

**AGENDA FOR
STANDARDS COMMITTEE**



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To: All Members of Standards Committee

Councillors : S Walmsley (Chair), A Booth, D Green, M Hayes, K Hussain, J Mason, T Rafiq, D Vernon and M Whitby

Dear Member/Colleague

Standards Committee

You are invited to attend a meeting of the Standards Committee which will be held as follows:-

Date:	Tuesday, 13 February 2024
Place:	Bury Town Hall, Committee Rooms A & B
Time:	6.00 pm
Briefing Facilities:	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.

AGENDA

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

Members of the Standards Committee are asked to consider whether they have an interest in any matter on the agenda, and, if so, to formally declare that interest.

3 MINUTES OF THE LAST MEETING & ANY MATTERS ARISING (*Pages 3 - 6*)

Minutes of the meeting held on the 21st September 2023 are attached.

4 MEMBER CODE OF CONDUCT-TASK AND FINISH GROUP REVIEW
(*Pages 7 - 8*)

A report from Democratic Services is attached.

5 COUNCILLOR COMPLAINTS UPDATE

Report to follow.

6 ETHICAL GOVERNANCE UPDATE (*Pages 9 - 12*)

Report to follow.

7 URGENT BUSINESS

To be agreed by the Chair.

8 NEXT MEETING DATE

To confirm the next Standards Committee meeting.

2023-2024 Municipal year timetable of meetings- 6.00pm, Wednesday, 3rd April 2024.

Minutes of: STANDARDS COMMITTEE

Date of Meeting: 21st September 2023

Present: Councillor K Hussain (in the Chair)
Councillors R Bernstein, A Booth, D Green, M Hayes

Also in attendance: Jacqui Dennis, Director of Law and Democratic Services.
Michael Cunliffe, Democratic Services.
Independent Persons: Craig Ainsworth and Stuart Birtwell

Public Attendance: No members of the public or press were present at the meeting.

ELECTION OF A CHAIR

A Chairperson was required due to the Chair of the Standards Committee, Councillor Sandra Walmsley (Mayor) being unavailable and absent from the meeting due to a Mayoral engagement.

Delegated decision:

That Councillor Khalid Hussain (Deputy Mayor) be elected acting Chairperson of the Standards Committee for this meeting only and took the Chair.

1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted by Councillors J Mason, T Rafiq, S Walmsley, D Vernon and M Whitby along with J Gallagher, Head of Democratic Services. Councillor Walmsley was in attendance at a Mayoral function and Councillor Whitby was isolating due to Covid.

Councillor R Bernstein acted as a substitute representative for Councillor Vernon.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 MINUTES OF THE LAST MEETING & ANY MATTERS ARISING

The Minutes of the meeting held on 14th March 2023 were approved as a correct record.

4 MEMBER CODE OF CONDUCT

Jacqui Dennis, Bury Council's Monitoring Officer provided Members with an update in respect of the Code of Conduct, task and finish group review.

The accompanying report attached to the agenda pack set out details of earlier plans made by this Committee to form a working group and consider the current code of

conduct and whether revisions should be made. The working group would then make recommendations for a revised code to be considered by this Committee in the first instance.

Due to a number of factors, the working group had to be postponed on 2 separate occasions over the summer period and the Chair of Standards was in agreement for this item to be discussed at the meeting tonight.

The report included the current Council code, proposals to comply with the Local Government Ethical Standards report and best practice recommendations along with comparison for other local authorities and their adaptations.

Following discussions, Members were of the opinion that a new date for the working group should be formed to reflect the new membership of the Standards Committee for the 2023-24 municipal year and report back to the next meeting.

The Monitoring Officer stated some aspects of the changes were not applicable to Bury and in some parts the Council met the standard already. The bullying and harassment element needed to be considered and it was reported that across Greater Manchester there was not a general agreement in place for one code.

It was agreed:-

That a single in person working group be held before the next Standards Committee scheduled for the 29th November 2023 and be made up of Councillor Booth (RF), Councillor Hussain (Con), Councillor Rafiq (Lab), the Independent Person- Mr Craig Ainsworth and the Monitoring Officer.

The chart containing best practice recommendations would be circulated prior to the working group and be updated with comments from the Monitoring Officer and Independent Person.

Since the Standards meeting took place the working group had been arranged following communications with all the membership and agreed to take place at 6.00pm on the 9th November 2023, to be held in Bury Town Hall.

5 LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN ANNUAL REVIEW LETTER 2022-23

The Monitoring Officer presented to Members of the Standards Committee a summary of the Local Government Ombudsman's Annual Report for 2022-2023.

The Council received an Annual Report summarising all complaints dealt with by the Local Government and Social Care Ombudsman ("LGO"). The Ombudsman provided, statistics on how complaints upheld against the Council were remedied and those not pursued. This year's letter again includes a breakdown, showing the complaints and enquiries received and decisions made. The number of complaints and enquiries received for 22/23 as compared 21/22 had increased slightly but was still similar to pre Covid year figures.

The number of complaints upheld were 22 in 2022/23 and in relation to Childrens Services complaints, the majority of complaints involving the LGO are SEND (Special educational needs and disabilities) related.

The LGO acknowledged the challenges local authorities face, at the heart of many SEND complaints were children and young people going without the support they are entitled to, and the LGO would continue to hold authorities to account for what they are required to provide.

The LGO like many organisations have been focussed on doing the most they can with their resources, prioritising cases where it was in the public interest to investigate. As a result, they are less likely to carry out investigations into 'borderline' issues and are therefore finding a higher proportion of fault.

While allowing a more sustainable way for the LGO to work, the change means that their uphold rate has increased by 8% to 74% this year. The LGO confirm a steadily increasing uphold rate for several years, but this year's increase is not wholly attributable to the nature of the cases that came to them.

The Annual Review letter provided an annual summary of statistics on the complaints made to the Local Government Ombudsman (LGO) about Bury Council to the year ending 31st March 2023.

The LGO had an interactive map of performance which showed annual performance data for all Councils in England, with links to published decision statements, public interest reports, annual letters and information about service improvements that have been agreed by each Council. The intention of this tool was to place a focus on the authority's compliance with the recommendations.

Councillor Green questioned the issue of a possible witness summons being produced and responding, the Monitoring Officer reported that there had been no issues with deliberately blocking a complaint and withholding information to the LGO.

Councillor Hayes enquired about a recommendation not being fulfilled and a new case being created. It was reported that the process involved a report going to Cabinet to create the requirements for compliance of the case.

Members of the committee analysed any trends within the number of complaints per service area.

The Monitoring Officer added that a piece of work was taking place to look at how complaints are dealt with and investigate any improvements to the function and upgrade of systems if required.

It was agreed:

That the Local Government and Social Care Ombudsman Annual Review Letter be noted.

6 URGENT BUSINESS

No urgent business was reported.

COUNCILLOR K HUSSAIN
Chair

(Note: The meeting started at 6.00 pm and ended at 6.55pm)



Classification	Item No.
Open	

Meeting:	Standards Committee
Meeting date:	13 th February 2024
Title of report:	Member Code of Conduct- Task and Finish Group Review
Report by:	Democratic Services
Decision Type:	Non Key
Ward(s) to which report relates	All

1. Introduction and Purpose of the Report

- Update Members of the Standards Committee on the results of the working group held on the 9th November 2023 and recommendations for elements of the revised code, to then be considered by all Members at Council.

2. Background

- In early 2023, Standards Committee proposed that a working group was established to review the current code of conduct and consider whether revisions should be made following the LGA's revised code of conduct.
- The membership of the working group was made for up of 3 Members of the Standards Committee (one from each party), one independent person and the Monitoring Officer.

3. Current position

Consideration was given to review the Council's existing Code of Conduct for Members following the publication of the Local Government Ethical Standards report produced by the Committee on Standards in Public Life (CSPL) and the Local Government Association's (LGA) Model Code of Conduct (LGA's Model Code).

Documents used at the working group included:-

- The existing Bury code of conduct
- Proposals to comply with The Local Government Ethical Standards report Best Practice recommendations

The 15 Best Practice recommendations were circulated prior to the meeting of the working group with an explanation to be completed of how Bury Council already complies or what steps it is taking in order to comply where it was considered appropriate.

The proposals submitted by the working group are included as appendix 1.

For background information, in terms of definitions of bullying and harassment outlined in Best Practice 1. The evidence received by the CSPL suggests that most allegations of code breaches relate to bullying and harassment. Bullying and harassment can have a significant impact on the wellbeing of officers and councillors who are subject to it. Individuals who are subject to bullying or harassment may be pressured to make decisions or act in ways which are not in the public interest. As such, it is important that bullying and harassment are dealt with effectively, and that a local authority's code of conduct makes provision to address these matters.

4. Recommendations

The sub-committee resolved to recommend to Standards Committee in the first instance their findings with an amended draft code produced by the Monitoring Officer before going to Full Council for approval of the Model Code.



Ethical Governance – February 2024

Helping to promote high standards of conduct

Welcome to the first edition of Bury MBC's Ethical Governance Update
This newsletter contains details of the following:-

- LGA proposed Monitoring Officers should be able to pro-actively withhold Councillor's addresses
- Official call for disciplinary action against elected Liverpool Councillors
- Committee on Standards in Public Life 'Leading in Practice'
- Consideration of The Local Government (Disqualification) Act 2022
- Reminder: register of interests
- Reminder: Dispensations

To save paper this newsletter is distributed via e-mail, if you would like a hard copy or want further information about any of the issues raised, please contact the Democratic Services team. Democratic.Services@bury.gov.uk

LGA proposal – Member's addresses

The Local Government Association has called for the Localism Act 2011 and associated regulations to be amended to explicitly allow monitoring officers to withhold Councillors' home addresses from the public register, without a specific incident or threat having been made.

The call, which has been made in a briefing ahead of a House of Lords debate on parliamentary democracy and standards in public life on Thursday (11 January), comes amid reports of increasing levels of toxicity in public and political discourse deterring people from standing for election.

As part of its appeal for reform, the LGA highlighted data it collated in 2023, which revealed that eight in 10 Councillors had experienced abuse or intimidation and felt personally at risk in the last year.

Councillors surveyed by the LGA said they had faced death threats, abusive and discriminatory language, character assassination and intimidatory behaviour.

In the same survey, some Councillors reported that having their personal information be very accessible and public left them feeling vulnerable in their local communities.

On home addresses, the LGA pointed out that MPs do not publish their home address on the public register of interests. Instead, there is a presumption that this address is kept confidential.

With Councillors, the opposite is true, it said. "Councillors must declare their pecuniary and other interests within 28 days of taking office or from when the interest arose. This often includes Councillors' home addresses, which are recorded on the public register of interests. If a Councillor does not want their address published on the public register, they must request that the Monitoring Officer treat it as a sensitive interest."

The monitoring officer must then agree that disclosing the details of the interest could lead to the member or a person connected with them being subject to violence or intimidation. "The sensitive interest is very broad and undefined, and this lack of clarity has led to a divergence between monitoring officers who believe that a specific incident or threat needs to have been made before a home address can be redacted and others who agree to withhold Councillors' addresses proactively," the LGA said.

"We would argue that the lack of clarity in the legislation is unhelpful to monitoring officers and Councillors and creates inconsistency across the sector."

It noted that the situation had created a 'postcode lottery' where some councils will redact home addresses for any Councillor who requests it, while others will only do so in cases where a risk can be demonstrated.

The relevant legislation should be amended to move towards the presumption that Councillors do not share their home addresses publicly as with members of parliament, the Association suggested.

The LGA also said that Councillors should be able to contact the police over security concerns through 'Single Points of Contact' (SPoCs). MPs and candidates in elections already have access to SPoCs, and areas like West Yorkshire Police in Leeds have already extended their SPoC arrangements to Councillors "and have not been overwhelmed", the LGA said.

Funding for security mitigations should also be implemented, according to the briefing, in order to give Councillors access to support similar to MPs, who benefit from home safety mitigations, such as security lights, ring doorbells, and better locks.

The LGA meanwhile called on the Government to work with social media companies to ensure that they understand and acknowledge the democratic significance of local politicians and provide better and faster routes for Councillors reporting abuse and misinformation online.

Official call for disciplinary action against elected Liverpool Councillors

Between 2015-2020, 14 current and former Councillors had their parking fines cancelled 'through the backdoor'. Liverpool City Council were unable to find any record of why they had cancelled 51 PCN's.

Councillors believed that they were acting in good faith and on the advice of senior officer who had told them that tickets received in the course of their duties could be rescinded. However, a senior officer confirmed that councillors were aware of the proper process for challenging parking tickets and had insisted the tickets were cancelled.

The council's interim chief executive said the practice was "an example of the unacceptable culture that pervaded parts of the council in the past" and that the previous poor practice did not reflect on the current parking service team. A Council spokesperson said "as part of our improvement journey following the publication of the Best Value inspection report by Max Caller in 2021, we have made many changes to our governance systems and processes".

Councillors receiving a parking ticket are advised to go through the standard appeals process. This process ensures that an authorised appeals case handler considers the response in a fair and appropriate way.

Leading in practice

The Committee for standards in public life will be reporting on 'Leading in Practice'. The committee will be looking at how the Nolan Principles might become more deeply woven into

all aspects of how organisations operate; it is obvious that rules, ethics structures and regulatory bodies only go so far.

The report which will share practical examples of how a range of organisations have tried to embed ethical values in their policies and practices, sometimes after a period of turmoil or scandal. Whilst not looking at political leadership specifically in this report but acknowledging the need for political and organisational leadership to work together for government to produce properly tested and robust policies and decisions.

<https://cspl.blog.gov.uk/2022/11/14/leading-in-practice-our-next-report/>

The chair of the Committee on Standards in Public Life (CSPL) has said there remains an urgent need to update and strengthen the structures in place in both central and local government for upholding standards. He noted the CSPL's 2019 report into local government standards and said that "the recommendations were well evidenced and supported by the sector, thanks to extensive input from local Councillors, officers, independent persons and the public who gave us their views.....the Committee has no remit to consider individual cases, but we continue to receive impassioned pleas from people caught up in local standards issues who feel the system is wholly inadequate. Democratic accountability via the ballot box is insufficient on its own; our system relies on checks and balances in between elections to deal with serious cases and maintain standards".

"Proactive and ongoing attention to standards will always be necessary to ensure the systems and processes are able to meet the challenges faced today and while it is understandable that major events can overtake, we can ill afford another scandal with the subsequent knock to public trust."

<https://cspl.blog.gov.uk/category/local-government/>

Previous reports on how the Nolan Principles can be promoted on the following issues are available:-

MP's expenses - <https://www.gov.uk/government/publications/twelfth-report-of-the-committee-on-standards-in-public-life-november-2009>

Contracting government services - <https://www.gov.uk/government/publications/the-continuing-importance-of-ethical-standards-for-public-service-providers>

and

Artificial intelligence - <https://www.gov.uk/government/publications/artificial-intelligence-and-public-standards-report>

Consideration of The Local Government (Disqualification) Act 2022

The Local Government (Disqualification) Act 2022 came into force on 28 June 2022. The act updates the disqualification criteria for local authority members subject to relevant notification requirements or orders due to sexual offences from standing for or remaining in office. The Act supports ensuring that the public continues to have confidence in their elected representatives and local democracy.

The disqualification criteria are not retrospective and so do not disqualify a person who became subject to any relevant notification requirements or a relevant order before the 2022 Act came into force.

Individuals that are made subject to the notification requirements set out in the Sexual Offences Act 2003 (known as 'being placed on the sex offenders register') or Sexual Risk Orders will be disqualified from holding elected office or standing for elections as Councillors, mayors, members of the London Assembly or Mayor of London.

Candidates for election to local government must now declare they are not disqualified from standing using prescribed 'Consent to Nomination' forms at nomination.

Reminder: Register of Interests

Members complete their register within the 28-day period of being elected as set out in our member Code of Conduct.

Members are reminded this is a live document and needs to be regularly reviewed regularly to ensure it is up to date. Failure to keep your register of interests up to date could lead to a complaint being received that it is not accurate and also misleading.

If any member is unsure if something should be registered and to update your register, please contact the Democratic Services Team.

Reminder: Dispensations

The Council may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest or a prejudicial interest.

All members are granted a dispensation by the Monitoring Officer prior to the annual budget setting meeting however if you wish to apply for a dispensation you will need to make an application to the Monitoring Officer in good time before the meeting.

If any member is unsure if they need to apply for a dispensation, then please contact the Democratic Service team or the Monitoring officer.

February 2024