

MINUTES OF STANDARDS COMMITTEE MEETING – THURSDAY 20 JULY 2017

Present:

Councillor Jackson (in the Chair)

Councillors

Clapham	Collett	Mrs Henderson MBE	Hunter
I Taylor	L Williams		

In Attendance:

Mr Anthony Mozley, Independent Person

Mr Brian Horrocks, Independent Person

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

Mrs Lorraine Hurst, Head of Democratic Governance / Deputy Monitoring Officer

Mrs Bernadette Jarvis, Senior Democratic Governance Adviser

1 EXCLUSION OF THE PUBLIC

Resolved: That under Section 100 (A) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the whole item, including the decisions referred to at Agenda item 5 on the grounds that it would involve the likely disclosure of exempt information as defined in paragraphs 1 and 7 of Part 1 of Schedule 12A of the Act.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 MINUTES OF THE LAST MEETING HELD ON 19 JULY 2016

The Committee agreed that the minutes of the meeting held on 19 July 2016 be signed by the Chairman as a correct record.

4 WHISTLEBLOWING POLICY

Mr Towers, Director of Governance and Partnerships / Monitoring Officer, reminded Members that under the Council's constitution the Standards Committee had a duty to monitor and review the Council's Whistleblowing Policy.

The current procedure had been reviewed and a revised procedure proposed. The proposed changes to the procedure were outlined to the Committee. Mr Towers confirmed that the proposed changes reflected the latest Council's constitution and supporting policies. The proposed changes also incorporated updates in current legislation. Changes to the departmental contacts list were also proposed to include additional named key contacts for dealing with whistleblowing cases. The suggested changes to the procedure reflected the best practice requirements from the Whistleblowing Commission – Code of Practice. Mr Towers confirmed that the Unions had no objection to the revised procedure.

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Subject to the Committee's approval, the intention was to raise awareness of the Whistleblowing procedure throughout the Council and to provide relevant coaching to the proposed departmental contacts.

The Committee agreed to the revisions to the Whistleblowing Policy and Procedure.

5 STANDARDS UPDATE REPORT

The Committee received an update report from Mr Towers on standards issues raised during the last 12 months under the standards framework for dealing with allegations of member misconduct.

Mr Towers provided Members with a schedule of matters arising since the last report to the Committee, categorised into areas of conduct relating to the alleged breach. Monitoring of issues was continually undertaken to identify particular patterns of behaviour.

A recent pattern of behaviour had been identified as relating to the non-disclosure of interests and a detailed report on this issue was included for consideration by the Committee as a separate agenda item.

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

6 REGISTER OF INTERESTS

Mr Towers reported on recent cases of a failure to disclose of Disposable Pecuniary Interest on the Register of Interest form and one occasion of a failure to disclose a Disposable Pecuniary Interest at a meeting. The consequences of the failure to disclose a Disposable Pecuniary Interest were outlined to the Committee, which included the potential to commit a criminal offence. Where there had been failures in relation to Disposable Pecuniary Interests the cases had been referred to Lancashire Constabulary after due process had been followed, and the outcome of the referrals was awaited.

Mr Towers reminded the Committee of the obligations contained within the Code of Conduct in relation to the registering and disclosing of interests. The two types of interests were explained, which included the legal requirement for registering a Disposable Pecuniary Interest and the requirements in relation to the Code of Conduct for discretionary 'Local Choice' Interests.

The Committee was advised of the over reliance on officers in some instances to remind Elected Members of their obligations in relation to interests and Mr Towers emphasised the responsibility and accountability for Elected Members in registering and disclosing their interests. He emphasised the requirement to state the type of interest being disclosed at meetings.

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Members were informed of a lack of case law relating to the interpretation of the Section 34 of Localism Act but legal advice suggested that the Government's intention in introducing the offences relating to the non-disclosure of a Disposable Pecuniary Interest had been to ensure that Elected Members did not abuse their position for their own gain, but this interpretation had yet to be tested.

The reasons put forward for the non-disclosure of a Disposable Pecuniary Interest at a meeting included the failure to notice the potential breach due to the number of agenda items and a lack of preparation for the meeting resulting in a lack of awareness of the potential interest. Further reasons for not registering and declaring interests included a lack of knowledge of the different types of interest and the lack of seeking advice from the appropriate officers.

Mr Towers reported on good practice to have in place a published protocol between the Police and the Council for the reporting of potential offences setting out clear roles and responsibilities. Following discussions with Fylde Borough Council's Monitoring Officer, it was recommended that a protocol to include initially Blackpool Council, Fylde Borough Council and Lancashire Constabulary be drafted and submitted to the Committee for approval at its next meeting.

The trend in relation to recent breaches had been discussed with the Independent Persons and Group Leaders and it was recommended, with the support of the Independent Persons, that Elected Members be required to attend mandatory face to face training and the completion of an IPool module. Mr Towers requested the Committee's support in helping to promote the message across all Elected Members regarding their responsibilities in terms of registering and declaring interests and preparing adequately for meetings. Support for the requirement for mandatory training of all Elected Members was also requested from the Committee.

Mr Towers reminded the Committee of the confidentiality surrounding the alleged breaches until the conclusion of the Police review, at which time it would be a matter of public record. He asked the Committee not to disclose any information relating to the cases under review or to implement any recommendations, if approved, until the Police decision was known which was expected in the next two weeks.

Mr Towers and the Chairman thanked the Independent Persons, for their ongoing help and support and for their assistance in formulating the recommendations currently before the Committee.

In response to a question from a Member of the Committee, Mr Towers emphasised the role of the officers in providing advice on the registering and declaring of interests but cautioned against an over reliance on officers as they were not always aware of an individual Elected Member's interests and the responsibility and accountability for declaring interests rested with the Elected Member.

The Committee agreed the recommendation that the Standards Committee:

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1. Supports the creation of further interpretative guidance to assist in the completion of register of interest forms.
2. Following the production of this guidance, asks that all councillors review their register of interest form and update accordingly.
3. Agrees that councillors should be asked to review their forms on an annual basis, as well as within 28 days of any change to their circumstances and that any findings of non-disclosure are reported to the Monitoring Officer for further action.
4. Asks the Monitoring Officer to remind councillors to seek guidance from key officers should they have any queries about the register of interest form or when to declare an interest.
5. Supports the mandatory attendance by all councillors at face-to-face training on the Code of Conduct, including registering of interests and the creation and completion of an on-line iPool module relating to the same.
6. That the face-to-face training be undertaken by the end of October 2017 and a report be brought back to the Committee at a future meeting including attendance details, to be arranged for November or December 2017.
7. Supports the drafting of a protocol between Blackpool Council, Fylde Borough Council with Lancashire Constabulary for dealing with potential issues around disclosable pecuniary interests.
8. That the draft protocol at (7) above be brought back to the next meeting of the Committee for formal approval.

7 DATE OF NEXT MEETING

The Committee noted the date of the next meeting as Tuesday 28 November 2017.

Chairman

(The meeting ended at 6.40 pm)

Any queries regarding these minutes, please contact:
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