



Standards Committee Agenda

Wyre Borough Council
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**Standards Committee meeting on Thursday, 15 March 2018 at 6.00 pm
in the Civic Centre, 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 16 November 2017.

4. Review of Ethical Standards in Local Government

(Pages 5 - 8)

Consultation document circulated to stakeholders by The Committee on Standards in Public Life.

The Monitoring Officer will comment on a number of issues addressed in the consultation document and then invite the Committee to state its views on the specific questions asked, which she will include in her response.

5. Current Complaints: Summary

(Pages 9 - 10)

Schedule prepared by the Monitoring Officer.

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 Thursday 21 June 2018.

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Standards Committee Minutes

The minutes of the Standards Committee meeting of Wyre Borough Council held on Thursday, 16 November 2017 at the Civic Centre, Poulton-le-Fylde.

Standards Committee members present:

Councillors Ian Amos, Marge Anderton, Barry Birch, Terry Lees and Paul Moon

Officers present:

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

Also present: Barry Parsonage (Independent Person).

Apologies for absence: Councillor Michael Vincent and Mary Grimshaw (Deputy Monitoring Officer and Senior Solicitor).

8 Declarations of Interest

Councillor Moon declared a significant non-pecuniary interest in agenda item 6 (Summary of Current Complaints) because he had been informed that he was the subject member in complaint Ref: 2017/06. He said that he would withdraw from the meeting should the complaint be discussed in any detail.

9 Minutes

RESOLVED that the Minutes of the meeting of the Committee held on 22 June 2017 be confirmed as a correct record.

10 Social Media Policy for Councillors

The Monitoring Officer submitted a report on a proposed media policy for councillors.

The Monitoring Officer reminded the Committee that there had been a discussion at its last meeting about the possibility of having a protocol for members on the use of social media. The proposed policy, attached as an appendix to her report, had been adapted for Wyre from a policy recently introduced at South Ribble District Council, where Barry Parsonage was also an Independent Person for standards issues. She said that she was having to deal more frequently with issues arising from the use of social media which, if

handled incorrectly, could get members into unnecessary hot water. The proposed policy would provide guidance to members and ultimately would also make it easier for this committee to decide, if necessary, whether or not there had been a breach of the Code of Conduct, when dealing with a complaint.

The Monitoring Officer said that there had also been discussion at the last meeting about training on this topic and other areas which tended to crop up as complaints from time to time. She said that it was now proposed to use one of the pre-council briefing slots, probably on 8 March 2018, to advise members on the new social media policy. The topics covered would, where appropriate, reflect areas where there had been complaints, in an effort to educate and remind members on do's and don'ts, which would hopefully reduce future complaints.

RESOLVED:

1. That the contents of the proposed Social Media Policy for Councillors attached as Appendix 1 to the Monitoring Officer's report be approved and that the Council be recommended to include it in Part 5 of the Constitution.
2. That the intention to provide information and advice on the new Social Media Policy and related standards issues at a pre-Council briefing session be supported.

11 Consultation: Disqualification Criteria for Councillors

The Monitoring Officer submitted a report on a consultation process being carried out by the Department for Communities and Local Government (DCLG) about proposed additions to the criteria for the disqualification of Councillors.

The Monitoring Officer said that, when she had first read the title of this consultation she had hoped it was to consider a much broader remit, which might ultimately return more extensive powers to monitoring officers and standards committees. However, the aim of the consultation was quite specific and limited. There was currently legislation in place to address situations where councillors had been convicted in the UK of an offence and as a result received a sentence of imprisonment. This consultation proposed to update this area of legislation to include sex offenders and certain anti-social behaviour sanctions.

There were a total of 6 questions in the consultation, 2 relating specifically to the proposals relating to sex offenders, 2 in relation to anti-social behaviour and a further 2 general questions.

RESOLVED:

1. That the DCLG's proposals to introduce new rules prohibiting any individual who is subject to an Anti-Social Behaviour Injunction, a Criminal Behaviour Order or is added to the sex offenders' register from standing for election or holding office as a councillor, be supported.
2. That the Monitoring Officer be instructed to respond accordingly, i.e, answering "yes" to questions 1 – 4 and "no" to question 5 in the list of specific questions set out on page 16 of the consultation document.
3. That the Monitoring Officer also be instructed to inform the DCLG, in response to question 6 in the consultation document, that it was the Committee's view that a more comprehensive review of the local government standards regime, including the provision of a wider range of sanctions for breaches of the Councillors Code of Conduct, should be undertaken as soon as possible.

12 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. Ms Hadgraft said that brief details of each of the complaints were included in the schedule. She provided further information to the Committee at the meeting, as follows:

Ref:2016/18

The Committee had been informed at its' last meeting that this complaint was more or less concluded. Unfortunately, the subject member, having initially agreed to make an apology, had subsequently refused to do so. They had been given two opportunities to make the apology at an appropriate public meeting, but had declined on both occasions. The Monitoring Officer therefore had no alternative but to recommend that the complaint be brought before a special Standards hearing.

Ref: 2017/01

This matter related to the wording of minutes. The Committee had been informed at its' last meeting that the subject member had acknowledged that some clarification to the wording of the minutes was required and that a mechanism to rectify that was being sought. Since then an electronic link has been added on the website against the minutes in question which, when clicked on, took the reader to a report of the Monitoring Officer which clarified the wording. This matter was therefore now closed.

Ref: 2017/04

A meeting between the Monitoring Officer, an Independent Person and the subject member had taken place. Having listened to the information provided the Monitoring Officer and the Independent Person had been of the view that a breach of the code had occurred and that an apology would be an appropriate way to deal with this matter. However, the subject member had declined that solution and a special Standards Committee Hearing would therefore need to be convened.

It was hoped that it would be possible to arrange the hearings for both this case and for case Ref: 2016/18 on the same day. Members would be informed as soon as possible of the date and detailed arrangements for each of the hearings.

Refs: 2017/05, 2017/06, 2017/07 and 2017/08

The Monitoring Officer said that these four fairly recent complaints had all been made by the same complainants and were related to a single event, but were about four different subject members.

No progress had yet been made on Ref: 2017/05, other than the preliminary tests having been completed.

No progress had yet been made on Ref 2017/06, other than the preliminary tests being completed.

Complaint Ref: 2017/07 was not being taken further by the Monitoring Officer because the member who was the subject of the complaint had not been considered to be acting as Councillor when the alleged behaviour took place.

Complaint Ref: 2017/08 was also not being taken further by the Monitoring Officer because the member who was the subject of the complaint had again not been considered to be acting as Councillor when the alleged behaviour took place.

RESOLVED:

That the summary of current complaints submitted by the Monitoring Officer and her verbal report on each of the complaints referred to, including the arrangements being made for two Standards Committee hearings, be noted.

13 Date of next meeting

The Committee noted that its next scheduled meeting was currently due to be held at 6pm on Thursday 15 March 2018.

The meeting started at 6.00 pm and finished at 6.50 pm.

Review of Local Government Ethical Standards: Stakeholder Consultation

The Committee on Standards in Public Life is undertaking a review of local government ethical standards.

Robust standards arrangements are needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government.

As part of this review, the Committee is holding a public stakeholder consultation. The consultation is open from 12:00 on Monday 29 January 2018 and closes at 17:00 on Friday 18 May 2018.

Terms of reference

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.

The review will consider all levels of local government in England, including town and parish councils, principal authorities, combined authorities (including Metro Mayors) and the Greater London Authority (including the Mayor of London).

Local government ethical standards are a devolved issue. The Committee's remit does not enable it to consider ethical standards issues in devolved nations in the UK except with the agreement of the relevant devolved administrations. However, we welcome any evidence relating to local government ethical standards in the devolved nations of the UK, particularly examples of best practice, for comparative purposes.

Submissions will be published online alongside our final report, with any contact information (for example, email addresses) removed.

Consultation questions

The Committee invites responses to the following consultation questions.

Please note that not all questions will be relevant to all respondents and that submissions do not need to respond to every question. Respondents may wish to give evidence about only one local authority, several local authorities, or local government in England as a whole.

Please do let us know whether your evidence is specific to one particular authority or is a more general comment on local government in England.

Whilst we understand submissions may be grounded in personal experience, please note that the review is not an opportunity to have specific grievances considered.

- a. Are the existing structures, processes and practices in place working to ensure high standards of conduct by local councillors? If not, please say why.
- b. What, if any, are the most significant gaps in the current ethical standards regime for local government?

Codes of conduct

- c. Are local authority adopted codes of conduct for councillors clear and easily understood? Do the codes cover an appropriate range of behaviours? What examples of good practice, including induction processes, exist?
- d. A local authority has a statutory duty to ensure that its adopted code of conduct for councillors is consistent with the Seven Principles of Public Life and that it includes appropriate provision (as decided by the local authority) for registering and declaring councillors' interests. Are these requirements appropriate as they stand? If not, please say why.

Investigations and decisions on allegations

- e. Are allegations of councillor misconduct investigated and decided fairly and with due process?
 - i. What processes do local authorities have in place for investigating and deciding upon allegations? Do these processes meet requirements for due process? Should any additional safeguards be put in place to ensure due process?
 - ii. Is the current requirement that the views of an Independent Person must be sought and taken into account before deciding on an allegation sufficient to ensure the objectivity and fairness of the decision process? Should this requirement be strengthened? If so, how?
 - iii. Monitoring Officers are often involved in the process of investigating and deciding upon code breaches. Could Monitoring Officers be subject to conflicts of interest or undue pressure when doing so? How could Monitoring Officers be protected from this risk?

Sanctions

- f. Are existing sanctions for councillor misconduct sufficient?
 - i. What sanctions do local authorities use when councillors are found to have breached the code of conduct? Are these sanctions sufficient to deter breaches and, where relevant, to enforce compliance?

- ii. Should local authorities be given the ability to use additional sanctions? If so, what should these be?

Declaring interests and conflicts of interest

- g. Are existing arrangements to declare councillors' interests and manage conflicts of interest satisfactory? If not please say why.
 - i. A local councillor is under a legal duty to register any pecuniary interests (or those of their spouse or partner), and cannot participate in discussion or votes that engage a disclosable pecuniary interest, nor take any further steps in relation to that matter, although local authorities can grant dispensations under certain circumstances. Are these statutory duties appropriate as they stand?
 - ii. What arrangements do local authorities have in place to declare councillors' interests, and manage conflicts of interest that go beyond the statutory requirements? Are these satisfactory? If not, please say why.

Whistleblowing

- h. What arrangements are in place for whistleblowing, by the public, councillors, and officials? Are these satisfactory?

Improving standards

- i. What steps could *local authorities* take to improve local government ethical standards?
- j. What steps could *central government* take to improve local government ethical standards?

Intimidation of local councillors

- k. What is the nature, scale, and extent of intimidation towards local councillors?
 - i. What measures could be put in place to prevent and address this intimidation?

Who can respond?

Anyone with an interest may make a submission. The Committee welcomes submissions from members of the public.

However, the consultation is aimed particularly at the following stakeholders, both individually and corporately:

- Local authorities and standards committees;
- Local authority members (for example, Parish Councillors, District Councillors);
- Local authority officials (for example, Monitoring Officers);
- Think tanks with an interest or expertise in local government;
- Academics with interest or expertise in local government; and
- Representative bodies or groups related to local government.

How to make a submission

Submissions can be sent either in electronic format or in hard copy.

Submissions must:

- State clearly who the submission is from, i.e. whether from yourself or sent on behalf of an organisation;
- Include a brief introduction about yourself/your organisation and your reason for submitting evidence;
- Be in doc, docx, rtf, txt, ooxml or odt format, not PDF;
- Be concise – we recommend no more than 2,000 words in length; and
- Contain a contact email address if you are submitting by email.

Submissions should:

- Have numbered paragraphs; and
- Comprise a single document. If there are any annexes or appendices, these should be included in the same document.

It would be helpful if your submission included any factual information you have to offer from which the Committee might be able to draw conclusions, and any recommendations for action which you would like the Committee to consider.

The Committee may choose not to accept a submission as evidence, or not to publish a submission even if it is accepted as evidence. This may occur where a submission is very long or contains material which is inappropriate.

Submissions sent to the Committee after the deadline of 17:00 on Friday 18 May 2018 may not be considered.

Submissions can be sent:

1. Via email to: public@public-standards.gov.uk
2. Via post to:
Review of Local Government Ethical Standards
Committee on Standards in Public Life
GC:07
1 Horse Guards Road
London
SW1A 2HQ

If you have any questions, please contact the Committee's Secretariat by email (public@public-standards.gov.uk) or phone (0207 271 2948).

SUMMARY OF CURRENT COMPLAINTS 15 MARCH 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 16 November 2017.

Ref No	Complainant	Subject Member	Category of Complaint	Progress/Outcome
2016/18	A Parish/Town Councillor Supersedes complaint Ref 2015/07(ii)	A Parish/Town Councillor	Inappropriate comments and behaviour at Council meetings, in emails and to the press.	Standards Committee Hearing to be held on 14 March 2018
2017/04	4 Wyre Councillors	A Wyre Councillor	Inappropriate comments and bad language at a Committee meeting.	Standards Committee Hearing to be held on 14 March 2018
2017/05	2 Wyre Councillors	A Wyre Councillors	Failure to properly register pecuniary interests.	Preliminary tests considered by the Monitoring Officer and an Independent Person and Initial investigation carried out. However additional questions have subsequently been asked by the complainants and are currently being considered.
2017/06	2 Wyre Councillors	A Wyre Councillor	Failure to properly register pecuniary interests.	Preliminary tests considered by the Monitoring Officer and an Independent Person and Initial investigation carried out. However additional questions have subsequently been asked by the complainant and are currently being considered.

Ref No	Complainant	Subject Member	Category of Complaint	Progress/Outcome
2017/09	A Wyre Councillor	A member of the public	Inappropriate comments and behaviour on a social media site.	Preliminary tests considered by the Monitoring Officer and an Independent person. Meeting held with the complainant to obtain further information. Meeting to be arranged with the subject member.
2018/01	A Parish/Town Councillor	A Parish/Town Councillor	Pursuing personal interests in preference to the public interests of the Council	Preliminary tests being considered by the Monitoring Officer.

Updated 7 March 2018

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