

ITEM NO: 7

STANDARDS COMMITTEE

8 September 2015

Commenced: 4.00 pm

Terminated: 5.10 pm

Present: Mrs Valerie Bracken (Chair)
Councillors M Smith and J Lane, Town Councillor D Aylett and Mrs J Barnes

Also in attendance: Sandra Stewart, Executive Director, Governance and Resources (Monitoring Officer)

Apologies for absence: Councillors Bell, Kitchen and S Quinn and the Chief Executive

1. CHAIR'S OPENING REMARKS

The Chair welcomed Town Councillor Dean Aylett, Mossley Parish Council representative, to this his first meeting of the Standards Committee.

2. DECLARATIONS OF INTEREST

There were no declarations of interest submitted by members of the Standards Committee.

3. MINUTES

The Minutes of the proceedings of the Standards Committee held on 17 March 2015 were taken as read and signed by the Chair as a correct record.

In relation to Minute 21 – Code of Conduct for Campaigners: Electoral Registration, Postal Voting, Proxy Voting and Polling Stations – the Executive Director (Governance and Resources) was pleased to advise that all candidates and agents had signed up to and complied with the Code of Conduct to ensure the ethical governance relating to the process was maintained at the Parliamentary, Local and Parish Elections held on Thursday 7 May 2015 and no complaints had been received. The Chair added her thanks to candidates and agents for complying with the Code of Conduct during the elections.

Reference was also made to guidance issued asking those involved in campaign activity to adhere to general principles around the use of social media. It was recognised that the use of social media was a powerful tool for encouraging voter participation and communicating quickly and directly with electors. It presented both opportunities and challenges and particular care had to be taken to ensure the requirements of electoral law were met.

4. ETHICAL INDUCTIONS ARE A GOOD WAY TO START

The Executive Director (Governance and Resources) introduced her report explaining that the new Parliamentary term began with 177 first-time MPs taking up their seats in Westminster and as new public office holders officially signed up to the Seven Principles of Public Life. The Committee on Standards in Public Life stated that their research confirmed that these principles represented the

public's expectation of the standards of behaviour of those who served them. Last year, the Committee on Standards in Public Life reported on the fact that Parliament was behind the curve in terms of ethical induction and called for this to be addressed. The challenge was to heighten awareness of the ethical principles, and to do so across the political system and this required a degree of cross-party commitment.

In line with this Tameside's newly elected Councillors also had undertaken an induction programme including being advised on standards and ethics. All elected Councillors received an email copy of the IDeA's Councillors Guide (**Appendix A**) published, April 2015. The IDeA, owned by the Local Government Association, was the lead on local government improvement. The new edition of the 'Councillor's Guide', which has been revised and updated to reflect the latest legislation and thinking concerning local government in England, provided information on:

- being a councillor;
- civic life;
- community leadership; and
- useful contacts.

The Guide had been provided at Tameside to all new members on induction and was also being used as an induction tool for new employees as a useful resource for understanding the legislative and political framework within which local government operated.

The Committee was pleased to note that all newly elected members had received ethical framework training and had asked questions about registering their interests correctly and appropriately. The 100% turnout for the sessions was also very positive.

RESOLVED

That the content of the report be noted and that all newly elected members had received ethical framework training.

5. GOVERNANCE TOOLKIT FOR MOSSLEY TOWN COUNCIL

The Monitoring Officer introduced a report presenting and summarising two documents on guidance provided to the Clerk and the new Mossley Town Parish Council following the elections on 7 May 2015.

Nationally, principal local authorities continued to receive comments and concerns about activity of parish councils in their areas. Accordingly, the Council had taken steps to support the Clerk to the Parish Council by providing advice and a copy of the National Association of Local Councils, the Society of Local Council Clerks publication which is an important guide for parish councillors together with guidance on governance and accountability to share with the Town Councillor to ensure they properly understood their role and the ethical framework within which they operated.

Standards Committee Members also noted the contents of a second document, designed primarily as an aide memoire for Parish and Town Council Clerks to help ensure good governance. It provided helpful and useful advice that equally applied to a Metropolitan Council.

RESOLVED

That the guidance received by the Mossley Town Council for the new Parish Council elected for 5 years on 7 May 2015 to ensure that Town Councillors were kept up to date with the standards and ethical framework agenda be noted. It was also agreed that the Clerk to the Standards Committee would email the Committee's agendas and reports to the Clerk to share as appropriate with the Town Council

6. CHARITY COMMISSION – NEW GUIDANCE ON TRUSTEES RESPONSIBILITIES

Consideration was given to a report of the Executive Director (Governance and Resources) explaining that the Charity Commission had consulted on a new draft version of their guidance last autumn, and whilst most people who responded said they found it helpful and preferred it to the previous version, a significant minority felt it needed a more supportive tone. The Commission had listened to this feedback and felt it achieved the right balance in making it clearer to trustees what the law expected of them. Being a trustee was a serious responsibility, and many of the Council's elected members as community leaders took on this role either on behalf of the Council or to support their local communities. The updated 'Essential trustee' broke down the trustee's role into 6 clear duties:

- ensure your charity is carrying out its purposes for the public benefit;
- comply with your charity's governing document and the law;
- act in your charity's best interests;
- manage your charity's resources responsibly;
- act with reasonable care and skill; and
- ensure your charity is accountable.

Under each heading, the Commission explained the legal requirements that trustees must meet, and the good practice they needed to follow, to operate effectively and comply with their duties.

The Committee heard that even if someone had been a trustee for many years, they would still benefit from looking at the new guidance and brushing up on their legal duties and essential good practice. The Commission made it clear that trustees were expected to follow good practice, applying it appropriately to their charity's circumstances.

The Charity Commission had found that serious concerns about a charity had their root causes in weak governance and trustees had failed to comply with their governing document, dealing with conflicts of interest, or implementing sufficient procedures and controls. It created opportunities for serious wrongdoing such as fraud or abuse of beneficiaries. The new guidance provided practical examples of how to avoid some common pitfalls, for example, ensuring a trustee understood the governing document, asked questions and understood the charity's finances.

Standards Committee Members commented that it was important for Elected Members in Tameside to feel confident when agreeing to be trustees of a charity that they understood the rules to ensure the charity was running in a legal, accountable and effective way and would support a training session being arranged on the new guidance. In addition, it was suggested that this subject should also be included in the induction programme for newly elected members.

RESOLVED

- (i) **That the guidance be shared with Elected Members and a training session be arranged in conjunction with other GM authorities for Elected Members who were trustees of charities.**
- (ii) **That the guidance also be included in the induction programme for newly elected members.**

7. FREEDOM OF EXPRESSION LEGAL FRAMEWORK

The Committee recalled that they have previously approved guidance and training for both members and staff about the benefits of Social Media and also the pitfalls. The Equality and Human Rights Commission had issued a guide that explained the legal framework, which protected freedom of expression and the circumstances in which that freedom might be restricted in order to prevent violence, abuse or discrimination.

The guidance explored the boundaries between freedom of expression, unlawful discrimination and harassment, and hate speech. It also considered various contexts in which freedom of expression was curtailed. There were, of course, other aspects of the right to freedom of expression (such as privacy, libel and defamation) which would be covered in future publications.

There is considerable debate at both national and international levels about what types of contentious language or communication should be either permitted or prohibited.

The Equality and Human Rights Commission have therefore set out in this guidance the legal framework in Great Britain.

RESOLVED

That the guidance be communicated more widely and a simple guidance note be produced by the Council's communications team for sharing with Elected Members and staff.

8. DELIVERING GOOD GOVERNANCE IN LOCAL GOVERNMENT

The Executive Director (Governance and Resources) presented a report advising that the CIPFA/SOLACE Joint Working Group on Good Governance in Local Government was consulting on a revised Framework for Delivering Good Governance in Local Government.

Local authorities were set for further reductions in government funding over the course of this Parliament and to cope in this time of unprecedented change, they would need to continue to adapt the way in which they operated. Local authorities had responded to austerity through increased collaboration; developing their role as 'enablers' and making further use of alternative delivery vehicles for public service provision.

It was therefore crucial that Leaders and Chief Executives kept their governance arrangements up to date and relevant. In response, CIPFA and SOLACE were undertaking a fundamental review of the Framework: Delivering Good Governance in Local Government to ensure that it remained 'fit for purpose'. The main principle underpinning the development of the new Framework continued to be that local government was developing and shaping its own approach to governance, taking account of the environment in which it now operated.

The revised Framework also built on the *International Framework: Good Governance in the Public Sector (CIPFA/IFAC 2014)*. The *International Framework* placed sustainable economic, societal and environmental outcomes as a key focus for governance processes and structures. It emphasised the importance of considering the longer term and the links between governance and public financial management – all key considerations for local authorities in today's climate.

RESOLVED

That the intention of the Greater Manchester Lawyers to respond to the consultation questions to enable this key governance guidance be noted.

9. REGISTER OF INTERESTS AND GIFTS AND HOSPITALITY

The Executive Director (Governance and Resources) advised that the Register of Interests and Gifts and Hospitality were available at the meeting for inspection. She advised that she intended to refresh the Council's protocol for circulation to Elected Members and employees reminding them of the Council's expectations on gifts and hospitality.

10. DISCUSSION PERIOD

The following items were raised during the discussion period:

Transfer of Children's 0-5 years public health services

In response to a question from the Chair regarding the transfer of health commissioning responsibilities for children aged 0-5 from NHS England to local authorities on the 1 October 2015, the Executive Director (Governance and Resources) advised that the Council had commenced its planning for the transfer some months ago. It was working closely with its partners on commissioning responsibilities including financial allocations, implementing and monitoring a workforce plan and understanding the impact this would have on families in Tameside.

Local News Publications

Mrs Barnes stated that the Tameside Advertiser and The Citizen, the Council's quarterly news publication, both valuable sources for local information, were no longer being delivered in her area. The Executive Director (Governance and Resources) advised that a review of how the Council engaged with the public including the distribution of the The Citizen was being undertaken and she agreed to keep Standards Committee members updated.

11. URGENT ITEMS

The Chair advised that there were no urgent items for consideration at this meeting.

12. DATE OF THE NEXT MEETING

It was noted that future meetings of the Standards Committee would take place on the following dates:

Tuesday 8 December 2015

Tuesday 5 April 2016

CHAIR