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## TRAFFORD COUNCIL

### AGENDA PAPERS FOR STANDARDS COMMITTEE MEETING

Date: Wednesday, 7 March 2018

Time: 6.30 p.m.

Place: Committee Rooms 2 and 3, Trafford Town Hall, Talbot Road, Stretford,  
M32 0TH.

<b>A G E N D A</b>	<b>PART I</b>	<b>Pages</b>
1. <b>ATTENDANCES</b>		
To note attendances, including officers, and any apologies for absences.		
2. <b>MINUTES</b>		1 - 4
To receive and, if so determined, to agree as a correct record the minutes of the meeting held on 26 October 2017.		
3. <b>LOCAL GOVERNMENT ETHICAL STANDARDS CONSULTATION</b>		5 - 8
To receive an update from the Director of Legal and Democratic Services. A Copy of the Committee on Standards in Public Life's stakeholder consultation is attached.		
4. <b>STANDARDS AWARENESS TRAINING FOR MEMBERS</b>		Verbal Report
To receive a verbal report from the Deputy Monitoring Officer.		
5. <b>DATA PROTECTION UPDATE</b>		To Follow
To receive a report from the Director of Legal and Democratic Services.		
6. <b>REPORT OF THE MONITORING OFFICER</b>		To Follow
To receive a report from the Director of Legal and Democratic Services.		

**7. URGENT BUSINESS (IF ANY)**

Any other item or items (not likely to disclose “exempt information”) which, by reason of special circumstances (to be specified), the Chairman of the meeting is of the opinion should be considered at the meeting as a matter of urgency.

**THERESA GRANT**

Chief Executive

Membership of the Committee

Councillors Dr. K. Barclay (Chairman), K. Procter (Vice-Chairman), Miss L. Blackburn, R. Bowker, K. Carter, Mrs. L. Evans, M. Freeman, D. Hopps, P. Myers, A. Western, M. Whetton, Mr. D. Goodman, Mr. C.E.G. Griffiths, Brown, A. Rudden and S. Neild

Further Information

For help, advice and information about this meeting please contact:

A. Murray, Democratic Services Officer

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This agenda was issued on **Tuesday, 27 February 2018** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford M32 0TH.

# Public Document Pack Agenda Item 2

## STANDARDS COMMITTEE

26 OCTOBER 2017

### PRESENT

Councillor Dr. K. Barclay (in the Chair).

Councillors K. Procter (Vice-Chairman), R. Bowker, K. Carter, Mrs. L. Evans, M. Freeman, D. Hopps, A. Western, M. Whetton and A. Rudden.

#### In attendance

Janet Kealy

Director of Legal Democratic Services.

Alexander Murray

Democratic and Scrutiny Officer

### APOLOGIES

Apologies for absence were received from Councillors Miss L. Blackburn, P. Myers, Mr. D. Goodman, Mr. C.E.G. Griffiths, Brown and Neild.

### 13. MINUTES

RESOLVED: That the minutes from the meeting held 8 March 2017 be agreed as an accurate record and signed by the chairman.

### 14. MEMBERS AWARENESS OF STANDARDS

The Director of Legal and Democratic Services (DLDS) stated that the guidance was very clear and comprehensive and no further explanation was necessary. Committee members were then asked if they had any questions relating to the guidance but none were raised. Committee Members made a number of suggestions relating to the guidance and Councillors awareness of it. The suggestions consisted of having a training session for all members to be scheduled to occur before the next meeting of full Council and for the document to be re-circulated to all Councillors.

RESOLVED:

- 1) That the guidance be noted by the Committee.
- 2) That the DLDS create a short training session to cover the guidance for all members.
- 3) That a training session be scheduled prior to the next full meeting of Council.
- 4) That the guidance be circulated to all councillors.

### 15. OMBUDSMAN REPORT 2017

The DLDS went through the report with the Committee Members and noted that the numbers of Ombudsman complaints was low and that many of those that had been made were due to changes in service. It was also highlighted to Members that there were no particular areas for concern or discernible trends. One Committee member noted that whilst the number of complaints was low a large number of them involved highly vulnerable individuals. Another Member noted that whilst there were a low number of complaints they could have a high cost to the individuals involved. Members requested that any further ombudsman reports contain the lessons learned by the Council and what actions the Council had taken to ensure that the issues didn't occur again.

RESOLVED:

- 1) That the report be noted.
- 2) That further ombudsman reports are to include lessons learnt and actions taken.

**16. DATA PROTECTION**

The DLDS informed the Committee of the issue of Councillors not being registered as data controllers in their own right. The Committee were told that all Councillors would undoubtedly hold protected data relating to residents in the course of conducting their duties as a Councillor and so needed to be registered. By handling protected data and not being registered Councillors were in breach of the law which could result in a fine of up to £5000. The DLDS had looked at the cost of registering Councillors and found that it would cost £2262. A Committee Member proposed a motion for the Committee to recommend that Council agree to pay for all Councillors to be registered as data controllers as a matter of urgency. The motion was seconded and agreed unanimously.

In addition to being registered as data controllers Committee Members requested that the DLDS provide training to all Councillors. It was requested that the DLDS liaise with the Workforce Strategy Officer who works with the Member's Development Committee in order to coordinate the training with other necessary training. The Chairman asked whether parish councillors would be required to register as data controllers. The DLDS responded that each parish council should be registered and that it depended on the work that each individual parish councillor did as to whether they would be required to register themselves. The Chairman requested that the guidance be shared with all Trafford Parish Councils to ensure that they were aware of the law and their obligations.

RESOLVED:

- 1) That the guidance be noted by the Committee.
- 2) That the Committee recommend that full Council agree to pay for all Councillors to be registered as data controllers.
- 3) That the guidance be sent to all Trafford Parish Councils.

**17. DCLG CONSULTATION ON DISQUALIFICATION OF MEMBERS**

The DLDS gave a brief overview of the DCLG consultation paper on the disqualification of disqualification of Councillors and Mayors that was distributed with the agenda. The Chairman proposed that the Committee go through the six questions posed within the report and to give their responses which would then be given to full Council as a recommendation for response. The Committee members agreed the process and the DLDS asked whether Committee Members had any questions prior to providing responses. Members asked for clarification of aspects of questions 2 and 6 before voting. The Committee voted in favour of all the questions unanimously with the exception of 2 abstentions for Question 2 and 1 for Question 3. The DLDS noted the Committees responses to pass onto full Council.

*Standards Committee (26.10.17)*

RESOLVED:

- 1) That the Committees responses to the consultation questions be noted and passed on as recommendations to full Council.

**18. REPORT OF THE MONITORING OFFICER**

The DLDS had no further items to bring to the Committee's attention.

The meeting commenced at 6.30 pm and finished at 7.34 pm

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## **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](mailto: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](mailto:public@public-standards.gov.uk)) or phone (0207 271 2948).