

Standards Committee

Minutes of the meeting held on Thursday, 1 November 2018

Present: N Jackson – in the Chair

Councillors: Andrews, Connolly, Cooley, Evans, Kilpatrick, Lanchbury, O'Donovan (Ringway Parish Council)

Apologies: Mr G Linnell

ST/18/15. Minutes

To approve as a correct record the minutes of the meeting on 14 June 2018. In approving the minutes the committee noted that work that was underway on encouraging the take-up of member training opportunities.

ST/18/16. Draft Code of Corporate Governance

A report submitted by the Deputy Chief Executive proposed a revised draft Code of Corporate Governance for the Council. The report explained that the Code had been revised to ensure that it continued to accord with the relevant published guidance. Compliance with the new version of the Code was to be monitored by means on the Council's Annual Governance Statement.

The key changes that had been made to the Code were outlined in the report. The revised version now incorporated the Our Manchester Strategy of the Council. It also included references to the General Data Protection Regulation (GDPR) and Data Protection Act 2018; to CIPFA and IFAC's "Delivering Good Governance in Local Government: Framework (2016)". Other revisions had been made relating to the Council's Capital Strategy and the policies of the Greater Manchester Combined Authority.

Subject to the views of the Committee at this meeting, the process the draft would next follow was explained. The draft would go on to be considered by the Audit Committee and then be submitted to the Council in January for adoption.

The Committee welcomed the revised version of the Code of Corporate Governance. In relation to GDPR, a member questioned whether the Code should say more on the individual responsibilities of Councillors as data controllers in their own right, and the risks associated with that status. The member also asked if consideration could be given to the wording used to describe the Council's engagement with stakeholders, citizens and service users to give more emphasis to the ways in which the Council worked with service users and other stakeholders.

The officer presenting the report confirmed that the consideration of further revisions to the wording of the draft document would continue as it was made ready for submission to the Audit Committee and then to the Council.

Decision

To welcome and endorse the proposed revised draft Code of Corporate Governance.

ST/18/17. Members' Update on Ethical Governance

The City Solicitor asked the Committee to consider a draft of the next edition of the "Update on Ethical Governance" which is periodically issued to all Councillors. The draft edition was intended to update councillors on matters and recent events relating to:

- Standards in Public Life address
- Freedom of Information Tribunal decision – complaints and councillors' personal data
- Councillor cleared of Freedom of Information Act offence
- Councillor pleads guilty to posting offensive messages on social media
- Gifts and Hospitality
- Members Interests

Subject to requesting the amendment to the Freedom of Information Tribunal decision item to specify the name of the Council or to anonymise all for consistency with other items, the Committee agreed that the document should be promulgated within the Council.

Decision

To request that the draft be revised and then issued to all Councillors.

ST/18/18. Planning Protocol

In November 2017 the Committee had considered a report on the Council's Planning Protocol. The Protocol was one of the Codes included in Part 6 of the Council's Constitution. The purpose of the Protocol was to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way. In November 2017 the Committee had made three recommendations: on mandatory training for members involved in deciding on planning applications; on including on the agenda for committee meetings an explanatory note about the protocol for site visits; and that a briefing note on the Protocol be produced for all Councillors (Minute ST/17/12).

A report was now submitted by the City Solicitor to describe the operation of and efficacy of the Planning Protocol as revised by the Council in May 2018 (Minute CC/18/50), and how the Committee's recommendations from November 2017 had been implemented.

The Mandatory training called for had taken place in May 2018, following the changes in the Planning and Highways Committee's membership after the local elections in May. A mid-year follow-up to that training was being planned. A note on the importance of the Protocol and its application to site visits was now part of every Planning and Highways Committee agenda. Training was also being arranged for all members of the Council on planning obligations and the operation of and purpose of Section 106 Agreements.

The Committee agreed that in general the Protocol continued to be effective and welcomed the steps taken to implement the decisions made in November 2017.

Decision

To note the report.

ST/18/19. Standards Committee Annual Report

The City Solicitor submitted a report to update the Committee on matters within the remit of the Committee since March 2018. It was proposed that this be the Annual Report of the Committee for 2018. The Committee had agreed to the timing of the production of the Annual Report being revised so that it could become part of the evidence the Council used to compile the Annual Governance Statement. This version was for less than 12 months as it was the first produced under the new annual timetable.

A member queried whether the inclusion of the word "Purdah" in the outcome of complaint CCM2018.03 might lead some readers to infer that the Purdah regulations were in some way relevant to the consideration of this complaint, rather than just being a reference to a particular time of the year.

Decisions

1. To Note the work done since March 2018.
2. That this Annual Report now be submitted to the Council.

ST/18/20. Whistleblowing Policy

The overview of the Council's Whistleblowing Policy is part of the remit of the Committee. The Head of Audit and Risk Management submitted a review of the operation of the policy and on changes and updates to the policy and related procedures. The report explained the training that some Council staff had received to further improve the handling of matters raised by whistleblowers.

Members of the Committee queried the application of the policy to the recipients of services provided by the Council's contractors, in particular vulnerable people who were being supported by care agencies commissioned by the Council, and how the policy aligned with the Council's safeguarding arrangements for such people.

Members also sought assurance on how, in those sorts of situations, the service user would be informed of the outcome of the concern they had raised.

An explanation was given on how whistleblowing was incorporated into the Council's commissioning of external providers and how a variety of sources of intelligence were used to identify and respond to issues and areas of concern.

Having discussed the issues raised the Committee agreed that when the Policy is next revised it should include more clarity and detail on the whistleblowing procedures that are available to services users who have concerns about a contractor providing services on behalf of the Council.

Decisions

1. To endorse the report.
2. To recommend to the Audit Committee, when it is next considering a revision of the Whistleblowing Policy, that information be included on arrangements for whistleblowing by services user about contractors.

ST/18/21. Consideration of the introduction of DBS checks for all Members

A report by the City Solicitor asked the Committee to consider whether Disclosure and Barring Service (DBS) checks should be undertaken for some or all elected and co-opted members serving on the Council and its committees. The report explained the different levels of check that are available and the information each would disclose: a basic check, a standard check and an enhanced check. It also examined the different roles that councillors and co-opted members undertake in the Council and explained the significance of "regulated activities" and "saved regulated activities" as defined by the Protection of Freedoms Act (2012), and which activities undertaken by councillors would be considered to be regulated activities.

The present arrangements were described: councillors who sit on Fostering or Adoption Panels, and those who undertake Regulation 44 inspections of children's homes are required to have an enhanced check.

The report examined a range of options for the committee to consider: from ending the requirement for any checks on any councillors; maintaining the present arrangements; introducing more enhanced checks for those members involved in "saved" regulated activities; up to introducing basic checks for all councillors and co-opted members.

The committee supported the continuation of the present arrangements and introduction of the further options as set out in the report, with councillors involved in saved regulated activities needing an enhanced check, and all other councillors and co-opted members being asked to agree to a basic check that they share with the Council. The committee noted that no member could be compelled by the Council to have a basic check, but suggested that information on the number of councillors who had done so should be published each year. Councillors who already had a valid

current check as a result of a role outside the Council would not need to have a second check done for the Council. The Committee also agreed that that it will be important for there to be well-written guidance on the arrangements relating to DBS checks for councillors which political parties could use for candidates that want to stand for election to the Council. The Committee also agreed that this should form part of the induction training for newly elected Councillors.

Decisions

To recommend to Council that it:

- (a) continues to carry out enhanced DBS checks with a check of the barred lists of members who sit on the Fostering and Adoption Panels or who undertake regulation 44 inspections of children's homes;
- (b) undertakes enhanced DBS checks, with a check of the barred lists, for all other elected and co-opted members who undertake "saved" regulated activities, namely
 - all members of the Executive,
 - all members of the Health and Wellbeing Board,
 - all members of the Children and Young People Scrutiny Committee,
 - all members of the Health Scrutiny Committee; and
- (c) requests all other members and co-opted members to agree to basic disclosure checks.

ST/18/22. Work Programme

The committee considered its work programme for its next three meetings, noting the items of business that were scheduled for each of the meetings. The committee agreed the proposals and requested that Social Media Guidance for Councillors be considered in March 2019 at the latest so that any revised guidance was issued before the 2019 local elections.

Decision

To note the report and agree the change to when Social Media Guidance will be considered by the Committee.