



TRAFFORD COUNCIL

AGENDA PAPERS FOR STANDARDS COMMITTEE

Date: Thursday, 22 September 2022

Time: 6.30 p.m.

Place: Committee Rooms 2 and 3, 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 14 March 2022.		
3. MEMBERS ADDRESSES		5 - 34
To consider the attached report from the Deputy Monitoring Officer.		
4. DEPUTY MONITORING OFFICERS REPORT		Verbal Report
To receive a verbal update from the Monitoring Officer.		
5. URGENT BUSINESS (IF ANY)		
Any other item or items which by reason of:-		
(a) Regulation 11 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the Chairman of the meeting, with the agreement of the relevant Overview and Scrutiny Committee Chairman, is of the opinion should be considered at this meeting as a matter of urgency as it relates to a key decision; or		

- (b) special circumstances (to be specified) the Chairman of the meeting is of the opinion should be considered at this meeting as a matter of urgency.

SARA TODD

Chief Executive

Membership of the Committee

Councillors K. Procter (Chair), Mrs. P. Young (Vice-Chair), Dr. S. Carr, W. Frass, S.J. Gilbert, D. Jarman, D. Jerrome, S. Maitland, M. Mirza, A. New, and D. Western. Independent Members Mr. D. Goodman, Mr. C.E.J. Griffiths, Mr R. Brown, and A. Rudden. Independent Persons N. Jackson and Mr M. Whiting.

Further Information

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

Alexander Murray, Governance Officer

Tel: 0161 912 4250

Email: alexander.murray@trafford.gov.uk

This agenda was issued on **Tuesday, 13 September 2022** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall; Talbot Road, Stretford, Manchester, M32 0TH.

WEBCASTING

This meeting will be filmed for live and / or subsequent broadcast on the Council's YouTube channel <https://www.youtube.com/channel/UCjwbIOW5x0NSe38sgFU8bKg>.

The whole of the meeting will be filmed, except where there are confidential or exempt items.

If you make a representation to the meeting you will be deemed to have consented to being filmed. By entering the body of the Committee Room you are also consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If you do not wish to have your image captured or if you have any queries regarding webcasting of meetings, please contact the Democratic Services Officer on the above contact number or email democratic.services@trafford.gov.uk

Members of the public may also film or record this meeting. Any person wishing to photograph, film or audio-record a public meeting is requested to inform Democratic Services in order that necessary arrangements can be made for the meeting. Please contact the Democratic Services Officer 48 hours in advance of the meeting if you intend to do this or have any other queries.

STANDARDS COMMITTEE

14 MARCH 2022

PRESENT

Councillor K. Procter (in the Chair).

Councillors J. Holden (Vice-Chair), D. Jerrome, A. New, J.D. Newgrosh, D. Western, Mr. C.E.J. Griffiths, Mr R. Brown and A. Rudden

In attendance

Dominique Sykes	Deputy Monitoring Officer
Alexander Murray	Governance Officer

APOLOGIES

Apologies for absence were received from Councillor Dr. S. Carr, Councillor J. Dillon, Councillor S.J. Gilbert, Councillor P. Myers, Mr. D. Goodman, N. Jackson and Mr M. Whiting

12. MINUTES

Mr Griffiths drew the Committee's attention to several typos within the minutes. Mr Griffiths asked whether the changes proposed by the Committee had been made to the proposed code of conduct and the progress made regarding the publishing of Members addresses. The Deputy Monitoring Officer responded that the proposed changes had been made and the work on publishing councillor address had progressed according to the steps provided within the report provided at the last meeting.

RESOLVED: Following the amendment to the typos raised by Mr Griffiths that the minutes of the meeting 12 December 2021 be agreed as an accurate record.

13. CONTRACT PROCEDURE RULES

The Monitoring Officer delivered a presentation on the Contract Procedure Rules (CPRs) to the Committee. The Committee were informed of the purpose of the CPRs and that they had last been agreed when STAR Procurement was originally set up. The review had considered changes in legislation including Brexit and attempts had been made to future proof the CPRs by looking at expected legislative changes. Trafford had led the review from September 2021 and following its conclusion the updated CPRs had to be approved by all four authorities who were members of STAR Procurement. The majority of the CPRs had remained the same, as they were dictated by legislation. One of the main changes was that the level of expenditure which needed only one quote had been increased from £4999 to £9999. The change was made as it had been found that gaining three quotes for small amounts was difficult and caused delays. Provision was provided within the CPRs for local rules to be added for each authority. As it stood no Council had put any local rules in place.

The review provided an opportunity to revise how the CPRs allowed modifications to contracts, especially following lessons learned from the pandemic. The process for extending a contract in exceptional circumstances had been streamlined, as

Standards Committee
14.3.22

the previous process was arduous and had caused delays during the Covid pandemic. The revised process gave additional grounds to allow the extension of contracts in exceptional circumstances with the agreement of Monitoring Officer or 151 officer.

The final slide detailed the process the CPRs had been through for approval with them being taken to Scrutiny on the 15th of March, the Executive on the 21st of March, and Council on the 25th of May 2022. The Monitoring Officer informed the Committee that if they had any series concerns then the CPRs could be taken back to address those issues before moving forward.

Following the presentation, the Chair went over the recommendations of the report then gave the Committee the opportunity to ask questions. Councillor Newgrosh asked what percentage of the contracts within the Council were to be affected by the changes. Did not have that to hand but can get that information for Councillor Newgrosh.

Mr Brown asked what provisions were in place for conflict resolution between the different STAR Local Authorities. The Monitoring Officer went through the Governance arrangements in place for STAR Procurement and the STAR Joint Committee.

Mr Brown noted the number of acronyms used in the document and asked whether it was due to being an internal document or if they required simplifying. The Monitoring Officer drew Mr Brown's attention to the definitions provided within the document.

Mr Brown asked if there was a training and implementation plan for the changes. The Monitoring Officer responded that it would not lead to any great changes in how people worked but training would be provided to the procurement team who would disseminate the information to their colleagues within their respective Councils.

Following the questions and responses the recommendations were moved and agreed.

RESOLVED: That the report be noted and recommendations agreed.

14. SCRUTINY REVIEW

The Governance Manager gave an overview of the report to the Committee. The review had identified that all the elements required for having successful scrutiny were all present in Trafford, as noted by the Centre for Governance and Scrutiny. The changes proposed by the review would be an evolution rather than revolution in the Council's approach to turn good scrutiny into great scrutiny.

The Chair noted that the report was very positive and picked out some of recommendations he felt would be aid in improving the Council's Scrutiny function.

Standards Committee (14.3.22)

Mr Brown noted that there was no reference to the Standards Committee within the report and wondered if there would be any role for the Committee in the Scrutiny function. The Governance Manager explained the role of Scrutiny and how the Standards Committee would only be involved in the Scrutiny Function in exceptional circumstances.

Councillor Jerome highlighted that one of the key elements was getting the work of scrutiny to be more well known within the Council and enabling more Councillors to be involved.

Councillor Western spoke of the desire for pre-decision scrutiny and how the recommendation to have meetings with Executive Members and Lead Officers would improve the Scrutiny Function.

Mr Griffiths expressed it was a very good report, but scrutiny was a function that he was not aware of. The Governance Manager responded that one of the areas for improvement identified was to increase the publicity of scrutiny and Connection to residents.

Following the questions the Chair moved the recommendations, which were seconded and agreed.

RESOLVED: That the report be noted and recommendations agreed.

15. MONITORING OFFICERS REPORT

The Monitoring Officer informed the Committee that nothing had arisen since the last meeting which needed to be brought to their attention.

The meeting commenced at 6.30 pm and finished at 7.15 pm

This page is intentionally left blank

TRAFFORD COUNCIL

Report to: Standards Committee
Date: 22 September 2022
Report for: Decision
Report of: Director of Legal and Governance and Monitoring Officer

Report Title

Publication of Members' Addresses on the Declaration of Interests Register

Summary

This report follows on from the earlier report which the Committee received in December 2021 (Appendix 2). Since that meeting a report has gone been taken to the Executive and a consultation exercise has been carried out amongst Elected Members. The report now presents the outcomes of the consultation along with three proposals for how the Council may choose to proceed.

Recommendation(s)

It is recommended that the Standards Committee;

- a) Note the content of the report and;
- b) Select a preferred proposal from those identified in this report for the Council to adopt taking into consideration the information received through the consultation.

Contact person for access to background papers and further information:

Name: Alexander Murray
Phone: Ext 4250

1.0 Background Information

- 1.1 The Standards Committee received a report on the 15th of December 2021 (appendix 2). In that report the Committee was informed of the current position regarding the publication of members' addresses on the published Declarations of Interest pages within Trafford, the statutory requirements, the views of the Committee for Standards in Public Life, and approaches adopted by other Local Authorities. The report also contained three proposals on how Trafford could choose to proceed in this area.
- 1.2 As it is normally a matter for the member concerned and the Monitoring Officer to determine whether to treat an interest as a sensitive interest on a case-by-case basis (under section 32 (1) (b) of the Localism Act 2011; the Committee agreed that a consultation on publication of councillor addresses be conducted to inform the selection of which proposal to approve.

2.0 Options for consideration

- 2.1 There are effectively three potential options which could be applied regarding the requirement to register members' addresses: -
- Make no changes to the way the Council approaches the disclosure of Members' addresses on the public register - Trafford's current approach is in keeping with the rest of the Greater Manchester Authorities and most Authorities across the country;
 - Remind all members about the possibility of applying for their details to be considered as sensitive interests and then apply a dispensation in respect of any and all members who request that the details of their address are not made publicly available. This is in line with the recommendations of the CSPL in their 2017 report;
 - To apply a blanket policy whereby all Members' addresses are treated as sensitive interests and not made publicly available - This would mirror the approach already taken by a few authorities including City of Westminster Council.

3.0 Consultation outcomes

- 3.1 Appendix 1 contains the responses received to a survey sent to all Councillors on the subject of Councillor Addresses. The survey contained a series of questions which related to Councillor's feelings of safety in carrying out their role and the impact having their address being publicly available had upon their feelings of safety. The survey was completed by 41 Councillors, which represents a 65% return rate.
- 3.2 The survey raised several points and replies which are anonymised show the views of those who responded. The issues discussed related to Councillors feeling at risk, their protection by the Council, abuse and intimidation, safety, awareness of addresses being made available to the public, and the process for omission of that information.

4. Recommendations

It is recommended that the Standards Committee;

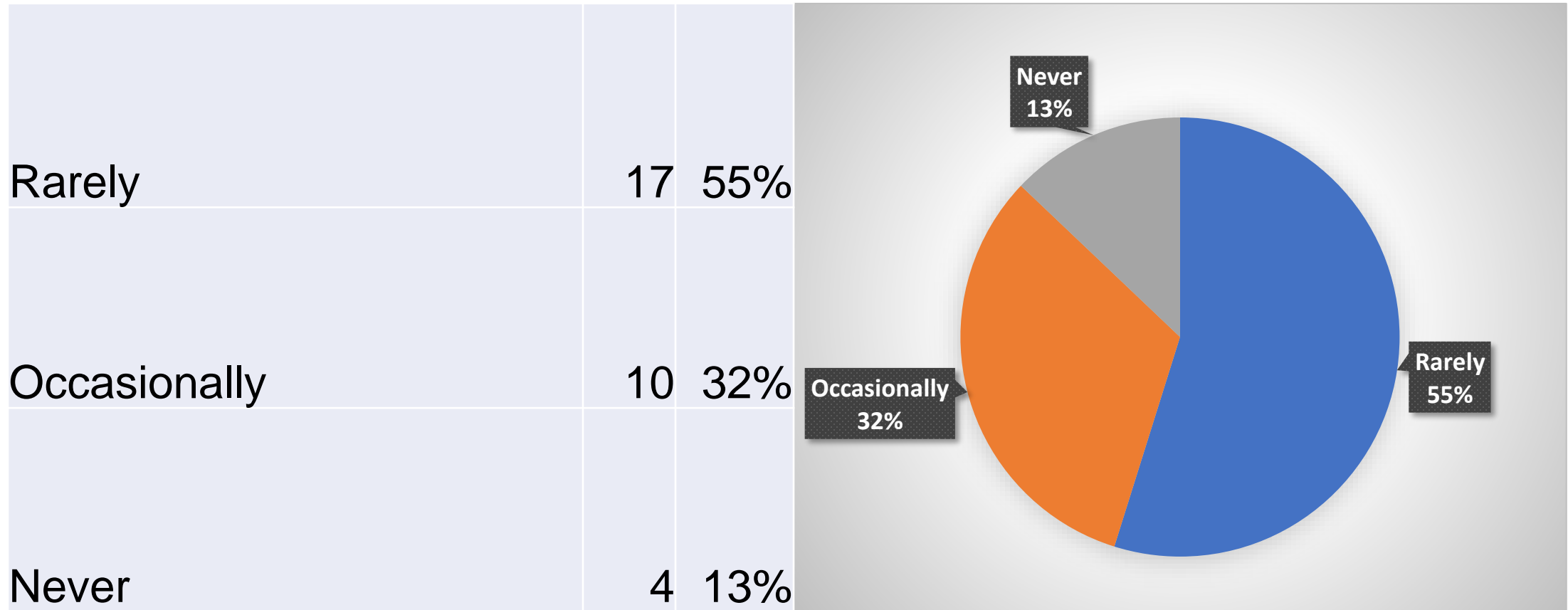
- a) Note the content of the report and;
- b) Select a preferred proposal from those identified in this report for the Council to adopt taking into consideration the information received through the consultation.

This page is intentionally left blank

Councillor Address Survey results

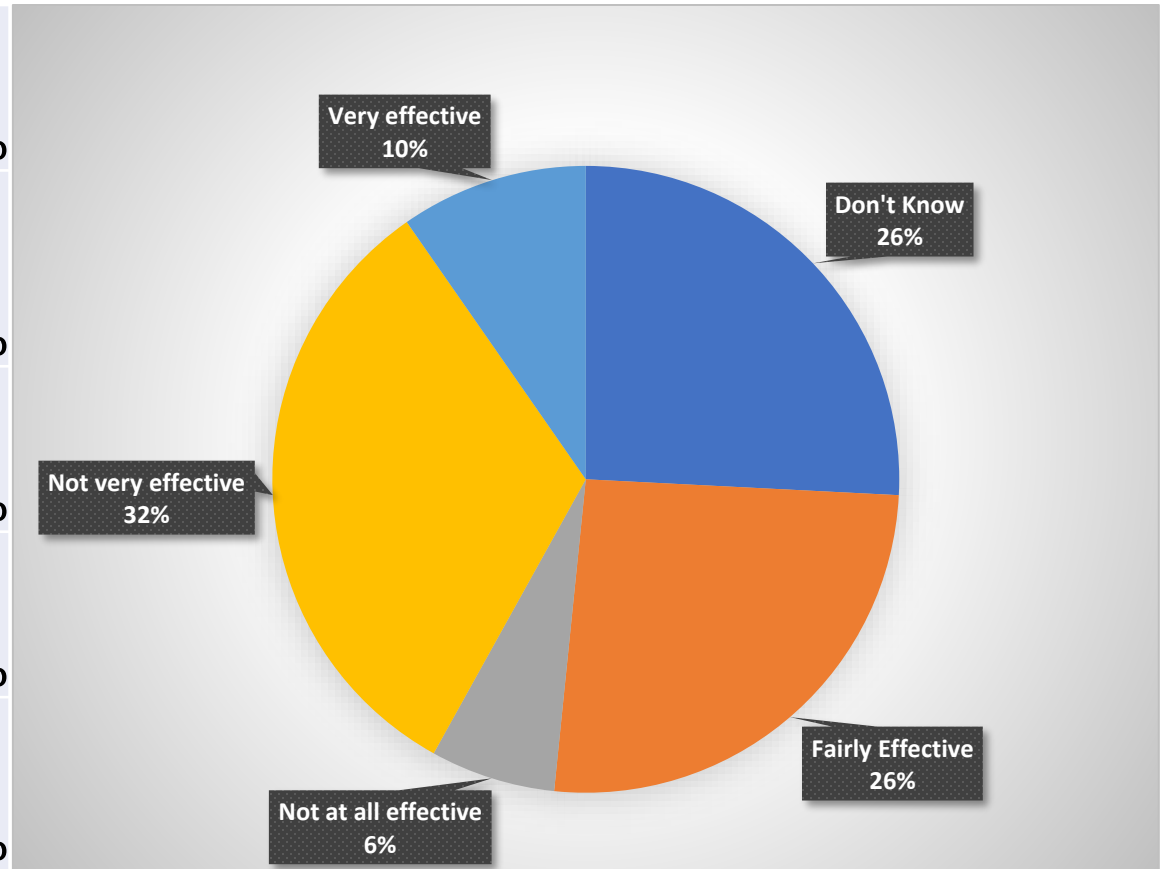
By Alexander Murray

How often, if at all, do you feel at risk personally when fulfilling your role as a councillor?



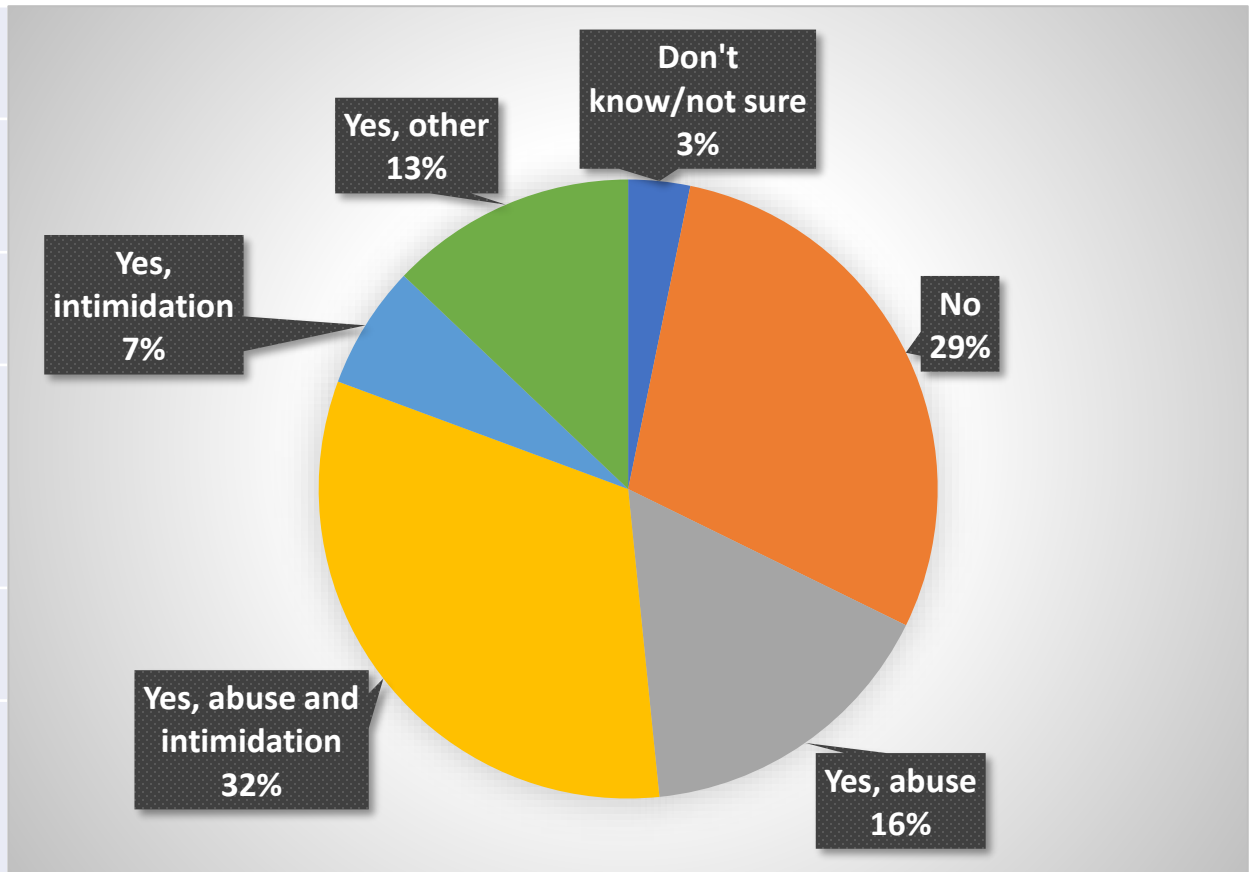
How effective or not do you find the authority's arrangements for protecting you personally as you fulfil your role as a councillor?

Don't Know	8	26%
Fairly Effective	8	26%
Not at all effective	2	6%
Not very effective	10	32%
Very effective	3	10%



Have you ever experienced abuse and/or intimidation, directed at you personally, from a member of the public, or persons unknown, as a result of, or in relation to your role as a councillor?

Don't know/not sure	1	3%
No	9	29%
Yes, abuse	5	16%
Yes, abuse and intimidation	10	32%
Yes, intimidation	2	7%
Yes, other	4	13%



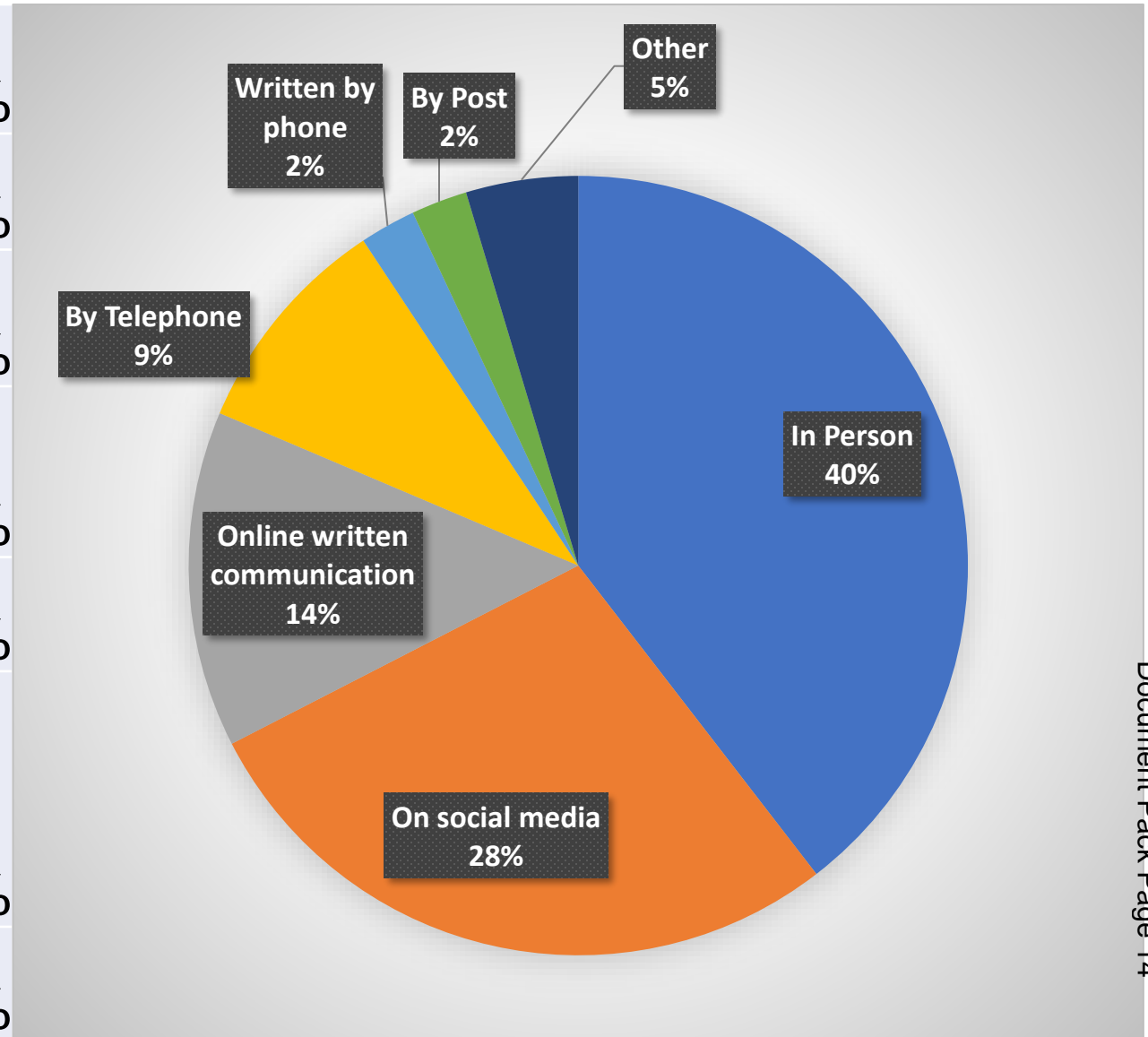
Have you ever experienced abuse and/or intimidation, directed at you personally, from a member of the public, or persons unknown, as a result of, or in relation to your role as a councillor?

- Details provided

- Targeted abuse which resulted in police and community safety action
- verbally shouting and finger pointing in an aggressive tone, telling me to get the job done, (potholes in the road that were not meeting the criteria).
- I have been shouted at on the doorstep by residents, and years ago a resident followed/ stalked me online and in person and the police had to be involved. I have had people 'shout' at me on Twitter and occasionally get unpleasant emails.
- Very aggressive
- Very aggressive
- Whilst out campaigning occasionally receive angry comments by residents
- "Just on one occasion, low level abuse (shouting not swearing) in the street. Sometimes I have experienced comments on social media which have been borderline abuse."

Where did the abuse and/or intimidation occur? (Please tick all that apply)

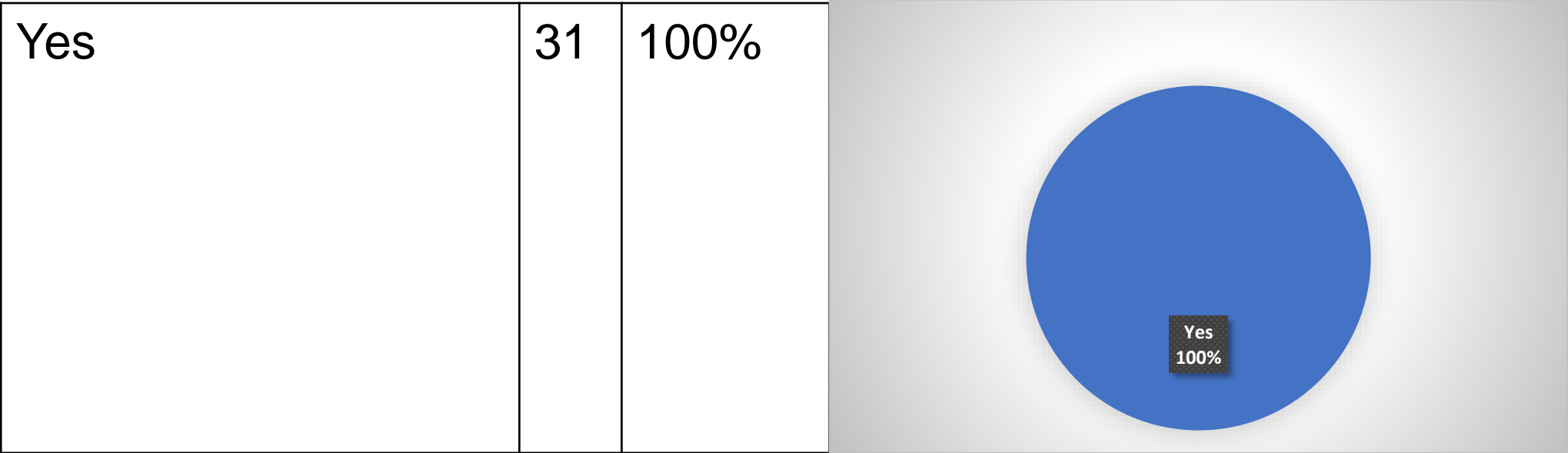
In Person	17	40%
On social media	12	28%
Online written communication	6	14%
Oral by telephone including voicemail	4	9%
Written by telephone e.g. text	1	2%
By post, including messages and/or articles put through letterbox	1	2%
Other	2	5%



Where did the abuse and/or intimidation occur? - Details Provided

- direct messages on social media and sometimes face to face when out in the wards

Are you aware that your home address is publicly available under your register of disclosable interests?

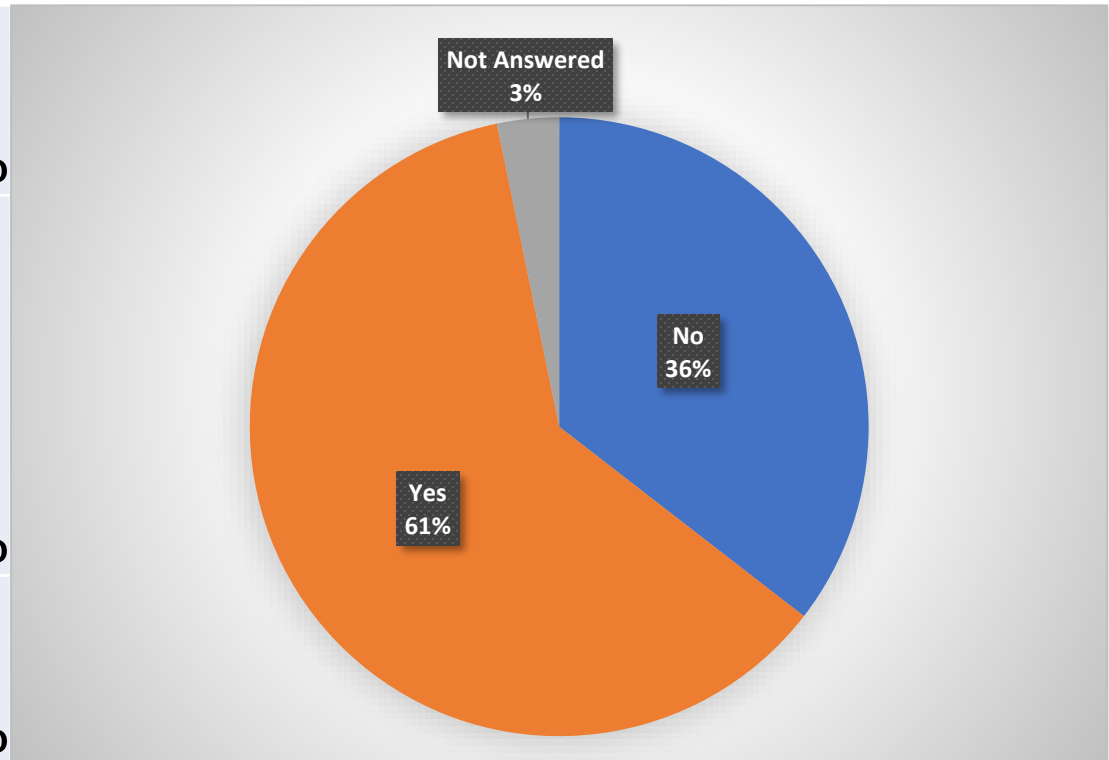


Are you aware that your home address is publicly available under your register of disclosable interests? - Details Provided

- though at the moment mine is not publicly available, at my request
- Yes and I am not happy about it, I'd rather it wasn't. I did consider not standing because of the potential risk to my daughters.

Are you aware that your address can be made unavailable to the public if you believe that it being available puts you or your family at risk?

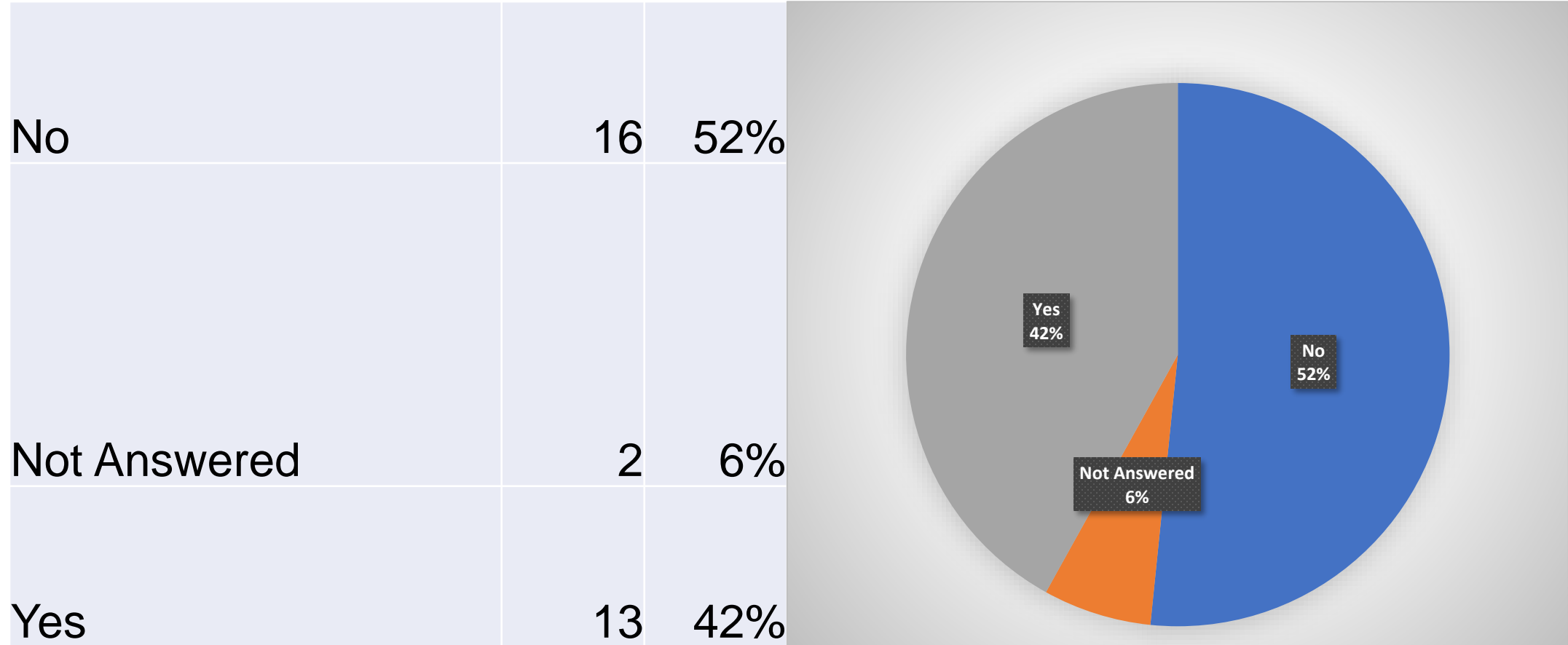
No	11	36%
Yes	19	61%
Not Answered	1	3%



Are you aware that your address can be made unavailable to the public if you believe that it being available puts you or your family at risk? - Details Provided

- I asked for it not to be published last year and was told that I had to have very particular reason. I don't have a particular reason other than I do not want unknown members of the public to know my home address and would be extremely unhappy if they called at my home. I also received unwanted mail eg from SPUC last time I was a Cllr which was unpleasant.
- Have always been told it has to be on the Register of Business Interests. I can see other councils redact this, but have not seen this available in Trafford.
- I didn't know this was an option. I'd like to take this up please.
- I raised this shortly after being elected when the glass in my front door was smashed. However, I was told that publication of home addresses was the norm and if I wanted to opt out of this I would need to make a specific request to the monitoring officer. As a new councillor I didn't want to do this, but it should be made much easier to opt out of this.

Do you feel the availability of Councillor addresses is adequately expressed to Councillors?

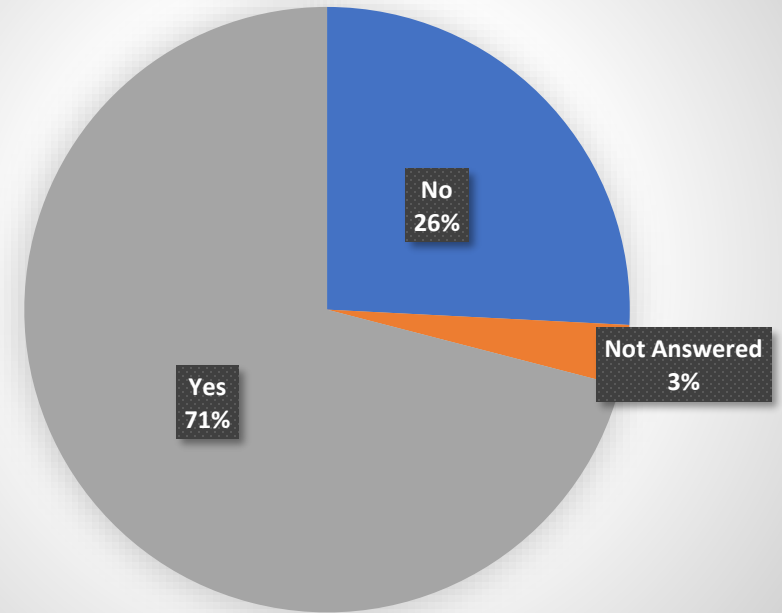


Do you feel the availability of Councillor addresses is adequately expressed to Councillors? - Details provided

- It is referred to when we are first elected, however the true implications only become apparent when an incident occurs.
- Didn't initially realise they were so readily accessible.
- Nobody asked me if I wanted it to be made public or not.
- I didn't know I could ask for it to be hidden from public view. I'm surprised this has not been made clear.
- Although councillors provide details of their interest including any property they own, I don't think it's made clear that their home address will be published as a result.
- I think that some Councillors are not aware of this.

Do you feel that Councillors should be reminded on a regular basis of their ability make their address unavailable to the Public?

No	8	26%
Not Answered	1	3%
Yes	22	71%

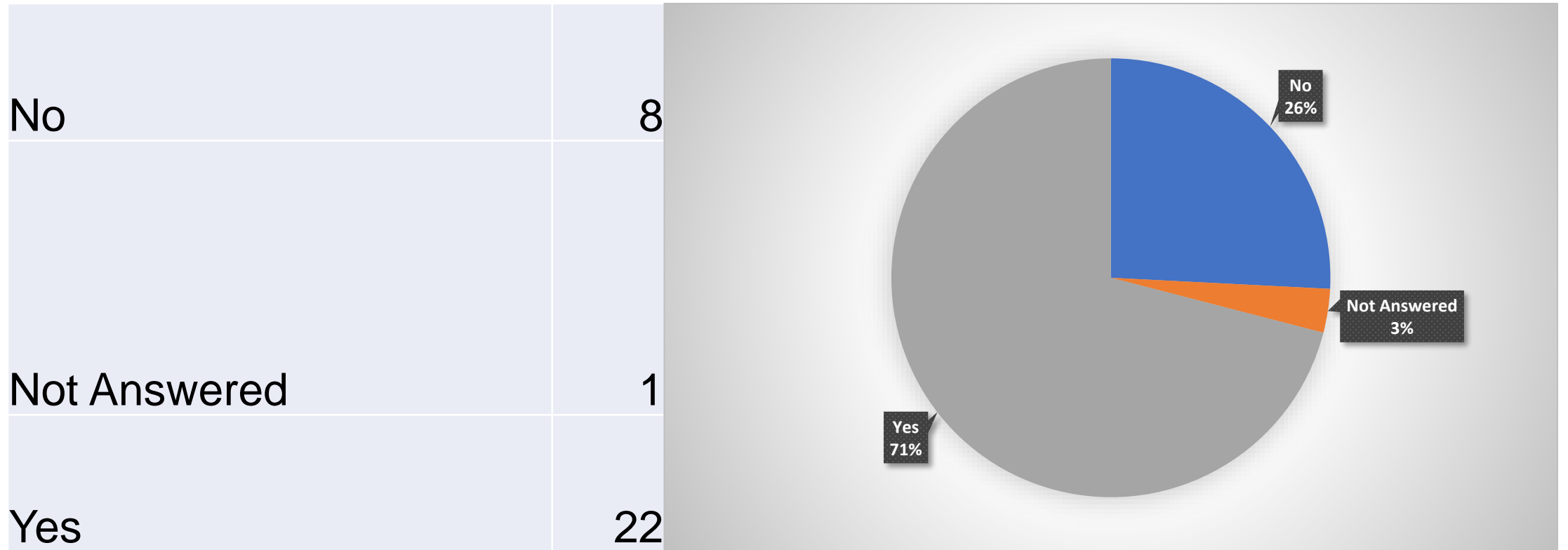


Do you feel that Councillors should be reminded on a regular basis of their ability make their address unavailable to the Public?

- Details Provided

- I would certainly do it if it were possible. Previously when I was a councillor with the stalker, my husband worked away a lot, so I was often in the house with my children and it would cause me great anxiety that he could find out where I lived. I would constantly keep the front curtains closed, and wouldn't go out after dark. At the time this wasn't taken seriously (my colleague had a death threat by phone at the same time), so I am glad to see it is now.
- to be honest, I think the default should be that home addresses are not published.

Do you feel that the public availability of your address compromises your safety and/or the safety of your family?

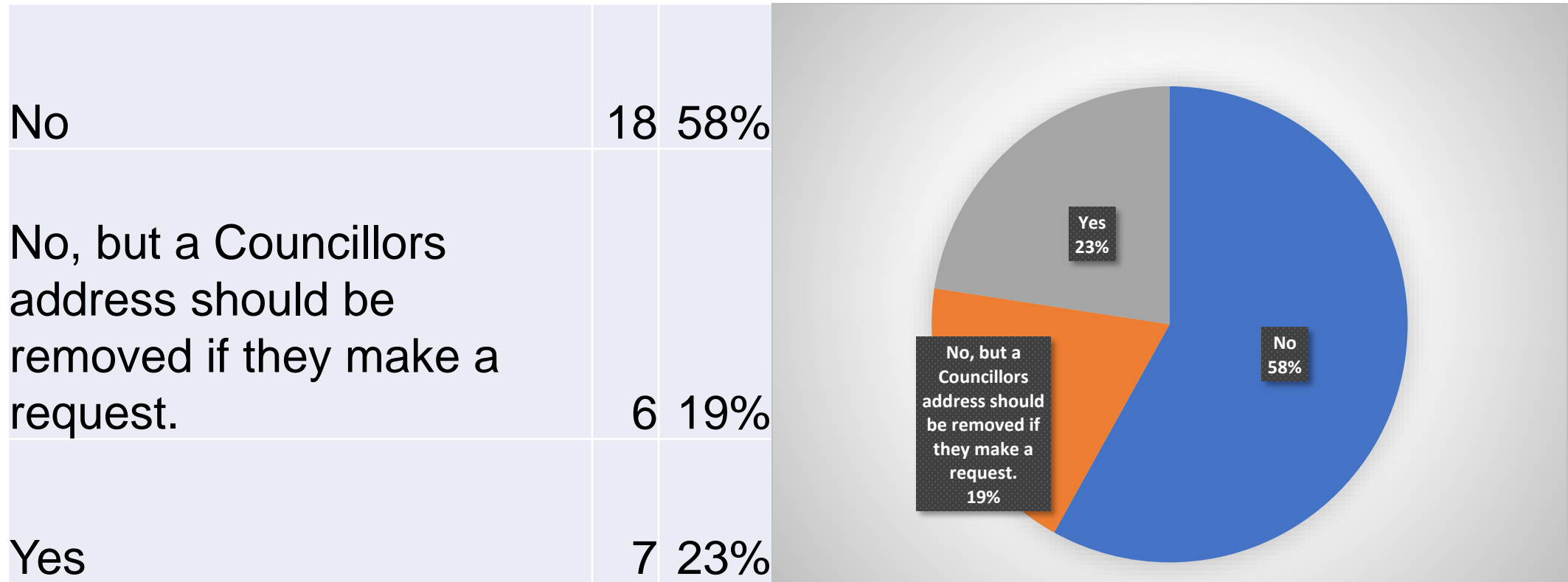


Do you feel that the public availability of your address compromises your safety and/or the safety of your family? -
Details provided

- Not for any specific reason, but I'd rather it wasn't out there, rather than waiting for there to be a specific cause for concern.
- I don't see why my home and my families home is of any importance to anyone.
- Many of us live in our wards and so ourselves and our families are often recognised when going about our day to day non-cllr business. This is quite worrying in its own right. The fact that our addresses are also known adds another layer of concern.
- Potentially. People seem a lot more angry of late and it would be easy to target Cllrs with a public address
- Unfortunately, in this day and age its appears to be getting more likely.

- Absolutely it does. My colleagues have received threatening mail in the post.
- Elected politicians have been attacked before. I know of a Trafford Member who has been stalked in the past.
- I can see no need to provide a private address.
- As mentioned, the day after I was first elected, the glass in my front door was smashed. The police came and said it probably was linked to my election. At the time my daughter was very ill and it did worry my family and we didn't imagine I would be target of something like that
- I am a woman and live on my own
- It can do - I have had a few occasions when uninvited residents have called at my home. There was no safety concerns, but there could have been problems.

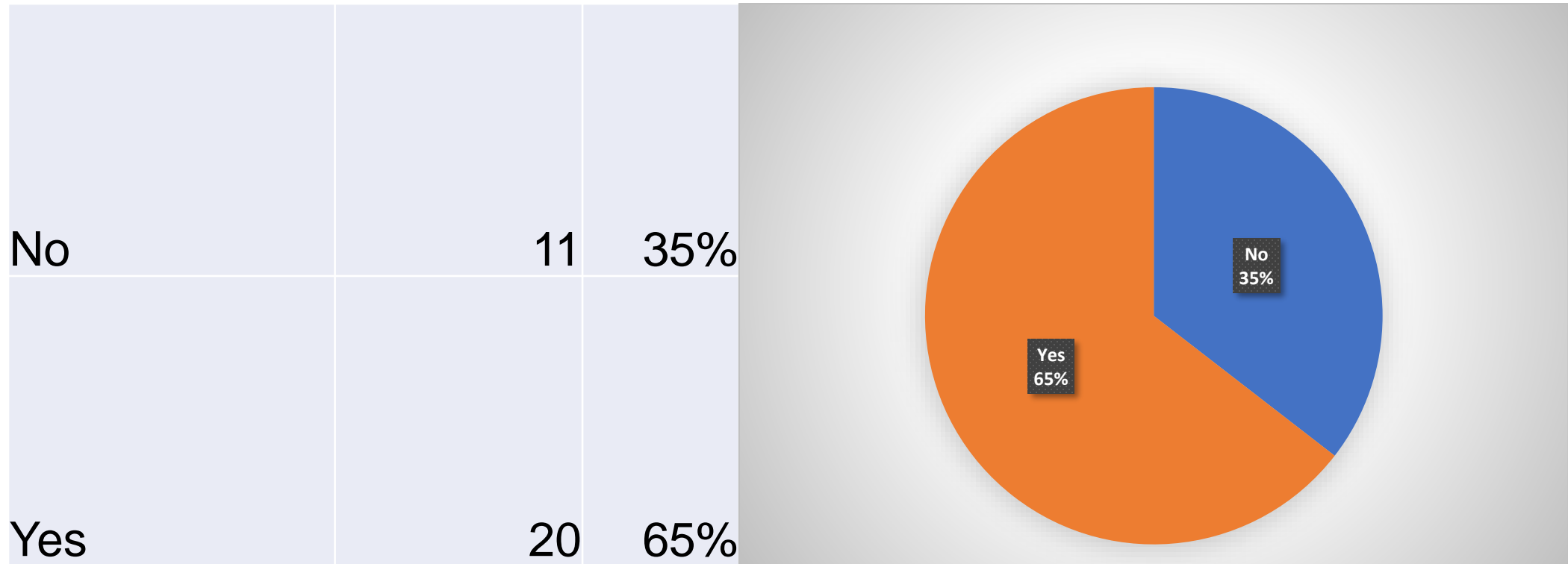
Do you feel that your address should be available to the public?



Do you feel that your address should be available to the public? - Details provided

- Before modern communications were available - e-mail, WhatsApp mobile phones etc then I think knowing a Cllr's address was important - it made them contactable. I don't think it is necessary anymore, given the many other ways we can be contacted.
- As a councillor that lives in the area that I represent, many local people do know where I live, but to have my address publicly accessible to anyone who may decide to start a vendetta for whatever reason against me either personally or politically is concerning.

Do you believe that Councillor addresses should not be publicly available?



Do you believe that Councillor addresses should not be publicly available? - Details provided

- Before modern communications were available - e-mail, WhatsApp mobile phones etc then I think knowing a Cllr's address was important - it made them contactable. I don't think it is necessary anymore, given the many other ways we can be contacted.
- It can leave one open to threat or abuse.
- I can see no need. we can be contacted using the town hall address.
- There is no specific reason for the public to be made aware of the Councillor address - there are many other ways for them to contact us if required.

TRAFFORD COUNCIL

Report to: Standards Committee
Date: 15 December 2021
Report for: Decision
Report of: Corporate Director of Governance and Community Strategy & Monitoring Officer

Report Title

Publication of Members' Addresses

Summary

This report is brought to Committee in the light of a number concerns raised by Members in relation to the requirements relating to the publication of Member's addresses on the Declaration of Interests Register. The report considers the current position and sets out a number of options as to how such matters could be dealt with in future.

Recommendation(s)

It is recommended that the Standards Committee;

- a) Note the content of the report and;
- b) Agree to consult Members on the options

Contact person for access to background papers and further information:

Name: Alexander Murray and Fabiola Fuschi

1.0 Background Information

- 1.1 The Standards Committee has considered various aspects in relation to the safety of Councillors several times in recent years and guidance being provided to support all Members to conduct their roles as safely as possible. One area of contention which has arisen time and again is in relation to the public disclosure of Councillors' addresses and the associated safety concerns.
- 1.2 Members are required to notify the Monitoring Officer of any disclosable pecuniary interests which they might have. Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of those interests. The Register is a public document and as such the Council is required to both make the register available for inspection and to publish the register on its website.
- 1.3 The legislation requires members to notify any disclosable pecuniary interest within 28 days of being elected as a member. The definition of disclosable pecuniary interests includes any beneficial interest they may have in any land within the Borough. This will necessarily require them to disclose the address of any property they occupy as their residence, where that property is owned or rented by them. The fact that these details will then be published and available to members of the public has given rise to safety concerns amongst some Members.
- 1.4 The Committee for Standards in Public Life have also raised concerns around the publication of Members' addresses within two reports detailed below. Section 32 of the Localism Act 2011 provides a mechanism for the granting of a dispensation to exclude sensitive interests from the authority's register where the Elected Member and the Monitoring Officer consider such disclosure could lead to the Elected Member, or someone connected with them, being subject to violence or intimidation. Trafford Council's Constitution refers to this dispensation within the Code of Conduct.
- 1.5 There are several Local Authorities across the Country who already use the dispensation within the Localism Act 2011 to not publicly publish the addresses of any Members. In each of those authorities a record of the sensitive interest is held by the Monitoring Officer and any resulting pecuniary interest is declared publicly but the details of the interest are not.
- 1.6 In light of the views expressed by the Committee on Standards in Public life and recent events highlighting the safety risks that Members face, it is felt the Council's approach to the disclosure of Councillor's home addresses should be considered by the Standards Committee. The report provides a list of options for the Committee's consideration to this effect.

2.0 Committee for Standards in Public Life

- 2.1 The Committee for Standards in Public Life ("CSPL") have published two reports in the last four years which consider the concerns related to the publication of Members' addresses:
 - 2.1.1 The first report was on Intimidation in Public Life which was published in December 2017. Recommendations 20 and 21 both related to the disclosure of Elected Members' addresses. Recommendation 20 requested that the

government remove the requirement for candidates standing as local councillors to have their home addresses published on the ballot paper. Recommendation 21 stated that Monitoring Officers are to ensure members are aware of the sensitive interests provisions in the Localism Act 2011. Recommendation 20 eventually led to the passing of the Local Elections (Principal Areas) (England and Wales) (Amendment) (England) 2018 which came into effect on the 2nd May 2019 and gave candidates the right to choose that the Council area that they live appear on the ballot in place of their home address.

- 2.1.2 The second report, on Local Government Ethical Standards published in January 2019 went further than the previous report with recommendation 2:

“the government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The Relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012 should be amended to clarify that a councillor does not need to register their home address on an authority’s register of interests.”

- 2.3 CSPL, in their Ethics in Local Government report, suggest that the current measures provide scope for Councils to not publish Member addresses but that this cannot be utilised without demonstrating evidence of intimidation or violence, which outlines the limitations of this measure in terms of protection “... *We received evidence, however, that often these provisions (for not publishing sensitive information) would only be invoked after a councillor had experienced intimidation or harassment, in which case their address was already publicly available*”.

- 2.4 The 2019 report references that there are authorities which have applied a blanket dispensation which allows them to record Member’s home addresses on the register of interests but omit them from the published version. The named example provided within the 2019 report is the City of Westminster’s guidance notes for members on the register of interests which are:

“In accordance with the arrangements for the placing of Register of Interests on the City Council’s website agreed by the Standards Committee details of members’ home addresses will be omitted from the version placed on the website.”

- 2.5 Since the publication of the 2019 report there has not been any action from the government to enact any of the recommendations and it is unknown if or when they are likely to be addressed.

3.0 Options for consideration

- 3.1 There are effectively three potential options which could be applied to the matter of the requirement to register members’ addresses: -
- Make no changes to the way the Council approaches the disclosure of Members’ addresses on the public register - Trafford’s current approach is in keeping with the rest of the Greater Manchester Authorities and most Authorities across the country;
 - Remind all members about the possibility of applying for their details to be considered as sensitive interests and then apply a dispensation in respect of any and all members who request that the details of their address are not made

publicly available. This is in line with the recommendations of the CSPL in their 2017 report;

- To apply a blanket policy whereby all Members' addresses are treated as sensitive interests and not made publicly available - This would mirror the approach already taken by some authorities including City of Westminster Council; or

3.2 Ultimately, whether to treat an interest as a sensitive interest is a matter for the member concerned and the Monitoring Officer to determine (S32(1)(b) Localism Act 2011). It is therefore suggested that it would be appropriate to consult with members generally in relation to the proposed options in order to inform a decision on this, which could then be recommended to Council by the Monitoring Officer.

5. Recommendations

It is recommended that the Standards Committee;

- a) Note the content of the report and;
- b) Agree to consult Members on the options