



TRAFFORD COUNCIL

AGENDA PAPERS FOR STANDARDS COMMITTEE

Date: Wednesday, 22 January 2020

Time: 6.30 p.m.

Place: Thomas De Trafford Conference Rooms A & B, Trafford Town Hall, Talbot Road, Stretford, M32 0TH

A G E N D A	PART I	Pages
1. ATTENDANCES		
To note attendances, including officers, and any apologies for absences.		
2. MINUTES		1 - 4
To receive and, if so determined, to agree as a correct record the minutes of the meeting held on 25 September 2019.		
3. TRAFFORD RESPONSE TO LOCAL GOVERNMENT ETHICAL STANDARDS AREAS OF BEST PRACTICE		5 - 14
To consider a report of the Corporate Director of Governance & Community Strategy.		
4. MONITORING OFFICERS REPORT		Verbal Report
To receive a verbal report from the Monitoring Officer.		
5. 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.		

SARA TODD

Chief Executive

Membership of the Committee

Councillors K. Procter (Chair), C.H. Churchill (Vice-Chair), Miss L. Blackburn, Dr. S. Carr, G. Coggins, B. Hartley, D. Jarman, M. Minnis, P. Myers, L. Walsh, D. Western, Mr. D. Goodman, Mr. C.E.J. Griffiths, Mr R. Brown, A. Rudden, N. Jackson and Mr M. Whiting.

Further Information

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

Alexander Murray, Governance Officer

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This agenda was issued on **Tuesday, 14 January 2020** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall; Talbot Road, Stretford, Manchester, M32 0TH

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STANDARDS COMMITTEE

25 SEPTEMBER 2019

PRESENT

Councillor K. Procter (in the Chair).

Councillors C.H. Churchill (Vice-Chair), Miss L. Blackburn, Dr. S. Carr, G. Coggins, B. Hartley, D. Jarman, M. Minnis, P. Myers, L. Walsh and D. Western.

Independent Members Mr. D Goodman, Mr. C.E.J Griffiths, and Mr. A. Rudden

Independent Person Mr. M. Whiting

In attendance

Jane Le Fevre

Monitoring Officer

Alexander Murray

Governance Officer

APOLOGIES

Apologies for absence were received from Mr R. Brown and Mrs N. Jackson

1. STANDARDS COMMITTEE MEMBERSHIP FOR THE 2019/20 MUNICIPAL YEAR

RESOLVED: That the Membership of the Committee be noted.

2. STANDARDS COMMITTEE TERMS OF REFERENCE FOR THE 2019/20 MUNICIPAL YEAR

RESOLVED: That the Committee's Terms of Reference be noted.

3. MINUTES

RESOLVED: That the minutes of the meeting held 6 March 2019 be agreed as an accurate record and signed by the Chair.

4. DECLARATIONS OF INTEREST

The Chair noted that all Members of the Committee, with the exception of Independent Members and Independent Persons, had a pecuniary interest in item seven but that this was unavoidable and would not prevent the Committee from discussing it. No other additional declarations were made.

5. CONSTITUTIONAL REVIEW: RECRUITMENT AND EMPLOYMENT PROCEDURES

The Monitoring Officer informed the Committee that the reason the changes were being made stemmed from the recruitment of senior officer roles after the resignation of the previous Chief Executive and a Corporate Director in 2018. The Monitoring Officer informed the Committee that the Council had hired an external law firm to review the procedures and while there were no major changes a number of minor adjustments had been recommended.

After the Monitoring Officer's Overview the Committee were given the opportunity to ask questions. One Member drew the Committee's attention to paragraph 3.13 of the report which related the removal of the role of the Leader in the decision of whether a formal investigation would be held following a dismissal. The Member

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wanted to know why the Leader was not to have a role in this decision. The monitoring officer clarified that the changes had been made to bring the Council's processes in line with the regulations of the Joint National Committee's (JNC) conditions of service, which made it clear that it was not for the Executive to decide if an investigation was warranted. The Executive's views would be taken into account but they would not decide whether to conduct an investigation and they would not sit on the investigatory committee.

An independent Member noted that there were a number of inconsistencies within the track changes. The Monitoring officer responded that if the main changes were agreed then any typos or inconsistencies would be corrected.

Following Members' questions the Committee agreed the recommendations of the report.

RESOLVED: That the Committee agreed the proposed amendments to the Council's recruitment and employment procedures.

6. MEMBERS ALLOWANCES

The Vice Chair raised a point of order around paragraph 2.7 of the report in relation to Part 4 Section 8.1 of the Council's Constitution. The report stated that Councillor Sean Anstee, as Leader of the Conservative group, was asked questions relating to this issue however, the Vice Chair held that no documentation proving that this had happened was provided within the report. This led to a discussion between Members as to whether such a conversation was had and whether the point of order was relevant to the Council's request that had been referred to the Committee for review. The Monitoring Officer highlighted to the Committee that at the bottom of the report it listed documents which had been used as part of the review which included relevant e-mail correspondence. The evidence that the Vice-Chair was requesting within the point of order was contained within those emails, which could be provided to Members after the meeting.

During the discussion of the point of order the Monitoring Officer explained that the review had been conducted by herself with the support of an Independent Person. The Monitoring Officer had gone through the course of events regarding the ceasing of the reduction in fees by Labour and Liberal Democrat Members. Both the Monitoring Officer and the Independent Person had agreed that none of the political parties had acted inappropriately although the Independent Person had noted that the process had not been as clear as it could have been. The proposal put forward in recommendation 6 of the report was to increase clarity around Member's allowances to avoid similar issues in the future.

Following the discussion the recommendations of the report were agreed by the Committee and the report was referred for consideration by Council.

*Standards Committee (25.9.19)***RESOLVED:**

- 1) That the emails evidencing that Councillor Anstee had been asked about the voluntary reduction in Member's allowances be made available to Committee Members.
- 2) That the recommendations of the report be agreed and the report referred to Council.

7. MEMBER OFFICER PROTOCOL

The Chair introduced the item to the Board and stated that members of the Committee and the Deputy Monitoring Officer had met to discuss the protocol and the results of that meeting were captured within the report. The Monitoring Officer added that they felt the report was self-explanatory and asked the group to note the report prior to it going to Council for full sign off.

One Member stated that they had found the working group session very useful and they were happy with the document in its final form. Another Member noted that there was repeated use of the phrase "Senior Officers' range" but it did not state what this was and they asked that this be clarified. The Member also drew the Committee's attention to section 4.4 of the report and asked whether the change which added "within a reasonable period of time" was necessary. The Monitoring Officer agreed to add clarification within the report as to who "Senior Officers' Range" applied to. The monitoring officer added that "within a reasonable period of time" was necessary as the timeframes for response to Councillors were not laid out in other documents.

An Independent Member proposed that the phrase "other than Senior Officers" could be used rather than "Senior Officers' Range". The Independent Member also asked what covertly meant in relation to being drawn into political discussion and suggested that it be changed to improperly. Another Member of the Committee noted that in

8.3 (C) the Existing Provision was repeated and the Monitoring Officer agreed that this would be removed. Following the discussion the Committee agreed the amendments to the Protocol and referred it to Council.

RESOLVED:

- 1) That the phrase "Senior Officers Range" be clarified within the report.
- 2) That the repeated Existing Provision in section 8.3 (C) be removed.
- 3) That following the above changes the amendments to the protocol be agreed by the Committee and referred to Council.

8. MONITORING OFFICER'S REPORT

The Monitoring Officer informed the Committee that there had not been many referrals or complaints made. One complaint had been received but it was agreed that it did not raise issue with the code of conduct but did raise some issues around safety for members, which had been an ongoing in some areas. Since the rise of social media Councillors were much more open to being attacked in ways that had not previously been possible and the Monitoring Officer was considering further guidance and training for Members in this area. There were some resources available on the LGA website and the Monitoring Officer would send a

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link to those resources to all Councillors. In addition to looking at training in this area the Monitoring Officer was going to look at the training that is available to Members in a general and bring her findings back to the Committee. Another complaint had been received which related to a noise complaint and the Monitoring Officer was looking into whether constituted a breach of the Code of Conduct.

The Monitoring Officer had been working through her schedule of meetings to ensure that the Councils decision making was fit for purpose and had not yet identified any areas of concern. A Committee Member stated that they were not surprised that Trafford had not received many complaints against Councillors as Trafford had always performed well in this area. The Member then requested that the Monitoring Officer extend the guidance and training to include physical threats in person as they had received some threats while going door to door. The Monitoring Officer assured the Member that the Council were working with the police to develop guidance for members to help them to ensure that they are safe.

Another Member of the Committee asked whether social media pledge had been left on Councillors seats, as this was something that had been proposed at their last meetings. The Monitoring Officer responded that the pledge had not gotten to that stage yet as it was now being added as part of the Council's wider communications strategy, which was in development.

RESOLVED:

- 1) That the report be noted.
- 2) That a link to LGA resources on Councillor's safety be sent to all Councillors.
- 3) That the outcome of the Monitoring Officers review of training for Councillors be brought to the Committee.
- 4) That the guidance and training on Councillor's safety include physical threats of violence in person.

The meeting commenced at 18:30 and finished at 19:57

TRAFFORD COUNCIL

Report to: Standards Committee
Date: 22 January 2020
Report for: Information
Report of: Corporate Director of Governance & Community Strategy

Report Title

Trafford's response to the Local Government Ethical Standards areas of best practice published by the Committee on Standards in Public Life in January 2019.

Summary

The Committee on Standards in Public Life completed an in-depth review of ethical Standards within local authorities in 2018. The review focused upon how Local Authorities had responded to the changes made by the Localism Act 2011. The final report was published in January 2019 and contained 15 areas of best practice which Local Authorities were to implement. This report presents the Councils proposed action plan (Appendix 1) to meet the 15 areas of best practice by June 2020.

Recommendations

The Standards Committee are asked to;

- a) To consider Trafford's action plan for the implementation of the areas of best practice.
- b) To make amendments to and/or agree the action plan.

Contact person for access to background papers and further information:

Name: Alexander Murray
Extension: 4250

Background Papers: None

Implications

Relationship to Policy Framework/Corporate Priorities	Council's Constitution, Members' Code of Conduct and related policies and procedures.
Financial	None
Legal Implications:	None
Equality/Diversity Implications	None
Sustainability Implications	None
Staffing/E-Government/Asset Management Implications	None
Risk Management Implications	Revision of the Council's Code of Conduct and related policies and procedures in line with the areas of best practice of the CSPL will reduce the risk of legal action being taken against the Council.
Health and Safety Implications	None

1.0 Background

- 1.1 The Committee on Standards in Public Life conducted a review of Local Government Ethical Standards in 2018. As part of the review all Local Authorities and Councillors were asked to complete a consultation document.
- 1.2 The feedback from all Local Authorities and Councillors was taken and the subsequent report was published in January 2019. The report contained 15 areas of best practice which all Councils were to enact by June 2020. The Standards Committee were informed at their meeting in March 2019 that Trafford already met a number of these areas of best practice and that officers would put together an action plan to ensure that the Council met all 15 by June 2020.

2.0 Areas of Best Practice.

- 2.1 Of the 15 areas of best practice Trafford already meet 4 of them, the remaining 11 are;
- Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.
 - Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.
 - Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.
 - Local Authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

- Councils should publish a clear and straightforward public interest test against which allegations are filtered.
- An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.
- Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.
- Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.
- Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.
- Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.
- Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

2.2 In the report it states that the Committee on Standards in Public Life will conduct a review of implementation of these areas of best practice in 2020. Officers have put together an action plan (appendix 1) which proposes how Trafford will progress towards the implementation of the remaining 11 areas of best practice by June 2020. The Committee are asked to note that the actions for Best Practice 1 – 3 are all interlinked with the code of conduct needing to be updated in line with Best Practice 1 and 2 before it can go out to consultation. Once the Member Complaints Process has been considered by the Standards Committee, in line with Best Practice 9, it will become an annex to the Code of Conduct and go through the same consultation and agreement process.

2.3 The Committee are also asked to note that Best Practice 3, 11, and 12 all require involvement from Parish Council representatives. Within the action plan it is proposed that all of the stages involving Parish Councils be done together to minimise the number of meetings required.

3.0 Recommendations

3.1 The Standards Committee are asked to;

- a) To consider Trafford's action plan for the implementation of the areas of best practice.
- b) To suggest amendments to and/or agree the action plan.

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DCLG Item of Best Practice	Area effected	Action Required	Action/s	Deadline	Responsible Officer/Team
<p>Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.</p>	Code of Conduct	Yes	Code of Conduct to be updated.	25 February 2020	Monitoring Officer
<p>Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.</p>	Code of Conduct	Yes	Code of Conduct to be updated.	25 February 2020	Monitoring Officer
<p>Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.</p>	Code of Conduct	Yes	To update the Code of conduct in line with BP 1 &2.	25 February 2020	Monitoring Officer
			Draft to be brought to Standards Committee for Comment/Agreement.	4 March 2020	
			Revised version to be consulted on with Parish Councils, community organisations and neighbouring Council's	April 2020	
			Final version submitted to Executive.	June 2020	
			Final version submitted to Council.	July 2020	

DCLG Item of Best Practice	Area effected	Action Required	Action/s	Deadline	Responsible Officer/Team
Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.	Code of conduct	No	Trafford already meet this standard.		
Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.	Gifts and Hospitality	Yes	Quarterly reminder to be sent all Councillors to update their gifts and hospitality Starting in the 2020/21 municipal year.	2020/21Municipal year	Governance Team
Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.	Member Complaints Procedure	Yes	To develop a public interest test.	25 February 2020	Monitoring Officer
			Draft to be brought to Standards Committee for consideration.	4 March 2020	Monitoring Officer
			Amendments made	11 March 2020	
			Revised version submitted to Council for approval	18 March 2020	
			Agreed Test to be published and linked to Member complaint section.	ASAP following agreement	Governance Team
Best practice 7: Local authorities should have access to at least two Independent Persons.	Member Complaints Procedure	No	Trafford already meet this standard.		

DCLG Item of Best Practice	Area effected	Action Required	Action/s	Deadline	Responsible Officer/Team
<p>Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.</p>	Member Complaints Procedure	No	Trafford already meet this standard.		
<p>Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.</p>	Member Complaints Procedure	Yes	Update Members complaints procedure to reflect best practice.	25 February 2020	
			Design Template for publishing Complaint's Decision Notice.	25 February 2020	
			Both draft documents submitted to Standards Committee as annex of Code of Conduct for comment/agreement and then to follow same approval process as BP3	4 March 2020	
<p>Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.</p>	Member Complaints Procedure	Yes	To update the explanation of the process to include the allotted timescales for receipt and formal response.	25 February 2020	Monitoring Officer
			Draft wording to be considered and agreed by Standards Committee	4 March 2020	
			Agreed wording to be published on the website	ASAP following agreement	

DCLG Item of Best Practice	Area effected	Action Required	Action/s	Deadline	Responsible Officer/Team
Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.	Parish Council Complaints	Yes	To meet with Parish Council representatives to discuss their formal standards procedure.	April 2020	Monitoring Officer
			To create a draft standards procedure to be agreed by the Parish Council.	June 2020	
Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.	Parish Complaints	Yes	To meet with Parish Council representatives to discuss the support that they would require from the monitoring officer.	April 2020	Monitoring Officer
			To identify and book places on required training for the Monitoring Officer and Deputy Monitoring Officer.	June 20220	
Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.	Complaints procedure	No	Trafford already meet this standard.		
Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their Annual Governance Statement (AGS),	AGS/ Partnerships and Communities	Yes	Small officer working group to be set up to deliver this BP	February 2020	Governance Services and Partnerships and Communities
			Identify all separate bodies set up or owned	March 2020	Working group

DCLG Item of Best Practice	Area effected	Action Required	Action/s	Deadline	Responsible Officer/Team
<p>and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.</p>			by the Council		
			Map out how those Boards link to the Council	April 2020	Working group
			Contact support services of each body to find out the TOR	April 2020	Working group
			Amend TOR to align them with the Nolan principles and publishing requirements	May 2020	Working group
			Identify support and resources required for Bodies to comply	May 2020	Working group
			Ensure that relevant information captured within the Council's AGS	June 2020	Corporate Director of Governance and Community Strategy
<p>Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.</p>	Standards Issues	Yes	For a timetable of quarterly meetings in the 2020/21 municipal year to be agreed between the Council's monitoring officer and group leaders	June 2020	Monitoring Officer

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