

STANDARDS COMMITTEE

THURSDAY, 13TH DECEMBER, 2018, 6.00 PM

CROSS ROOM, CIVIC CENTRE, WEST PADDOCK, LEYLAND PR25
1DH

AGENDA

1 Apologies for Absence

2 Minutes of the Last Meeting

Held on 15 March 2018, to be signed as a correct record.

(Pages 3 - 6)

**3 Minutes of the meetings of the Standards Committee
Initial Assessment Hearing Panels**

Held on 16 January 2018 and 5 September 2018 to be
signed as a correct record.

(Pages 7 - 10)

4 Declarations of Interest

Members are requested to indicate at this stage in the proceedings any items on the agenda in which they intend to declare an interest. Members are reminded that if the interest is a Disclosable Pecuniary Interest (as defined in the Members' Code of Conduct) they must leave the room for the whole of that item. If the interest is not a Disclosable Pecuniary Interest, but is such that a member of the public could reasonably regard it as being so significant that it is likely that it would prejudice their judgement of the public interest (as explained in the Code of Conduct) then they may make representations, but then must leave the meeting for the remainder of the item.

5 Annual Report 2018 and update

Report of the Interim Monitoring Officer attached.

(Pages 11 - 16)

Heather McManus
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Standards Committee Councillors Linda Woollard (Chair), Carol Chisholm (Vice-Chair), Colin Coulton, Bill Evans, Susan Jones, Rebecca Noblet, Michael Titherington, D Haley (Independent Person) and B Parsonage (Independent Person)

The minutes of this meeting will be available on the internet at www.southribble.gov.uk

Forthcoming Meetings

6.00 pm Thursday, 21 March 2019 - Cross Room, Civic Centre, West Paddock,
Leyland PR25 1DH

MINUTES OF STANDARDS COMMITTEE

MEETING DATE Thursday, 15 March 2018

MEMBERS PRESENT: Councillors Linda Woollard (Chair), Carol Chisholm (Vice-Chair), Colin Coulton, Bill Evans, Susan Jones and Barrie Yates

INDEPENDENT PERSON: David Haley

OFFICERS: Dave Whelan (Legal Services Manager/Interim Monitoring Officer) and Andy Houliker (Senior Democratic Services Officer)

OTHER MEMBERS AND OFFICERS: 0

PUBLIC: 0

23 Apologies for Absence

Apologies for absence were received on behalf of Councillor John Rainsbury and Independent Person Barry Parsonage.

24 Declarations of Interest

There were no declarations of interest.

25 Minutes of the Last Meeting

RESOLVED (Unanimously):

That the minutes of the meeting of the Committee held on 7 December 2017 be approved as a correct record.

26 Minutes of the meeting of the Standards Committee Initial Assessment Hearing Panel

RESOLVED (Unanimously):

That as the minutes of the meeting of the Initial Hearing Panel held on 21 November 2017 had been attached in error to the agenda, the minutes of the Initial Hearing Panel held on 16 January 2018 be considered at the next meeting of the Committee.

27 Protocol Relating to Independent Persons

Further to the Minute No.22 of the meeting held on 7 December 2017, the Interim Monitoring Officer presented the Council's refreshed Protocol Relating to

Independent Persons. The proposed changes were highlighted in the Protocol document.

RESOLVED (Unanimously):

That the refreshed Protocol Relating to Independent Persons be approved.

28 Review of Local Government Ethical Standards

The Interim Monitoring Officer requested that the Committee consider an appropriate response to consultation being carried out by the Committee on Standards in Public Life regarding a review of Local Government Ethical Standards.

The terms of reference for the review are to:

1. Examine the structures, processes and practices in local government in England for:
 - a. Maintaining codes of conduct for local councillors;
 - b. Investigating alleged breaches fairly and with due process;
 - c. Enforcing codes and imposing sanctions for misconduct;
 - d. Declaring interests and managing conflicts of interest; and
 - e. Whistleblowing.
2. Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;
3. Make any recommendations for how they can be improved; and
4. 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.

In particular the Committee was asked to consider and respond to questions (a-k) in the report. The Committee considered and discussed each question in turn and was unanimous in its responses to the questions.

RESOLVED (Unanimously):

That the Council's responses to the questions in Committee on Standards in Public Life's consultation be as follows:

- a) No, insufficient sanctions
- b) Insufficient sanctions
- c) Yes
- d) Yes
- e) Yes
 - i) Yes - recently reviewed detailed Investigation & Hearing Procedure
 - ii) Yes – always kept informed and invited to attend Committee and recently appointed a 2nd Independent Person
 - iii) Yes – if felt to be a conflict of interest appoint another solicitor to conduct investigation etc.
- f) No
 - i) Consider sanctions available in each case but as these are very limited not felt appropriate to conduct formal investigation

- ii) Yes – at present the Standards regime has insufficient punitive sanctions it can impose on councillors for misconduct and in appropriate circumstances should be able to suspended a councillor.
- g) Yes
 - i) Yes
 - ii) Yes
- h) Yes – the council has an existing Whistleblowing Policy which is currently being reviewed along with staff training to raise its profile
- i) Provide training to councillors and staff on ethical standards and be able to impose more punitive sanctions on councillors for misconduct
- j) Provide local authorities with the ability to impose more punitive sanctions on councillors for misconduct
- k) Instances of intimidation are rare sometimes perceived and/or verbal at or following meetings. They were viewed in part as arising out of the role as a councillor. One possible measure to address this might be that councillors' personal details are not made publically available. However, there have also been recent issues of in appropriate use of social media (with the creation of specific accounts) aimed at certain councillors (and officers).

Chair

Date

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MINUTES OF	STANDARDS COMMITTEE INITIAL ASSESSMENT HEARING PANEL
MEETING DATE	Tuesday, 16 January 2018
MEMBERS PRESENT:	Councillors Linda Woollard (Chair), Carol Chisholm, Bill Evans and B Parsonage (Independent Person)
OFFICERS:	Dave Whelan (Legal Services Manager/Monitoring Officer) and Andy Houlker (Senior Democratic Services Officer)
OTHER MEMBERS:	0
PUBLIC:	0

5 Apologies for Absence

None all were present.

6 Declarations of Interest

None were declared.

7 Exclusion of Press and Public

RESOLVED (unanimously):

That the press and public be excluded for the following item of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

By virtue of Paragraph 1: Information relating to any individual.

8 Initial Assessment Hearing

The Panel considered a report and background information on a complaint by a member of the council against Councillors A, B and C.

The complaints centred on alleged comments/actions made by Councillors A, B and Councillor C to the complainant that amounted to bullying and homophobia.

The Panel viewed a complaint of this nature as a serious matter.

Following publication of the agenda the Panel was also provided with additional information regarding Councillors A and C. The Panel was also informed that there had also been two anonymous comments supporting the position of the complainant.

It was noted that the matter had also been reported to the police but had not been progressed due to a lack of evidence.

Councillors A, B and C had all denied the alleged comments/actions.

The purpose of the meeting was not to come to a final conclusion about whether the Code of Conduct had been breached but to decide whether – at this stage – what if any further action should be taken.

In considering the matter the Panel was reminded of the test criteria for complaints against councillors.

However, the panel was very conscious of the lack of evidence/witnesses to the alleged action/comments by Councillors A, B or C. It was agreed that it would be very difficult to ascertain what had actually transpired between the individuals.

RESOLVED (unanimously):

1. That whilst the Panel felt that a complaint of this nature was a serious matter, it had received no evidence or sufficient information to support the complaint to enable the matter to be taken further; and
2. That the Leaders of each of the Council's political groups be requested in their respective group meetings to issue a statement that bullying and/or homophobic behaviour by members of their group will not be tolerated.

Chair

Date

In considering the matter, the panel was informed that the complainant wished to remain anonymous and that it was unusual to act upon anonymous complaints. The issue was raised that in the event of the complaint being taken further, it may not be possible or practical for the complainant to remain anonymous.

Furthermore, the panel was very conscious of setting a precedent by investigating an anonymous complaint and expressed concern that this could lead to a rise in anonymous complaints in the future.

The panel expressed their concerns with regards to the impact upon the subject of the critical comments, considering it inappropriate to openly criticise officers publicly and referring to the Member Officer Protocol that all members had been asked to sign.

On weighing up the information and the options available to be taken, the panel felt that no action was needed against Councillor B. However, it was felt that Informal Resolution was the most appropriate action in respect to Councillor A.

RESOLVED: that in respect of

- 1) Councillor A, the panel felt that the appropriate action was by Informal Resolution; in that Councillor A be requested to attend a meeting of the Interim Monitoring Officer to discuss the situation and the importance of adhering to the Code of Conduct.
- 2) Councillor B, the panel felt that no action was necessary on the basis that her involvement – if it could be proved – was minimal.

Chair

Date

REPORT TO	ON
Standards Committee	13 December 2018



TITLE	REPORT OF
Annual Report and Update	Interim Monitoring Officer

1. PURPOSE OF THE REPORT

The report provides an account of standards and related work carried out within the last 12 months.

2. RECOMMENDATIONS

2.1 Committee is asked to note the contents of the report prior to it being referred to full Council

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Excellence and Financial Sustainability	x
Health and Wellbeing	
Place	

Projects relating to People in the Corporate Plan:

People	
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4. BACKGROUND TO THE REPORT

As Members are aware the standards regime changed fundamentally as a consequence of the introduction of the Localism Act 2011. Essentially a less regulated standards regime was introduced.

In this context we introduced a new Code of Conduct for Members in 2012 and a new Investigation and Hearing procedure was also introduced.

Under these arrangements it is for the Monitoring Officer to carry out an initial assessment of all complaints that come in. It should be remembered that this extends to complaints against parish/town councillors in our area as well as borough councillors.

If the Monitoring Officer believes the information received merits consideration he will after consultation with the Independent Person take a decision as to whether it should be investigated or another course of action taken. As a matter of course the Monitoring Officer discusses all complaints with one of our Independent Persons.

If an investigation is deemed necessary this will involve the commissioning of an external investigation. Alternatively other action may be taken. For example if the member complained of is prepared to apologise for his/her action and (if appropriate) undergo training then the case could be resolved this way.

If a full investigation is carried out and a report produced then the member could be referred to a full hearing before Standards committee. In such circumstances it would be for committee to decide whether a breach of the Code of Conduct has taken place and what action should take place

5. STANDARDS COMMITTEE WORK

In the year 2017 – 2018 a great deal of work was done to strengthen the standards work of the standards regime in the Council.

This included:

- The development of a Social Media Protocol
- A review of the Council's Code of Conduct for Elected Members
- The development of revised terms of reference for Standards committee
- The amending and updating of our Hearing and Investigation Procedure for Dealing with Complaints
- Considering a report into the development of a Member Officer Protocol.

As a consequence of the above there was not a great deal of "policy" work that the Standards Committee needed to do during the calendar year of 2018.

Nevertheless this year the full Committee has:

- Reviewed and updated the protocol relating to Independent Persons
- Agreed a response to consultation relating to a review of Local Government Ethical standards being carried out by the Committee on Standards in Public Life

Last year we updated our Hearing and Investigation Procedure to enable the Monitoring Officer to call a Hearings Panel to carry out the initial assessment of complaints received. In particular our Policy states:

"The Monitoring Officer has the discretion to refer the initial assessment of a complaint to a Hearing Panel for their consideration This may be appropriate, for example in cases of particular complexity or sensitivity."

This new procedure has proved most useful.

So far during 2018 there have been 3 such meetings of a Hearings Panel. They considered 4 separate complaints – one complaint was directed at three members. The likelihood is that there will be a further meeting of the Hearings Panel before the year has ended.

6. MEMBER AND OFFICER PROTOCOL

On the 21st of March 2018 full Council adopted the Member and Officer protocol.

This document had been through a detailed and thorough consultation process.

All members have now signed up to it.

The Protocol is a very useful support to our Code of Conduct. It is regularly referenced in standards complaints.

7. COMPLAINTS

For the year 1st of November 2017 to 31st of October 2018 there were 23 formal standards complaints about members.

By way of comparison for the year 1st of November 2016 to 31st of October 2017 there were also 23 such complaints. There had been 12 such complaints in the earlier 12 month period.

In addition to the 23 formal complaints in the last 12 month period there has been a small number (3) of cases where issues have been raised about the conduct of certain members but for whatever reason no formal complaints were ever actually submitted.

For the sake of clarity – for the purpose of these figures – where a complaint is brought against two councillors that is treated as two separate complaints even though there may only be one document. Further it should also be understood that the one issue/incident can generate complaints from more than one person.

As in previous years the comfortable majority of the complaints brought have been submitted by councillors against fellow councillors – for the last 12 month period 17 of the 23 complaints were complaints made by councillors. The other 6 complaints were brought by members of the public. No complaints were brought by officers of the council.

There have been no complaints against parish councillors throughout this period.

Of these 23 cases a number of them were brought relatively late in the year and hence at the time of writing have not been resolved yet. This is true of 6 of the 23 complaints.

Of the remaining 17 cases:

- A decision to take no action was made in 10 cases
- An apology was sought in 7 cases.

In those cases where an apology was sought in some cases further action was also required. In one case a member agreed to cease to use social media for the purposes of his political work. A requirement to undergo training was also sometimes coupled with an apology.

There have been no cases where a formal investigation has been ordered. Given the extremely limited powers of sanction at the disposal of Standards committee and the time and expense

involved in a formal investigation it is considered desirable – if at all possible – to resolve cases by some kind of informal resolution such as apology or training.

There are various themes that occur in these complaints. The most common issue raised is a failure to treat others with respect.

Other issues that occasionally are relevant include:

- Bringing the Council into disrepute
- Disclosing confidential information
- Abuse of position

8. OMBUDSMAN COMPLAINTS

Complaints to the Ombudsman are ordinarily not directly related to member conduct - rather they are complaints brought by members of the public against the quality of services delivered.

For the year 1st of April 2017 to 31st of March 2018 20 complaints were made to the Ombudsman about the council. This compares with 16 complaints being made against the council in the previous 12 month period. The number of complaints has increased slightly in recent years but it should be pointed out that:

1. The numbers are still low
2. It is understood that there is a national picture of complaints being on the rise.

Of these 20 complaints 3 related to Benefits and Tax, 4 to Environmental services, 1 to Housing services and 12 related to Planning and Development.

During the same period (1st of April 2017 to 31st of March 2018) 19 decisions were made with regard to the complaints submitted against the council.

Of these 19 decisions:

- 1 was rejected because it was incomplete or invalid
- 10 were referred back for local resolution – i.e. for the council to look into
- 5 were closed after initial inquiries
- 1 was not upheld
- 2 were upheld (last year 4 complaints had been upheld).

Of the 2 complaints that were upheld no action was required in one of them as whilst fault was found on the part of the council no injustice was caused which required a remedy. In terms of the other case this was resolved by way of the giving of an apology and the payment of financial redress (£200). This latter case related to a Council Tax/Benefit matter.

9. ATTENDANCE FIGURES

Overall councillors' figures for attending council/committee meetings are very high.

On our website councillor's individual attendance records can be accessed.

For the period 23rd of November 2017 to 9th of November 2018 attendance figures for councillors attending meetings is as follows:

- 8 councillors attended 100% of council and committee meetings (committees that they were a member of)
- 14 councillors attended between 90% and 99% of such meetings
- 18 councillors attended between 80% and 89% of such meetings
- 5 councillors attended between 70% and 79% of such meetings
- 3 councillors attended between 60% and 69% of such meetings
- 1 councillor attended between than 50% and 59% of such meetings

10. TRAINING

During the last 12 months:

- An in house training session on assessing complaints has been provided to members of standards committee
- The Monitoring officer has attended a Monitoring Officer session.

It is considered that it is desirable to arrange some general training/awareness for all members. Any such sessions could also be extended to members of parish councils within our borough. Consideration is being given to instructing an external expert to provide such training.

After the Council elections in May 2019 there will clearly be a need to provide some further standards training particularly for any new members who have been elected. This will be delivered as part of a general induction programme.

11. MOVING FORWARD

The last 12 months has been a period of consolidation.

There has not been a need to update many policy documents as much of the necessary work was done in the preceding 12 months.

The use of Hearings Panels (in appropriate circumstances) to carry out an initial assessment of complaints has proved to be a successful innovation.

11. CONSULTATION CARRIED OUT AND OUTCOME OF CONSULTATION

Not relevant to this report

12. COMMENTS OF THE STATUTORY FINANCE OFFICER

There are no financial implication arising from this report.

13. COMMENTS OF THE MONITORING OFFICER

Standards Committee has been busy for the last 12 months. It is important that we continue to work on raising its profile in the council.

14. OTHER IMPLICATIONS:

▶ HR & Organisational Development	There are no implications here
▶ ICT / Technology	There are no implications here
▶ Property & Asset Management	There are no implications here
▶ Risk	There are no implications here
▶ Equality & Diversity	There are no implications here

15. There are no background papers to this report

16. There are no appendices to this report

**David Whelan
Interim Monitoring Officer**

Report Author:	Telephone:	Date:
David Whelan	01772 625247	22/11/18