

STANDARDS COMMITTEE

THURSDAY, 21ST SEPTEMBER, 2017, 6.00 PM

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

AGENDA

1 Apologies for Absence

2 Minutes of the Last Meeting

(Pages 3 - 6)

Held on Thursday, 29 June 2017, to be signed as a correct record.

3 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.

**4 Minutes of the meetings of the Standards Committee
Initial Assessment Hearing Panel**

(Pages 7 - 14)

To confirm the attached minutes of the meetings of the panel held on 27 July 2017 and 30 August 2017 as a correct record.

5 Confidentiality Arrangements

(Pages 15 - 18)

Report of the Interim Monitoring Officer

6 Member Officer Protocol

(Pages 19 - 22)

Report of the Interim Corporate Governance Manager

Heather McManus
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Standards Committee Councillors David Bird (Chair), Linda Woollard (Vice-Chair), Carol Chisholm, Colin Coulton, Bill Evans, Mick Higgins, Susan Jones, 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, 7 December 2017 - Oaks Room, Civic Centre, West Paddock, Leyland PR25 1DH

Agenda Item 2

Standards Committee

Meeting held at 6.00pm on Thursday, 29th June, 2017 in Cross Room, Civic Centre, West Paddock, Leyland PR25 1DH

Present:-

Cllr D Bird (Chairman), Mrs C A Chisholm, Cllr C Coulton, Cllr W Evans, Cllr J M Higgins, Cllr Mrs S Jones, Mr D Haley (Independent Person), Mr B Parsonage (Independent Person)

In Attendance:-

David Whelan (Legal Services Manager/Interim Monitoring Officer) and Dianne Scambler (Democratic and Member Services Officer)

Public Attendance:-

1

Officers:-

None.

Other Councillors also present: Councillors K Martin and P Smith

Minute No.	Description/Resolution	Action By/Deadline
1	Welcome The Chair welcomed, David Haley to the Committee who had recently been appointed as an Independent Person and was attending his first meeting.	
2	Apologies for Absence An apology was received from Councillor Linda Woollard (Vice Chairman)	
3	Declarations of Interest None.	
4	Minutes of the Last Meeting Resolved (Unanimously) that: The minutes of the meeting held on 23 February 2017 be approved a correct record for signing by the Chairman.	
5	Social Media Protocol - Update At its meeting in February, the Standards Committee approved a draft Protocol for the use of Social Media by elected Members. Shortly after that meeting, the Online Safeguarding Advisor to Lancashire's Safeguarding Children's Board had sight of the draft Protocol, and suggested it could be strengthened in a number of areas with safeguarding specifically in	

	<p>mind. The report, therefore updated members on the proposed changes and sought approval of the amended draft document.</p> <p>The Interim Monitoring Officer highlighted the changes and reported that the amended Protocol had been considered by the Council’s Governance Committee the previous evening. At that meeting, a suggestion had been made for all Councillors to sign up to a Charter that would give their commitment to the Protocol.</p> <p>In response to questions around image publication and the publication of personal contact details, the Committee’s attention was drawn to the General Legal Considerations in Section 4 of the Protocol. This gave general guidance around some of the issues under discussion, although there was an acceptance that the law needed to catch up with how social media can be used. It was also intended for the Protocol to be reviewed and amended when necessary.</p> <p>Training was considered key to the success of the Protocol and the Committee asked that all Elected Members be encouraged to attend. Both Independent Persons would also attend any training.</p> <p>RESOLVED (Unanimously):1. Approval of the draft Social Media Protocol for ALL Elected Members.2. That Council be recommended to approve the Social Media Protocol, following its approval by the Governance and Standards Committee.3. That Council be recommended to encourage ALL Elected Members to attend the training on effective and responsible use of social media.</p>	
6	<p>Standards Committee - Progress Report</p> <p>The Committee received an update on progress made on a number of issue since its last meeting that included:</p> <ul style="list-style-type: none"> • Appointment of a second Independent Person • Member/officer Protocol • Training and Development • LGA Corporate Peer Challenge (Peer Review) • Review of Terms of Reference for the committee • Review of Code of Conduct and associated guidance. <p>The new Terms of Reference and the Code of Conduct was appended to the report. Both documents were now easier to digest. Members noted the amount of work that had been undertaken to improve the documentation and thanked the officers concerned.</p> <p>RESOLVED (Unanimously): That the report be noted.</p>	
7	<p>Hearing and Investigation Procedure for Dealing with Complaints</p>	

	<p>The Committee received a revised Hearing and Investigation procedure for dealing with complaints that had been developed following its review. The Interim Monitoring Officer outlined the processes and drew the Committee's attention to an additional appendix, circulated at the meeting on the procedure that would be followed, should a Hearing Panel be convened to carry out an initial assessment of a complaint. It was clarified that Legal representation would be present at a Hearing Panel to assist members with their deliberations.</p> <p>Members discussed the required time expected for a Member to respond to the Monitoring Officer regarding a complaint and it was agreed to amend this to 7 working days. The Committee also discussed the arrangements for a Hearing Panel and how vexatious complaints would be handled.</p> <p>RESOLVED (Unanimously): Approval of the revised Hearing and Investigation Procedure and associated documentation appended to the report.</p>	
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The meeting ended at 6.46pm.

..... Chairman

Published on Monday, 3rd July, 2017

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THURSDAY 27 JULY 2017

Members Present: Councillors David Bird (Chair), Carol Chisholm and William Evans and Barry Parsonage (Independent Person)

Officers Present: Caroline Elwood (Interim Governance Manager), Dianne Scambler (Democratic Services Officer)

1. Apologies for absence

None.

2. Declarations of Interest

None.

3. Exclusion of Press and Public

That press and public be excluded from the rest of the meeting by virtue of paragraph(s) 7c of Part 1 of Schedule 12A of the Local Government Act 1972. The deliberations of a standards committee or of a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.

4. Initial Assessment Hearing

The Panel received a report of the Interim Governance Manager which outlined the decision of the Interim Monitoring Officer to refer to the Panel the initial assessment of four complaints against five members, initiated by the Scrutiny Committee following their review of the licensing function last year.

The Panel considered and reviewed the report and appendices including the written representations from each of the five members, and having had regard to the Council's assessment criteria set out in Appendix A of the Councils Investigation and Hearing Procedure, reached a decision on each of the four findings of the Scrutiny Committee which relates to all five members.

- a) That the actions taken by Cabinet Members and the Monitoring Officer were not constitutional in that no formal meetings of the Cabinet were held, no record or note of any decisions were made.**

The Panel concluded that whilst there may have been actions by the members which were not in accordance with the Council's Constitution, particularly around the lack of formal decision making, there were extenuating circumstances. This included the sensitivity of the subject matter, the urgency of the situation and its potential severity. In addition members were entitled to assume that both the Council's Monitoring Officer and Chief Executive would give timely and appropriate advice in relation to compliance with correct procedural processes.

The written representation of one member expressed the view that much of the criticism resulted from a confusion of language around Cabinet Meetings and "meetings of cabinet members". The panel had some sympathy with this view and felt the picture painted was overly critical in this regard.

The Panel considered that all 5 subject members had collective responsibility as Cabinet Members for ensuring that they complied with the Councils Constitution. Even though one member was not present at a number of meetings as an experienced Cabinet Member at no point did he raise any concerns and he did express his confidence in colleagues handling of matters.

DECISION: The Panel agreed that this matter should be referred for Informal Resolution.

b) It was inappropriate for Members to intervene in the disciplinary proceedings of officers as they did, which goes against the Council's Constitution and the law. Members did not know where the line was in relation to employment matters.

The Panel concluded that there was evidence of inappropriate involvement by subject members in the disciplinary proceedings which included in particular email correspondence with the Chief Executive, meetings with the solicitors and requests for regular updates by the Head of HR and PR.

In accordance with the Officer Employment Procedures rule 6 members ought not to be involved in disciplinary issues in relation to officers below Chief Officer level. However, the Panel considered that Senior Officers ought to have been far more proactive and clear in advising members that certain conduct was inappropriate and asked that a letter be sent to the Chief Executive regarding the importance of ensuring senior officers are confident to give appropriate advice in future.

The Panel concluded that all 5 subject members had collective responsibility as Cabinet Members even though two of the subject members did not attend meetings with the solicitors. They did have the opportunity to do so and have expressed their confidence in colleagues handling of matters.

DECISION: The Panel agreed that this matter should be referred for Informal Resolution.

c) Members should not have been involved in commissioning Wilkin Chapman to work on the disciplinaries.

The Panel concluded that it had not been appropriate for members to be involved in meetings with Wilkin Chapman and their ongoing close involvement in the process generally has contributed to some confusion about who commissioned this tranche of work and when.

Again the Panel considered there were extenuating circumstances as officers ought to have given more robust and clear advice as to the procurement requirements and the involvement of members in staff issues.

The Panel concluded that all 5 subject members had collective responsibility as Cabinet Members even though two of the subject members did not attend meetings with the solicitors. They had the opportunity to do so and have expressed their confidence in colleagues handling of matters.

DECISION: The Panel agreed that this matter should be referred for Informal Resolution.

- d) From the emails seen some of the language, comments and approach by Members were not felt to live up to the Council's values and high standards set and therefore appear to have gone against the Member Code of Conduct.**

The Panel noted that all five members denied sending any inappropriate email correspondence and concluded that there was insufficient evidence contained within the appendices to reach a decision in respect of this allegation.

The Panel noted that workshops are shortly to be held to develop a Member Officer Protocol and were satisfied that this was the opportunity for the organisation to address any concerns about member correspondence and to reinforce appropriate behaviour.

DECISION: The Panel agreed for no further action to be taken.

INFORMAL RESOLUTION in respect of a), b) and c)

The recommendations that are set out below, arising from the Informal Resolution, are a direct response to the circumstances and events which resulted in the complaints considered by the Panel and as such are considered appropriate for the five members. However, the Panel also hold a view that the recommendations have a wider application to all Council members as part of the Council's improvement journey.

The Panel also appreciated that these events occurred over twelve months ago and that since then the Council's Governance arrangements have been reviewed and an Improvement Reference Group with external support is actively overseeing the Council's improvement journey. A new Transformation Strategy with actions in relation to member development has been agreed.

With this in mind the Panel's Informal Resolution is to recommend that:

- 1. A review of members development needs on a corporate basis be undertaken in line with the Council's Transformation Strategy, together with any specific individual development needs of the 5 subject members;**
- 2. The Review should concentrate on:**
 - A clarity of understanding of how the Council's Constitution, corporate governance and procurement arrangements operate including a clear understanding of the new member/officer protocol**
 - Understanding the distinction between the role of the members and that of the Head of Paid Service in relation to staffing and employment issues.**
 - The implementation of a comprehensive Induction Process for all elected members.**

..... Chairman

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MINUTES OF	STANDARDS COMMITTEE INITIAL ASSESSMENT HEARING PANEL
MEETING DATE	Wednesday, 30 August 2017
MEMBERS PRESENT:	Councillors David Bird (Chair), Colin Coulton, Susan Jones and B Parsonage (Independent Person)
OFFICERS:	Dave Whelan (Legal Services Manager/Monitoring Officer) and Andy Houlker (Senior Democratic Services Officer)
OTHER MEMBERS:	David Haley (Independent Person)
PUBLIC:	0

1 Apologies for Absence

None, all members were present. The chairman took this opportunity to welcome Mr Haley (recently appointed Independent Person) who had been invited to attend as an observer.

2 Declarations of Interest

There were no declarations of interest.

3 Minutes of the Last Meeting

RESOLVED: that approval of the minutes of the meeting held on 27 July 2017 be deferred for consideration at the next meeting of the Standards Committee.

4 Exclusion of Press and Public

RESOLVED: that the press and public be excluded for the following items 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.

5 Initial Assessment Hearing 1

The panel considered a report and background information on complaints received from members of the public and a member of the council against Councillor A and Councillor B.

The complaints centred on the leaking of some confidential information and some related information.

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 - any further action should be taken.

In considering the matter the panel was reminded of the test criteria for complaints against councillors. The panel felt the initial tests were met and both Councillor A and Councillor B had acted in their official capacity. Therefore the standards regime and the adopted Code of Conduct for Elected Members applied.

During its deliberations the panel had regard to the council's Whistle Blowing Policy. It was informed that as part of the approved action plan this document was being reviewed.

On weighing up the information and the options available to be taken, the panel felt on balance that Informal Resolution was the most appropriate action in respect of both Councillor A and Councillor B.

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 address a meeting of the council (ideally that on 27 September 2017) and publicly express and acknowledge, that with hindsight regretted aspects of their course of action; and
2. Councillor B, the panel felt that the appropriate action was by Informal Resolution; in that Councillor B be either:
 - i) requested to publicly apologise for their course of action at a meeting of the council (ideally that on 27 September 2017); or
 - ii) be requested to provide an written explanation of their conduct – following on from this the panel would meet again to consider the issue
 - iii) if the member in question failed to do either i) or ii) above within a period of two weeks the panel would have no alternative but to refer the matter for Formal Investigation.

6 Initial Assessment Hearing 2

The panel considered a report and background information on a complaint from a member of the council's staff against Councillor C.

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 - any further action should be taken.

In considering the matter the panel was reminded of the test criteria for complaints against councillors. The panel felt the initial tests were met and Councillor C had acted in their official capacity. Therefore the standards regime and the adopted Code of Conduct for Elected Members applied.

The panel understood and sympathised why in view of the circumstances at the council at that time, the member of staff had complained about the actions of Councillor C.

On weighing up the information and the options available to be taken, the panel felt on balance that Informal Resolution was the most appropriate action in respect of Councillor C.

RESOLVED: that the panel felt that the appropriate action was by Informal Resolution; in that Councillor C:

1. be requested via the Interim Monitoring Officer, to apologise to the member of staff for the course of actions within two weeks of the decision letter; and
2. if no apology was forthcoming within the two week period of the decision letter, the panel would have no alternative but to refer the matter for Formal Investigation and consideration by the Standards Committee.

Chair

Date

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REPORT TO	ON
Standards Committee	21 September 2017

September 2017

TITLE	REPORT OF
Confidentiality Arrangements	Interim Monitoring Officer

Is this report confidential?	No
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1. PURPOSE OF THE REPORT

1.1 This report updates members on developments relating to improving the council's confidentiality arrangements.

2. RECOMMENDATIONS

2.1 That Members note this report and note that a further update report will be brought to the meeting of the Committee on the 7 December 2017.

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Clean, green and safe		Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	X

4. BACKGROUND TO THE REPORT

4.1 At its February meeting Standards Committee agreed a work schedule for the year. For this particular meeting it was agreed that a report would be brought that would deal with the issue of how best the council should ensure the confidentiality of sensitive documents are maintained.

4.2 Members of course are fully aware of the background to these issues – most notably the leak of the Interim Wilkin Chapman report into Licensing.

4.3 To a large extent this report was anticipated by the report that was referred to Governance committee on the 28th of June. Nevertheless given that it was agreed that this Committee should receive a report on this topic it was considered necessary/desirable to bring a further report to this committee to advise of the current situation.

5. DETAILS

5.1 The Council's Interim Monitoring Officer instructed Weightmans Solicitors to carry out an investigation into the circumstances relating to the leaking of the confidential report.

5.2 There were a number of purposes to the investigation namely:

- What were the circumstances relating to the leak of the report?
- What lessons can be learnt for the organisation moving forward?
- To look into the allegation by a member of the public that her details had been leaked to the press.

5.3 In the concluding part of the report the solicitor who carried out the investigation advised six specific recommendations that needed to be addressed to ensure that the council has a robust framework in place for dealing with confidential and personal information. When Governance committee met on the 28th of June they agreed an Action Plan moving forward based on these six recommendations and one additional recommendation. Please see Action Plan at Appendix A that was agreed at Governance committee.

5.4 Some progress has been made against these actions but it is intended to report back to both Governance and Standards committee at their next meetings with a more in depth report about the actions that have been taken.

6. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

6.1 Comments of the Statutory Finance Officer

There are no financial implications arising directly from this report.

6.2 Comments of the Monitoring Officer

There are no specific legal implications arising from this update report which need bringing to members attention.

<p>Other implications:</p> <ul style="list-style-type: none"> ▶ Risk ▶ Equality & Diversity ▶ HR & Organisational Development ▶ Property & Asset Management ▶ ICT / Technology 	<p>The need to have adequate arrangements for the maintenance of confidentiality need hardly be overstated. Leaving aside issues of reputational damage there is a real risk that if confidential documents are leaked that a breach of Data protection legislation could ensue.</p> <p>There are no specific equality implications arising from this report</p> <p>There are no specific HR implications arising from this report</p> <p>There are no specific Property issues arising from this report</p> <p>Clearly IT need to be fully involved in delivering on the agreed Action Plan.</p>
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7. BACKGROUND DOCUMENTS (or there are no background papers to this report)

Appendix A – Action Plan

Report Author:	Telephone:	Date:
David Whelan – Interim Monitoring Officer	01772 625247	

ACTION PLAN

Purpose - To further develop and strengthen the Council's information management practices.

Action	Lead Officer(s)	Target Date for Completion
To review and update the Council's information management / security policy	John Healey	Complete. The Council's Information Security Policy and Records Management policy was recently updated and reviewed in March 2016. It is reviewed, along with all ICT Policies and the ICT Strategy every 3 years - due next in March 2019.
To provide mandatory data protection training for members and officers as part of the annual training and development plans	John Healey	30 th September 2017. We are intending to deliver this mandatory training via MILO.
Internal Audit to carry out a review of information management practices within the Council as part of the annual audit plan and report the results to the Council's Governance Committee	Garry Barclay	31 st of March 2018. Agreed with the Chair of Governance that the audit will be completed in the final quarter to enable the other actions in this action plan to be implemented and embedded.
Provide guidance to members on the storage, use and destruction of confidential hard copy reports	John Healey/David Whelan	30 th of September 2017
Put in place systems for the retrieval and/or confidential destruction of sensitive material distributed to members	John Healey/David Whelan	30 th of September 2017
To review the whistleblowing policy and promote awareness of it.	David Whelan	30 th of September 2017
To review our arrangements for handling and distributing confidential data/reports and to make all necessary amendments to existing policies.	John Healey/David Whelan	30 th of September 2017

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REPORT TO	ON
Standards Committee	21 September 2017

September 2017



TITLE	REPORT OF
Member Officer Protocol	Interim Governance Manager

Is this report confidential?	No
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1. PURPOSE OF THE REPORT

1.1 This report updates members on progress towards the development of a Member Officer Protocol.

2. RECOMMENDATIONS

2.1 That Members note the progress to date and that a further report will be brought to the meeting of the Committee on the 7 December 2017.

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities

Clean, green and safe		Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	√

4. BACKGROUND TO THE REPORT

4.1 The Council currently has a short Protocol within the Constitution which deals with Member/Officer Relations but the Committee has requested that a new Member/Officer Protocol be developed.

4.2 The development of a suitable Protocol was included within the Council's draft Corporate Improvement Plan and following the diagnostic audit by the CfPS earlier this year the LGA indicated its intention to fund development work as part of the support for the Council going forward.

5. DETAILS

5.1 The project has been scoped and put out to tender by the LGA. The successful tenderer is Mike Green from Transitional Space. Mike is an experienced facilitator with extensive Local Government experience and facilitated the recent Cabinet Away Day.

5.2 An end of October deadline has been agreed for the completion of workshops on the development of the Protocol with a provisional timeline agreed as follows:

Date	Action
1st week in October	<p>Focus Groups</p> <p>A series of focus group with a cross section of members and staff to identify the challenges that currently exist to enable the development of a protocol to meet the Council's specific needs. Each session will last up to 90 mins. Sessions will be arranged for the following groups of people:</p> <ul style="list-style-type: none"> • Cabinet members • Scrutiny Members • Backbench members • Committee Chairs • SMT • Middle managers (including HR) • Front line staff (office based – Including HR) • Front line staff (Depot)
7th October to 15th October	<p>Draft protocol developed</p> <p>Mike to use the feedback from the above sessions to develop a draft member / officer protocol for discussion in joint member / officer sessions later in October.</p>
W/C 16th October and 23rd October	<p>Feedback on draft protocol</p> <p>5 half day sessions (joint member / officer sessions) to present the draft protocol, invite comments / challenge, gain common understanding of what it means for members and what it means for officers.</p>
31 October & 29 November & 7 December	<p>Final protocol</p> <p>Mike to use the feedback from the sessions to fine tune the draft protocol prior to reporting back to this Committee and the Governance Committee to recommend final sign off by full Council.</p>
17 January	<p>Training and Guidance</p> <p>Roll out of protocol including communication, guidance and training following consideration by full Council.</p>

5.3 Members are asked to note the progress on this issue and note a report seeking approval of the final draft protocol will be brought to the 7 December 2107 meeting of the Committee.

6. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

6.1 Comments of the Statutory Finance Officer

There are no financial implications arising directly from this report.

6.2 Comments of the Monitoring Officer

There are no specific legal implications arising from this update report which need bringing to members attention.

Other implications:	
▶ Risk	There are no specific risk implications arising from this report
▶ Equality & Diversity	There are no specific equality implications arising from this report
▶ HR & Organisational Development	There are no specific HR implications arising from this report
▶ Property & Asset Management	There are no specific property & asset implications arising from this report
▶ ICT / Technology	There are no specific ICT/Technology implications arising from this report

8. BACKGROUND DOCUMENTS

None

Report Author:	Telephone:	Date:
Caroline Elwood Interim Corporate Governance Manager	01772 625309	September 2017

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