

Standards Committee

Minutes of the meeting held on 2 November 2017

Present

Independent Co-opted Member: N Jackson – In the Chair
Councillors Andrews, Connolly, Cooley, Evans and Lanchbury
Ringway Parish Council: Councillor C O'Donovan

Independent Co-opted Member: G Linnell

Apologies

Independent Person: A Eastwood
Independent Person: S Beswick

ST/17/11 Minutes

Decision

To approve the minutes of the meeting held on 15 June 2017 as a correct record.

ST/17/12 Review of Planning Protocol

The Committee received the report of the City Solicitor which provided an overview on the operation and efficacy of the Council's Planning Protocol. The report included a proposal to revise the current Planning Protocol regarding the process for determining a site visit by the relevant Committee of the Council in the discharge of its statutory planning function (Planning and Highways Committee and Wythenshawe Area Committee). The Planning Protocol is included within the Council Constitution and reviewed annually. A copy of the proposed Planning Protocol Appendix relating to Site Visits was attached to the report submitted. The Committee was informed that an annual training session on the Planning Protocol would be taking place in November and an invitation would be made to all members of the Council to attend.

The Committee noted that the Protocol would be revised in order to provide clarity to members, officers and members of the public with regard to the process relating to site visits. The revised process would require detailed recording of the reasons given for a site visit in the minutes of the meeting.

The Committee commented that in view of the quasi-judicial nature of the committees dealing with planning matters it was important that all members of the committees received ongoing training on the planning protocol and any subsequent changes made. The point was made that ongoing training should also apply to committees and panels dealing with licensing matters.

The Committee recommended that the Planning Protocol be amended to require Planning and Highways Committee and Wythenshawe Area Committee members to attend ongoing training on planning matters.

Decisions

1. To note the position regarding the operation and efficacy of the Council's Planning Protocol.
2. To endorse the proposed changes to the Planning Protocol as detailed in the report submitted, subject to the inclusion of a mandatory requirement for members of Planning and Highways Committee and Wythenshawe Area Committee to attend ongoing training on planning matters.
3. To recommend that an explanatory note which makes reference to the protocol for site visits be included on the agenda in respect of every Planning and Highways Committee and Wythenshawe Area Committee.
4. To recommend that a briefing note be produced for all Councillors which sets out the changes made to the Planning Protocol and the Protocol for Site Visits.

ST/17/13 Whistleblowing Policy

The Committee received the report of the Head of Internal Audit and Risk Management which provided an update on changes made to the Whistleblowing Policy. The report included a summary of cases handled under the policy.

The Whistleblowing Policy had been updated to provide clarity in the process involved and to ensure impartiality in the event of an allegation being made against Internal Audit and/or the City Solicitor.

The following paragraph had been inserted at 3.31 of the policy:-

“Where allegations are made against Internal Audit, in order to ensure impartiality and integrity of the investigation, these allegations will be immediately referred to the City Solicitor who will make appropriate arrangements for an independent investigation to take place. Where allegations are made which may relate to both Internal Audit and City Solicitors, those allegations will immediately be referred to the Chief Executive, who will make arrangements for an independent investigation to take place.

To ensure transparency where any allegations are made in respect of Internal Audit, it may be appropriate that the Chair of Audit Committee and External Audit are made aware, on a confidential basis that such allegations have been made and the arrangements have been put in place to investigate them.”

The Committee referred to the monitoring of contract management arrangements regarding the process of dealing with complaints received against third party service providers. The Committee recommended that Council's procurement process should (if not already in place) include a requirement for tenderers to have a whistleblowing policy in place.

The Chair referred to the process to approve the changes to the Whistleblowing Policy and recommended that the Committee endorse the proposed changes to the Policy.

Decisions

1. To endorse the changes made to the Council's Whistleblowing Policy (as detailed in paragraph 3.31 of the Whistleblowing Policy submitted).
2. To note the summary cases as detailed in the report submitted.
3. To request that officers involved with Procurement arrangements ensure that the Council's Ethical Procurement Policy includes a requirement for all third party contractors to have a a whistleblowing policy and arrangements put in place to monitor complaints received against third party service providers.

ST/17/14 DCLG Consultation on Updating Disqualification Criteria for Local Authority Members

The Committee received the report of the City Solicitor which sought comments on the consultation paper issued by the Department for Communities and Local Government (DCLG). The consultation was part of the process to update the criteria that bar individuals from standing for, or holding office as a local councillor or directly elected mayor.

The current legislation restricted individuals from standing for or holding office as a local authority member where the individual has been convicted, within the previous five years or since their election, of an offence that carried a prison sentence of at least three months without the option of a fine and whether the sentence was suspended or not.

The Committee noted that the Government has proposed to amend the disqualification criteria so that anyone convicted of a serious crime regardless of whether it came with a custodial sentence would not be able to serve as a councillor. Individuals would be banned from standing for office if they were subject to:

- the notification requirements set out in the Sexual Offences Act 2003 (commonly referred to as 'being on the sex offenders register');
- a civil injunction granted under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014 ('the 2014 Act '); or
- a Criminal Behaviour Order made under section 22 of the 2014.

The new rules would apply to councillors and mayors in parish, district, county and unitary councils, London Boroughs and the Greater London Assembly. The proposed changes would not be retrospective.

The Committee was requested to consider whether the Council should respond to the DCLG consultation and, if so, provide comments on the six questions included in

the consultation paper. The deadline for responses to the consultation was 8 December 2017.

The Chair read out the questions from the consultation and invited the Committee to respond.

Question 1. Do you agree that an individual who is subject to the notification requirements set out in the Sexual Offences Act 2003 (i.e. who is on the sex offenders register) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Response - The Committee agreed with the question.

Question 2. Do you agree that an individual who is subject to a Sexual Risk Order should not be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Response - The Committee did not agree with the question.

Question 3. Do you agree that an individual who has been issued with a Civil Injunction (made under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014) or a Criminal Behaviour Order (made under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Response - The Committee agreed with the question where the issuing of a Civil Injunction or Criminal Behaviour Order related to an adult. The Committee agreed that the proposal should not be retrospective and such orders should only be taken into account where made in respect of someone who was an adult at the time of making of the Order,

Question 4. Do you agree that being subject to a Civil Injunction or a Criminal Behaviour Order should be the only anti-social behaviour-related reasons why an individual should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Response - The Committee agreed with the question

Question 5. Do you consider that the proposals set out in this consultation paper will have an effect on local authorities discharging their Public Sector Equality Duties under the Equality Act 2010?

Response - The Committee did not believe that the proposals set out in the consultation paper would have an effect on local authorities discharging their Public Sector Equality Duties under the Equality Act 2010.

Question 6. Do you have any further views about the proposals set out in this consultation paper?

Response – The Committee expressed the view that:

- Consideration should be given to the reinstatement of powers to the Standards Committee to impose sanctions which were in place prior to the Localism Act changes on Councillors for breach of the Council's Standards code.
- All Councillors and prospective Councillors should be able to demonstrate that they could pass Disclosure and Barring Service (DBS) checks or a similar regime.

Decisions

1. To note the report.
2. To agree that the Monitoring Officer, in consultation with the Chair of the Committee, draft a response to the DCLG consultation paper taking into account the responses and views expressed by the Committee, as detailed above.

ST/17/15 Updating on Providing Written Guidance to Members on “Whether a Gift is a City Gift or a Personal Gift”

The Committee received a verbal update regarding guidance on the procedure regarding the Register of gifts and hospitality.

The Committee was informed that specific reference to the position of the Lord Mayor could be included in the gifts and hospitality guidance for Members within the Council Constitution, however, the Committee were asked to consider whether separate guidance may be required.

Decisions

1. To note the update
2. To request the City Solicitor to submit a report to the next meeting to provide guidance on the receipt of gifts by the Lord Mayor.

ST/17/16 Report on Annual Report and Forward Plan of the Committee on Standards in Public Life

The Committee received a report from the City Solicitor that provided an overview of the Annual Report and Forward Plan of the Committee on Standards in Public Life.

The Committee on Standards in Public Life is an independent advisory non-departmental public body. In July 2017 the Committee published its Annual Report

for 2016/17 and a Forward Plan to provide an overview of the activities undertaken by the Committee during the year.

A copy of the Annual Report 2016-17 and Forward Plan 2017-18 was circulated at the meeting.

It was reported that the Committee on Standards in Public Life is proposing to conduct a Review of Local Government Standards in 2018. The Forward Plan referred to a consultation that would started at the beginning of 2018 that will help to inform the Review.

Decision

To note the report and the Annual Report and Forward Plan of the Committee on Standards in Public Life.

ST/17/17 Work Programme

The Committee received the report of the Governance and Scrutiny Support Unit which set out the work programme for forthcoming meetings.

The Chair reported that it was her aim that there would be a root and branch review of each document within the Work Programme on a rolling every three years and an annual report on the operation and /or efficacy of each document to help demonstrate how the protocols were operating. The information produced from the reports would then feed into the Annual Standards Report and Annual Governance Statement.

Reference was made to the Members Code of Conduct and the project to review the current document by Monitoring Officers across the Greater Manchester Authorities. The Committee requested that in view of the age of the Members Code of Conduct the subject be included in the March 2018 meeting of the Committee. In addition it was requested that the report on Social Media Guidance for Members be brought forward to the March 2018 meeting.

Decisions

1. To note the work programme.
2. To request an update on revisions to the Members' Code of Conduct be submitted to the March 2018 meeting of the Committee.
3. To request that a report on the Guidance on Social Media Guidance for Members be brought forward the March 2018 meeting of the Committee.