



TRAFFORD COUNCIL

AGENDA PAPERS FOR STANDARDS COMMITTEE

Date: Wednesday, 23 September 2020

Time: 4.00 p.m.

Place: Virtual

This meeting will be streamed live at

<https://www.youtube.com/channel/UCjwbIOW5x0NSe38sgFU8bKg>

A G E N D A	PART I	Pages
1.	ATTENDANCES To note attendances, including officers, and any apologies for absences.	
2.	MINUTES To receive and, if so determined, to agree as a correct record the minutes of the meeting held on 4 March 2020.	1 - 4
3.	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.	
4.	CSPL 15 AREAS OF BEST PRACTICE - IMPACT OF COVID 19 To receive a report from the Corporate Director of Governance and Community Strategy.	5 - 16
5.	LGA MODEL CODE OF CONDUCT To receive a report from the Corporate Director of Governance and Community Strategy.	To Follow
6.	DISPENSATIONS TO THE 6 MONTH RULE	To Follow

To receive a report from the Corporate Director of Governance and Community Strategy.

7. **MONITORING OFFICER'S REPORT**

Verbal
Report

To receive a verbal report from the Monitoring Officer.

SARA TODD

Chief Executive

Membership of the Committee

Councillors K. Procter (Chair), Miss L. Blackburn (Vice-Chair), D. Butt, 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, 15 September 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

4 MARCH 2020

PRESENT

Councillor K. Procter (in the Chair).

Councillor C.H. Churchill (Vice-Chair), Councillor Miss L. Blackburn, Councillor G. Coggins, Councillor B. Hartley, Councillor D. Jarman, Councillor J. Newgrosh, Councillor P. Myers, Councillor L. Walsh, Councillor D. Western, Mr. C.E.J. Griffiths, Mr R. Brown, Mr A. Rudden and Mr M. Whiting.

In attendance

Jane Le Fevre

Monitoring Officer

Alexander Murray

Governance Officer

APOLOGIES

Apologies for absence were received from Councillor Dr. S. Carr and Mr. D. Goodman.

12. MINUTES

RESOLVED: That the minutes of the meeting held 22 January 2020 be agreed as an accurate record.

13. TRAFFORD'S RESPONSE TO LOCAL GOVERNMENT ETHICAL STANDARDS AREAS OF BEST PRACTICE

The Monitoring Officer introduced the report to the Committee. The Committee were asked to go through each document that had been included within the agenda for their consideration and to put forward any amendments. All of the changes being proposed had been highlighted within the agenda pack.

The Committee went through each of the documents and proposed amendments to be made prior to them being agreed or submitted to Council. The proposed amendments included that the definition of harassment be updated to cover physical contact, that the cross referencing within the code of conduct be updated, and that the wording within the two stage test be updated so it was clear that anyone could make a complaint not just Trafford residents.

The Committee discussed section 8d of the Code of Conduct with regards to what comply meant and whether Members would be expected to incriminate themselves. The Monitoring Officer informed the Committee that it would be judged on a case by case basis dependent upon the balance of the Subject Councillor's requirements to cooperate set against their rights to not incriminate themselves. Councillor Hartley added that it should only apply to a councillor not to incriminate themselves if it came to criminal offence and requested that consideration be given to adding "without a reasonable reason" to the wording.

Standards Committee
4.3.20

RESOLVED:

- 1) That the Monitoring Officer considers a revision to section 8d of the Code of Conduct.
- 2) That following the amendments proposed by the Committee all documents be agreed for implementation or submission to Council.

14. CIVILITY IN PUBLIC LIFE

The Monitoring Officer introduced the report that had been circulated with the agenda. The Committee were informed that this was a piece of work that the LGA were doing that tied into the creation of a new model code of conduct as recommended by the Committee for Standards in Public Life. Councillor Coggins had attended events at the LGA conference and was amazed at the amount of stress and the issues that Councillors faced across the country.

The Independent Person noted that at a previous meeting of the Committee they had spoken about the issue of Councillors receiving intimidating post at their home and asked if removing Councillor's home addresses was something that the Council could put forward to the LGA. The Monitoring Officer responded that there were powers within the current system to remove addresses from the public register with good reason but not a blanket ban. Councillor Hartley agreed with the suggestion of the Independent Person as he had an incident at his address and, while his address could now be removed he was concerned that people already knew his address.

Councillor Blackburn asked whether they had to have their address listed in their register of interests. The Monitoring Officer responded that Councillors did have the properties owned listed which would include their home. This was listed for transparency with regards to pecuniary interests which could affect a Councillor's decisions. These could be removed but only if a sufficient reason for not publishing the information was provided.

Councillor Jarman asked whether it would be worth sending out questions to all Councillors to gather their responses and let them know that they can respond directly as well. The Monitoring Officer responded that the Council had recognised the issue and training was provided for Councillors but the Council could look into running a short survey among Councillors.

The Monitoring Officer drew the Committee's attention to the timetable for the work and noted that there would be more opportunities for consultation following the publishing of the model code of conduct.

RESOLVED:

- 1) That the Committee note the report.
- 2) That the Committee's comments be noted for inclusion as the work progressed.

Standards Committee (4.3.20)

15. MONITORING OFFICER'S REPORT

The Monitoring Officer gave a verbal update to the Committee on the Council's standards since the last meeting. There had been no new complaints since January and the one outstanding complaint had been discussed with the independent person and it did not seem as though it would require a formal investigation.

The constitutional changes that had come to the Standards Committee would go to the Annual Council meeting as part of the constitutional changes rather than be listed as items of business for the Council meeting in March.

Training had been provided to Councillors throughout the year and in house training had been identified to be delivered following the elections.

RESOLVED: That update be noted.

The meeting commenced at 6.30 pm and finished at 7.48 pm

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TRAFFORD COUNCIL

Report to: Standards Committee
Date: 23 September 2020
Report for: Information
Report of: Corporate Director of Governance & Community Strategy

Report Title

Update on the implementation of the Committee on Standards in Public Life's (CSPL) 15 areas of best practice following the impact of COVID 19.

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. A report detailing the Council's progress was presented to the Committee on the 4th March 2020. This report provides an update to the Committee on the Council's progress in implementing the 15 areas of best practices following the impact of the COVID 19 Pandemic as shown in the updated action plan (Appendix 1).

Recommendations

The Standards Committee are asked to;

- a) To note the report
- b) To note the updated action plan for implementation of the areas of best practice following the impact of the COVID 19 Pandemic.

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. An action plan laying out how the Council would meet all 15 areas of best practice by June 2020 was presented to the Committee in January 2020.
- 1.3 In March 2020 eight documents were submitted to the Standards Committee. The Committee suggested a number of amendments prior to agreeing the documents. Of the eight documents four required sign off by full Council prior to them being implemented.

2.0 Impact of COVID 19.

- 2.1 Following the Standards Committee meeting 4th March the Country was hit by the outbreak of the COVID 19 Pandemic. In the following months the vast majority of the Council's meetings were cancelled which has resulted in a delay to the documents agreed by the Committee being submitted to Council (best practice 1,2,3,6, and 9) and the Accounts and Audit Committee (Best Practice 5).
- 2.2 In response to the COVID 19 pandemic the Government moved back the deadline for Local Authorities to complete their Annual Governance Statements (Best Practice 14). Trafford made the decision to push back the publishing of

the draft AGS by a month in line with the revised publishing of the Council's Accounts. Due to the tight timescale the section on separate bodies set up by the Council was left out of the draft AGS but is scheduled to be added into the final version which will be submitted to the Accounts and Audit Committee on the 28th October 2020 prior to being published 1st November 2020.

- 2.3 The two areas of best practice which related to Parish Councils (Best Practice 11 and 12) are the areas of most concern. Prior to COVID 19 it was planned for Officers to visit each of the four Trafford Parish Councils in April to discuss their codes of conduct and the support that they require from the Council. Since the outbreak of COVID 19 these meetings have not been rescheduled. It has been proposed that this be picked up alongside the Council's consultation with Parish Council's as part of the Boundary Review work programme.

3.0 Committee on Standards in Public Life letter to Local Authorities

- 3.1 In July the Committee on Standards in Public Life sent out a letter to all local authorities in relation to the completion of the 15 areas of best practice. The letter explained that due to the impact of COVID 19 the Committee on Standards in Public Life did not expect an immediate response from local authorities on the implementation of the areas of best practice but that they would be in contact in Autumn 2020 to ask about the progress that had been made.

4.0 Recommendations

- 4.1 The Standards Committee are asked to;
- a) To note the report
 - b) To note the updated action plan for implementation of the areas of best practice following the impact of the COVID 19 Pandemic.

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DCLG Item of Best Practice	Area effected	Action Required	Action/s	Deadline	Completed?	Responsible Officer/Team
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.	Code of Conduct	Yes	Code of Conduct to be updated.	25 February 2020	Yes	Monitoring Officer
			Draft to be brought to Standards Committee for comment.	4 March 2020	Yes	
			Amendments made	11 March 2020	Yes	
			Revised version submitted to Council for approval	TBC	No	
			For Code of Conduct to be a standing agenda item on March Standards Committee.	N/A		
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.	Code of Conduct	Yes	Code of Conduct to be updated.	25 February 2020	Yes	Monitoring Officer
			Draft to be brought to Standards Committee for comment.	4 March 2020	Yes	
			Amendments made	11 March 2020	Yes	
			Revised version submitted to full Council for approval	TBC	No	
Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views	Code of Conduct	Yes	To review the Code of Conduct.	February 2020	Yes	Monitoring Officer
			To make a draft code with proposed changes.	25 February 2020	Yes	

of the public, community organisations and neighbouring authorities.			Draft to be brought to Standards Committee for Discussion.	4 March 2020	Yes	
			Revised version submitted to full Council for approval	TBC	No	
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				
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	A proposal of how to adjust the gifts and hospitality registration process be brought to the Standards Committee.	4 March 2020	Yes	Monitoring Officer
			If process agreed proposal sent to Accounts and Audit for Agreement	28 October 2020	No	
			Governance team implement agreed process	ASAP		Governance Team

<p>Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.</p>	Member Complaints Procedure	Yes	To develop a public interest test.	25 February 2020	Yes	Monitoring Officer
			Draft to be brought to Standards Committee for consideration.	4 March 2020	Yes	
			Amendments made	11 March 2020	Yes	
			Revised version submitted to Council for approval	TBC	No	
			Agreed Test to be published on the Member complaint section of the website.	ASAP following agreement		
<p>Best practice 7: Local authorities should have access to at least two Independent Persons.</p>	Member Complaints Procedure	No				
<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				

<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	Yes	
			Design Template for publishing Complaint's Decision Notice.	25 February 2020	Yes	
			Both draft documents submitted to Standards Committee for comment.	25 February 2020	Yes	
			Amendments Made	11 March 2020	Yes	
			Revised version submitted to Council for approval	TBC	No	
<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	Yes	Monitoring Officer
			Draft wording to be considered and agreed by Standards Committee	4 March 2020	Yes	
			Agreed wording to be published on the website	ASAP following agreement	Yes	

<p>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.</p>	Parish Council Complaints	Yes	To arrange a meeting with Parish Council representatives to discuss their formal standards procedure.	March 2020	In Progress	Monitoring Officer
			To create a draft standards procedure to be agreed by the Parish Council.	June 2020		
<p>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.</p>	Parish Council Complaints	Yes	To arrange a meeting with Parish Council representatives to discuss the support that they would require from the monitoring officer.	March 2020	In Progress	Monitoring Officer
			To identify and book places on required training for the Monitoring Officer and Deputy Monitoring Officer.	June 20220		
<p>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</p>	Complaints procedure	No				

include asking the Monitoring Officer from a different authority to undertake the investigation.						
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), 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.	AGS/ Partnerships and Communities	Yes	Identify all separate bodies set up or owned by the Council	April 2020	Yes	Corporate Director of Governance and Community Strategy
			Contact support services of each body to find out the TOR		No	
			discuss how they are to be adjusted to align them with the Nolan principles and publishing requirements		No	
			Identify support and resources required for Separate Bodies to comply		No	
			Ensure that relevant information captured within the Council's AGS	20 th October 2020		
Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.	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	In Progress	Monitoring Officer

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