

STANDARDS COMMITTEE

TUESDAY, 21ST JANUARY, 2020, 6.00 PM

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

AGENDA

1 Apologies for Absence

2 Declarations of Interest

Minutes of the Standards Committee

3 Minutes of meeting Thursday, 21 March 2019 of the Standards Committee

(Pages 3 - 4)

Held on Thursday 21 March 2019, to be signed as a correct record.

Minutes of the the Standards Committee Initial Assessment Hearing Panel

4 Minutes of meeting Tuesday, 18 June 2019 of Standards Committee Initial Assessment Hearing Panel

(Pages 5 - 8)

Minutes of the last meeting held on Tuesday 18 June 2019 attached to be signed as a correct record.

5 Minutes of meeting Thursday, 1 August 2019 of Standards Committee Initial Assessment Hearing Panel

(Pages 9 - 10)

Minutes of the last meeting held on Thursday 1 August 2019 attached to be signed as a correct record.

6 Minutes of meeting Thursday, 29 August 2019 of Standards Committee Initial Assessment Hearing Panel

(Pages 11 - 14)

Minutes of the last meeting held on Thursday 29 August 2019 attached to be signed as a correct record.

7 Standards Annual Report

(Pages 15 - 20)

Report of the Shared Services Lead for Legal and Deputy Monitoring Officer attached.

Gary Hall
INTERIM CHIEF EXECUTIVE

Electronic agendas sent to Members of the Standards Committee Councillors Carol Wooldridge (Chair), Karen Walton (Vice-Chair), Derek Forrest, Ken Jones, Renee Blow, Carol Chisholm, David Suthers, David Haley (Independent Person) and Barry 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, 12 March 2020 - Cross Room, Civic Centre, West Paddock, Leyland PR25 1DH

MINUTES OF	STANDARDS COMMITTEE
MEETING DATE	Wednesday, 3 July 2019
MEMBERS PRESENT:	Councillors Carol Wooldridge (Chair), Karen Walton (Vice-Chair), Derek Forrest, Ken Jones, Renee Blow and Carol Chisholm
INDEPENDENT PERSON:	David Haley
OFFICERS:	Dave Whelan (Legal Services Manager/Interim Monitoring Officer) and Coral Astbury (Democratic and Member Services Officer)
PUBLIC:	1

1 Apologies for Absence

Apologies were received from Councillor David Suthers.

2 Minutes of the Last Meeting

RESOLVED: (Unanimously)

That the minutes of the Standards Committee meeting held on the 21 March 2019 were confirmed as a correct record for signing by the Chair.

3 Member's Code of Conduct

Members of the Committee received a presentation from the Interim Monitoring Officer providing training and information on the roles of the Committee, Monitoring Officer and Independent Person.

4 Standards Committee Procedures

The Committee were also advised of the procedures for Standards Committee Initial Hearing Assessment Panels.

The Interim Monitoring Officer provided training exercises for Members of the Committee to complete focusing on the application of the Member's Code of Conduct, which had been discussed during the presentation.

Chair

Date

MINUTES OF	STANDARDS COMMITTEE INITIAL ASSESSMENT
MEETING DATE	HEARING PANEL
	Tuesday, 18 June 2019
MEMBERS PRESENT:	Councillors Carol Wooldridge (Chair), Karen Walton (Vice-Chair) and Renee Blow and D Haley

OFFICERS: Dave Whelan (Legal Services Manager/Interim Monitoring Officer) and Coral Astbury (Democratic and Member Services Officer)

OTHER MEMBERS:

PUBLIC: 0

10 Apologies for Absence

The meeting was slightly adjourned to allow for the arrival of Councillor Renee Blow.

11 Declarations of Interest

None.

12 Exclusion of Press and Public

RESOLVED: (Unanimously)

That the press and public be excluded for the following items of business on the grounds 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.

13 Initial Assessment Hearing

Following submission of new evidence, the Panel met to consider a report and background information on two similar complaints by two members of the Council against Councillor A and to determine the appropriate action to be taken.

The complaint had previously been heard by a Panel in December 2018 but had been deferred until the audio evidence had been submitted by Councillor A. The Interim Monitoring Officer explained that he had wrote to Councillor A on the 3 January 2019 to request the copy of the recording and transcripts. Further requests for such material were made on the 29 January 2019 and the 6 March 2019. The evidence was provided on the 21 March.

The Panel were given the opportunity to listen to the audio recording and listen to the views of David Haley, the Independent Person.

The Panel carefully considered all evidence before it, and were of the view that Councillor A appeared to have breached the Code of Conduct and acted in a way which was not compatible with the seven principles of public life.

RESOLVED: (Unanimously)

That the Interim Monitoring Officer should write a letter to Councillor A requesting that she should apologise for her actions – the wording of the apology should be agreed by the Monitoring Officer.

The apology should be sent to all Councillors by Councillor A.

The apology from Councillor A will be read at the next full Council meeting by the Interim Monitoring Officer.

Councillor A should agree to undertake training.

If no positive response is received from Councillor A after a reasonable period of time, the complaint will be referred back to the Panel for further consideration.

14 Initial Assessment Hearing

The Panel considered a report and background information relating to two complaints made against Councillor B. The complaints both centred on retweet made by Councillor B in September 2018.

The Interim Monitoring Officer and the Independent Person had tried to resolve the complaints informally with Councillor B by asking him to attend training and to submit a full apology by email to all Councillors. However, Councillor B had failed to confirm that he would do this. Members of the Panel expressed disappointment at the lack of response from Councillor B. However, the Panel were informed by the Independent Person that some kind of apology had been submitted by Councillor B to the Lancashire Evening Post.

The Panel were advised that a complaint had also been submitted to Lancashire County Council about the same matter as Councillor B is also a Lancashire County Councillor.

The Interim Monitoring Officer was informed by the County Council that they had concluded that Councillor B was not acting in his official capacity when he posted the tweet. The Interim Monitoring Officer and the Independent Person carefully considered the position in light of the conclusion that Lancashire County Council had reached and in the context of the South Ribble Code of Conduct and relevant policies and concluded that Councillor B was acting in his official capacity as a councillor.

The Panel were of the view that Councillor B was indeed acting in an official capacity, given that his status as a Councillor and a South Ribble Borough Councillor were clearly advertised on his public twitter account. The Panel felt that the complaint needed to be fully dealt with due to the need to make new members aware that behaviour of this standard is not acceptable.

RESOLVED: (Unanimously)

That the Interim Monitoring Officer write a strongly worded letter to Councillor B emphasising that the complaint had now gone to a Panel consisting of cross party membership who were of the view that a full apology should be given to all Councillors and that Councillor B would need to attend the relevant training.

The Interim Monitoring Officer will advise that wording for the apology will need to be submitted within 14 days, at which point if no response has been received consideration will be given to referring the complaint back to the Panel for formal investigation.

Chair

Date

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MINUTES OF	STANDARDS COMMITTEE INITIAL ASSESSMENT
MEETING DATE	HEARING PANEL
	Thursday, 1 August 2019
MEMBERS PRESENT:	Councillors Carol Wooldridge (Chair), Karen Walton (Vice-Chair) and Renee Blow and Barry Parsonage (Independent Person)
OFFICERS:	Dave Whelan (Legal Services Manager/Interim Monitoring Officer) and Coral Astbury (Democratic and Member Services Officer)

OTHER MEMBERS:

PUBLIC: 0

15 Apologies for Absence

None.

16 Declarations of Interest

None.

17 Exclusion of Press and Public

RESOLVED: (Unanimously)

That the press and public be excluded for the following items of business on the grounds 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.

18 Initial Assessment Hearing

The Panel met to consider a report and background information relating to a complaint made against Councillor A by a member of the Council. The context of the complaint is the attempt by the Council to find a bidder to occupy Worden Hall and the conduct of Councillor A.

The Interim Monitoring Officer explained that he had written to Councillor A and had received a response. Subsequent to the receipt of Councillor A's response the Interim Monitoring Officer spoke to two senior officers in order to try and get further clarity over the events in question. Following the officer's response there seemed to be some discrepancies between Councillor A and the officer's version of events.

The Panel considered the views of the Independent Person and considered how the situation would be viewed from a Member of the Public's position. With that in mind,

the Panel felt that Councillor A should be given an opportunity to review his response in light of new information provided by the senior officers.

RESOLVED: (Unanimously)

The Interim Monitoring Officer is to write back to Councillor A to explain the complaint had been received by a Standards Haring Panel and to detail the further information given by senior officers.

Councillor A would be invited to respond at which point the complaint will come back before the panel for further consideration.

Chair

Date

MINUTES OF	STANDARDS COMMITTEE INITIAL ASSESSMENT
MEETING DATE	HEARING PANEL
	Thursday, 29 August 2019
MEMBERS PRESENT:	Councillors Carol Wooldridge (Chair), Karen Walton (Vice-Chair), Renee Blow, David Haley (Independent Person) and Barry Parsonage (Independent Person)
OFFICERS:	Dave Whelan (Legal Services Manager/Interim Monitoring Officer) and Coral Astbury (Democratic and Member Services Officer)

OTHER MEMBERS:

PUBLIC: 0

19 Apologies for Absence

None.

20 Declarations of Interest

None.

21 Exclusion of Press and Public

RESOLVED: (Unanimously)

That the press and public be excluded for the following items of business on the grounds 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.

22 Initial Assessment Hearing

The panel considered an update from the Interim Monitoring Officer regarding an ongoing complaint against Councillor A from the 27 September 2018. The Panel previously met on 18 June 2019 to consider submission of audio evidence, and had come to the conclusion that Councillor A should apologise for her actions and agree to undertake training.

The Interim Monitoring Officer explained that following the meeting on the 18 June he wrote to Councillor A on the 21 June, 16 July and the 30 July but no response had been received from Councillor A.

The Panel were given the opportunity to listen to the views of David Haley, the Independent Person.

Members of the panel were of the view that due to the nature of the complaint and the lack of response from Councillor A that the complaint should go before a full Standards Committee hearing panel if no further response from Councillor A was received.

The Interim Monitoring Officer explained that usually in order for a complaint to go before a full Standards Hearing Panel a formal investigation is required. However, given the exceptional circumstances and evidence available to the Panel a formal investigation would not be required.

RESOLVED: (Unanimously)

The Interim Monitoring Officer will write to Councillor A again, to request that she apologise for her actions – the wording of the apology should be agreed by the Monitoring Officer. The letter will also detail what further action will be taken if no further response is received.

Councillor A should agree to undertake training.

If no positive response is received from Councillor A within 7 days receipt of the letter, the complaint will be referred to a full public hearing of the Standards Committee.

23 Initial Assessment Hearing

The Panel considered a report from the Interim Monitoring Officer which provided them an update following a further response from Councillor B.

The Interim Monitoring Officer advised the panel that the response given by Councillor B included additional information which was not previously disclosed.

The Panel were of the view that Councillor B should have sought advice from the Interim Monitoring Officer prior to the Cabinet meeting on 20 March 2019. Further, the Panel expressed disappointment that Councillor B did not provide a full account of events at the first instance.

The Panel were given the opportunity to listen to the views of Barry Parsonage, the Independent Person.

RESOLVED: (Unanimously)

The Interim Monitoring Officer will write to Councillor B, inviting him to attend a meeting with the Monitoring Officer and Independent Person to discuss the matter and work towards informal resolution.

The Interim Monitoring Officer will keep the Chair of Standards Committee informed of any progress made, and the Panel members will be informed of the final outcome.

Chair

Date

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Agenda Item 7

REPORT TO	ON
Standards Committee	21 January 2020



TITLE	REPORT OF
Standards Annual Report	Shared Services Lead - Legal

Is this report confidential?	No
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PURPOSE OF THE REPORT

1. The report provides an account of standards and related work carried out within the last 12 months.
2. The report will subsequently be considered by Full Council.

RECOMMENDATIONS

3. Standards Committee is asked to note the contents of the report.

CORPORATE OUTCOMES

4. The report relates to the following corporate priorities:

Excellence, Investment and Financial Sustainability	X
Health, Wellbeing and Safety	
Place, Homes and Environment	

Projects relating to People in the Corporate Plan:

Our People and Communities	
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BACKGROUND TO THE REPORT

5. 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.

6. In this context we introduced a new Code of Conduct for Members in 2012 and a new Investigation and Hearing procedure was also introduced. Both documents have been reviewed and updated in recent years.
7. 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.
8. 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.
9. 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.
10. 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

STANDARDS COMMITTEE WORK

11. In recent years (particularly during 2017/2018) a great deal of work was done to update all relevant Standards policies and procedures. This included reviewing the Code of Conduct for Elected Members and amending and updating our Hearing and Investigation Procedure for dealing with Complaints.
12. As a consequence we are in a strong position when it comes to our Standards policy framework. This has resulted in full Committee not needing to carry out a great deal of policy work.
13. Nevertheless full Standards Committee did meet on a couple of occasions during the last 12 months.
14. On the 21st of March 2019 Standards Committee met to consider a report which had been published by the Committee on Standards in Public life. This related to the issue of Local Government Ethical Standards. Members were directed to a number of recommendations of particular interest including a recommendation that the powers of sanction open to a standards committee should be significantly enhanced.
15. Members – generally speaking – welcomed the report. They authorised the Monitoring Officer to write to Central Government expressing the view that it would like Government to give active consideration to the recommendations in the report particularly with regard to the introduction of an effective sanctions regime. Such a change would require a change in legislation. The Monitoring Officer accordingly wrote to Central Government.

- 16.** The full committee also met on the 3rd of July 2019 for an extensive training session about the Code of Conduct and how we deal with standards complaints.
- 17.** In our agreed procedures the Monitoring Officer has the power to call a Hearings Panel (in effect a sub-committee of the main committee) 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 in cases of particular complexity or sensitivity."
- 18.** During the last 12 months there have been three such Hearing Panels.

MEMBER AND OFFICER PROTOCOL

- 19.** On the 21st of March 2018 full Council adopted the Member and Officer Protocol. All members ultimately signed up to it.
- 20.** Following on from the election in May 2019 it was decided to request all current members to sign up to the Member and Officer protocol. At the time of writing 42 members have signed up to the Protocol. We are hopeful that all members would have signed up to it within the near future.
- 21.** The document is a useful support to the Code of Conduct.

COMPLAINTS

- 22.** For the period 1st of November 2018 to 31st of December 2019 there were 7 formal standards complaints about members.
- 23.** By way of comparison for the year 1st of November 2017 to 31st of October 2018 there had been 23 such complaints. In the 12 months before that there had also been 23 such complaints.
- 24.** For the sake of clarity – for the purposes 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.
- 25.** In previous years the comfortable majority of the complaints brought have been submitted by councillors against fellow councillors. This year the picture has been somewhat different. Of the 7 complaints 6 have been brought by members of the public. Only one complaint has been brought by a councillor against a fellow councillor. There have been no complaints against councillors by officers.
- 26.** There have been no complaints against parish councillors throughout this period.
- 27.** Of the 7 new cases:

 - A decision to take no action was made in 5 cases
 - An apology/explanatory statement was sought (and obtained) in 2 cases

- 28.** A case that had started in an earlier year was completed in this period. This related to a complaint brought by a councillor against a fellow councillor. That case was resolved by way of an apology.
- 29.** There are two earlier cases which have yet to be resolved. There is in principle agreement to how those cases should be resolved but the detail has still not been agreed. We are working to resolve these cases as soon as possible.
- 30.** 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 and/or training.
- 31.** There are various themes that occur in these complaints. They include:

- Failure to declare an interest
- Improper use of Influence
- Failure to treat someone with respect

OMBUDSMAN COMPLAINTS

- 32.** Complaints to the Ombudsman are not ordinarily directly related to member conduct – rather they are complaints brought by members of the public against the quality of services delivered.
- 33.** For the year 1st of April 2018 to 31st of March 2019 16 complaints were made to the Ombudsman about the council. This compares with 20 complaints in the previous 12 month period – the year before that there had been 16 complaints. The number of complaints is relatively low.
- 34.** Of the 16 complaints made, 7 related to Planning and Development, 4 to Corporate and other services, 2 to Benefits and Tax and 3 to Environmental Services and Public Protection and Regulation.
- 35.** During the same period (1st of April 2018 to 31st of March 2019) 15 decisions were made with regard to complaints submitted against the council.
- 36.** Of these 15 decisions:
- 7 were referred back to the council for local resolution
 - 7 were closed after initial inquiries
 - 1 was not pursued because of insufficient information to proceed.

ATTENDANCE FIGURES

- 37.** As the council had all out elections in May 2019 it is considered sensible to concentrate on the period since then for assessing member attendance records.
- 38.** On our website the individual attendance records of councillors can be accessed. This is part of our commitment to being as open and transparent as possible.

- 39.** Overall the figures for councillors attending council and committee meetings remains very high.
- 40.** For the period 15th of July 2019 to 7th of January 2020, 22 councillors attended 100% of council and committee meetings (committees that they were a member of).
- 41.** Attendance records for councillors as a whole remains impressive. It is interesting to note that during the period in question (July 2019 to January 2020) 33 members attended committees that they were not a member of – i.e. they attended on a voluntary basis out of interest in something that was on the agenda.

TRAINING

- 42.** During the last 12 months there have been two principal training events:
- On the 3rd of July there was a training event for the new members of Standards Committee.
 - On the 15th of July there was a training event for all members on Standards and Code of Conduct issues.
- 43.** Both training events included case studies designed to encourage debate and an understanding of the practical issues involved.
- 44.** Members of Planning Committee were also given some training on standards issues with a particular emphasis on the need to declare interests.

MOVING FORWARD

- 45.** Following on from interviews for senior shared services posts in November 2019 Chris Moister was appointed to the role of Director of Governance and Monitoring Officer for both South Ribble Borough Council and Chorley Borough Council. David Whelan was appointed to the role of Shared Services Lead – Legal and Deputy Monitoring officer for both councils.
- 46.** At this juncture we are still very much in a transition phase. The current intention is that shared services for Legal will commence on the 1st of April 2020.
- 47.** Clearly moving forward there will be an opportunity for both councils to compare and contrast how they each deal with Standards issues. We may learn from each other's experiences. This may result in some changes in approach.

CONSULTATION CARRIED OUT AND OUTCOME OF CONSULTATION

- 48.** Not relevant to this report.

AIR QUALITY IMPLICATIONS

- 49.** Not relevant to this report

COMMENTS OF THE STATUTORY FINANCE OFFICER

50. There are no financial implications arising from this report.

COMMENTS OF THE MONITORING OFFICER

51. It is interesting to note that the number of Standards complaints has reduced this year – in the two previous years the numbers had been particularly high.

52. Moving forward we need to see what more we can do to raise the profile of Standards Committee. Shared Services with Chorley is an opportunity for both organisations to learn from each other in this field.

OTHER IMPLICATIONS:

► Risk	It is important to do everything practicable to have a robust standards regime. A failure to do so may result in reputational damage for the council.
► Equality & Diversity	There are no implications here.

There are no background papers to this report

(There are no appendices to this report)

LT Member's Name – David Whelan

Job Title – Shared Services Lead – Legal/Deputy Monitoring Officer - South Ribble Borough Council and Chorley Borough Council

Report Author:	Telephone:	Date:
Dave Whelan – Shared Services Lead - Legal	01772 625247	