independent Person

1 DECLARATIONS OF INTEREST

There were no interests declared on this occasion.

2 MINUTES OF THE LAST MEETING HELD ON 22 JANUARY 2018

The Committee agreed that the minutes of the meeting held on 22 January 2018 be signed by the Chairman as a correct record.

3 STANDARDS UPDATE REPORT

Mr Towers, Director of Governance and Partnerships/ Monitoring Officer, provided an update report on standards issues and recent training undertaken on behaviours. He advised on the requirement to report to the Standards Committee periodically on all issues brought to the attention of the Monitoring Officer. He went on to explain the role of the Monitoring Officer as the designated proper officer with delegated authority to consider allegations of failure to comply with the Code of Conduct and to determine if a matter required investigation.

The process for dealing with matters brought to the Monitoring Officer was explained, with the emphasis on seeking informal resolution where possible. Mr Towers referred to the categories used for reporting purposes which were broadly aligned to the general obligations of the Code of Conduct and had been designed for the purposes of identifying recurring themes and key areas for potential training opportunities. He provided an update on the standards issues raised since the last report to Committee based on the identified categories which were centred around bringing office into disrepute and treating others with respect. All issues had been dealt with either informally or with no further action taken.

In response to questions from the Committee, Mr Towers confirmed that information on the Employee Assistance Programme was available to provide support to Elected

MINUTES OF STANDARDS COMMITTEE MEETING – THURSDAY 5 SEPTEMBER 2019

Members in the event of a complaint or for any of life's challenges and was not just for counselling in the event of a crisis. The telephone helpline was there to help with any work or non-work related issue. Information was displayed in the Members' group rooms and the Members Training Room.

Mr Towers referred to the code of conduct and behaviours training that had been provided to the Standards Committee prior to the meeting and the intention to undertake similar training sessions with other Elected Members. Provisional dates for the training had been scheduled for 26 September and 17 October and Mr Towers asked for the Committee's endorsement of the roll-out of the behaviour training.

Resolved:

To note the update report and the issues raised to date and support the roll out of the training on behaviours.

4 STANDARDS UPDATE REPORT

Mrs Hurst, Head of Democratic Governance/ Deputy Monitoring Officer, reported on the findings of Committee on Standards in Public Life review of local government ethical standards. The review covered all local authorities in England, including parish councils and examined the structures and processes in place for maintaining codes of conduct for local councillors, investigating alleged breaches of the code, sanctions for misconduct and managing conflicts of interest. A consultation had also been undertaken as part of the review.

Following a workshop held with representatives from Blackpool and Fylde Borough Councils a joint response on behalf of both Councils had been submitted as part of the consultation. The main area that had been highlighted at the workshop related to the imposition of stronger sanctions to deal with certain areas of misconduct. Members also considered that having a model code of conduct would be beneficial to ensure consistency across Councils.

The outcome of the review had been published earlier in the year and an Executive Summary of the Local Government Ethical Standards Review had been attached as an appendix to the report, with the full report accessible via the below link:
<https://www.gov.uk/government/publications/local-government-ethical-standardsreport>

Mrs Hurst referred to the main recommendations of the review as set out in the report. These included the key recommendation that local authorities be given the power to suspend councillors without allowances for up to six months for significant or recurring breaches, with a right of appeal. Mrs Hurst went on to report on the other recommendations which included revised rules on declaring interests and gifts and hospitality, a voluntary Model Code of Conduct and a fixed term of appointment of Independent Persons and a strengthening of the role. Further recommendations related to the provision of adequate resources, training and support to Monitoring Officers, greater transparency for reporting and publishing Code of Conduct issues and the setting of clear behavioural expectations by political groups and mandatory training of Elected Members. The Committee noted that some of the recommendations would require legislation and that a response from Government in relation to these recommendations was currently awaited.

MINUTES OF STANDARDS COMMITTEE MEETING – THURSDAY 5 SEPTEMBER 2019

Mrs Hurst referred the Committee to the appendix to the report that set out the best practice recommendations which local authorities could implement without the need for legislation. The Committee considered each recommendation in turn and Mrs Hurst elaborated further on the Monitoring Officer's initial comments on each of the recommendations. It was noted that some of the recommendations were already in place, such as the number of Independent Persons which currently exceeded the recommendation and the existence of reciprocal investigation agreements between Blackpool and Fylde Borough Councils. The updating of the gifts and hospitality register was also in place, although it was accepted that further work was required on the format of the information presented. In relation to the other recommendations it was noted that some could be implemented immediately whilst others would benefit from collaborative working with Fylde Borough Council. Mrs Hurst also referred to the recommendation regarding the publication of information for the Council's companies, reminding the Committee that for some of the companies that were limited by shares their minutes and agendas contained commercially sensitive data which could not be published.

The Committee questioned how collaboration with Fylde Borough Council would work in practice and Mrs Hurst explained the intention to hold a joint informal workshop to agree a broad set of principles that could be informed by a future model code, which would then be brought back to each respective Council's Standards Committee for approval. Responding to further questions regarding the potential for one of the Councils not to agree to adopt a particular recommendation, Mr Towers highlighted the benefit of having similar broad principles, particularly in view of the shared reciprocal investigation agreements and the same Independent Persons appointed for both Councils.

Resolved:

1. To note the report of the Committee on Standards in Public Life and its recommendations.
2. To agree that the Monitoring Officer liaises with the Monitoring Officer at Fylde Borough Council, other Monitoring Officers as appropriate and the three Independent Persons in respect of implementing the best practice recommendations and report on progress at the next meeting.
3. To agree to the implementation of the best practice recommendations that did not require collaboration with Fylde Borough Council.

4 DATE OF NEXT MEETING

The Committee noted the date of the next meeting as 19 November 2019 to be held in Committee Room A, Town Hall, Blackpool.

Chairman

(The meeting ended at 6.27 pm)

Any queries regarding these minutes, please contact:
Bernadette Jarvis, Senior Democratic Governance Adviser
Tel: (01253) 477212
E-mail: bernadette.jarvis@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:	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 20th 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.

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**THIS FORM IS FOR INFORMATION ONLY - DO NOT COMPLETE
PLEASE USE THE ONLINE SURVEY FORM TO SUBMIT YOUR RESPONSE**

LGA Consultation on Draft Model Member Code of Conduct

Thank you for taking the time to complete this consultation. This Model Member Code of Conduct [[Model Member Code of Conduct.pdf](#)] aims to be concise, written in plain English and be understandable to members, officers and the public. The Model Member Code is designed to aid members in all tiers of local government model the behaviours and high standards that anyone would expect from a person holding public office. Equally, it articulates behaviour which falls below the standards that would be expected of council members. It is designed to help set a framework for public and councillor interaction, emphasising the importance of civility and that councillors should be protected from bullying, intimidation and abuse.

The LGA has reviewed the existing Model Member Code of Conduct and updated it here incorporating the recommendations from the Committee on Standard's in Public Life's recommendations on Local Government Ethical Standards and the representation from its membership. Part of the Committee's recommendations were the introduction of sanctions for breaches of the code, alongside an appeals process. This aspect is out of scope of this consultation, as it requires legislative changes by Government, but the LGA has sought to reflect some of the possible changes by using square brackets where legal changes would be necessary. The LGA is continuing to take soundings from the sector on the issue of sanctions in anticipation of a Government response to the Committee's recommendations.

This consultation addresses key areas that the LGA would like a view on to help finalise the Code. It is aimed at councillors and officers from all tiers of local government. If you would like a wider discussion about the code, please do sign up to one of the forthcoming Webinars the LGA are holding as part of this consultation. Details will be posted on our [LGA events website](#).

Instructions and privacy notice

You can navigate through the questions using the buttons at the bottom of each page. Use the 'previous' button at the bottom of the page if you wish to amend your response to an earlier question.

All responses will be treated confidentially. Information will be aggregated, and no individual or authority will be identified in any publications without your consent. Identifiable information may be used internally within the LGA but will only be held and processed in accordance with our [privacy policy](#). We are undertaking this consultation to aid the legitimate interests of the LGA in supporting and representing authorities.

Please complete your response in one go - if you exit before submitting your response your answers may be lost. If you would like to see an overview of the questions before completing the consultation online, you can access a PDF here.

About you

Your name _____

Are you...

- A councillor
- An officer
- Answering on behalf of a whole council (Please provide council name below)

Other (please specify below)

Answering on behalf of Blackpool Borough Council Standards Committee and Fylde Borough Council Audit and Standards Committee and the shared Panel of Independent Persons.

Please indicate your council type

- Community/Neighbourhood/Parish/Town
- District/Borough
- County
- Metropolitan/Unitary/London Borough
- Other (please specify below)

Application of the Code

Under the Localism Act 2012, the Code of Conduct applies to councillors only when they are acting in their capacity as a member. The LGA believes that because councillors are elected by the public and widely recognised by the public, it makes sense for them to continue to model these behaviours when they are making public comment, are identifying as a councillor and when it would be reasonable for the public to identify them as acting or speaking as a councillor. The Committee on Standards in Public Life supported this approach in their report into Local Government Ethical Standards. Whilst the LGA is waiting for Government's response to these recommendations the option has been added in square brackets as it would need changes in legislation.

Q1. To what extent do you support the proposal that councillors demonstrate the behaviours set out in the Code when they are publicly acting as, identifying as, and/or giving the impression that they are acting as a councillor, including when representing their council on official business and when using social media?

- To a great extent
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

Q1a. If you would like to elaborate on your answer please do so here:

The behaviours set out seem fine, but the current situation regarding social media and the legislative position makes this an issue of concern.

Q2. Is it sufficiently clear which parts of the Model Code are legal requirements, which are obligations, and which are guidance?

- Yes
- No
- Don't know

Q3. Do you prefer the use of the personal tense, as used in the Code, or would you prefer the passive tense?

- Personal tense ("I will")
- Passive tense ("Councillors should")
- No preference

Specific obligations

The Code lists 12 specific obligations – these set out a minimum standard councillors are asked to adhere to.

Each obligation or group of obligations is put into a wider context to explain why that particular obligation is important.

Q4. To what extent to you support the 12 specific obligations?

	To a great extent	To a moderate extent	To a small extent	Not at all	Don't know / Prefer not to say
1. Treating other councillors and members of the public with civility.	X				
2. Treating council employees, employees and representatives of partner organisations and those volunteering for the councils with civility and respecting the role that they play.	X				
3. Not bullying or harassing any person.	X				
4. Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the council.	X				
5. Not disclosing information given to me in confidence or disclosing information acquired by me which I believe is of a confidential nature, unless I have received the consent of a person authorised to give it or I am required by law to do so.	X				
6. Not preventing anyone getting information that they are entitled to by law.	X				
7. Not bringing my role or council into disrepute.	X				
8. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else.	X				

9. Not misusing council resources.	X				
10. Registering and declaring my interests.	X				
11. Not accepting significant gifts or hospitality from persons seeking to acquire, develop or do business with the council or from persons who may apply to the council for any permission, licence or other significant advantage.	X				
12. Registering with the monitoring officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.	X				

Q5. If you would like to propose additional or alternative obligations, or would like to provide more comment on a specific obligation, please do so here:

Obligation 1 - Support the word 'civility' being introduced as describes what is expected from public office. However, we believe this is different to respect and we would prefer this to be "...with civility and respect".

Obligation 3 – we believe that some clarity could assist with the 2 definitions. They current way they are written could be interpreted as a joined up definition rather than 2 separate definitions. i.e currently implies that will only be a case of bullying in case of protected characteristics. Should be clear that no form of bullying is acceptable

Obligation 11 – we support this objective but believe that the term 'significant' could be open to interpretation and would like to see clear guidance around this. Also add in 'not knowingly accept gifts.....'.

Obligation 12 – being clear that this is in respect of role as a councillor.

For all obligations stressed as important that there is clarity about their interpretation as the test for these would be subject to any challenge through the courts.

Q6. Would you prefer to see the obligations as a long list followed by the guidance, or as it is set out in the current draft, with the guidance after each obligation?

As a list

Each specific obligation followed by its relevant guidance

No preference

Q7. To what extent to you think the concept of ‘acting with civility’ is sufficiently clear?

- To a great extent
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

Q7a. If you would like to suggest an alternative phrase that captures the same meaning, or would like to provide a comment on this concept, please do so here:

As per earlier comment, suggest that the phrase is “...acting with civility and respect”

Q8. To what extent do you think the concept of ‘bringing the council into disrepute’ is sufficiently clear?

- To a great extent
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

Q8a. If you would like to suggest an alternative phrase that captures the same meaning, or would like to provide a comment on this concept, please do so here:

The definition has a narrow definition the way it is written. i.e. in particular it is not just limited to dishonest and deceitful. It should cover actions such as being abusive, swearing, bullying, intimidation etc. Suggest it is phrased more like “any behaviour that undermines the position/ role of councillors”.

Q9. To what extent do you support the definition of bullying and harassment used in the code in a local government context?

- To a great extent
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

Q9a. If there are other definitions you would like to recommend, please provide them here.

As per earlier comment. i.e. agree in general with the phrase but want the description strengthening as currently seems narrow

Q10. Is there sufficient reference to the use of social media?

- Yes
- No
- Don't know/prefer not to say

Q10a. Should social media be covered in a separate code or integrated into the overall code of conduct?

- Separate code
- Integrated into the code
- Don't know/prefer not to say

Q10b. If you would like to make any comments or suggestions in relation to how the use of social media is covered in the code please do so here:

General area surrounding social media too wide an issue to be captured in one paragraph and would benefit from legislation. To aid councilors some best practice and guidance on the use of social media in a councillor and private role should be provided with examples until legislation changes are made.

Standards for England/ Standards Board used to publish cases as examples and suggested LGA could look at bringing examples from across councils together. Need for everyone to interpret the code in the same way for consistency. Agreement that social media should be integrated into the code. Idea of guidance policy being separate.

Registration and declarations of interests

The law at present requires, as a minimum, registration and declaration of 'Disclosable Pecuniary Interests' - that is matters which directly relate to the councillor and their partner if applicable.

The LGA is proposing that all councillors are required to declare interests where matters also relate to or affect other family members or associates. The LGA has broadened the requirement to declare interests beyond this current statutory minimum in line with a recommendation from the Committee on Standards in Public Life. These specific provisions are set out in **Appendix B** of the Code.

Q11. To what extent do you support the code going beyond the current requirement to declare interests of the councillor and their partner?

- To a great extent
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

Q11a. If you would like to elaborate on your answer please do so here:

[Already the practice in Blackpool Borough Council and Fylde Borough Council](#)

Q12. Should the requirement to declare interests be in the main body of the code or in the appendix where the draft model code currently references it?

- In the main body of the code
- In the appendix
- Other (please specify below)
- Don't know/prefer not to say

Q12a. If you would like to make any comments or suggestions in relation to how the requirement to declare interests is covered in the code please do so here:

Suggestion that Paragraphs 3 and 4 on page 9 of the draft needs to be reworded to make clearer (more self contained) rather than having to refer to tables etc. i.e DPIs and personal and prejudicial interests.

It is also suggested that more outside interests should be registered than is the current statutory minimum. These are set out in **Table 2 of the Appendix** and are designed to demonstrate to the community transparency about other bodies with which the councillor is engaged.

Q13. To what extent do you support the inclusion of these additional categories for registration?

	To a great extent	To a moderate extent	To a small extent	Not at all	Don't know / Prefer not to say
Any organisation, association, society or party of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council	X				
Any organisation, association, society or party that exercises functions of a public nature of which you are a member or in a position of general control or management	X				
Any organisation, association, society or party directed to charitable purposes	X				
Any organisation, association, society or party of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)	X				

Q13a. If you would like to propose additional or alternative **categories** for registration, please provide them here:

Both authorities already include the additional categories in their codes so happy for it to continue with the model code.

Q14. To what extent to you support the proposed requirement that councillors do not accept significant gifts as set out in Obligation 11?

- To a great extent
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

Q14a. If you would like to elaborate on your answer please do so here:

Happy to include the additional obligation but would suggest that "significant" is replaced as mentioned earlier.

Q15. The draft code proposes £25 as the threshold for registering gifts and hospitality. Is this an appropriate threshold?

- Yes
- Yes, but the amount should be reviewed annually with the code's review
- No, it should be lower (please specify amount) _____
- No, it should be higher (please specify amount) _____
- Don't know/prefer not to say

Q16. The LGA will be producing accompanying guidance to the code. Which of the following types of guidance would you find most useful? Please rank 1-5, with 1 being the most useful.

- 3 Regularly updated examples of case law
- 5 Explanatory guidance on the code
- 1 Case studies and examples of good practice
- 2 Supplementary guidance that focuses on specific areas, e.g., social media
- 3 Improvement support materials, such as training and e-learning packages

Q16a. If you would like to suggest any other accompanying guidance please do so here:

Out of the above 5 areas, preference for 1 and 2.

Q17. If you would like to make any further comments about the code please so here:

Internal Resolution procedure – this looks to be contrary to the recommendation from the Committee on Standards in Public Life (CSPL) report, which stated “A formal appeal system would be disproportionate to the most commonly imposed sanctions, such as censure, training or apology.” It is believed this would be detrimental to the process and that this dispute process not best placed to be within the code at the current line until legislative changes are in place, in particular the recommended appeal process (as stated by the CSPL) to the Local Government Ombudsman.

A general view that training should be undertaken upon taking office and then every 2 years or halfway through term of office. In favor of some centralized online training module that would be compulsory and monitored. This would be used as additional evidence in cases of breaches of code. The relevant Standards committees could be responsible for reviewing and monitoring who has/has not completed training.

Would be beneficial if it was part of the code that councilors had to undertake training on taking office and then halfway through term of office. (Part of the “I will...” – signing of a contract approach).

It is also noted that the CSPL report recommended a number of legislative changes (e.g. capacity of a councillor and sanctions) to Central Government. As this was in 2019, it is asked that the LGA lobby government on behalf of the sector to seek feedback on these recommendations.

Once you press the 'Submit' button below, you will have completed your response.

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

COMMITTEE ON STANDARDS IN PUBLIC LIFE – LOCAL GOVERNMENT ETHICAL STANDARDS REVIEW UPDATE

1.0 Purpose of the report:

- 1.1 To receive an update on the best practice recommendations from the findings of the Committee on Standards in Public Life review of local government ethical standards.

2.0 Recommendation(s):

- 2.1 To consider the report of the Best Practice issues set out in Appendix 4(a).
- 2.2 To agree the Complaints Handling Process as set out in Appendix 4(b).

3.0 Reasons for recommendation(s):

- 3.1 To update members on the report of the Committee for Standards in Public Life and consider the best practice recommendations and how these may affect other associated documents and resources.

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, options are set out in the report.

4.0 Council Priority:

- 4.1 This report covers all of the Council's priorities.

5.0 Background Information

5.1 Members will be aware that at the last meeting of the committee there was consideration given to the final report of the Committee on Standards in Public Life review of local government ethical standards. The report can be accessed at the following link.

<https://www.gov.uk/government/publications/local-government-ethical-standardsreport>

5.2 The Committee on Standards in Public Life advises the Prime Minister on ethical standards across the whole of public life in England. It monitors and reports on issues relating to the standards of conduct of all public office holders. It is an independent advisory non-departmental public body. The above report was submitted to Government but there has been no formal response yet to its recommendations.

5.3 As a reminder the terms of reference for the review were to:

- i. Examine the structures, processes and practices in local government in England for:
 - Maintaining codes of conduct for local councillors.
 - Investigating alleged breaches fairly and with due process.
 - Enforcing codes and imposing sanctions for misconduct.
 - Declaring interests and managing conflicts of interest.
 - Whistleblowing
- ii. Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;
- iii. Make any recommendations for how they can be improved;
- iv. Note any evidence of intimidation of councillors and make recommendations for any measures that could be put in place to prevent and address such intimidation.

5.4 The full recommendations from the report are made to Government, the Local Government Association, Parish Councils and political parties.

Key recommendations included:

- a new power for local authorities to suspend councillors without allowances for up to six months with a right of appeal for suspended councillors to the Local Government Ombudsman.
- revised rules on declaring interests and gifts and hospitality.
- an updated voluntary Model Code of Conduct to be introduced with local authorities to retain ownership of their own Codes of Conduct.
- a strengthened role for the Independent Person.
- Monitoring Officers provided with adequate training, corporate support and resources and statutory protections to be expanded.
- greater transparency about the number and nature of Code complaints.
- Political groups set clear expectations of behaviour by their members and code of conduct training to be mandatory.

- 5.5 Many of the Committee for Standards in Public Life recommendations will require primary legislation and will be subject to Parliamentary timetabling. Some changes can be made through secondary legislation or amendments to the Local Government Transparency Code. The best practice recommendations are a matter for individual local authorities.
- 5.6 At the last meeting of the committee it agreed to take steps to introduce all the best practice recommendations where relevant and asked for an update at this meeting. A number of the good practice recommendations are now being considered as part of the proposed LGA model code of conduct which is referred to in Agenda item 3, which was not planned 12 months ago and appropriate reference has been made to these in the update. To assist members a further a column has been added to show how the recommendations have been progressed.
- 5.7 A joint approach with Fylde Borough Council Monitoring Officer and the independent persons has seen the production of a complaints handling procedure. This is largely based on current practice and the inclusion of recommendations from the Committee for Standards in Public Life review. A draft is included at Appendix 4(b) and a similar version is going to the Fylde Audit and Standards Committee.
- 5.8 Does the information submitted include any exempt information? No

5.9 **List of Appendices:**

Appendix 4(a) – Best Practice recommendations/ Monitoring Officer comments to Local Authorities from the Local Government Ethical Standards Review.
 Appendix 4(b) – Draft Complaints Handling procedure.

6.0 **Legal considerations:**

- 6.1 None. The Council has to have in place a code of conduct. If Central Government agrees the recommendations put to it then there would need to be changes to it which would be brought back to this committee.

7.0 **Human Resources considerations:**

- 7.1 The Monitoring Officer is provided with adequate training, corporate support and resources to undertake this work.

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 There has been consultation with the Monitoring Officer at Fylde Borough Council and the independent persons on the draft complaint handling procedure.

13.0 Background papers:

13.1 Report of the Committee on Standards in Public Life
Local Government Ethical Standards - A Review by the Committee on Standards
in Public Life.

<https://www.gov.uk/government/publications/local-government-ethical-standardsreport>

Best Practice Recommendations Update 2020

	Best Practice	Sept 2019 Comments	Update 2020
1	Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment supplemented with a list of examples of the sort of behaviour covered by such a definition.	<p>Recommend strengthening the wording within the Code of Conduct for Members, which currently reads:</p> <p>“Not to bully any person” perhaps drawing on good examples such as Newcastle City Council.</p> <p>The code of conduct has previously been drawn up with Fylde Borough Council as part of the reciprocal arrangements and to ensure where possible consistency of approach. A review should include that council. This will also assist with the role of the shared Independent Persons.</p> <p>Work on this should be informed by the proposed LGA model code.</p>	Blackpool and Fylde Council jointly responded to a consultation by the LGA which was seeking to agree a model code of conduct for elected members in August 2020. Within the proposed model would be a more detailed definition of bullying and harassment.
2	Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.	<p>Suggest adding to the Code under General Obligations regarding a requirement to participate with any formal standards investigation notified by the Monitoring Officer</p> <p>The issue of making any allegation of a trivial or malicious nature, is a more difficult matter and suggest seeking input from other councils regarding their defining of malicious and trivial allegations. Very difficult to define. These suggestions will also be part of the consultation with Fylde Borough Council.</p> <p>Work on this should be informed by the proposed LGA model code.</p>	<p>Blackpool and Fylde Council jointly responded to a consultation by the LGA which was seeking to agree a model code of conduct for elected members in August 2020. Within the proposed model would be wording covering this obligation.</p> <p>The proposed complaint handling procedure elsewhere on the agenda also covers dealing with trivial and malicious allegations.</p>

	Best Practice	Sept 2019 Comments	Update 2020
3	Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.	<p>To conduct an annual review of the Code of Conduct for Members commencing in 2020 with consultation with others as appropriate. Again, this to be done if possible, in conjunction with Fylde Borough Council.</p> <p>Work on this should be informed by the proposed LGA model code.</p>	<p>As indicated earlier both Blackpool Council and Fylde Borough Council responded to the consultation on the proposed model LGA code. If the proposed LGA model code is adopted then this could be reviewed as part of that process. The intention is to do this in conjunction with Fylde Borough Council. This may also be a national basis.</p> <p>Rather than reviewing a model code which is likely to be adopted by many councils, the purpose of which is to bring some consistency in interpretation, then it may be prudent to review procedures such as the complaints handling procedure and the independent persons protocol on a periodic basis, these can be informed by experience.</p>
4	An authority's code should be readily accessible to both councillors and the public, in a prominent position on the council's website and available in council premises.	The Code of Conduct is available on the Council's website, as part of the constitution. However, it is suggested that a separate area be set up explaining how complaints can be made and what the standards and expectations are.	The Code of Conduct is on the Council's website, as part of the Constitution. A separate part of the website under the complaints area also has information on how to submit a complaint and link to the code of conduct.
5	Local authorities should update their gifts and hospitality register at least once per quarter and publish it in an accessible format, such as CSV.	Following the request at a recent council meeting arrangements are being made for this to happen. However, this will need to be available in a CSV format.	This is now available and on the website but not in a CVS format. This will be looked at next.
6	Councils should publish a clear and straightforward public interest test against which allegations are filtered.	Contained within Independent Person Protocol but should be added to complaint handling guidance (see point 10). This should also be undertaken in conjunction with Fylde Borough Council.	Contained within Independent Person Protocol and now referenced in the proposed complaint handling procedure.

	Best Practice	Sept 2019 Comments	Update 2020
7	Local authorities should have access to at least two Independent Persons.	Already have access to three Independent Persons.	Already have access to three Independent Persons (one vacancy currently being recruited to).
8	An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.	Usually consulted as a matter of course on most misconduct allegations Suggest strengthening the Independent Person Protocol. This should also be undertaken in conjunction with Fylde Borough Council.	Consulted as a matter of course on misconduct allegations and now covered in the proposed complaint handling procedure.
9	Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.	Decision Notice summary to be published on the website in cases where misconduct has been found following an investigation.	Decision Notice summary to be published on the website in cases where misconduct has been found following an investigation. Covered now in the proposed complaint handling procedure.
10	A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.	To be picked up as part of 4 above.	A separate part of the website under the complaints area also has information on how to submit a complaint and link to the code of conduct. The process for handling complaints is part of this agenda item.
11	Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.	N/A	N/A
12	Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils with the remit of the principal authority. They should	N/A	N/A

	Best Practice	Sept 2019 Comments	Update 2020
	be provided with adequate training, corporate support and resources to undertake this work.		
13	A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.	Reciprocal investigation arrangements already in place with Fylde Borough Council supplemented by the use of an external investigator if necessary.	Reciprocal investigation arrangements already in place with Fylde Borough Council supplemented by the use of an external investigator if necessary.
14	Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.	To be picked up as part of the Annual Governance Statement through the Council's internal Good Governance Group chaired by the Monitoring Officer. Minutes of joint bodies published on the council's website (e.g. Economic Prosperity Board). With regard to Council companies the minutes and agendas from the Blackpool Coastal Housing Ltd are available on its website. The other companies are limited by shares and agendas and minutes contain commercially sensitive data and are not published.	Reference now made in the Annual Governance statement for 2019/ 2020. The Council as shareholder, provides oversight through its Shareholder Advisory Board. Minutes of joint bodies published on the council's website (e.g. Economic Prosperity Board). With regard to Council companies the minutes and agendas from the Blackpool Coastal Housing Ltd are available on its website. The other companies are limited by shares and agendas and minutes contain commercially sensitive data and are not published.
15	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.	Suggest as this relates to themes of behaviour for group members the regular meetings be held with the Leader of the Council and Principal Opposition Leader and/ or their whips. Meetings with the two groups of two members to take place as and when necessary.	Meetings to be held with the Leader of the Council and Principal Opposition Leader and/ or their whips. Meetings with the two groups of two members to take place as and when necessary.

Localism Act 2011

Arrangements for dealing with complaints about the conduct of members

1. Introduction

- 1.1 Section 28(6) of the Act requires local authorities to put in place arrangements by which allegations of failure to comply with the code can be investigated and under which decisions on allegations can be made. This protocol sets out Blackpool's arrangements. It was adopted at the Standards Committee meeting held on 3rd December 2020.
- 1.2 Words used in this protocol have the same meanings as in chapter 7 of part 1 of the Act. In addition, the following words have the meanings given below:

Act	The Localism Act 2011
Chair	The Chair of the committee
Code	The code dealing with the conduct of Members adopted by Blackpool
Committee	The Standards Committee, or any other committee of Blackpool to which the powers under chapter 7 of part 1 of the Act have been delegated
Complainant	The person making an allegation
Blackpool	Blackpool Council
Independent Person	A person appointed for the purposes of section 27(6) of the Act
Investigating Officer	A person to whom the Monitoring Officer has referred an investigation under paragraph 7.1 of these arrangements, or the Monitoring Officer undertaking an investigation
Member	A member or co-opted member
Monitoring Officer	Includes a deputy or any other officer carrying out the functions of the Monitoring Officer in their place if the Monitoring Officer has recused his/herself under paragraph 3.4 below
Qualifying criteria	The criteria set out in paragraph 4.2 of these arrangements
Subject member	The member whom the allegation is against

2. Independent Person

- 2.1 Blackpool will normally appoint three Independent Persons. They will, where possible, be the same persons that Fylde Borough Council has appointed as Independent Persons.

3. Receipt and consideration of allegations by the Monitoring Officer

- 3.1 The Monitoring Officer is the Proper Officer to receive allegations. They will normally acknowledge receipt of an allegation within 5 working days of receiving it. Where possible that acknowledgement will indicate (if relevant) details of further timescales which may be required to progress the allegation. They will consider all allegations sent to them by post or by email. They may also, in their discretion, consider allegations received through another route, such as social media.
- 3.2 The Monitoring Officer will consider allegations in two stages. First, they will decide if the allegation meets the qualifying criteria. Second, if it does, they will decide whether to refer it for investigation. These arrangements set out how the Monitoring Officer will make those decisions and other procedures for investigating and making decisions on allegations.
- 3.3 No member or officer will participate in any stage of the arrangements if they have, or may have, any personal conflict of interest in the matter.
- 3.4 The Monitoring Officer will recuse his/herself and ask their deputy or another senior Blackpool officer or other appropriate person to carry out their functions in their place if it appears to them appropriate to do so (e.g. where there may be a conflict).
- 3.5 If, exceptionally, the Monitoring Officer considers that a particular decision which would otherwise fall to be made by them ought to be made by the Committee instead, they may refer it to the Committee.

4. Qualifying criteria

- 4.1 The first decision that the Monitoring Officer will make will be whether the allegation meets the qualifying criteria. The Monitoring Officer will consult an independent person about this decision.
- 4.2 An allegation will meet the qualifying criteria only if:
 - It is against one or more named members;
 - The subject member was in office at the time of the alleged conduct;
 - It does not concern conduct which has previously been the subject of another allegation which has already been disposed of; and
 - The complainant has supplied their name and contact details, except where the Monitoring Officer considers (after consulting an independent person) that the conduct complained of is of such gravity that it ought to be considered for investigation notwithstanding that the complainant has not supplied their name or contact details.
- 4.3 If the Monitoring Officer decides that the allegation does not meet the qualifying criteria, they will inform the complainant in writing (if possible) and close the matter.
- 4.4 If the Monitoring Officer decides that the allegation meets the qualifying criteria they will inform the subject member about the allegation and consider whether to refer it for investigation.

5. Decision whether to refer for investigation

- 5.1 The Monitoring Officer will confer with an independent person before making the decision whether to refer an allegation for investigation or to dismiss the complaint on the grounds set out in paragraph 5.2. The Monitoring Officer may obtain additional factual information to come to a decision and may request information from the subject member. This part of the process is known as the 'Initial Assessment'.
- 5.2 The Monitoring Officer will only refer a matter for investigation if it appears to them that:
- The alleged conduct would be likely to be a breach of the Code ;
 - The subject member was acting in their official capacity at the time of the alleged misconduct;
 - The allegation does not concern something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now;
 - An investigation would be a proportionate use of public resources and in the public interest;
 - The allegation is not motivated principally by personal animosity, political considerations or as a response to a previous complaint;
 - The alleged misconduct would not be more appropriately addressed by the subject member receiving training or mentoring; and
 - The subject member is not an inexperienced member who has failed to comply with the code of conduct because of a lack of knowledge and understanding.
- 5.3 In appropriate cases, the Monitoring Officer may defer the decision whether to refer an allegation for investigation in order to seek to resolve the complaint informally, without the need for an investigation. This is the preferred route. Such informal resolution may involve the subject member accepting that their conduct was unacceptable and agreeing to a course of action put forward by the Monitoring Officer. Where the subject member or the authority (in appropriate cases) make a reasonable offer of local resolution, but it is rejected by the complainant, the Monitoring Officer will take account of this in deciding whether to refer the allegation for investigation.
- 5.4 If the Monitoring Officer decides to refer an allegation for investigation, they will give notice of the referral to the complainant and the subject member. The notice will contain a brief outline of the allegation and of the reasons for the decision to refer it for investigation. It will outline that the subject member should keep the matter confidential but may confer with an independent person (other than the one the Monitoring Officer conferred with). The notice will be copied to the independent persons.
- 5.5 The Monitoring Officer will make any reasonable and appropriate pastoral support available on request to the subject member during the investigation and hearing process.

6. Confidentiality

- 6.1 If a complainant has asked for their identity to be withheld, this request will be considered by the Monitoring Officer when deciding whether the allegation meets the qualifying criteria.
- 6.2 The Monitoring Officer will only agree to withhold the identity of the complainant where they consider that there are exceptional circumstances which outweigh the considerations of fairness and natural justice which would normally support the subject member being told who has complained about them. Such circumstances may include the complainant's belief, on reasonable grounds, that they or any witness may be at risk of physical emotional or psychological harm, or that their employment may be jeopardised.
- 6.3 If the Monitoring Officer decides to refuse a request by a complainant for confidentiality, they will offer the complainant the option to withdraw the complaint, rather than proceed with their identity being disclosed.

7. Investigation

- 7.1 If the Monitoring Officer decides to refer an allegation for investigation, they may investigate the allegation themselves, or refer it to another officer, an officer of another council, or an external investigator. They will also be supplied with a copy of the referral notice.
- 7.2 The investigating officer will investigate the allegation independently and objectively, but will follow any instructions issued by the Monitoring Officer directed to ensuring proportionality and the cost-effective use of Council resources
- 7.3 The investigating officer will interview those individuals they feel could assist in the investigation including the subject member. Any person interviewed should be given the opportunity to be accompanied by an advisor or acquaintance. After the investigating officer has completed the investigation, they will prepare a report and submit it, together with any supporting papers, to the Monitoring Officer. The report should set out the investigating officer's findings of fact, conclusions on the allegation and the reasons for them, but should not itself include or annex statements or interview records.
- 7.4 The Monitoring Officer will give a copy of the investigator's report to an independent person (other than an independent person who has been consulted by the subject member) as soon as practicable after receiving it.

8. Investigating Officer finding of insufficient evidence of failure to comply with the Code of Conduct

- 8.1 If the investigating officer's report finds no breach of the code of conduct, the Monitoring Officer will (unless they consider that the investigation has not been conducted satisfactorily), make a confirmation decision to confirm the finding of no failure to comply with the code.
- 8.2 The Monitoring Officer will write to the complainant and the subject member, with a copy of the confirmation decision.

- 8.3 If the Monitoring Officer is not satisfied that the investigation has been conducted satisfactorily, they may ask the investigating officer to reconsider their report and conclusion.
- 8.4 The committee will also be notified of the matter, and its closure, for information.
- 9. Investigating officer finding of sufficient evidence of failure to comply with the code of conduct**
- 9.1 If the investigating officer's report finds that there has been a breach of the code, the Monitoring Officer will write to the complainant and the subject member, with a copy of the confirmation decision.
- 9.2 The Monitoring Officer will review the investigating officer's report and, in consultation with the independent person, will seek to close the matter through local resolution. If this is not possible, the investigation findings will be reported to the committee for a local hearing.
- 10. Local Resolution following investigation**
- 10.1 If the Monitoring Officer considers that the matter can reasonably be resolved without the need for a hearing, they will consult with the independent person and the complainant and seek to agree an acceptable resolution. Such resolution may include the subject member accepting that their conduct was unacceptable, offering an apology, committing to undertake specified training and/or other remedial action. If the subject member accepts the suggested resolution, the Monitoring Officer will report the outcome to the committee, but will take no further action.
- 10.2 If the Monitoring Officer considers that the allegation cannot reasonably be resolved without a committee determination, or an acceptable resolution cannot be achieved, the Monitoring Officer will refer the matter to the committee for determination without further reference to the complainant or the subject member.
- 11. Determination by the Standards Committee**
- 11.1 Unless the committee decides otherwise, the committee will follow the procedure in the appendix when determining a complaint.
- 11.2 The Committee has delegated authority to determine whether the subject member has failed to comply with the code and, if so, whether to apply a sanction. Where it finds a failure to comply with the code, the committee will:
- 11.2.1 Determine what action, if any, to take in order to promote and maintain high standards of conduct; and
- 11.2.2 Publish a decision notice online, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the committee, and any sanction applied

- 11.3 Sanctions which may be considered include reporting its findings to full council for information. Other sanctions that may be imposed include:
- 11.3.1 Publishing its findings and the investigator's report;
 - 11.3.2 Recommending to the subject 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 / sub-committees / the Executive;
 - 11.3.3 Recommending to the relevant group leader that the subject member be removed from a position of special responsibility if relevant;
 - 11.3.4 Instructing the Monitoring Officer to arrange training for the subject member;
 - 11.3.5 Recommending to the Executive to remove the subject member from outside body appointments;
 - 11.3.6 Withdrawing facilities provided to the member by the council, such as a computer, website and/or email and Internet access; or
 - 11.3.7 Excluding the member from the council's offices or other premises, with the exception of meeting rooms as necessary for attending council, committee and sub-committee meetings.

APPENDIX

Determination by the Committee

Before the meeting

- A1 The Monitoring Officer will ensure that:
- i. the investigating officer and one independent person (other than an independent person who has been consulted by the subject member) will be at the meeting;
 - ii. the subject member has been informed of their right to make written and if requested oral representations to the meeting (to amplify any written submissions) and has had adequate time to seek clarification on their understanding on matters and prepare any representations; and
 - iii. the investigating officer's report, the observations of the Monitoring Officer and any written representations made by the subject member are included in the agenda for the meeting and that the agenda has been sent to committee members in accordance with the relevant statutory provisions.
- A2 Committee members will read the investigating officer's report and any written representations made by or on behalf of the subject member.
- A3 The Chair will (after consulting committee members if they feel it appropriate to do so) inform the Monitoring Officer of any matters arising out of the investigating officer's report on which they feel that the committee might welcome explanation, clarification or more information, and the Monitoring Officer will inform the investigating officer so they can be prepared to address those matters.

During the meeting

- B1 The meeting will take place in public unless the necessary resolution is agreed by the committee to exclude the public.
- B2 The committee may take legal or procedural advice (from both the Monitoring Officer and the Head of Democratic Governance or other legal adviser) at any time. The committee may adjourn while the advice is being prepared.
- B3 While they are present, the subject member may be accompanied or represented by any person.
- B4 Except as mentioned in paragraph B5, no person should participate in the meeting if they have been interviewed as part of the investigation, or if they are, or have a close personal association with, the complainant, the subject member, the investigating officer, or any person representing or accompanying the subject member.
- B5 The subject member (and anyone representing them) and the investigating officer may be present at the meeting until the subject member has made their representations and may

return to the meeting when invited to do so to hear the committee's decision. They may only participate in the meeting when invited to do so in accordance with this procedure.

Hearing procedure

- C1 The Chair opens the meeting, introduces the persons who will participate and briefly explains the procedure.
- C2 The investigating officer presents any points of explanation or clarification, or any additional information, that they have been asked by the Chair to address.
- C3 The independent person is invited to make observations to the committee (or, if the independent person has submitted written observations, those observations are brought to the attention of the committee).
- C4 Committee members have the opportunity to ask the investigating officer questions about their report.
- C5 The Chair will draw the attention of the committee to any written representations made by or on behalf of the subject member. The subject member (or any person acting on their behalf) may address the committee up to a time limit of fifteen minutes to amplify any written submissions.
- C6 The committee will retire and deliberate in private in order to reach its decisions on (i) whether it finds that the subject member has been in breach of the code and (ii) if so, what, if any, sanction to apply to the subject member. The Democratic Governance officer will retire with the committee to advise on due process. The Monitoring Officer (or their representative) who has not been involved in the investigation will also retire with the committee. During its deliberations, the committee may ask additional questions for clarification of parties present.
- C7 The investigating officer and the subject member will be given the opportunity to return whilst the Chair informs all parties of the committee's decision. The committee's decision will be final.
- C8 If committee finds that the subject member has been in breach of the code and imposes a sanction, it will include a summary of its reasons for imposing that sanction in the record of its decision. If the committee finds the subject member has been in breach of the code and imposes no sanction, it will include a summary of its reasons for not imposing a sanction in the record of its decision.