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MINUTES OF STANDARDS COMMITTEE MEETING - THURSDAY, 20 MAY 2021

Present:

Councillor Taylor (in the Chair)

Councillors

Benson

Brookes

Clapham

Galley

In Attendance:

Mark Towers, Director of Governance and Partnerships / Monitoring Officer
Lorraine Hurst, Head of Democratic Governance / Deputy Monitoring Officer
Jenni Cook, Democratic Governance Senior Adviser

Also In Attendance (Item 5 only):

Mrs O Brown, Investigating Officer
Councillor Blackburn

1 DECLARATIONS OF INTEREST

There were no declarations of interest.

2 MINUTES OF THE LAST MEETING HELD ON 3 DECEMBER 2020

The Committee agreed that the minutes of the meeting held on 3 December 2020 be signed by the Chair as a correct record.

3 LOCAL GOVERNMENT ASSOCIATION - VOLUNTARY MODEL CODE OF CONDUCT

The Committee received a report from the Monitoring Officer which outlined the proposed Local Government Association Voluntary Model Code of Conduct. The Code had been produced by the Local Government Association (LGA) following a consultation exercise carried out from June to August 2020. The proposed Code was designed to apply across all local authorities to ensure consistency across the country. Members noted that the Code did not bring into effect any revised powers or duties as those required legislative changes but was intended to bring together best practice across local authorities. The report proposed that the Code be referred to a workshop with the Chair, Vice Chair, an Opposition Member, the Independent Persons and representatives from Fylde Borough Council to consider the model Code in greater depth.

The Monitoring Officer provided the Committee with an outline of a survey of Monitoring Officers carried out by Lawyers in Local Government (LLG) which indicated a mixed level of take-up, at the time of the survey.

The Monitoring Officer reminded the Committee of the reciprocal arrangements with Fylde Borough Council and informed them that a similar report on the Code was also being presented to Fylde's Audit and Standards Committee that evening.

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Members discussed the report and made reference to the LGA consultation, in particular the proposal to raise the threshold for declaring gifts and hospitality from £25 to £50. The consultation stated that most survey respondents had supported £25 as the threshold for gifts and hospitality, however the threshold in the proposed Code remained at £50.

The Monitoring Officer stated that although a large part of the model had been welcomed to bring about consistency of interpretation, there was some reticence amongst local authorities with regards to some aspects of the proposed Code and that, should the Committee accept the report recommendations, matters such as these could be examined in greater detail by the workshop.

Resolved:

1. To refer the Code to a workshop with the Chair, Vice Chair and an Opposition Member from this committee, representatives from Fylde Borough Council Audit and Standards Committee, its Monitoring Officer and the three Independent Persons on whether to:
 - adopt the LGA Model Code in its entirety,
 - to amend the LGA Model Code and update with aspects of the Council's current code, or
 - update the Council's current code as appropriate with parts of the LGA Model Codeand report back to this committee by way of recommendation.

4 EXCLUSION OF PUBLIC AND PRESS

Resolved:

That under Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of Agenda Item Four, Code of Conduct Matter.

5 CODE OF CONDUCT MATTER

The Committee considered a Code of Conduct matter in respect of an allegation in relation to Councillor Blackburn submitted under the Council's arrangements for dealing with complaints about the conduct of members.

The Chair welcomed the Investigating Officer, Mrs Brown and the subject member, Councillor Blackburn to the meeting. It was noted that the Independent Person, Mrs Broughton, had been unable to attend the meeting and her comments had been provided to the Monitoring Officer.

In line with the Hearing Procedure, Mrs Brown outlined her investigation and findings and the Committee had the opportunity to ask her questions.

Councillor Blackburn provided the Committee with his representations and the Committee had the opportunity to ask him questions.

The Monitoring Officer provided the Committee with Ms Broughton's comments.

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Both Mrs Brown and Councillor Blackburn left the meeting whilst the Committee deliberated the investigation report and returned to hear the decision.

Resolved:

1. That there was no breach of the Code of Conduct in respect of decisions made by Councillor Blackburn on the loans to Blackpool Pleasure Beach.
2. That there was a breach of the Code of Conduct in respect of Councillor Blackburn's failure to declare gifts and hospitality from Blackpool Pleasure Beach.
3. That by way of a censure, a report of the findings of this hearing be reported to the next ordinary council meeting for information, including reference to the apology from Councillor Blackburn.
4. That this report to Council also act as a reminder to all councillors about the importance of being open and transparent in their dealings with accepting and registering such items and not to leave their conduct open to question.
5. That the provision within the current Code of Conduct in relation to acceptance of and declaration of gifts and hospitality, be reviewed as part of the workshop being convened to review the current Code of conduct in line with the LGA Model.
6. That emphasis in this review in particular be given to elected members being advised to exercise caution in accepting gifts or hospitality, in order to protect their position and the reputation of the authority.
7. That following this workshop, it be noted that refresher training on the receipt of gifts and hospitality for all members of the Council will take place, with particular regard to those elected members on the Executive, company chairs and others in roles of special responsibility.
8. To confirm that under Section 11.2.2 of the complaints procedure agreed by the committee on 03 December 2020 a decision notice be published online.

6 DECISION NOTICE

The Decision Notice is attached as a supplement to these minutes.

Chair

(The meeting ended at 7.13 pm)

Any queries regarding these minutes, please contact:
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Blackpool Council

**STANDARDS COMMITTEE – WRITTEN DECISION NOTICE OF HEARING
IN RELATION TO A POSSIBLE FAILURE TO FOLLOW THE CODE OF CONDUCT**

Case reference number:	01/2021
Subject member, who the allegation has been made about:	Councillor Simon Blackburn
Subject member representative:	N/A
Investigating officer(s):	Mrs Olwen Brown
Date and place of hearing:	20 th May 2021, Blackpool Council Offices, Bickerstaffe House, Blackpool FY1 3AH
Chair of the standards committee hearing:	Councillor Ivan Taylor
Other Standards committee members attending the hearing:	Councillor Kath Benson, Councillor Neal Brookes, Councillor Don Clapham and Councillor Paul Galley.
Independent member who was consulted regarding the referral for investigation:	Mrs Helen Broughton
Monitoring Officer/ Monitoring Officer representative to the Committee:	Mark Towers (Monitoring Officer) and Lorraine Hurst (Deputy Monitoring Officer)
Clerk for the hearing:	Mrs Jennifer Cook
Summary of the allegation:	<p>It was alleged:</p> <ul style="list-style-type: none"> • That free platinum passes (season passes) were given by the Blackpool Pleasure Beach Managing Director for the 2019 and 2020 seasons to Councillor Blackburn, for himself and his family and he had failed to register them in the Council's Register of Gifts and Hospitality. • That the platinum passes were given to thank Councillor Blackburn for his help with securing the Council loans for the ICON ride and the Boulevard Hotel.

<p>Relevant paragraphs of the Code of conduct:</p>	<p>The Register of Disclosable Pecuniary Interests and Personal Interests of Blackpool Council as required by Paragraph 11.2 of the Councils Code of Conduct, requires members to declare “within 28 days of receiving any gift or hospitality in my capacity as a member with an estimated value of £25 or more, provide written notification by completing the registration of gifts and hospitably form and return it to the Monitoring Officer.”</p>
<p>Committee’s decision on any procedural matter:</p>	<p>To agree that the Code of Conduct does apply to the actions of Councillor Blackburn.</p> <p>To confirm that under Section 11.2.2 of the complaints procedure agreed by the committee on 03 December 2020 a decision notice be published online.</p>
<p>Observations of the independent person (the same person who was consulted by the Monitoring Officer prior to the matter being referred for investigation) :</p>	<p>The Independent Person, Mrs Broughton, was unable to attend the meeting, but had submitted the following observations in advance of the meeting, on reviewing the report of the Investigating Officer.</p> <p><i>“I thought the report covered all the key points in a fair and logical way. I agree with the conclusions drawn, being:</i></p> <ul style="list-style-type: none"> • <i>That the code was breached in respect of not declaring the Pleasure Beach tickets, and</i> • <i>That there was no breach in respect of Cllr Blackburn’s role in the awarding of loans to the Pleasure Beach</i> <p><i>I would also add that to form a link between the two events would not be a fair or accurate assessment of the facts.”</i></p>
<p>Summary of the evidence considered:</p>	<p>It was noted that the passes were currently priced at £125 each and although the cost may have varied in 2019 and 2020, it was considered beyond doubt that these were greatly in excess of the limit stated in the policy, in particular as the passes were provided not just for Councillor Blackburn but also for three family members. The committee’s view was that the passes should be treated as a whole and their value taken accordingly.</p> <p>Three Executive decisions had been taken by the Council with regard to loans to the Pleasure Beach (or an affiliated company): one by the Executive itself in April 2017 at which Councillor Blackburn was not present and two Cabinet Member decisions in May 2018 taken by Councillor Blackburn in his role as Leader of the Council.</p> <p>It was noted that the Council had not provided a loan facility for the Icon ride.</p>
<p>Representations of the Subject member:</p>	<p>The subject member, Councillor Blackburn, had submitted the following comments in advance of the meeting on</p>

	<p>reviewing the report of the Investigating Officer “I am grateful to Mrs Brown, Mrs Broughton and Mr Towers for their thorough investigation. I fully accept the report and its conclusions and apologise for my decision not to register the gifts in question.” At the meeting Councillor Blackburn re-iterated his acceptance of the findings and his apology for not registering them. He also explained his long standing relationship with the Pleasure Beach and the importance of the Pleasure Beach to the economy of the town and his role as Leader and the importance of building good strong business relationships, in particular with organisations such as the Pleasure Beach.</p>
<p>Findings of fact:</p>	<p>It was not disputed that the value of the passes were each well over the £25 limit. Furthermore, the tickets were used on one occasion in 2019 by Councillor Blackburn and two family members. The Council’s gifts and hospitality policy was also clear about the need to record gifts whether they are used or not and Councillor Blackburn was aware of this as he had attended training and had made numerous other declarations.</p> <p>With regard to the loans to Blackpool Pleasure Beach, the Investigating Officer had concluded that these were some time ago, no issues had been raised at the time and the decisions were all notified within the public domain. Councillor Blackburn had not been present at the Executive meeting in April 2017 and the two decisions taken by him in May 2018 followed recommendations for approval by the Council’s Business Loans Panel, which comprised of key council officers who had undertaken due diligence in relation to the reports.</p>
<p>Findings as to whether or not the member failed to follow the Code of Conduct including the reasons for that finding:</p>	<ol style="list-style-type: none"> 1. That there was no breach of the Code of Conduct in respect of decisions made by Councillor Blackburn on the loans to Blackpool Pleasure Beach. 2. That there was a breach of the Code of Conduct in respect of Councillor Blackburn’s failure to declare gifts and hospitality from Blackpool Pleasure Beach.
<p>Actions to be taken/ sanctions to be imposed:</p>	<ol style="list-style-type: none"> 1. That by way of a censure, a report of the findings of this hearing be reported to the next ordinary council meeting for information, including reference to the apology from Councillor Blackburn. 2. That this report to Council also acts as a reminder to all councillors about the importance of being open and transparent in their dealings with accepting and registering such items and not to leave their conduct open to question.
<p>Recommendations to the authority:</p>	<ol style="list-style-type: none"> 1. That the provision within the current Code of Conduct in relation to acceptance of and declaration of gifts and

	<p>hospitality, be reviewed as part of the workshop being convened to review the current Code of conduct in line with the Local Government Association Model.</p> <ol style="list-style-type: none"> 2. That emphasis in this review in particular be given to elected members being advised to exercise caution in accepting gifts or hospitality, in order to protect their position and the reputation of the authority. 3. That following this workshop, it be noted that refresher training on the receipt of gifts and hospitality for all members of the Council will take place, with particular regard to those elected members on the Executive, company chairs and others in roles of special responsibility.
Right to appeal:	There is no right of appeal from this decision which is final.

Signed:



**Chair of the Standards Committee
25th May 2021**

Dated: