

REPORT OF THE MONITORING OFFICER

TO
COUNCIL

ON
16th September 2020

TITLE: Standards Committee Annual Report

RECOMMENDATIONS:

- 1) To receive this annual report summarising the work undertaken by the Standards Committee and by the Council's Monitoring Officer and her staff to promote and maintain high standards of conduct by elected and co-opted members.
 - 2) To gain assurance as to how the authority is fulfilling its statutory duty to promote and maintain high standards of conduct.
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EXECUTIVE SUMMARY:

The annual report of the Standards Committee was originally due to be presented to the committee at its meeting on 26th March 2020. It provided an overview of the work undertaken by the Standards Committee and the Council's Monitoring Officer from 1st March 2019 to 29th February 2020 in relation to promoting and maintaining high standards of conduct by elected and co-opted members. As lockdown measures were introduced on 23rd March, and the Council was awaiting government guidance on how local authority meetings could be facilitated, the 26th March meeting was cancelled. The report was subsequently updated to capture relevant information up to 1st July 2020 for presentation to the Standards Committee meeting on 30th July.

A number of the items in this report are referred to only briefly as they were the subject of separate reports on the agenda for the [Standards Committee meeting on 30th July 2020](#).

BACKGROUND DOCUMENTS:

Salford City Council Constitution, Code of Conduct for Elected Members.

KEY DECISION: No

DETAILS:

Introduction

The purpose of this report, first presented to the Standards Committee at its meeting on 30th July, is to present to the committee an annual report relating to matters within the committee's terms of reference. It presents the work carried out by the Monitoring Officer and her staff to support the committee throughout the year. It also demonstrates the ways in which the authority has fulfilled its statutory duty to promote and maintain high standards of conduct. As the report was originally due to be presented at the 26th March meeting which was cancelled it has been amended to include the period up to 1st July 2020.

Role and Functions of the Standards Committee

At its November 2019 meeting Full Council approved a revised Constitution which included changes requested by the Standards Committee in relation to its role and functions.

The Council has delegated to the Standards Committee the following powers to deal with matters of conduct and ethical standards, and the council's Standards Committee has the following role and functions:

- Promoting and maintaining high standards of conduct by the City Mayor, councillors, co-opted members and church and parent governor representatives.
- Assisting the City Mayor, councillors, co-opted members and church and parent governor representatives to observe the council's Code of Conduct for Members.
- Advising the council on the adoption, revision or replacement of the council's Code of Conduct for Members and the council's Arrangements for dealing with Complaints that council Members have failed to comply with the council's Code of Conduct for Members ('the council's Arrangements').
- Monitoring the operation of the council's Code of Conduct for Members and the council's Arrangements.
- Advising, training or arranging to train the City Mayor, councillors and co-opted members and church and parent governor representatives on matters relating to the council's Code of Conduct for Members and other issues relating to Standards and Conduct.

- To determine in accordance with the council’s Arrangements whether the City Mayor or a council member has failed to comply with the council’s Code of Conduct for members and, if so, to determine what action (if any) to take.
- To delegate such of the council’s powers as can be delegated to take decisions in respect of a council Member (including the City Mayor) who is found on a hearing held in accordance with the council’s Arrangements to have failed to comply with the council’s Code of Conduct for Members (‘the Subject Member’)
- To grant dispensations from section 31(4) of the Localism Act 2011 (after consultation with one of the council’s Independent Persons) if having had regard to all relevant circumstances, the Standards Committee:
 - considers that granting the dispensation is in the interests of persons living in the council’s area, or
 - considers that it is otherwise appropriate to grant a dispensation.
- To determine appeals against the Monitoring Officer’s decision on the grant of dispensations.
- To consider and monitor the following reports:
 - Local Government and Social Care Ombudsman Decisions and Annual reviews letters
 - Corporate Governance reports as appropriate.

Standards Committee Membership

The Standards Committee membership is confirmed annually at full Council in May and elected members are appointed in accordance with the principles of political balance. The current membership is six members of the Labour Group and two members of the Conservative Group.

The committee is chaired by a co-opted independent member. The Constitution also has provision for a second co-opted independent member and a separate item is included on the agenda for the 30th July meeting in relation to reviewing and agreeing arrangements for the appointment of independent members to the Standards Committee.

It is proposed that the outcome of this recruitment and appointment exercise be brought to full Council on 18th November 2020 for ratification.

Independent Persons

As recommended by the Standards Committee in March 2019, the Council appointed two additional Independent Persons in July 2019, to support the Monitoring Officer and Council in considering and making a decision on allegations of a breach of the Code of Conduct for Members, which brings the total of Independent Persons to three.

The two new Independent Persons have attended training with the Monitoring Officer on their role.

Independent Persons are not members of the Standards Committee itself but can be invited to attend.

At least one Independent Person must attend a Hearings Panel at which the findings of an investigation into an alleged breach of the Code of Conduct for Members are considered.

A separate item is included on the agenda for the meeting on 30th July in relation to the recruitment and appointment of Independent Persons for Standards.

It is proposed that the outcome of this recruitment and appointment exercise be brought to full Council on 18th November 2020 for ratification.

Member Training Relating to the Code of Conduct and Ethical Standards

Training remains a key priority and ongoing member development is very important.

Since last year the council has introduced new compulsory training for members of the Planning and Transportation Regulatory Panel and Social Media training, and has re-designed the Member Induction Programme to ensure all members are aware of their responsibilities under the Nolan principles.

The Monitoring Officer provides code of conduct training for all new members as a compulsory session as well as refresher code of conduct training annually.

Six newly elected members attended an induction session with the Monitoring Officer in May 2019.

16 elected members attended workshops on Social Media and Purdah in March 2019.

Two elected members attended a workshop on Small Steps – Exploring Right Wing Narratives in March 2019.

Eight newly elected members attended a Social Media training session in July 2019.

Five elected members attended a Far Right Awareness course in September 2019.

A separate item was included on the agenda for the meeting on 30th July in relation to member training.

Register of Interests

The Localism Act 2011 places a duty on the Monitoring Officer to establish and maintain a register of interest of members and co-opted members of the authority. The Monitoring

Officer has supported members of the authority in meeting their obligations to notify any disclosable pecuniary interest within 28 days of either their election or of a change in the circumstances relating to such interests.

All members are asked to complete a new declaration of interest at the start of the new municipal year so that Members' Services can ensure that all members have an up to date form every 12 months. Periodic reminders are sent to all members to ask them to review their registers and update their declaration if there have been any changes.

Members generally comply with the above. Some members need to be reminded more than others to complete their declarations of interest. All have been completed and submitted for the municipal year 2020/21 and there are no issues to be aware of.

Members' Services send an email to all members every three months to remind them of the need to complete a new form if there have been any changes, such as a change of address or employment or to their membership of charities or other bodies, including the outside bodies to which they are nominated by full Council.

Dispensations

If a member wishes to apply for a dispensation to allow them to take part in a meeting with a disclosable pecuniary interest, they must submit a written application to the Monitoring Officer who will then consult with the Standards Committee about the application. There have been no such applications in the period covered by this report.

The Code of Conduct for Members and the Arrangements for Dealing with Allegations of Breaches of the Code

An interim Code of Conduct for Members was approved at the Council meeting on 17th June 2020. That code temporarily suspends and supersedes the Code of Conduct for Members that was adopted by Council as part of the revised Constitution on 20th November 2019.

The interim code introduces reference to 'remote attendance' and 'remote access' in accordance with Regulation 3 of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 ('the 2020 Regulations').

The LGA Consultation on the Draft Model Member Code of Conduct is included on the agenda for the 30th July Standards Committee meeting. The LGA has reviewed the existing Model Member Code of Conduct and updated it incorporating the recommendations from the Committee on Standards in Public Life's recommendations on Local Government Ethical Standards and the representation from its membership. Standards Committee members will recall that they received details of the recommendations from the Committee on Standards in Public Life at the 19 March 2019 Standards Committee meeting.

Handling of Complaints against Members

Members are reminded that there are three potential stages through which an allegation may proceed:

Stage 1: Initial Assessment – the Monitoring Officer, in consultation with one of the Council’s Independent Persons, decides whether to reject the allegation, seek informal resolution of the matter or refer it for formal investigation;

Stage 2: Where an allegation is referred for investigation, the Monitoring Officer appoints an Investigating Officer to investigate the matters, and

Stage 3: Where the Investigating Officer’s final report concludes that there is sufficient evidence of a breach of the Code of Conduct for Members, the Monitoring Officer consults with the Independent Person before either seeking a local resolution to the matter or convening a Hearings Panel to determine the matter.

A summary of alleged breaches of the Code of Conduct for Members reported to the Monitoring Officer and a summary of the allegations and their outcome is set out below.

The Monitoring Officer has received 11 complaints about elected or co-opted members since 1 March 2019.

A summary of these complaints and their current status is provided below.

Complaints Summary: Status of Allegations Made Since 1 March 2019

Reference Number	Complaint made by	Nature of complaint	Details	Outcome	Outcome details	Open / Closed
CAMS-015-34139233-2 Received 04-09-10	Member of the public	Poor / lack of communication	Complaint was about member not contacting back after correspondence sent regarding a constituent issue.	Not upheld	Complainant contacted and asked for further information, but they never responded so complaint was closed.	Closed 07-10-19
CAMS-015-34160230-9 Received 03-10-19	Anonymous	Problem with the attitude or behaviour of the Councillor	Complaint about a member of the Youth Council in relation to a forthcoming event for young people.	Not Upheld	Voicemail left for complainant to ring back with further details, but they didn’t respond so complaint was closed.	Closed 15-10-19

CAMS-015-34100201-3 Received 21-06-19	Member of the public	Problem with the attitude or behaviour of the Councillor	Complaint about a councillor's conduct during a planning meeting.	Not Upheld	Complainant contacted and asked for further information, but they didn't respond so complaint was closed.	Closed 21-10-19
CAMS-015-34116333-2 Received 25-07-19	Member of the public	Problem with the attitude or behaviour of the Councillor	Complaint about a member's reaction to a comment on their social media post and then being blocked by said member.	Partially Upheld	Complainant met with former Monitoring Officer to discuss the complaint and the investigation into it.	Closed 22-01-20
CAMS-015-34099723-7 Received 19-06-19	Member of the public	Members breach of code of conduct	States a member lied about contacting officers for help with his housing issue.	Not upheld	Complainant advised that concerns were followed up by the Councillor and the City Mayor's Office. Complainant had been contacted by his housing provider but did not engage. Complainant has now engaged with housing provider.	Closed 28-05-20
CAMS-015-34213284-3 Received 04-12-19*	Member of the public	Members breach of code of conduct	Complaint about how members have dealt with the A666 bus lane and the procedures around its implementation.		Linked to complaint below – CAMS-015-34213340-8	Open
CAMS-015-34213340-8 Received 05-12-19*	Member of the public	Members breach of code of conduct	Complaint about member's conduct regarding the A666 bus lane and its implementation.		Linked to complaint above – CAMS-015-34213284-3	Open
CAMS-015-34229933-3 Received 20-02-20	Member of the public	Problem with the attitude or behaviour of the Councillor	States a member has made false comments and allegations on social media about him and his wife.		MO reviewing whether complainant is vexatious	On hold
CAMS-015-34230041-7 Received	Councillor	Members breach of code of conduct	Complaint made against another member about an inappropriate post			Open

18-02-20			on social media.			
CAMS-015-34251405-6 Received 06-03-20	Member of the public	Members breach of code of conduct	Personal bullying and libellous comments and harassment posts on Facebook.			Open
CAMS-015-34256787-2 Received 06-04-20	Member of the public	Members breach of code of conduct	False information posted about a member of the public on social media sites.	Not upheld	Formal procedure not completed as complainant satisfied with outcome once service manager became involved and post has been removed from social media. Has not pursued complaint against councillor.	Closed

Having reviewed the nature of complaints received, the former Monitoring Officer was very mindful of the need to raise awareness amongst all members about the use of Social Media. She was due to hold a mandatory awareness session for all members in March but this was cancelled due to the rapidly escalating situation with Covid-19.

Plans are now underway for the new Monitoring Officer to deliver a mandatory session to all members via MS Teams as part of a wider session on the Code of Conduct for Members.

At its meeting on 30th July the Standards Committee and Monitoring Officer agreed that the timescales for dealing with complaints needed to be reduced, both to reduce the stress that a complaint inevitably caused to the subject member and to give confidence to a complainant that their allegation was being treated seriously and would be dealt with promptly.

Matters Considered by the Standards Committee Since its Last Annual Report

Since last March the Standards Committee has:

- Participated in the recruitment process for two new Independent Persons
- Received an update on the work underway within the council and its partners to improve the handling of complaints to the Local Government and Social Care Ombudsman
- Received a comprehensive report on the remedy actions and service improvement plan actions implemented by the Council following LGSCO investigation findings
- Provided comments on the draft revised Constitution prior to submission to full Council for approval

KEY COUNCIL POLICIES:

Salford City Council Constitution, Code of Conduct for Members, Arrangements for Dealing with Allegations of Breaches of the Code of Conduct for Members.

EQUALITY IMPACT ASSESSMENT AND IMPLICATIONS:

There are no implications for equality and diversity arising from this report.

ASSESSMENT OF RISK:

The arrangements described within this report provide assurance that Salford City Council, individual members and the Monitoring Officer are complying with the requirements of the Localism Act 2011. The work undertaken by this committee, the Monitoring Officer and her staff, ensures that the arrangements are reviewed as and when appropriate, remain up to date and are fit for purpose, thereby minimising the risk of breaching the statutory requirements.

In relation to complaints against members the Monitoring Officer has considered the information above and does not consider that there are any adverse trends in the types of complaints received.

LEGAL IMPLICATIONS:

These are contained within the body of the report.

FINANCIAL IMPLICATIONS:

There are no financial implications arising from the report.

PROCUREMENT IMPLICATIONS:

There are no procurement implications arising from the report.

HR IMPLICATIONS:

There are no HR implications arising from the report.

CLIMATE CHANGE IMPLICATIONS:

There are no climate change implications arising from the report.

OTHER DIRECTORATES CONSULTED:

N/A

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WARDS TO WHICH REPORT RELATES:

N/A