

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.