

STANDARDS COMMITTEE

17 OCTOBER 2018

PRESENT

Councillor A.M. Whyte (in the Chair).

Councillor Dr. K. Barclay (Vice-Chair), Councillor Miss L. Blackburn, Councillor R. Bowker, Councillor J. Coupe, Councillor Mrs. L. Evans, Councillor D. Jarman, Councillor L. Walsh, Councillor D. Western, Mr. C.E.J. Griffiths, Mr R. Brown and Mr A. Rudden.

In attendance

Jane Le Fevre	Monitoring Officer
Dominique Sykes	Deputy Monitoring Officer
Alexander Murray	Democratic and Scrutiny Officer

APOLOGIES

Apologies for absence were received from Councillors M. Freeman, P. Myers and Mr. D. Goodman

1. MEMBERSHIP OF THE COMMITTEE

RESOLVED: That the Membership of the Committee for the 2018/19 municipal year be noted.

2. TERMS OF REFERENCE

RESOLVED: That the Terms of Reference of the Committee for the 2018/19 municipal year be noted.

3. MINUTES

RESOLVED: That the minutes of the meeting held 7 March 2018 be agreed as an accurate record and signed by the Chair.

4. OVERVIEW OF STANDARDS REGIME

The Monitoring Officer explained that Councillors who were new to the Committee were usually given a presentation outlining the standards regime. As there had been a large influx of new councillors in 2018/19 it had been agreed that it would be worth giving an update to the whole Committee. The Monitoring Officer then went through the presentation that had been circulated with the supplementary agenda. The presentation covered the registration of interests, additional interests, declaration of interests and the consequences for not disclosing interests, the Council's Code of Conduct, and the complaints procedure, which included investigations and sanctions.

Committee Members were told that the register of interests was not a historical record and so Councillors only had to register their current interests. Not all interests had to be declared if knowledge of that interest could make someone a target e.g. supporting fox hunting. The Monitoring Officer then explained the

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circumstances when dispensations were given. The Committee were told about the different types of personal interests and what to do if and when they arose. The Committee were given a brief overview of the general obligations of councillors according to the code of conduct.

The Monitoring Officer detailed the procedure for complaints made by members of the public against councillors. All such complaints had to be made to the Monitoring Officer who had an obligation to confirm receipt of the complaint within 5 days. The Monitoring Officer then has to decide whether the complaint warrants an investigation and they will contact the complainant within 20 working days to inform them whether there was an investigation or not. When making this decision the Monitoring Officer would consult with an Independent Person to ensure that their decision was unbiased.

If a complaint progressed to an investigation then an initial assessment would be conducted by the Monitoring Officer and Independent Person. If the Councillor was found to be at fault then unofficial sanctions could be put in place. If the Councillor agreed to the sanctions and the member of the public was happy with the outcome the case would conclude. If it were not possible to resolve the problem to all parties' satisfaction then a full investigation would be carried out.

In such circumstances the investigation would be conducted by an investigating officer hired by the Monitoring Officer. It was standard practice that the investigating officer would have no connections to the Council as to avoid a conflict of interest. Once their investigations were completed their conclusions would be reviewed by the Monitoring Officer and Independent Persons. If it was felt that there was no need for action that would be the end of the matter. The Monitoring Officer then explained the possible actions if a complaint was upheld and added that additional powers may be granted to Council's following the Committee on standards in Public life review of local government standards.

Following the presentation the Committee requested that the presentation to be circulated to all Councillors to ensure that they were aware of the Council's procedures and their own responsibilities. Committee Members were then given the opportunity to ask questions. One Committee Member asked whether the list of interests been completed for all new Councillors. The monitoring Officer informed the Committee that all new Councillors had submitted their interests which had been published online.

Another Member enquired as to whether the Monitoring Officer could challenge the decision made by a reviewing officer. The Monitoring Officer responded that it was very unlikely that they would not accept a reviewing officer's report and it would only happen if the Monitoring Officer and Independent Person agreed that there was an issue with the reviewing officer's process.

A Committee Member asked whether there was a process for contacting the Police if the investigations found illegal behaviour. The monitoring officer answered that there was a part in the process during the initial investigation stage which stated that if the Monitoring Officer believes the matter could be illegal then

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they have a duty to refer the matter to the police. The Member then asked if a police investigation was to take a long time what would happen to the Council's investigation. The monitoring officer stated that any criminal investigation would take precedent and so the Council would suspend their investigation as it may interfere with the police investigation.

A Member enquired about the powers that the council had if someone was found to have breached the code of conduct and whether they could suspend a councillor awaiting the results of a police investigation. The Monitoring Officer informed the Committee that the Council did not have the power to suspend Councillors. A Councillor would only be able to be removed if they failed to attend any Council meeting for 6 months or if they are voted out by the electorate.

A Member asked what should be done if it was felt that a member of the Council's Planning Committee had not declared an interest or that they had not removed themselves from the room when they should. The Monitoring Officer told the Member that if it was felt that Members were not declaring what they should that it should be taken up with the Monitoring Officer. A Committee Member then requested that a session on interests and declarations be arranged for the Planning Committee and the Monitoring Officer agreed.

RESOLVED:

- 1) That the standards regime be noted by the Committee.
- 2) That a copy of the presentation be sent to all Councillors.
- 3) That a training session on interests and declarations be arranged for the Planning Committee.

5. CONSTITUTION WORKING GROUP

The Monitoring Officer went through the report that had been circulated with the agenda. The Committee were informed of the main changes that had been made by the working group including; questions from the public at meetings, substitute members for employment committee, and the reduction of number of signatures needed in order to raise a motion at Council meetings. The Committee were then asked if they had anything to add.

One Member stated that, whilst they encouraged public engagement, due consideration needed to be taken to make sure meetings would not run out of time because of the number of questions submitted. Another Member added that this needed to be addressed for the submission of motions as well as public questions and they asked for clearer language regarding the chairman's discretion. The Committee suggested that a time limit or a limit on the number of questions from the public be set.

The monitoring Officer then went through the changes that were to be made which did not require alterations to the constitution which included adding decisions in a quarterly newsletter so more easily viewed and the addition of an independent member on the accounts and audit committee, which was in line with national guidance.

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A Committee Member asked whether meetings outside of the council would be webcast. The Monitoring officer explained that the webcasting of meetings was to be trialled within the Council only with no plans to do this for external meetings.

RESOLVED:

- 1) That the report be noted.
- 2) That Constitutional Working group are to consider the Committees suggestions regarding motions and public questions.

6. MEMBER/OFFICER PROTOCOL REVIEW

The Deputy Monitoring Officer went through the highlights of the report that had been circulated with the agenda. The Committee were informed that the protocol hadn't been amended since 2013. The Committee were then asked to review the protocol putting forward any changes that they would like to make. The Deputy Monitoring Officer then pointed the members to the section within the covering report which laid out areas where Members may want to change the protocol.

One Member of the Committee stated that it was too large a document to discuss adequately at the meeting and suggested that a working group be created to review the protocol. The Committee agreed that a working group should be created and Councillors Whyte, Western, Evans, Barkley, Jarman, Walsh, and Blackburn put themselves forward to be members of the group.

Another Member raised an issue about the protocol where it stated that Councillors should deal with things within their Ward. The Member's concern was that Councillors received requests from people in other Wards (usually when the individual was not of the same political affiliation as their Ward Councillors) and they felt they should be able to help if they were able to.

A Member asked whether officers had raised any changes that would like to make to the protocol. The Monitoring Officer responded that there had not been any requests to change the protocol but she had to apply the protocol at certain times. The Committee were told that it was a difficult balance as officers want to work with Councillors but they can feel pressure from Councillors due to their superior position.

RESOLVED:

- 1) That the report be noted.
- 2) That a working group be set up to review the protocol and make suggestions to be brought back to the Committee.

7. SOCIAL MEDIA PLEDGE

The Monitoring Officer informed the Committee that the pledge was part of a greater Manchester initiative and it was hoped it would set a standard for discourse and impact the behaviour of others on social media. A Member asked what would happen to someone who did not complete the pledge. The Committee

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were told that nothing would happen to those who did not sign. However, it was hoped that the pledge would encourage those who did sign to behave well.

The Committee then discussed the merits and possible issues with the pledge. Some Members had concerns that those who did not sign up would be seen as being in support of cyber bullying whilst others were concerned with how enforceable the pledge would be. All agreed that the principal of the pledge was admirable but they were concerned as to the possible unforeseen consequences, such as giving an advantage to other candidates during elections. The Monitoring Officer told the Committee that the pledge was still being developed and that she their comments would feedback and they would be updated on any changes that were made.

RESOLVED:

- 1) That the Committee support the Social Media Pledge.
- 2) That the Monitoring Officer is to update the Committee on any developments to the pledge.

8. STANDARDS IN TRAFFORD

RESOLVED: That there had been no developments since the last Committee meeting.

9. REGISTRATION WITH INFORMATION COMMISSIONERS OFFICE

The Monitoring Officer updated the Committee on the Data Protection Registration of Councillors which had been agreed by the Committee in October 2017. There was an issue that some members had not completed the ICO data controller form and so were not registered. The Monitoring Officer explained the difference between the form and the training, which many Councillors still needed to complete online. It was made clear to the Committee that those Councillors who had not completed the form were in breach of the law and could face a fine from the ICO.

RESOLVED: That the update noted.

The meeting commenced at 6.30 p.m. and finished at 8:05 p.m.