



## **Standards Committee Agenda**

**Wyre Borough Council**  
**Date of Publication: 3 June 2015**  
**Please ask for : Roy Saunders**  
**Democratic Services and Scrutiny Manager**  
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**Standards Committee meeting on Thursday, 11 June 2015 at 6.00 pm  
in the Civic Centre, Poulton-le-Fylde**

- 1. Election of Chairman for 2015/16**
- 2. Election of Vice-Chairman for 2015/16**
- 3. Apologies for Absence**
- 4. Declarations of Interest**

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

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

Confirmation of the Minutes of the meeting of the Committee held on 6 November 2014.

- 6. Independent Persons: Recruitment** (Pages 5 - 10)

Report of the Monitoring Officer attached

- 7. Current Complaints: Summary** (Pages 11 - 14)

A schedule, prepared by the Monitoring Officer, summarising current complaints of breaches of the Council's Code of Conduct, attached

The Monitoring Officer will report on issues arising from the complaints listed.

The Monitoring Officer will also refer to proposed minor changes to the wording of the flow-chart shown as track changes in Appendix 1 to better reflect the current practice. The Committee will be consulted on a review of the complaints process at its November meeting.

**8. Date of next Meeting**

The next scheduled meeting of the Committee is due to be held at 6pm on 5 November 2015.



## Standards Committee

Minutes of the meeting of the Standards Committee of Wyre Borough Council held on 6 November 2014 at the Civic Centre, Poulton-le-Fylde.

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**Councillors present:** Councillors M Anderton, B Birch (Chairman), M Gandhi, Lees (Vice-Chairman) and M Vincent.

**Officers present:**

Michael Ryan (Corporate Director, People and Places & Monitoring Officer), Mary Grimshaw (Senior Solicitor and Deputy Monitoring Officer) and Roy Saunders (Democratic Services and Scrutiny Manager).

**Apologies for Absence:** Councillors Collinson and Tony Mozley (Interim Independent Person).

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**STA.12 Declarations of Interest**

None.

**STA.13 Minutes**

**RESOLVED** that the Minutes of the meeting of the Committee held on 9 July 2014 be confirmed as a correct record.

**STA.14 Independent Person**

The Monitoring Officer reminded Members that Mr Tony Mozley had been appointed at the Council meeting on 16 October 2014 as the Independent Person for Ethical Standards Issues on an interim basis until a more permanent appointment could be made.

He said that Mr Mozley was one of three independent persons appointed jointly by Blackpool Council and Fylde Council. That arrangement seemed to be working well and there appeared to be potential benefits in Wyre also sharing Independent Persons with those authorities.

**RESOLVED** that the Monitoring Officer be authorised to discuss with the Monitoring Officers of Blackpool and Fylde Councils the possibility of Wyre also participating in the shared arrangements for appointing Independent Persons for Ethical Standards Issues.

**STA.15 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 Committees.

**RESOLVED** that the position on the complaints summarised in the schedule be noted.

**STA.16 Code of Conduct Complaint: Reference 2014/07**

The Monitoring Officer submitted a report summarising a complaint made by Councillor Brooks concerning a possible breach of the Council's Code of Conduct by Councillor Murphy. His finding, following consultation with the interim Independent Person and meetings with the complainant and the subject Member, was that there was insufficient evidence that Councillor Murphy had breached the Code of Conduct

Mr Ryan said, in response to questions, that he and Mr Mozley had taken at face value the information provided by the two Councillors concerned and, given the circumstances of the complaint, they had not felt it necessary to interview any other Councillors or officers.

Councillor M Anderton said that, in her view, checks had been made to establish which Labour Members Councillor Murphy had apologised to.

Councillor B Birch said that he had been concerned that he had not been aware of this complaint until he had seen an article published in the Blackpool Gazette based on the summary report submitted to this meeting. He suggested that, in future, the Chairman of the Standards Committee should be informed when a Code of Conduct complaint was received. He acknowledged, however, that it was not necessary for full details to be provided to him at that stage, because it was important to avoid any possible perception that he might have predetermined the issue prior to a report being submitted to the Committee or hearing being convened.

**RESOLVED**

- (1) That the findings of the Monitoring Officer and his reasons for reaching them be accepted and that no further action be taken in connection with the complaint.
- (2) That the Council's complaints procedure flowchart be amended to indicate that the Chairman of the Standards Committee would be informed of the receipt of a code of conduct complaint prior to any information about it being put into the public domain.

**STA.17 Committee on Standards in Public Life: Annual Report 2013/14**

The Monitoring Officer submitted extracts from the latest Annual Report of the Committee for Standards in Public Life, which referred to ethical standards in local government. There was clearly some concern that, whilst the previous standards regime had been considered to be too prescriptive and bureaucratic, the very limited sanctions available under the current local arrangements were not effective. The report also stressed the importance of explaining the Code of Conduct and ethical standards arrangements as part of the induction process for new Councillors. He said that arrangements were already being made to include such information in the induction programme for new Wyre Councillors immediately following the local elections to be held in May 2015. He also planned to provide a briefing for all Councillors prior to the Council meeting in June 2015.

**RESOLVED** that the comments of the Committee on Standards in Public Life and the arrangements being made by the Monitoring Officer to brief Councillors be noted.

**STA.18 Next Meeting**

**RESOLVED** that the next meeting of the Committee be held at 6.00pm on Thursday 19 March 2015.

The meeting started at 6.00 pm and finished at 6.25 pm.

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Report of:	Meeting	Date	Item no.
The Monitoring Officer (Michael Ryan)	Standards Committee	11 June 2015	6

<b>Independent Persons: Recruitment</b>
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**1. Purpose of report**

1.1 To inform the Committee of arrangements being made to recruit Independent Persons to be involved in the processes for dealing with Councillors Code of Conduct complaints and disciplinary procedures for statutory officers.

**2. Outcomes**

2.1 Effective ethical standards arrangements.

**3. Recommendation**

3.1 That the arrangements being made to recruit Independent persons to perform the roles set out in Appendix 1, be noted.

**4. Background**

4.1 Following the implementation of the Localism Act 2011 the Council must appoint an Independent Person to be consulted by the Monitoring Officer and the Standards Committee on ethical standards issues and on the consideration of any alleged breaches of the Code of Conduct by individual Borough, Town or Parish Councillors in the Wyre area.

4.2 Stephen Tivnan was appointed to this role by the Council in June 2013 but unfortunately, he had to resign in July 2014 because of changes to his work commitments.

4.3 In October 2014 Tony Mozley, an Independent person used by Blackpool and Fylde Councils was appointed on an interim basis. Tony Mozley was subsequently involved in two code of conduct complaints. However, Blackpool and Fylde Councils have now advised that they do not think it is practicable to continue with that arrangement on a longer term basis or to extend their current sharing agreement, particularly as their processes for investigating complaints are slightly different from Wyre's.

- 4.4** Also, the position has now become slightly more complicated following the implementation, from 11 May 2015, of the Local Government (Standing Orders) (England) (Amendment) Regulations 2015. Those Regulations require the Council to also involve an independent person in its disciplinary process for the three officers it is required by law to appoint, that is, the Head of the Paid Service, the Section 151 Officer (Chief Financial Officer) and the Monitoring Officer. At Wyre, these statutory responsibilities are currently allocated respectively to the Chief Executive, the Corporate Director of Resources and the Corporate Director, People and Places.
- 4.5** These new measures have been brought in by the Government with the intention of simplifying and reducing the cost of the previous procedures, whilst maintaining some protection for these officers. An independent person now has to be involved, in particular, in the consideration of a report on an investigation of alleged misconduct by one of the statutory officers, prior to any recommendation to the full Council to dismiss them.
- 4.6** The Regulations state that the Council is required to invite any independent persons appointed for the purposes of the Members' conduct regime under Section 28 of the Localism Act 2011, described above, to be included in this disciplinary process for statutory officers.
- 4.7** It is therefore proposed that new Independent Persons be recruited to fulfil both roles. A role description and a specification of the skills and competencies required is set out in Appendix 1.

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

- 5.1** These positions have been "advertised on the Council's web site and social media outlets. In addition the possibility of entering into an arrangement to share an Independent Person from another Council is also being explored.
- 5.2** The closing date for applications is 5pm on Tuesday 9 June 2015. Interviews with shortlisted candidates will be arranged for later that week or the beginning of the following week, with a view to recommendations on appointments being made to the Council meeting on 25 June. If possible, more than one Independent Person will be appointed, in case unavailability or inability to act on a particular occasion.
- 5.3** A verbal update will be provided to the Standards Committee.

<b>Financial and legal implications</b>	
Finance	No fixed allowance will be paid for undertaking the Independent Person role but, eligible travelling expenses be reimbursed. It is anticipated that costs will be met from within existing budgets.



Legal	The proposals in this report will enable the Council to comply with the legal requirements.
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**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.

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

risks/implications	✓ / x
asset management	x
climate change	x
data protection	x

report author	telephone no.	email	date
Roy Saunders (Democratic Services and Scrutiny Manager)	01253 887481	roy.saunders@wyre.gov.uk	2/6/15

List of background papers:		
name of document	date	where available for inspection
None	-	-

**List of appendices**

Appendix 1 Role Description and Person Specification

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**Role of the Independent Persons**

The role of the Independent Persons will be:-

1. To assist the Council in promoting high standards of conduct by elected and co-opted members of Wyre Council and town and parish councillors within the Wyre area and, in particular, to uphold the Code of Conduct adopted by the Council.
2. To be consulted by the Monitoring Officer and/or the Standards Committee at any stage in the Council's complaints process, including, in particular:
  - to be available for consultation by the Monitoring Officer on whether or not to investigate a complaint or to seek an informal resolution of a complaint;
  - To be consulted by the Monitoring Officer and/or the Standards Committee on an investigation report on an alleged breach of the Code of Conduct;
  - to be available to attend a meeting of the Standards Committee convened to hold a hearing and make a decision on an alleged breach of the Code of Conduct and if a breach is found, to decide on any sanctions to be imposed.
3. To be available for consultation by any elected member, including a town or parish councillors, who is the subject of a standards complaint (provided that they have not already been involved as an Independent Person in that complaint by the Monitoring Officer).
4. To attend a meeting of a Senior Officers' Disciplinary Committee if convened, to consider reports on any investigations of alleged misconduct by the Councils 3 statutory officers and, if necessary, make recommendations to the full Council on proposed disciplinary action.

**Skills and Competencies Required**

The independent persons the Council wishes to appoint to this role will have a range of skills and competencies, including:-

- an interest in standards in public life;
- an awareness of the importance of ethical behaviours;

- a wish to serve the local community and uphold local democracy;
- the ability to be objective, independent and impartial;
- good analytical skills and an ability to demonstrate clarity of thought, assimilate information quickly and arrive at balanced judgements;
- an understanding of the need to comply with confidentiality requirements;
- an ability to communicate clearly, verbally and in writing with various people and in a variety of different situations;
- tact and diplomacy in handling sensitive matters.

Ideally, that person will also have:-

- some knowledge and/or experience of local government or other public service and/or of large complex organisations.
- an awareness of and sensitivity to the democratic, political decision making process;
- knowledge and understanding of quasi-judicial or complaints processes;
- Knowledge and/or experience of employee disciplinary processes within a large organisation.

The person appointed will need to be contactable during normal working hours by telephone or by e-mail and be available to attend occasional meetings, which will generally be held in the early evening, but which sometimes may be held during the day.

### **Eligibility**

A person cannot be appointed as an Independent Person if they are, or have within the last 5 years, been an elected Councillor, a co-opted member or officer of Wyre Council; or any town or parish Council within the Wyre area or, if they have a relative or close friend who is a current Councillor or employee of the Council.

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Report to Standards Committee 11 June 2015SUMMARY OF CURRENT COMPLAINTS

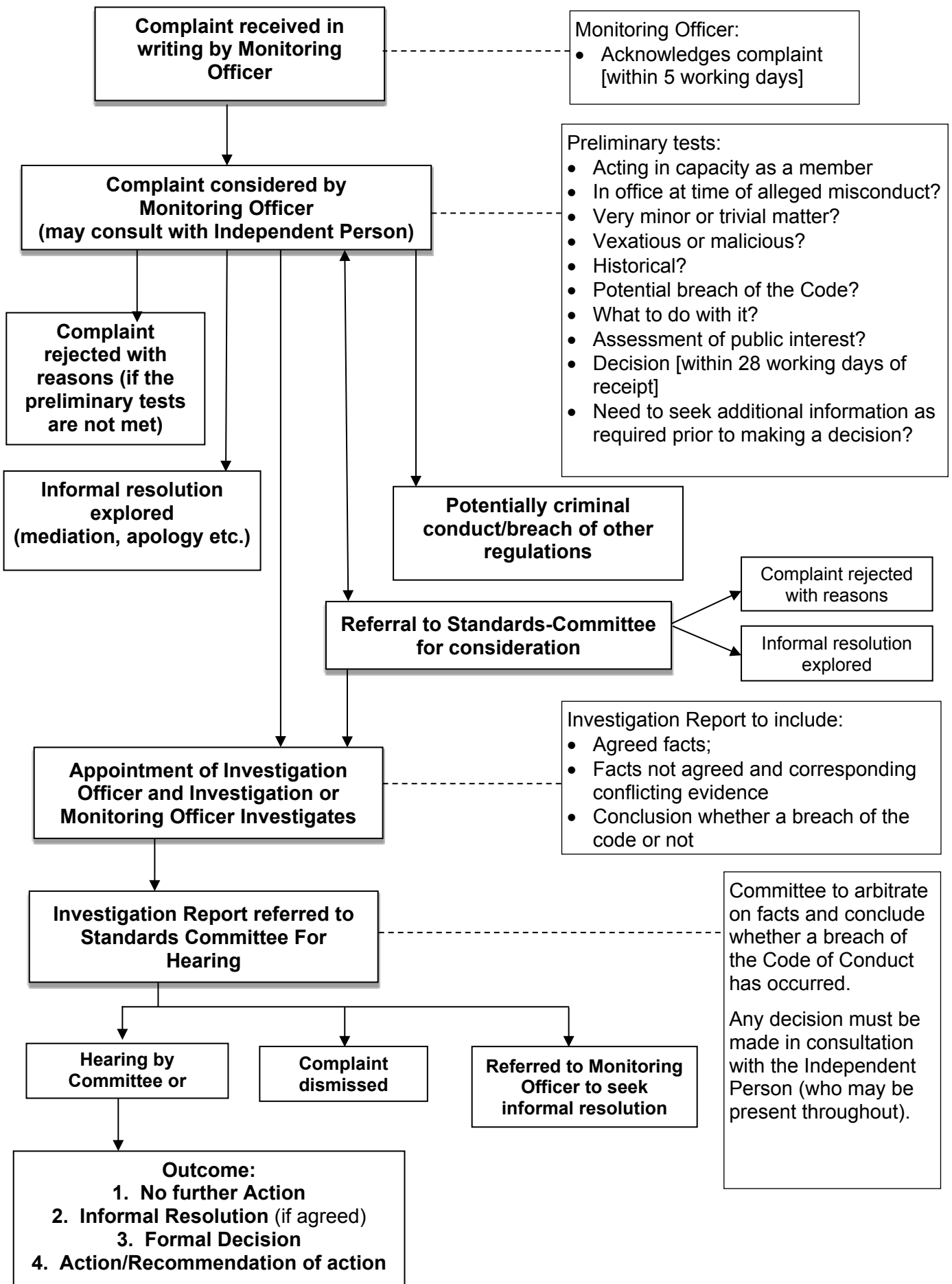
The following alleged breaches of the Code of Conduct are currently being dealt with under the process set out in Appendix 1 or have been concluded since the last report to the Standards Committee.

Ref No	Complainant	Subject Member	Category of Complaint	Progress/Outcome
2015/01	A Parish/Town Councillor	A number of Wyre Councillors	Disrespectful actions at a meeting.  <i>(Failure to act with integrity and to promote and support high standards of conduct)</i>	The Monitoring Officer concluded that the actions and comments referred to in the complaint did not meet the initial tests set out in the Council's complaints process and did not amount to a breach of the principles set out in the Code of Conduct. He has therefore informed the complainant that no further action will be taken.
2015/02	A Parish/Town Councillor	A Wyre Councillor	Unfounded comments and failure to respond to an email. (Related to complaint ref 2015/01)  <i>(Failure to act with integrity and to promote and support high standards of conduct)</i>	The Monitoring Officer concluded that the actions and comments referred to in the complaint did not meet the initial tests set out in the Council's complaints process and did not amount to a breach of the principles set out in the Code of Conduct. He has therefore informed the complainant that no further action will be taken.
2015/03	A Parish/Town Councillor	A Parish/Town Councillor	Inappropriate and disrespectful comments at a Parish/Town Council meeting.  <i>(Failure to act with integrity and to promote and support high standards of conduct)</i>	The Monitoring Officer concluded that the actions and comments referred to in the complaint did not meet the initial tests set out in the Council's complaints process and did not amount to a breach of the principles set out in the Code of Conduct. He has therefore informed the complainant that no further action will be taken.

Ref No	Complainant	Subject Member	Category of Complaint	Progress/Outcome
2015/04	A Parish/Town Councillor	Three Parish/Town Councillors	<p>Inappropriate behaviour during the election campaign.</p> <p><i>(Failure to act with integrity and to promote and support high standards of conduct)</i></p>	<p>The Monitoring Officer concluded that the actions and comments referred to in the complaint did not meet the initial tests set out in the Council's complaints process and did not amount to a breach of the principles set out in the Code of Conduct. He is therefore informing the complainant that no further action will be taken.</p>

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### Complaints Procedure Flowchart



The Monitoring Officer will submit summary information on each complaint to each scheduled meeting of the standards Committee.

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