

Agenda

Standards Committee



Date:

Wednesday, 8 October 2014 at 17:00

Venue:

Town Hall, St Annes, FY8 1LW (1st Floor meeting room, Chaseley)

Committee members:

Councillor David Donaldson (Chairman)
Councillor Brenda Ackers (Vice-Chairman)
Councillors Keith Beckett ISO, David Chedd, Susan Fazackerley, Paul Hayhurst, Vivienne M Willder.

Public Platform To hear representations from members of the public.

Item		Page
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes of the previous meeting held on 3 April 2014 as a correct record, as attached.	3 - 5
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 23(c).	1
4	Issues Raised with the Monitoring Officer	6 - 8
5	Review of the Code of Conduct	9 - 11
6	Exclusion of the Public	12
7	Code of Conduct Investigation - EXEMPT ITEM NOT FOR PUBLICATION	-

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The code of conduct for members can be found in the council's constitution at
www.fylde.gov.uk/council-and-democracy/constitution

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Standards Committee

Minutes



Date:	Thursday, 3 April 2014
Venue:	Town Hall, St Annes
Committee members:	Councillor David Donaldson (Chairman) Councillors Brenda Ackers, David Chedd, Sue Fazackerley, Vivienne M Willder
Other Councillors or Independent Persons:	Mr A Mozley, Mr B Horrocks and Mr R Ellwood
Officers:	Tracy Morrison, Katharine McDonnell

1. Declarations of interest

Members were reminded that any disclosable pecuniary interests should be declared as required by the Localism Act 2011 and any personal or prejudicial interests should be declared as required by the Council's Code of Conduct for Members.

Councillors Chedd and Willder declared a personal interest in item 4.

2. Confirmation of minutes

RESOLVED: To approve the minutes of the Standards Committee meeting held on 9 October 2013 as a correct record for signature by the Chairman.

3. Substitute members

There were no substitutions on this occasion.

4. Code of Conduct in relation to Town and Parish Councillors

Tracy Morrison, the Council's Monitoring Officer, advised members that Councillors who were members of another local authority, for example as town or parish Councillors, should declare a personal interest when discussing matters relating to those authorities. However when the matters discussion concerned, for example, financial matters the interest also became prejudicial.

Tracy advised that the matter of town and parish Councillors having personal and prejudicial interests was particularly pertinent when discussing matters such as the Council Tax Reduction Scheme. When the matter had been discussed at Council meetings held in January 2013 and January 2014, the relevant Councillors, had been granted dispensations to allow them to participate. However, Tracy explained, that the matter also affected members discussing such matters at other meetings, and the members affected felt that their absence from such meetings would detract from the debate as they were able to provide an insight and information which could be beneficial.

She asked that members considered whether the Code of Conduct should be amended to remove membership on another local authority as a trigger for declaring a personal interest, thus enabling members to participate in matters relating to that public body in future.

After a discussion it was RESOLVED:

1. To recommend to Council an amendment to the Code of Conduct to allow members of another local authority to be excluded from provisions relating to personal interests applying in terms of membership of a public body.

5. Protocol Relating to Independent Persons

Tracy Morrison, the Council's Monitoring Officer, introduced the item. She explained that the Monitoring Officers at Fylde and Blackpool Councils, with whom there were agreed shared arrangements, together with the shared pool of Independent Persons, had developed a protocol in relation to the role of the Independent Person.

Tracy provided an overview of the protocol, stating that as the role of Independent Person was a new role under the Localism Act, the protocol was a useful tool for defining the role, the procedure and expectations of the Independent Person. Tracy highlighted the key areas of the Protocol.

Mr Mozley and Mr Ellwood, Independent Persons for Fylde and Blackpool Councils, explained they had been fully involved with the development of the Protocol and had had the benefit of workshop with other Independent Persons from other authority areas.

The Committee commented that the Protocol provided clear definition of the role and were pleased that the Independent Persons had been involved in the development of the Protocol.

It was RESOLVED:

1. To accept and adopt the Protocol for Independent Persons.

6. Local Statistics – Issues Raised with the Monitoring Officer

Tracy Morrison, the Council's Monitoring Officer introduced the report. She explained that she was responsible for making an initial assessment of complaints and deciding whether to investigate them. The Standards framework placed an emphasis on working with individuals to bring about mutually acceptable solutions, and to work towards ensuring that perceived breaches do not re-occur. Where it appeared that there may be a breach, to refer those matters for investigation.

The report listed a number of allegations made since the previous meeting of the Standards Committee, both for Borough and Parish Councils. Tracy advised, however, that whilst all Standards related concerns were communicated to the Committee, not all would become complaints.

It was RESOLVED:

- 1 To note the report.

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REPORT



REPORT OF	MEETING	DATE
MONITORING OFFICER	STANDARDS COMMITTEE	8 OCTOBER 2014

ISSUES RAISED WITH THE MONITORING OFFICER

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

The Monitoring Officer has been appointed as Proper Officer to receive allegations of failure to comply with the Code of Conduct regarding councillors, town and parish councillors and co-opted members. The Monitoring Officer has delegated authority, after consultation with the 'Independent Person', to determine whether an allegation of members' misconduct requires investigation and arrange such an investigation.

The Monitoring Officer should seek resolution of complaints without formal investigation wherever practicable and she has the discretion to refer matters to the Standards Committee where she feels it is inappropriate for her to take a decision on a referral for investigation. She should also periodically prepare reports for the Standards Committee on the discharge of this function.

In order to keep the Standards Committee informed as to the number and general nature of matters brought to her attention; reports on the discharge of the function of Monitoring Officer are brought on a periodic basis.

It is a point of clarification that there are a number of stages in dealing with reported matters. Some matters are brought to the attention of the Monitoring Officer without merit. In instances where a breach may have been considered to arise, and in line with agreed procedures, wherever possible the Monitoring Officer should seek the resolution of complaints without the need for formal investigation. Periodic reports to the Standards Committee show all the matters which have been brought to the attention of the Monitoring Officer for review in order that members of the Standards Committee have an appreciation of all matters arising.

RECOMMENDATIONS

1. To note the report of the Monitoring Officer.

CABINET PORTFOLIO

This item falls within the following cabinet portfolio(s):

Finance and Resources

Councillor Karen Buckley

SUMMARY OF PREVIOUS DECISIONS

Local statistics report.

REPORT

1. The Monitoring Officer has been appointed as Proper Officer to receive allegations of failure to comply with the Code of Conduct regarding councillors, town and parish councillors and co-opted members. The Monitoring Officer has delegated authority, after consultation with the 'Independent Person', to determine whether an allegation of members' misconduct requires investigation and arrange such an investigation.
2. The Monitoring Officer should seek resolution of complaints without formal investigation wherever practicable and she has the discretion to refer matters to the Standards Committee where she feels it is inappropriate for her to take a decision on a referral for investigation. She should also periodically prepare reports for the Standards Committee on the discharge of this function.
3. In order to keep the Standards Committee informed as to the number and general nature of matters brought to her attention; reports on the discharge of the function of Monitoring Officer are brought on a periodic basis.
4. The table below shows the nature of the allegations made in the complaints since the previous meeting of the Standards Committee. Complainants do not need to specify a relevant part of the code where they believe a breach has occurred (and indeed some of these complaints relate to differing codes dependant on when the complaint originates). For the purpose of the table below, the Monitoring Officer has made a judgement and grouped them accordingly. The matters are further broken down into Borough or Parish matters.

BOROUGH MATTERS	
Failure to treat others with respect	1
Bringing the authority into disrepute	1
Interests	5

PARISH MATTERS	
Failure to treat others with respect	2
Bringing the authority into disrepute	1
Interests	0

IMPLICATIONS	
Finance	No matters arising
Legal	No matters arising
Community Safety	No matters arising
Human Rights and Equalities	No matters arising
Sustainability and Environmental Impact	No matters arising
Health & Safety and Risk Management	No matters arising

REPORT AUTHOR	TEL	DATE	DOC ID
Tracy Morrison	01253 658521	25 September 2014	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
none		

REPORT



REPORT OF	MEETING	DATE
MONITORING OFFICER	STANDARDS COMMITTEE	8 OCTOBER 2014

REVIEW OF THE CODE OF CONDUCT

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

The framework for arrangements under which allegations can be investigated and decisions on investigations made for the purposes of section 28 (6) of the Localism Act 2011 and the procedures regarding the publication of investigation reports has been in operation for two years following the enactment of the Localism Act 2011. Monitoring Officers from both Fylde and Blackpool Councils request a review of the current arrangements, undertaken by a working group of councillors from both authorities with input from the three shared independent persons. Blackpool Council has recently considered a similar report and has nominated three members from Blackpool Council. It is suggested that Fylde Council also nominates three members.

RECOMMENDATIONS

- (i) To form a joint working group with Blackpool Council members to review the Code of Conduct for Members and the arrangements for dealing with complaints of member misconduct.
- (ii) To invite the committee to nominate three members to represent Fylde Council on the joint working group.

CABINET PORTFOLIO

This item falls within the following cabinet portfolio(s):

Finance and Resources

Councillor Karen Buckley

SUMMARY OF PREVIOUS DECISIONS

Standards Committee, 7 March 2012 - Localism Act 2011: New Arrangements For Standards

Council, 30 July 2012 - Code Of Conduct Adoption

Standards Committee, 11 October 2012 - New Framework For Investigations Relating To Member Conduct

REPORT

The Council's agreed procedure for dealing with allegations of misconduct was adopted in July 2012 following the enactment of the Localism Act 2011. The agreed procedure is laid out below:

That the Monitoring Officer be appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct regarding Borough, Town and Parish Councillors and co-opted members;

That the Monitoring Officer be given delegated powers to determine whether a complaint merits formal investigation or otherwise and to arrange such investigation where one is considered appropriate in consultation with one of the Council's independent persons.

That the Monitoring Officer should seek resolution of complaints without formal investigation wherever practicable and that s/he be given discretion to refer recommendations on investigation to the Standards Committee where s/he feel that it is inappropriate for him/her to take the decision and to report periodically on the discharge of this function;

Where the investigation finds no evidence of failure to comply with the Code of Conduct, that the Monitoring Officer be instructed to close the matter, providing a copy of the report and findings of the investigation to the complainant and to the member concerned and to the Standards Committee for information.

Where the investigation finds evidence of a failure to comply with the Code of conduct, the Monitoring Officer after consultation with the Independent Person be authorised to seek local resolution to the satisfaction of the complainant in appropriate cases, with a summary report for information to Standards Committee. Where such local resolution is not appropriate or not possible they are to report the investigation findings to a meeting of the Standards Committee for local hearing.

The experience of operating these arrangements since 2012 has prompted a request from both Fylde Borough Council's Monitoring Officer and Blackpool Council's Monitoring Officer to review the code of conduct and the framework surrounding it, to allow for a revised code and set of arrangements to be in place following the local elections in 2015.

In view of this the Committee will be asked if it wishes to nominate members to form a joint working group with the Independent persons and representatives from Blackpool Council.

This group of members could also consider the matter which has previously been debated by the Standards Committee in relation to where a member is a Borough member and also a member of a Town and Parish Council, and their respective position in relation to interests arising at Borough level. Members will be aware that this matter was recently referred back to the Standards Committee by Council for further consideration.

IMPLICATIONS	
Finance	No matters arising
Legal	No matters arising
Community Safety	No matters arising
Human Rights and Equalities	No matters arising
Sustainability and Environmental Impact	No matters arising
Health & Safety and Risk Management	No matters arising

REPORT AUTHOR	TEL	DATE	DOC ID
Tracy Morrison	01253 658521	25 September 2014	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
None		

REPORT



REPORT OF	MEETING	DATE
MONITORING OFFICER	STANDARDS COMMITTEE	8 OCTOBER 2014

EXCLUSION OF THE PUBLIC

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

RECOMMENDATIONS

1. Members are invited to consider passing a resolution concerning the exclusion of the public from the meeting in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972 on the grounds that the business to be discussed is exempt information as defined in paragraphs 1 and 2 (Information relating to an individual and Information which is likely to reveal the identity of an individual) of Schedule 12A of the Act.