

## NOTICE OF MEETING

**COMMITTEE : STANDARDS COMMITTEE**

**DATE : MONDAY, 14 SEPTEMBER 2015**

**TIME : 18:00**

**PLACE : COMMITTEE ROOM 3  
TOWN HALL, LUTON, LU1 2BQ**

**COUNCILLORS : M. J. DOLLING  
HUSSAIN  
MOLES  
PETTS  
WORLDING**

**INDEPENDENT MEMBERS: MR J. JONES (CHAIR)  
MR J. HEARNshaw (VICE-CHAIR)  
MS P. BRENNAN  
MRS M. BRIGGS  
MS M. WILLIAMS**

**QUORUM : 5 MEMBERS (INCLUDING AT LEAST 2  
INDEPENDENT MEMBERS)**

Name (01582 547149)

### **INFORMATION FOR THE PUBLIC**


**PURPOSE:** This Committee considers any allegations that a Member has breached the Council's Code of Conduct for Members, relevant Standing Orders or the National Code of Local Government Conduct; it advises individual Members on matters of conduct; and advises and makes recommendations to the Council on training for Members on issues of conduct.


This meeting is open to the public and you are welcome to attend.

For further information, or to see the papers, please contact us at the Town Hall:

**IN PERSON**, 9 am to 5 pm, Monday to Friday, or

**CALL** the Contact Officer (shown above).

An induction loop  facility is available for meetings held in Committee Room 3.

Arrangements can be made for access to meetings for  disabled people.

If you would like us to arrange this for you, please call the Contact Officer (shown above).

# AGENDA

<i>Agenda Item</i>	<i>Subject</i>	<i>Page No.</i>
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## EMERGENCY EVACUATION PROCEDURE

### **Committee Rooms 1, 2, 4 & Council Chamber:**

Turn left, follow the green emergency exit signs to the main town hall entrance and proceed to the assembly point at St George's Square.

### **Committee Room 3:**

Proceed straight ahead through the double doors, follow the green emergency exit signs to the main Town Hall entrance and proceed to the assembly point at St George's Square.

1	<b>APOLOGIES FOR ABSENCE</b>	
2	<b>MINUTES</b>	
2.1	<b>19th May 2015</b>	4 - 4
3	<b>SECTION 106, LOCAL GOVERNMENT FINANCE ACT 1992</b> Those item(s) on the Agenda affected by Section 106 of the Local Government Finance Act 1992 will be identified at the meeting. Any Members so affected is reminded that (s)he should disclose the fact and refrain from voting on those item(s).	
4	<b>DISCLOSURES OF INTEREST</b>  Members are reminded that they must disclose both the existence and nature of any disclosable pecuniary interest and any personal interest that they have in any matter to be considered at the meeting unless the interest is a sensitive interest in which event they need not disclose the nature of the interest.  A member with a disclosable pecuniary interest must not further participate in any discussion of, vote on, or take any executive steps in relation to the item of business.  A member with a personal interest, which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgment of the public interest, must similarly not participate in any discussion of, vote on, or take any executive steps in relation to the item of business.  Disclosable pecuniary interests and Personal Interests are defined in the Council's Code of Conduct for Members and Co-opted members.	

- 5           **URGENT BUSINESS**  
The Chair to report on any business which is considered to be urgent and which should be discussed at the meeting in accordance with Section 100B(4)(b) of the Local Government Act 1972 and to determine when, during the meeting, any such business should be discussed.

## **REPORTS**

- |    |   |         |
|----|---|---------|
| 6  | <b>Complaints Against Members - Oral Report</b><br>(Report of the Head of Human Resources&Mon. Officer)         | 5 - 5   |
| 7  | <b>Annual Report 2014 to 2015 Standards Committee</b><br>(Report of the Head of Human Resources & Mon. Officer) | 6 - 22  |
| 8  | <b>Whistleblowing Policy - Annual Report</b><br>(Report of the Head of Human Resources & Mon. Officer)          | 23 - 34 |
| 9  | <b>Media Protocol Sep 2015</b><br>(Report of the Press and PR Manager)  | 35 - 38 |
| 10 | <b>Work Programme Report</b><br>(Report of the Head of Human Resources & Mon. Officer)                          | 39 - 41 |

- 11           **LOCAL GOVERNMENT ACT 1972, PART VA**  
To consider whether to pass a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting during consideration of any item listed above if it is likely that if members of the public were present during those items there would be disclosure to them of exempt information falling within the Paragraphs of Part 1 of Schedule 12A to the Local Government Act 1972.

# STANDARDS COMMITTEE

19<sup>th</sup> May 2015 at 6.26 p.m.

PRESENT: Councillors M. J. Dolling, Hussain, Moles, Petts and Wordling. Mr. J. Jones and Mr. J. Hearnshaw, (Independent Members)

## 1 ELECTION OF CHAIR (REF: 1)

**Resolved:** That Mr John Jones be elected Chair of the Standards Committee for the ensuing Municipal Year.

## 2 ELECTION OF VICE CHAIR (REF: 2)

**Resolved:** That Mr. J. Hearnshaw be elected Vice Chair of the Standards Committee for the ensuing Municipal Year.

## 3 CONSULTATION WITH MEMBERS (REF: 7)

**Resolved:** That the Chair and Vice Chair be appointed as the Members of the Committee whom Chief Officers are required to consult before taking action previously delegated for specific functions not forming part of the previous Scheme of Delegation to Officers where consultation with Members has been specified and urgent action for which power is not delegated to Officers.

## 4 MEMBERSHIP OF THE LOCAL ASSESSMENT, LOCAL ASSESSMENT REVIEW AND LOCAL ADJUDICATION PANELS (REF: 8)

**Resolved:** That the Local Assessment, Local Assessment Review and Local Adjudication Panels as set out at Appendix 1/15 to these minutes be approved.

**(Note: The meeting ended at 6.27 p.m.)**

**AGENDA ITEM****6****COMMITTEE: STANDARDS****DATE: MONDAY 14<sup>TH</sup> SEPTEMBER 2015****SUBJECT: COMPLAINTS AGAINST MEMBERS****REPORT BY: HEAD OF HR AND MONITORING OFFICER****CONTACT OFFICER: ANGELA CLARIDGE****TEL: 01582 546291****IMPLICATIONS:****LEGAL**

✓

**COMMUNITY**☐**SAFETY****EQUALITIES**☐**ENVIRONMENT**☐**FINANCIAL**☐**OTHER**☐**STAFFING**☐**OTHER****WARDS AFFECTED:**

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**ORAL REPORT**

**AGENDA ITEM****7****COMMITTEE: STANDARDS****DATE: MONDAY 14<sup>TH</sup> SEPTEMBER 2015****SUBJECT: DRAFT ANNUAL REPORT OF STANDARDS COMMITTEE****REPORT BY: MR. JOHN JONES (INDEPENDENT CHAIR)****CONTACT OFFICER: ANGELA CLARIDGE****TEL: 01582 546291****IMPLICATIONS:****LEGAL**

✓

**COMMUNITY**☐**SAFETY****EQUALITIES**☐**ENVIRONMENT**☐**FINANCIAL**☐**OTHER**☐**STAFFING**☐**OTHER****WARDS AFFECTED: NONE**

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**PURPOSE**

1. The purpose of this report is to submit to the Committee the draft Annual Report for the Municipal Year 2014/15.

**RECOMMENDATION(S)**

2. That the Committee approves the Annual Report in the form of the draft submitted, subject to any modifications they may wish to make, and forward the Annual Report to Full Council.

**BACKGROUND**

3. It has become the practice of the Committee to submit an Annual Report to Full Council detailing the activities of the Committee during the previous Municipal Year. I have, therefore, submitted a draft Annual Report for the approval of the Committee. Subject to the approval of the Committee and any amendments made by the Committee, the Annual Report will be submitted to Full Council.

## **LEGAL IMPLICATIONS**

4. There are no legal implications and this was agreed with Head of HR and Monitoring Officer on 4<sup>th</sup> September 2015.

## **EQUALITIES IMPLICATIONS**

5. There are no equalities implications to this report.

## **APPENDICES**

6. The following appendices attached to this report:

Appendix A: Draft Annual Report of Standards Committee for the Municipal Year 2014/15

Appendix 1: Members Attendance – May 2014 – May 2015

## **LIST OF BACKGROUND PAPERS** **LOCAL GOVERNMENT ACT 1972, SECTION 100D**

There are no background papers to this report.

**ANNUAL REPORT**  
**LUTON BOROUGH COUNCIL**  
**STANDARDS COMMITTEE**  
**Municipal Year 2014-15**

**(1) Introduction**

This is the Tenth Annual Report of the Standards Committee, established under the Local Government Act 2003.

It is constituted (as at May 2015) as follows:

<i>Elected Members</i>	Cllr Michael Dolling
	Cllr Mahmood Hussain
	Cllr Diane Moles
	Cllr Jeff Petts
	Cllr Don Worlding

<i>Independent Members</i>	Mr John Jones (Chair)
	Mr James Hearnshaw (Vice-Chair)
	Mrs Maureen Briggs
	Mrs Paula Brennan
	Mrs Madeleine Williams

Note: It is required that each of the local assessment, review and adjudication panels should be chaired by an Independent Member and that an elected Member should also be present.

At the Annual Meeting on 20th May 2014, Mr J Jones was elected Chair and Mr J Hearnshaw Vice Chair of the Committee. During the year the Committee was pleased to welcome Paula Brennan as an Independent Member.

The membership of the various panels referred to above was established at a brief meeting following the Annual Meeting of Council.

As members will be aware, following the Localism Act, this Committee changed into an Advisory Committee, with its existing role of advising, monitoring, and training of members in matters concerning the correct observance of the Code of Conduct. Additionally, the Committee retained its role in adjudication in the event of an allegation of a breach of the Code being brought before it, and of recommending Full Council what sanction should be imposed in the event of that breach being proved.



Furthermore the Committee are expected to work with the appointed Independent Persons whom all Public Authorities are required to consult in the event of a complaint being made to the Monitoring Officer. It should be noted that, as the existing Independent Members of the Committee continued their period of appointment beyond the 1st of July 2012, none of them is eligible to act as Independent Person for this authority.

As there is no appeal path for any decisions which may be made concerning breaches of the Code, apart from that of judicial review, consideration has been given to the implications which this may have and members alerted to how this may affect the way in which complaints are processed, in particular when the complaint has been made by:

- a) The Executive Leader
- b) A member of the Standards Committee
- c) The Council's Chief Executive
- d) The Council's Monitoring Officer (or a Deputy)
- e) The Council's Chief Finance Officer (for the purposes of Section 151 of the LGA 1972).

or against one of the Group Leaders or a member of the Standards Committee.

This situation did arise during the current year and the Local Assessment Panel which was called to consider the matter was satisfied that it could handle the assessment (which resulted in an Investigation, currently in progress).

## **(2) Members Attendance**

In the Annual Reports of recent years I have published the official attendance figures for the various committees of the Council. These are taken from the CMIS record and members were advised to check regularly the accuracy of these figures during the year. These figures are attached as Appendix 1.

It is recognised that this record is not intended to reflect in any way the amount of work which Members may undertake, outside the various committees and bodies mentioned, in particular work with outside organisations and for constituents. It is information which can be obtained by trawling the website and is therefore intended to provide a summary, rather than a commentary, on each member's attendance.

## **(3) Breaches of the Code**

I can report that during the municipal year there were five allegations of breaches of the Code brought before the Committee, four of these were assessed as requiring no further action and one has gone forward for investigation and the Committee is awaiting the Investigator's Report and the consequent Adjudication.

#### **(4) Council Monitoring**

Throughout the year the meetings of Full Council have been monitored on a regular basis by the Independent Members of the Standards Committee.

On checking the feedback from the independent members I can report that in general the behaviour of members is reasonably high but comments have been made by the independent monitors that some portfolio holders are not always on top of their subjects. It would have been helpful if more time on preparation (with the assistance of the relevant officers) had been undertaken in anticipation of likely opposition questions. Whilst this is not constitutionally within our remit we have in the past taken the view that anything which might reflect badly on the council should be noted and commented on. It has also been noted that the ability to chair meetings (including full Council) can be variable and we have recommended that consideration to chairs undertaking Chairmanship Training would be helpful.

Finally, I cannot close this Report without mentioning the support which has been provided to the Committee (as well as to me personally) by Angela Claridge in her role as Monitoring Officer. I have enjoyed working with her and the rest of the legal team.

I would also like to acknowledge the support provided by Democratic Services who are always willing to go that extra mile to support me in this role.

I know I speak on behalf of all the Independent Members of the Standards Committee when I thank all those concerned for their help and support.

John Jones  
Independent Chair,  
Standards Committee

September 2015

## Appendix B to Annual Report

### MEMBER ATTENDANCE – MUNICIPAL YEAR MAY 2014 TO MAY 2015

<b>Councillor Akbar</b>	<b>Committee</b>	<b>Number of meetings held</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	7	88%
	West Luton Area Board	3	3	100%
	Executive	13	11	85%
	Health & Wellbeing Board	5	3	60%
	Local Plan Working Party	4	3	75%
	Young Peoples Panel	5	3	60%
<b>TOTALS:</b>		<b>38</b>	<b>30</b>	<b>79%</b>
<b>Councillor Ashraf</b>	<b>Committee</b>	<b>Number of meetings held</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	8	100%
	Executive	13	13	100%
	Airport Board	6	6	100%
	Appointments Panel	1	1	100%
	South Luton Area Board	3	3	100%
<b>TOTALS:</b>		<b>31</b>	<b>31</b>	<b>100%</b>
<b>Councillor M. Ayub</b>	<b>Committee</b>	<b>Number of meetings held</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	8	100%
	Central Luton Area Board	4	4	100%
<b>TOTALS:</b>		<b>12</b>	<b>12</b>	<b>100%</b>
<b>Councillor N. Ayub</b>	<b>Committee</b>	<b>Number of meetings held</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	8	100%
	Central Luton Area Board	4	3	75%
	Executive	13	12	92%
<b>TOTALS:</b>		<b>25</b>	<b>23</b>	<b>92%</b>
<b>Councillor Bailey</b>	<b>Committee</b>	<b>Number of meetings held</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	5	63%
	Scrutiny Finance Review Group	8	3	38%
	Scrutiny Health & Social Care Review Group	2	2	100%
	Taxi & Private Hire Licensing Committee	1	1	100%

## Appendix B to Annual Report

	West Luton Area Board	3	2	66%
<b>TOTALS:</b>		<b>22</b>	<b>13</b>	<b>59%</b>
<b>Councillor Burnett</b>	<b>Committee</b>	<b>Number of meetings held</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	6	75%
	Administration & Regulation Committee	6	5	83%
	Scrutiny Finance Review Group	8	5	63%
	North Luton Area Board	2	2	100%
<b>TOTALS:</b>		<b>24</b>	<b>18</b>	<b>75%</b>
<b>Councillor Campbell</b>	<b>Committee</b>	<b>Number of meetings held</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	8	100%
	Constitution Committee	1	1	100%
	North Luton Area Board	2	1	50%
	Appointments Panel	1	1	100%
	Development Control	11	9	82%
	Health & Wellbeing Board	5	4	80%
	Health & Social Care Review Group	8	6	75%
	Housing Appeals Panel	4	4	100%
	Licensing Committee	1	0	0
	Licensing Panel	5	5	100%
	Local Plan Working Party	4	2	50%
	Taxi & Private Hire Licensing Committee	1	1	100%
	Young Peoples Panel	5	1	20%
<b>TOTALS:</b>		<b>57</b>	<b>43</b>	<b>77%</b>
<b>Councillor Castleman</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	7	88%
	Administration & Regulation Committee	6	3	50%
	Development Control	11	10	91%
	Housing Appeals Panel	1	1	100%
	South Luton Area Board	3	3	100%
<b>TOTALS:</b>		<b>29</b>	<b>24</b>	<b>83%</b>
<b>Councillor Cato</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	2	25%
	East Luton Area Board	2	2	100%

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<b>TOTALS:</b>				
<b>Councillor Chapman</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	7	88%
	East Luton Area Board	2	2	100%
	Administration & Regulation Committee	6	3	50%
<b>TOTALS:</b>		<b>26</b>	<b>16</b>	<b>62%</b>
<b>Councillor J. Davies</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	4	50%
	East Luton Area Board	2	2	100%
	Task & Finish Group: Health & Social Care Review Group	8	6	75%
<b>TOTALS:</b>		<b>18</b>	<b>12</b>	<b>67%</b>
<b>Councillor R. J Davis</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	8	100%
	North Luton Area Board	2	2	100%
	Audit & Governance Committee	4	3	75%
	Constitution Committee	1	1	100%
	Appointments Panel	1	1	100%
	Licensing Committee	1	1	100%
<b>TOTALS:</b>		<b>17</b>	<b>16</b>	<b>94%</b>
<b>Councillor M.J Dolling</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	8	100%
	Development Control	11	7	64%
	East Luton Area Board	2	2	100%
	Licensing Committee	1	0	0%
	Licensing Panel	2	2	100%
	LJNCC	1	1	100%
	Local Plan Working Party	4	2	50%
	Standards Committee	1	1	100%
<b>TOTALS:</b>		<b>30</b>	<b>23</b>	<b>77%</b>
<b>Councillor Farooq</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	7	88%

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	South Luton Area Board	3	1	33%
	Audit & Governance Committee	4	1	25%
	Constitution Committee	1	0	0
<b>TOTALS:</b>		<b>16</b>	<b>9</b>	<b>56%</b>
<b>Councillor Foord</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	5	63%
	North Luton Area Board	2	2	100%
	Health & Wellbeing Board SUB	4	1	25%
	Task & Finish Group: Health & Social Care Review Group	8	6	75%
	Task & Finish Group – Domestic Violence	6	5	83%
	Housing Appeals Panel	1	1	100%
<b>TOTALS:</b>		<b>29</b>	<b>20</b>	<b>69%</b>
<b>Councillor Franks</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	8	100%
	Development Control	11	8	73%
	Constitution Committee	1	0	0
	East Luton Area Board	2	2	100%
	Overview and Scrutiny Board	8	6	75%
	Scrutiny Finance Review Group	8	7	88%
	Airport Board	6	2	33%
	LJNCC	4	2	50%
	Local Plan Working Party	1	1	100%
	Young Peoples Panel	5	3	60%
<b>TOTALS:</b>		<b>54</b>	<b>39</b>	<b>72%</b>
<b>Councillor Gale</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	4	50%
	South Luton Area Board	3	2	67%
	Audit & Governance Committee	4	3	75%
	Scrutiny Health & Wellbeing Board	1	1	100%
	Licensing Committee	1	0	0
	Licensing Panel	1	0	0
	Task & Finish Group – Domestic Violence	1	1	100%
	Overview & Scrutiny Board	8	3	38%
	Task & Finish Group: Health & Social Care Review Group	8	1	13%

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	LJNCC	1	1	100%
<b>TOTALS:</b>		<b>36</b>	<b>16</b>	<b>44%</b>
<b>Councillor Garrett</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	8	100%
	North Luton Area Board	2	1	50%
	Licensing Committee	1	1	100%
	Licensing Panel	3	3	100%
	Overview & Scrutiny Board	8	7	88%
	Taxi & Private Hire Committee	1	1	100%
<b>TOTALS:</b>		<b>23</b>	<b>21</b>	<b>91%</b>
<b>Councillor Hanif</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	8	100%
	Airport Board	6	3	50%
	East Luton Area Board	2	2	100%
	Development Control	3	3	100%
	Housing Appeals Panel	2	2	100%
	Scrutiny Health & Social Care Review Group SUB	1	1	100%
	Local Plan Working Party	4	4	100%
	Young Peoples Panel	5	4	80%
	Taxi & Private Hire Licensing Committee	1	1	100%
<b>TOTALS:</b>		<b>32</b>	<b>28</b>	<b>88%</b>
<b>Councillor Hinkley</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	8	100%
	North Luton Area Board	2	2	100%
	Licensing Committee	1	1	100%
	Licensing Panel	3	3	100%
	Overview & Scrutiny Board	8	8	100%
	Taxi & Private Hire Licensing Committee	1	1	100%
	Task & Finish Group – Domestic Violence	6	6	100%
	Young Peoples Panel	2	0	0
<b>TOTALS:</b>		<b>31</b>	<b>29</b>	<b>94%</b>
<b>Councillor Hopkins</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	8	100%

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	Central Luton Area Board	4	4	100%
	Administration & Regulation Committee	6	6	100%
	Audit & Governance Committee	4	4	100%
	Overview & Scrutiny Board	2	2	100%
	Licensing Committee	1	1	100%
<b>TOTALS:</b>		<b>25</b>	<b>25</b>	<b>100%</b>
<b>Councillor Hussain</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	8	100%
	South Luton Area Board	3	1	33%
	Executive	13	13	100%
	Development Control Committee	9	8	89%
	Health & Wellbeing Board	5	4	80%
	Housing Appeals Panel	6	6	100%
	Licensing Committee	1	1	100%
	Licensing Panels	4	4	100%
	LJNCC	1	1	100%
	Local Plan Working Party	4	4	100%
	Young Peoples Panel	5	3	60%
<b>TOTALS:</b>		<b>59</b>	<b>53</b>	<b>90%</b>
<b>Councillor A Khan</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	7	88%
	West Luton Area Board	3	3	100%
	Executive	13	10	77%
	Health & Wellbeing Board	5	4	80%
	Licensing Committee	1	0	0
<b>TOTALS:</b>		<b>30</b>	<b>24</b>	<b>80%</b>
<b>Councillor T Khan</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	6	75%
	Central Luton Area Board	4	1	25%
	Airport Board	6	3	50%
	Finance Review Group	8	6	75%
	Housing Appeals Panel	1	0	0
<b>TOTALS:</b>		<b>27</b>	<b>16</b>	<b>59%</b>
<b>Councillor Knight</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>



## Appendix B to Annual Report

	Council	8	6	75%
	North Luton Area Board	2	2	100%
	Airport Board	6	4	67%
	Development Control Committee	2	1	50%
	Task & Finish Group: Health & Social Care Review Group	8	4	50%
	Task & Finish Group: Domestic Violence	6	4	67%
<b>TOTALS:</b>		<b>32</b>	<b>21</b>	<b>66%</b>
<b>Councillor Lewis</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	7	88%
	Administration & Regulation Committee	6	5	83%
	North Luton Area Board	2	2	100%
	Development Control Committee	11	11	100%
	Housing Appeals Panel	1	1	100%
	Licensing Committee	1	1	100%
	Licensing Panel	1	1	100%
	Local Plan Working Party	4	4	100%
	OSB Sub	2	2	100%
<b>TOTALS:</b>		<b>36</b>	<b>34</b>	<b>94%</b>
<b>Councillor Malcolm</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	7	88%
	Central Luton Area Board	4	4	100%
	Development Control Committee	11	10	91%
	Scrutiny Finance Review Group SUB	8	6	75%
	Taxi & Private Hire Licensing Committee	1	1	100%
	Young Peoples Panel	5	5	100%
<b>TOTALS:</b>		<b>37</b>	<b>33</b>	<b>89%</b>
<b>Councillor K Malik</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	8	100%
	Executive	13	11	85%
	West Luton Area Board	3	3	100%
	Housing Appeals Panel	3	3	100%
	Finance Review Group Sub	1	1	100%
	Young Peoples Panel	5	4	80%
<b>TOTALS:</b>		<b>33</b>	<b>30</b>	<b>91%</b>

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<b>Councillor T Malik</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	8	100%
	Overview & Scrutiny Board	8	6	75%
	Scrutiny Health & Social Care Review Group	8	6	75%
	Task & Finish Group – Domestic Violence	6	3	30%
	West Luton Area Board	3	2	67%
<b>TOTALS:</b>		<b>33</b>	<b>25</b>	<b>76%</b>
<b>Councillor Mead</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	8	100%
	Licensing Committee	1	1	100%
	Licensing Panel	10	10	100%
	Young Peoples Panel	3	3	100%
	Central Luton Area Board	4	4	100%
		<b>26</b>	<b>26</b>	<b>100%</b>
<b>Councillor Moles</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	6	75%
	Standards Committee	1	1	100%
	East Luton Area Board	2	2	100%
	Overview & Scrutiny Board	8	8	100%
	Task & Finish Group – Health & Social Care Review Group	8	5	63%
<b>TOTALS:</b>		<b>27</b>	<b>22</b>	<b>81%</b>
<b>Councillor O’Callaghan</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	6	75%
	Constitution Committee	1	0	0
	South Luton Area Board	3	2	67%
	Development Control	8	7	88%
	Overview & Scrutiny Board	8	3	38%
	Task & Finish Group – Domestic Violence	6	4	67%
	Young Peoples Panel	5	2	40%
<b>TOTALS:</b>		<b>39</b>	<b>24</b>	<b>62%</b>
<b>Councillor Rathore</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>

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	Council	8	7	86%
	Central Luton Area Board	4	3	75%
	Airport Board	6	4	67%
	Audit & Governance Committee	4	3	75%
<b>TOTALS:</b>		<b>22</b>	<b>17</b>	<b>77%</b>
<b>Councillor Riaz</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	8	100%
	Central Luton Area Board	4	4	100%
	Development Control	11	9	82%
<b>TOTALS:</b>		<b>23</b>	<b>21</b>	<b>91%</b>
<b>Councillor Rivers</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	8	100%
	Development Control Committee	11	11	100%
	East Luton Area Board	2	2	100%
	Housing Appeals Panel	2	1	50%
	Overview & Scrutiny Board	8	7	88%
	Licensing Committee	1	0	0
	Licensing Panel	6	6	100%
	Taxi & Private Hire Licensing Panel	1	1	100%
<b>TOTALS:</b>		<b>39</b>	<b>36</b>	<b>92%</b>
<b>Councillor Roden</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	8	100%
	West Luton Area Board	3	3	100%
	Constitution Committee	1	1	100%
	Health & Social Care Review Group Sub	1	1	100%
	Housing Appeals Panel	3	3	100%
	Overview & Scrutiny Board	8	8	100%
<b>TOTALS:</b>		<b>24</b>	<b>24</b>	<b>100%</b>
<b>Councillor Saleem</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	7	86%
	Central Luton Area Board	4	4	100%
	Constitution Committee	1	1	100%
	Admin & Regulation Committee	6	6	100%
<b>TOTALS:</b>		<b>19</b>	<b>18</b>	<b>95%</b>

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<b>Councillor Sharif</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	5	63%
	Constitution Committee	1	1	100%
	Standards Committee	1	1	100%
	Task & Finish Group – Domestic Violence	6	4	67%
	South Luton Area Board	3	3	100%
<b>TOTALS:</b>		<b>19</b>	<b>14</b>	<b>74%</b>
<b>Councillor Shaw</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	8	100%
	Executive	13	13	100%
	West Luton Area Board	3	3	100%
<b>TOTALS:</b>		<b>24</b>	<b>24</b>	<b>100%</b>
<b>Councillor Simmons</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	8	100%
	Health & Wellbeing Board	5	5	100%
	Housing Appeals Panel	2	1	50%
	Executive	13	13	100%
	LJNCC	1	1	100%
	West Luton Area Board	3	3	100%
<b>TOTALS:</b>		<b>32</b>	<b>31</b>	<b>94%</b>
<b>Councillor Skepelhorn</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	6	75%
	Audit & Governance	4	4	100%
	Constitution Committee	1	0	0
	Scrutiny Finance Review Group	8	8	100%
	East Luton Area Board	2	2	100%
<b>TOTALS:</b>		<b>23</b>	<b>20</b>	<b>88%</b>
<b>Councillor Stewart</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	2	25%
	West Luton Area Board	3	0	0
<b>TOTALS:</b>		<b>11</b>	<b>2</b>	<b>18%</b>

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<b>Councillor Taylor</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	8	100%
	Executive	13	13	100%
	South Luton Area Board	3	3	100%
	Housing Appeals Panel	1	1	100%
	Licensing Committee	1	1	100%
	Licensing Panels	3	3	100%
	Local Plan Working Party	4	4	100%
<b>TOTALS:</b>		<b>33</b>	<b>33</b>	<b>100%</b>
<b>Councillor Timoney</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	8	100%
	Executive	13	12	92%
	South Luton Area Board	3	3	100%
	Constitution Committee	1	1	100%
	Local Plan Working Party	4	4	100%
<b>TOTALS:</b>		<b>29</b>	<b>28</b>	<b>97%</b>
<b>Councillor Titmuss</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	5	63%
	North Luton Area Board	2	1	50%
	Standards Committee	1	0	0
	Administration & Regulation Committee	6	1	17%
	Scrutiny Finance Review Group	8	8	100%
	Housing Appeals Panel	2	2	100%
	Airport Board	6	2	33%
<b>TOTALS:</b>		<b>33</b>	<b>19</b>	<b>58%</b>
<b>Councillor Whittaker</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	5	63%
	Central Luton Area Board	4	3	75%
	Constitution Committee	1	1	100%
	Development Control	11	8	73%
	Local Plan Working Party	4	3	75%
<b>TOTALS:</b>		<b>28</b>	<b>20</b>	<b>71%</b>
<b>Councillor</b>	<b>Committee</b>	<b>Number of</b>	<b>Attended</b>	<b>% attendance</b>

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<b>Worlding</b>		<b>meetings</b>		
	Council	8	6	75%
	North Luton Area Board	2	2	100%
	Administration & Regulation Committee	6	5	83%
	Housing Appeals Panel	3	3	100%
	Licensing Committee	1	1	100%
	Licensing Panel	6	6	100%
	Standards Committee	1	0	0
<b>TOTALS:</b>		<b>27</b>	<b>23</b>	<b>85%</b>
<b>Councillor Zia</b>	<b>Committee</b>	<b>Number of meetings</b>	<b>Attended</b>	<b>% attendance</b>
	Council	8	6	75%
	East Luton Area Board	2	0	0
	Task & Finish Group – Health & Social Care Review Group	8	5	63%
<b>TOTALS:</b>		<b>18</b>	<b>11</b>	<b>61%</b>

**AGENDA ITEM**

**8**

**COMMITTEE: STANDARDS**

**DATE: MONDAY 14<sup>TH</sup> SEPTEMBER 2015**

**SUBJECT: WHISTLEBLOWING POLICY – ANNUAL REPORT**

**REPORT BY: HEAD OF HR & MONITORING OFFICER**

**CONTACT OFFICER: ANGELA CLARIDGE EXT 6291**

**IMPLICATIONS:**

**LEGAL**

**COMMUNITY SAFETY**

**EQUALITIES**

**ENVIRONMENT**

**FINANCIAL**

**CONSULTATIONS**

**STAFFING**

**OTHER**

**WARDS AFFECTED: ALL**

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**PURPOSE**

1. To report to the Committee on the update and operation of the Council's Whistleblowing Policy.

**RECOMMENDATION(S)**

2. The Standards Committee is recommended to note the report.

**BACKGROUND**

3. The Council has had a Whistleblowing Policy in place since 1999, it can be found in part 12 of the Council's Constitution (shown at appendix A). It has been revised several times since 1999, most recently in November 2014.

4. The Whistleblowing Policy is available to all Council employees (apart from school based staff who are subject to their own procedures), agency staff and to Council contractors and suppliers.
5. Whistleblowing has continued to have a significant media presence. The tragic events at Rotherham resulted in several high profile investigations into child sexual exploitation, which in turn highlighted the importance whistleblowing can play in respect of safeguarding. Whistleblowing is already incorporated into all of the Council's safeguarding training and has been strengthened further to reflect lessons learnt from these investigations.

## **REPORT**

6. This report covers the period of the financial year 2014/15
7. During the financial year 2014/15, six complaints were received, exactly the same as the previous year, the comparable figure for 2012/13 was eight and in 2011/12 it was two complaints. Unusually, four of the last financial year's allegations were anonymous, which compares with a total of four anonymous allegations over the previous three years. All allegations are investigated, but allegations raised by anonymous whistle-blowers are by their nature much harder to investigate.
8. The Complaints fell into the following categories:
 

• Financial irregularity/abuse of position	2
• Concerns about application of HR procedures	1
• Criminal allegations relating to relative of employee	1
• Allegations of mis-management	<u>2</u>
	<b>6</b>

## **APPENDIX**

9. The following appendix is attached to this report:
  - Appendix A – Whistleblowing Policy

## **LIST OF BACKGROUND PAPERS** **LOCAL GOVERNMENT ACT 1972, SECTION 100D**

10. There are no background papers to this report.





## **LUTON BOROUGH COUNCIL**

### **CONSTITUTION**

#### **PART 12**

#### **WHISTLEBLOWING POLICY**

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## **LUTON BOROUGH COUNCIL**

### **CONSTITUTION**

#### **PART 12: WHISTLEBLOWING POLICY**

##### **1. Introduction**

- 1.1 Luton Borough Council is committed to the highest possible standards of openness, probity and accountability. This policy recognises that employees may sometimes have serious concerns about how the Council conducts its business but feel unable to raise these in the normal way.
- 1.2 This policy is intended to provide employees with a means of making serious allegations about standards, conduct, financial irregularity or possible unlawful action in a way that will not be seen as being disloyal to their colleagues or to the Council. This policy is also intended to provide “whistleblowers” with protection from being victimised, discriminated against or disadvantaged for having made an allegation in good faith.
- 1.3 The policy applies to all individuals working at all levels of the organisation, including all Members, employees and contractors working for the Council, for example, agency staff, builders and drivers. It also applies to suppliers and those providing services under a contract with the Council in their own premises, for example, care homes. References in this policy to employees are to be read as also referring to those mentioned in this paragraph. Any protection or benefit available to an employee under this policy will also be available as far as reasonably practicable to those mentioned in this paragraph. This policy does not apply to schools or to employees based in schools as they have their own procedures.
- 1.4 This policy is in addition to the Council’s complaints procedure and other specifically laid down statutory reporting procedures applying to some departments e.g. Social Services abuse procedures.
- 1.5 This policy takes account of the Whistleblowing Arrangements Code of Practice issued by the British Standards Institute and Public Concern at Work. This policy has the support of the relevant trade unions.
- 1.6 This policy is intended to ensure that the Council complies with its duty under the Public Interest Disclosure Act 1998.

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## **2. Aims and Scope of this Policy**

### **2.1 This policy aims to:**

- encourage employees to feel confident in making serious allegations;
- provide a means for employees to make those allegations and receive feedback on any action taken;
- ensure confidentiality if required;
- reassure employees that they will be protected from possible reprisals or victimisation, and;
- reassure employees that they will suffer no detriment or disadvantage from making allegations as long as they do so in good faith, genuinely believing their allegations to be valid.

### **2.2 This policy does not replace other Council policies. In particular if employees have a grievance about their manager and/or their working conditions they should use the Council's Grievance Procedure or discuss the matter with their Trade Union representative. Similarly, if employees have concerns about the conduct of fellow employees in the working environment they should raise these with their line manager, or if that is not possible with a more senior manager, or, if a member of a Trade Union, discuss these with their Trade Union representative. This policy is not intended to cover conduct which may arise in any working environment and which can be dealt with through the Council's normal mechanisms (e.g. the Disciplinary procedure, or the Procedure on Unfair Discrimination, Harassment and Bullying). This policy is intended to cover serious allegations that fall outside the scope of other Council policies and procedures or where employees may lack the confidence or be too fearful to use those policies and procedures.**

### **2.3 **Whistleblowing** is the disclosure of information that relates to suspected wrongdoing or dangers at work. This may include:**

- conduct which is an offence or a breach of law i.e. criminal activity;
- alleged miscarriages of justice;
- health and safety risks, including risks to the public as well as to other employees;
- the unauthorised use of public funds;
- possible fraud, bribery and corruption;
- sexual, physical or verbal abuse of, or bullying or intimidation of customers or service users;

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- abuse of authority;
- damage to the environment e.g. fly tipping;
- failure to comply with any legal obligation or regulatory requirements;
- conduct likely to damage our reputation;
- unauthorised disclosure of confidential information;
- other unethical conduct;
- the deliberate concealment of any of the above matters;

These are examples: the list is not exhaustive.

- 2.4 A **whistleblower** is a person who raises a genuine concern relating to any of the above.
- 2.5 Anyone with genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a **whistleblowing concern**) should report it under this policy. This may be:
- a significant and serious departure from accepted standards, or the standards the Council subscribes to;
  - serious improper conduct, or;
  - where someone appears to be vulnerable or at risk.

### 3. **Safeguards**

- 3.1 The Council is committed to good practice and high standards and wants to be supportive of its employees. It aims to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.
- 3.2 The Council recognises that the decision to make a serious allegation can be a difficult one to make. However, employees who make serious allegations that are in the public interest will have nothing to fear because they are doing their duty to their employer and those for whom they are providing a service.
- 3.3 The Council will take appropriate action to protect an employee who makes a serious allegation that is in the public interest from any reprisals, harassment or victimisation.
- 3.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any other procedures to which the employee making

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the allegation may be subject, or may have instigated, e.g. disciplinary, grievance or redundancy procedures.

- 3.5 Staff must not suffer any detrimental treatment as a result of raising a concern unless it is subsequently established that the concern was raised maliciously or with a view to personal gain in which case the provision in section 6 will apply. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the Monitoring Officer immediately. If the matter is not remedied you should raise it formally using the Councils Grievance Procedure.
- 3.6 Staff must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct, you may be subject to disciplinary action. In some cases the whistleblower could have a right to sue you personally for compensation in an employment tribunal.

#### **4. Confidentiality**

- 4.1 All allegations will be treated in confidence and every effort will be made not to reveal an employee's identity unless the employee otherwise requests. However, if the matter is subsequently dealt with through other Council procedures such as the Disciplinary Procedure the complainant's identity may have to be revealed in accordance with that procedure if the matter is to be effectively dealt with.
- 4.2 In order to help employees decide whether or not an issue should be raised, they may, in the first instance wish to discuss it with their Trade Union representative. It may be that the person confided in may feel more comfortable taking the matter forward on behalf of the employee. It may also be easier to raise the matter if there are two (or more) people who have had the same experience(s).

#### **5. Anonymous Allegations**

- 5.1 This policy encourages employees to put their name to an allegation whenever possible as anonymous allegations may often be difficult to substantiate/prove.

- 5.2 Allegations made anonymously are much less powerful but allegations raised internally will be considered at the discretion of the Monitoring Officer.
- 5.3 In exercising discretion to accept an anonymous allegation the factors to be taken into account by the Monitoring Officer would include;
- the seriousness of the issues raised;
  - the credibility of the allegation, and;
  - whether the allegation can realistically be investigated from facts or sources other than the complainant.

## **6. Untrue and or Vexatious Allegations**

- 6.1 No disciplinary or other action will be taken against an employee who makes an allegation in good faith genuinely believing it to be true even if the allegation is not substantiated by an investigation. However, disciplinary action may be taken against an employee who makes an allegation frivolously, maliciously or for personal gain.

## **7. How to make serious allegations**

- 7.1 As a first step, an employee should if possible make a serious allegation with their immediate manager. However, this may depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if the employee believes that management is involved it would be inappropriate to raise the matter directly with them. For these reasons the following reporting methods have been put in place to help employees to raise the matter:
- Direct to the Council's Monitoring Officer (Tel: 01582 546291, e-mail: [whistle@luton.gov.uk](mailto:whistle@luton.gov.uk)) (Internal: LBC Whistle)
- 7.2 Serious allegations may be made orally or in writing. Whether a written or oral report is made it is important that relevant information is provided including;
- the name of the person making the allegation and a contact point. As referred to above it will be more difficult for the Council to pursue issues if allegations are made anonymously;

- the background and history of the allegation (giving relevant dates and names and positions of those who may be in a position to have contributed to the allegation), and;
- the particular reason for the allegation.

- 7.3 The earlier the allegation is made the easier it is to take action.
- 7.4 Although someone making an allegation will not be expected to prove the truth of any allegations, in order to assist management in any investigation to be carried out, they will need to provide information to the person contacted that there are reasonable grounds for the allegation.
- 7.5 Someone making an allegation may invite their trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the allegation.
- 7.6 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases it should not be necessary to alert anyone externally.
- 7.7 The law recognises that in some circumstances it may be appropriate to report concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. The Council strongly recommends that advice is sought before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline and if individuals are in any doubt they should contact them. Alternatively Trade Union members may contact their Trade Union for advice.

## **8. How the Council will respond**

- 8.1 The Council will respond in every case to an allegation made under this policy. The way in which the Council will respond is set out below.
- 8.2 Where the allegation is made internally and not direct to the Monitoring Officer, the person with whom the allegation is first raised (e.g. line manager or other Council officer) is the “receiving officer”. The receiving officer will discuss the allegation with the complainant. If, following discussion, the complainant wants to proceed with the allegation the receiving officer will take the following steps:

- 1) The receiving officer will notify the Monitoring Officer by telephone or e-mail that the allegation has been made and give details to the Monitoring Officer. This is so that the allegation can be registered in the Register of Whistleblowing Complaints. The Register is confidential.
- 2) If the allegation relates to fraud or potential fraud or other financial irregularity the Monitoring Officer will notify the Head of Finance in writing.
- 3) The Monitoring Officer will discuss with the receiving officer the best way of investigating the allegation. If the allegation relates to fraud or potential fraud or other financial irregularity the Monitoring Officer will also discuss this with the Head of Finance.
- 4) The Monitoring Officer and the receiving officer will agree on the method of investigation. If the Monitoring Officer and the receiving officer cannot agree on the method of investigation the Monitoring Officer's decision will prevail. In the case of fraud, potential fraud or other financial irregularity the method of investigation will be determined by the Head of Finance after discussions with the receiving officer and the Monitoring Officer.

8.3 Where the complaint is made direct to the Monitoring Officer then the Monitoring Officer, after liaison with any other appropriate officer(s) will decide if and how the matter should be investigated and will follow the steps set out below.

8.4 If the allegation discloses evidence of a criminal offence the Monitoring Officer or the Head of Finance may decide to inform the Police.

8.5 Some allegations may be resolved by agreed action without the need for investigation.

8.6 Within 10 working days of an allegation being made, the Monitoring Officer will write to the person who raised the allegation (unless they have requested not to be contacted or to be contacted in a different way other than through a letter);

- acknowledging that the allegation has been received;
- indicating how the Council propose to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- indicating whether any initial enquiries have been made;
- supplying information on employee support mechanisms, and;

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- indicating whether further investigations will take place and if not, why not.
- 8.7 Where the allegation has been made internally and anonymously, obviously the Council will be unable to communicate what action has been taken.
- 8.8 The amount of contact between the officers considering the issues and the person making the allegation will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from the person making the allegation.
- 8.9 The Council will take steps to minimise any difficulties which may be experienced as a result of making an allegation. For instance, if an employee is required to give evidence in criminal or disciplinary proceedings the Council will arrange for them to receive advice about the procedure and ensure that support mechanisms are made available where needed or desired.
- 8.10 The Council accepts that employees need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform those making allegations of the outcome of any investigation.
- 8.11 The Council will ensure that support is provided to those making allegations.

## **9. Confidentiality**

- 9.1 The Council will keep the identity of the complainant confidential at all times unless the complainant otherwise requests.
- 9.2 A receiving officer (see section 8.2. for the definition) will disclose the complainant's identity to the Monitoring Officer but to no other person. A receiving officer and the Monitoring Officer will endeavour not to reveal any facts which could lead to the disclosure of the complainant's identity. These may, depending on the circumstances, include the complainant's gender, position in the organisation or work area.

## **10. Register of Allegations**

- 10.1 The Council's Monitoring Officer has overall responsibility for the maintenance and operation of this policy. The Monitoring Officer will maintain a Register of Allegations made under this policy and the outcomes and will report as necessary to the Council's Standards Committee. The recording and reporting procedure will be in a form that ensures confidentiality.

**AGENDA ITEM**

**9**

**COMMITTEE: STANDARDS**

**DATE:** 14<sup>th</sup> SEPTEMBER 2015  
**SUBJECT:** MEDIA PROTOCOL  
**REPORT BY:** PRESS & PR MANAGER  
**CONTACT OFFICER:** CHRIS HALL 01582 546048

**IMPLICATIONS:**

<b>LEGAL</b>	<b>COMMUNITY SAFETY</b>
<b>EQUALITIES</b>	<b>ENVIRONMENT</b>
<b>FINANCIAL</b>	<b>CONSULTATIONS</b>
<b>STAFFING</b>	<b>OTHER</b>

**WARDS AFFECTED: NONE**

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**PURPOSE**

1. To allow the Committee to consider a suggested media protocol.

**RECOMMENDATION(S)**

2. **Standards Committee is recommended to consider and agree a protocol to govern how the Committee will manage media and press interest in code of conduct cases referred to it.**

**BACKGROUND**

3. Local councils are required to adopt a Code of Conduct that sets out the rules governing the behaviour of members. The Luton Borough Council Standards Committee has been established to deal with

complaints, to investigate them and to rule on any breach and decide on sanction, where it has occurred.

4. By their nature, complaints against elected councillors can attract local – and in extreme cases national – press interest.
5. Following consultation with the Council's Monitoring Officer, the Chair of Standards Committee has requested that a draft protocol be developed to govern how media relations will be handled as complaints are made and the "rules of engagement" during - and at the conclusion of - investigations.

## **REPORT**

6. A simple protocol for dealing with media interest in Code of Conduct and Standards investigations within the borough will support the effective and fair management of complaints.
7. It would be unfair on elected members if different media handling techniques were deployed every time a Code of Conduct complaint was made.
8. Like all authorities, Luton Borough Council has a statutory duty to publicise the outcome of a case. Notification normally includes any decision not to apply any sanction or where the investigation has found that there is no case to answer.
9. The only exception to the above may be when an elected member who has been found not to have breached the Code asks for a notice not to be published.

## **PROPOSAL/OPTION**

10. The Committee can adopt the suggested protocol, amend it or request officers to provide a further report to a future meeting.

## **APPENDIX**

11. Appendix A: suggested protocol

## **LIST OF BACKGROUND PAPERS** **LOCAL GOVERNMENT ACT 1972, SECTION 100D**

There are no background papers to this report.

### **Suggested Protocol:**

It is recommended that the key components of the protocol are as follows:-

1. On receiving a complaint about an elected member, the chair of the Standards Committee and the Monitoring Officer will agree what information can be released to the media at the referral stage and during any consequent investigation.
2. No information whatsoever will be released until the complaint has been assessed.
3. If it is agreed to release information, this may include:
  - The name of the member against whom a complaint has been made;
  - The date the complaint was received and the date the Council decided whether or not to refer the complaint for investigation;
  - The type of person who complained (i.e. a member of the public, another elected member [but not the name]);
  - The part of the Code of Conduct that has potentially been breached which gave rise to the complaint being referred.
4. During the investigation itself, generic information can be released about how investigations are carried out, by whom and what the outcomes could be.
5. It is strongly recommended that the Standards Committee does not confirm to the media that a complaint has been received until the subject of the complaint has been notified.
6. Prior to the release of any final decision following investigation, the Chair of the Standards Committee and Monitoring Officer should meet to agree and prepare any necessary information to be released to the media. At this point, the Council's Press & PR Manager should be informed.
7. The final decision will be published on the Council's internet site and via the media, as appropriate. No additional statements will be given beyond the language in the written decision. The press release and online information will comprise only factual matters about the complaint, the member concerned, the decision and sanction (if appropriate).

## **APPENDIX A to Media Protocol**

### **Suggested Protocol:**

It is recommended that the key components of the protocol are as follows:-

1. On receiving a complaint about an elected member, the chair of the Standards Committee and the Monitoring Officer will agree what information can be released to the media at the referral stage and during any consequent investigation.
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  - The name of the member against whom a complaint has been made;
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  - The part of the Code of Conduct that has potentially been breached which gave rise to the complaint being referred.
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**COMMITTEE: STANDARDS**

**DATE: MONDAY 14<sup>TH</sup> SEPT 2015**

**SUBJECT: COMMITTEE WORK PROGRAMME**

**REPORT BY: MONITORING OFFICER**

**CONTACT OFFICER: ANGELA CLARIDGE**

**TEL: 01582 546291**

**IMPLICATIONS:**

**LEGAL** ☐

**COMMUNITY** ☐

**SAFETY**

**EQUALITIES** ☐

**ENVIRONMENT** ☐

**FINANCIAL** ☐

**OTHER** ☐

**STAFFING** ☐

**OTHER**

**WARDS AFFECTED: NONE**

### **PURPOSE**

1. The purpose of this report is to update the Committee of the details of the latest version of its Work Programme and to revise it as necessary in light of the progress made on the work of the Committee.

### **RECOMMENDATION (S)**

2. The Committee is requested to determine its future Work Programme.
3. The Committee is recommended to note the content of the Work Programme.

### **REPORT**

4. The Committee will regularly consider its Work Programme and update it to take account of the decisions made by the Committee and other changes made in light of developing work on topics and other matters.
5. The Committee's Work Programme will be included in the Agenda for each meeting to ensure that members of the Committee are aware of forthcoming items and of progress made on the work of the Committee. Attached as Appendix A is the current version of the Committee's Work Programme.

## **APPENDIX**

6. Appendix A - Current version of the Committee's Work Programme.

## **LEGAL IMPLICATIONS**

7. There are no legal implications to this report.

## **EQUALITIES IMPLICATIONS**

8. There are no equalities implications to this report.

## **FINANCIAL IMPLICATIONS**

9. There are no financial implications to this report.

## **LIST OF BACKGROUND PAPERS**

### **LOCAL GOVERNMENT ACT 1972, SECTION 100D**

There are no background papers to this report.



**LUTON BOROUGH COUNCIL  
STANDARDS COMMITTEE  
WORK PROGRAMME**

**APPENDIX A**

**Updated: Sept 2015**

	<b>14<sup>th</sup> September 2015</b>	
	<b>Standing Items:</b>	
	1. Complaints Against Members – oral update	Monitoring Officer
	2. Work programme update – Written report	Monitoring Officer
1.	3. Annual Report – (Members Attendance) Chair – Written report	Chair
	4. Whistle Blowing Policy	
	5. Media Protocol	Press and PR Mgr.
	<b>15<sup>th</sup> February 2016</b>	
	<b>Standing Items:</b>	
	1. Complaints Against Members – oral update	Monitoring Officer
	2. Work programme update – oral update	Monitoring Officer
	3.	
	4.	
	5.	