



## **Standards Committee Agenda**

**Wyre Borough Council**  
**Date of Publication: 7 November 2018**  
**Please ask for : Roy Saunders**  
**Democratic Services and Scrutiny**  
**Manager**  
**Tel: 01253 887481**

**Standards Committee meeting on Thursday, 15 November 2018 at 6.00 pm**  
**in the CivicCentre, Poulton-le-Fylde**

**1. Apologies for Absence**

**2. Declarations of Interest**

Members will declare any pecuniary or significant other interests they have in relation to the items on this agenda.

**3. Minutes** (Pages 1 - 4)

Confirmation of the Minutes of the meeting of the Committee held on 21 June 2018.

**4. Review of Councillors Code of Conduct and Complaints Process** (Pages 5 - 8)

Report of the Monitoring Officer attached.

**5. Current Complaints: Summary** (Pages 9 - 10)

Schedule prepared by the Monitoring Officer, attached.

The Monitoring Officer will report verbally on the latest position with regard to the complaints listed and any issues arising from them.

**6. Date of next Meeting**

The next scheduled meeting of the Committee is due to be held at 6pm on 14 March 2019.

This page is intentionally left blank



## Standards Committee Minutes

The minutes of the Standards Committee meeting of Wyre Borough Council held on Thursday, 21 June 2018 at the Committee Room 2, Civic Centre, Poulton-le-Fylde.

---

**Standards Committee members present:**

Councillors Ian Amos, Barry Birch, Sue Catterall and Terry Lees

**Apologies:**

Councillor(s) Ruth Duffy and Matthew Vincent

**Other councillors present:**

None

**Officers present:**

Roy Saunders, Democratic Services and Scrutiny Manager  
Liesl Hadgraft, Head of Business Support and Monitoring Officer

No members of the public or press attended the meeting.

---

**1 Election of Chairman**

**Agreed** that Cllr B Birch be elected as Chairman of the Committee for the 2018/19 Council Year.

**2 Election of Vice Chairman**

**Agreed** that Cllr Catterall be elected as Vice-Chairman of the Committee for the 2018/19 Council Year.

**3 Declarations of interest**

None.

**4 Confirmation of Minutes**

**Agreed** that the minutes of the meeting of the Committee held on 14 March 2018 be confirmed as a correct record.

## **5 Code of Conduct Hearings**

**Agreed** that the minutes of the two standards code of conduct hearings held on 14 March 2018 be noted.

## **6 Social Media Policy for Councillors**

The Monitoring Officer submitted a report on a revised proposed social media policy for Councillors.

The Monitoring Officer reminded the Committee that this revised version had been drawn up by a Member working group, following the deferral of the previous policy at the Council meeting on 7 December 2018. She said that the working group had met on three occasions and that both she and the Communications and Marketing Manager had been invited to attend the last meeting of the working group to provide input and discuss the proposed changes.

Nothing included in the previously submitted policy had been left out, but a number of clarifications and additions had been inserted. The main areas of change were as follows.

- In Section 1.5: Reference to the policy being referred to by the Standards Committee when considering any social media related complaints against town or parish councils if their council did not have their own social media policy.
- In Section 2.2 (b): Clarification of when councillors would be considered to be acting in their capacity as a councillor when using social media. This had been debated extensively by the working group and was an area which was key when considering complaints surrounding the use of social media. The view of the majority of the working group had been that it would be hard for a member of the public to know when a councillor was acting in a public or private capacity. The working group had therefore agreed that in the case of complaint relating to social media the view would be taken that a councillor was acting in their role as a councillor *“because the judgement of whether you are perceived to be acting as a councillor will most likely be taken by someone else”*.
- In Section 2.9 - Clarification of the advice to councillors on the use of social media during pre-election “purdah” periods, particularly about the use of council resources.

**Agreed** that the contents of the revised Social Media Policy attached as Appendix 1 to the report, be endorsed for submission to the Council for approval on 19 July 2018.

## **7 Review of Ethical Standards in Local Government: Response to consultation**

The Monitoring Officer submitted a copy of the consultation response which

had been sent, following the discussion at the last meeting of the Standards Committee, to the Committee on Standards in Public Life for consideration during its review of ethical standards in Local Government.

The Monitoring Officer said that she would report back to the Committee on the outcome of the consultation, when known, and on any proposed changes arising from it. She reminded the Committee that it had also agreed at its last meeting that, in the meantime, Wyre's own Code of Conduct should be reviewed. She suggested that, in the light of the recent experience with the revision of the social media policy, a working group involving members of the Standards Committee be formed to review the Councillors Code of Conduct and the process for dealing with alleged breaches of it, prior to formal consideration by the Committee and submission to the full Council for approval.

**Agreed** that the response submitted and the intention to set up a working party to on behalf of the Council be noted.

## **8 Current complaints: summary**

The Monitoring Officer submitted a schedule summarising complaints of alleged breaches of the Council's code of conduct which were currently being processed or had been completed since the last report to the Standards Committee. The Monitoring Officer said that brief details of each complaint were included in the schedule. She pointed out that on complainant ref: 2017/09, the complainant was a member of the public and the subject member was a Wyre Councillor, not the other way round as stated in the schedule.

The Monitoring Officer provided further information on each of the complaints to the Committee at the meeting, as follows:

### **Ref: 2017/05**

Additional questions raised by the complainants had been considered and the complaint had now been concluded.

### **Ref: 2017/06**

Additional questions raised by the complainants had been considered and the complaint had now been concluded.

### **Ref: 2017/09**

No further action was to be taken and the complaint had now been concluded.

### **Ref: 2018/01**

The complaint had been considered, but no further action was to be taken and the complaint had now been concluded.

### **Ref: 2018/02**

This complaint was still ongoing and information was currently being gathered.

The Monitoring Officer confirmed, in response to a question, that complaints Ref 2017/07 and 2017/06 had been submitted by the same councillors but were about different subject members.

**Agreed** that the summary of complaints submitted by the Monitoring Officer and her verbal report on each of the complaints referred to, be noted.

**9            Date of next meeting**

**Agreed** that the next scheduled meeting of the Committee be held at 6pm on 15 November 2018.

The meeting started at 5.30pm and finished at 6pm.

**Date of Publication:** 5 July 2018.



Report of:	Meeting	Date
The Monitoring Officer, Liesl Hadgraft	Standards Committee	15 November 2018

## Review of Councillors Code of Conduct and Complaints Process

### 1. Purpose of report

- 1.1 To agree a process for a review of the Councillors Code of Conduct and procedures for dealing with alleged breaches.

### 2. Outcomes

- 2.1 More robust ethical standards.

### 3. Recommendations

- 3.1 That a working group made up of 7 Councillors (5 to be nominated by the Leader of the Conservative Group and 2 by the Leader of the Labour Group) be set up to review Wyre's Councillors Code of Conduct and the process for dealing with complaints of alleged breaches of the Code.
- 3.2 That the working group reports its recommendations to the Standards Committee for consideration and endorsement on 14 March 2019, prior to submission to full Council for approval on 4 April 2019.

### 4. Background

- 4.1 When the Localism Act came into force in 2011 a review of the Councillors Code of Conduct was required. Wyre chose to adopt a shortened version, which focuses on the registration and declaration interests by elected members, in particular the disclosable pecuniary interests (which are statutory).
- 4.2 Many of the former 'behavioural' conditions of the pre Localism Act code are not currently included in Wyre's code and therefore there is little to help restrict inappropriate behaviour. Complaints of this nature have been an issue, particularly when dealing with Parish/Town Councils.

**4.3** The following are areas which are missing from Wyre's current code which were in the pre Localism Act code and could therefore be re-introduced:

- *Commitment to uphold the law*
- *Have respect for others*
- *Have regard, when reaching decisions to the advice of the Monitoring Officer or Chief Financial Officer.*
- *Not to bully any person*
- *Not to intimidate or attempt to intimidate any person who is likely to be a complainant, or witness etc.*
- *Not to disclose confidential information except in certain specified situations (e.g. with consent or if required by law to do so).*
- *Not to bring their office into disrepute.*

## **5. Key issues and proposals**

**5.1** Given the types of complaints that have been made to the Monitoring Officer in recent months and in light of the fact that it has been seven years since the revised Code of Conduct was introduced, it is considered appropriate to arrange for matters relating to the members code of conduct to be reviewed and, in particular, consideration be given to re-introducing the behavioural conditions set out above.

**5.2** A review is timely as it would allow a revised code of conduct to be distributed to the intake of new and re-elected members following the May 2019 elections.

<b>Financial and legal implications</b>	
Finance	None.
Legal	<p>The Council is required by Section 27 of the Localism Act 2011 to promote and maintain high standards of conduct by members of the authority and to publish a code of conduct. There is no longer an 'official' model code, so the Council is responsible for agreeing its own code. The Council must also have procedures in place to deal with any breaches of the Code.</p> <p>Parish and town councils in the Borough are required either to agree their own code or to adopt Wyre's. However, Wyre is responsible for dealing with any alleged breaches of the code by parish and town councillors.</p> <p>Officers will advise the members of the proposed working group of the detailed requirements of the Act.</p>



### **Other risks/implications: checklist**

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

<b>risks/implications</b>	<b>✓ / x</b>
community safety	x
equality and diversity	✓
sustainability	x
health and safety	x

<b>risks/implications</b>	<b>✓ / x</b>
asset management	x
climate change	x
ICT	x

### **Processing Personal Data**

If the decision(s) recommended in this report will result in personal data being processed, a primary impact assessment (PIA) will have been completed and signed off by the council's Data Protection Officer before the decision is taken (as required by the General Data Protection Regulations 2018).

report author	telephone no.	email	date
Liesl Hadgraft	01253 887316	liesl.hadgraft@wyre.gov.uk	31/10/18

<b>List of background papers:</b>		
name of document	date	where available for inspection
None	-	-

### **List of appendices**

None.

This page is intentionally left blank

### Summary of current complaints: 15 November 2018

The following alleged breaches of the Code of Conduct are either currently being dealt with under the Council's complaints process or have been concluded since the meeting of the Standards Committee held on 21 June 2018.

Ref No	Complainant	Subject Member	Category of Complaint	Progress/Outcome
2018/02	A member of the public	Three Parish/Town Councillors	Failure to follow correct procedures when considering a planning application.	Further information gathered by the Monitoring Officer.  Investigation concluded - no case to answer.
2018/03	11 members of the public	A Wyre Councillor (Also a Parish/Town Councillor)	<i>"Offensive comments on a Facebook page.</i>	Monitoring Officer established that the subject member had made an apology on the Facebook page on which the comments complained about had been made.  Consulted the Independent Person (BP) and concluded that in view of the apology made no further action would be taken.
2018/04	A member of the public	A Wyre Councillor	Abusive to a member of the public when delivering leaflets	Monitoring Officer seeking clarification from the complainant.

Updated 7 November 2018

This page is intentionally left blank