

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held on Wednesday 28 September 2022 at 6.00 pm in The Telford Room, Addenbrooke House, Ironmasters Way, Telford, TF3 4NT

Present: Councillors G H Cook (Chair), A D McClements (Vice-Chair), A J Eade, N A M England and J M Seymour

In Attendance: A Lowe (Director: Policy & Governance), R Attwell (Democracy Officer (Democracy)), E Harvey (Lead Lawyer: Property & Commercial) and R Phillips (Service Delivery Manager, Legal & Democracy)

Apologies: P J Scott

ST4 Declarations of Interest

None

ST5 Minutes of the Previous Meeting

RESOLVED – that the minutes of the meeting held on 1 February 2022 confirmed and signed by the Chair.

ST6 Terms of References 2022/23-Standards Committee

The Service Delivery Manager: Legal & Democracy presented the report which asked Members to review Terms of Reference for Standards Committee.

The Constitution required that Full Council should agree at its Annual Meeting the Terms of Reference for each of its Committees to enable the Council to efficiently conduct its business.

The Terms of Reference forms part of the Constitution and was approved by Full Council in that context on 3 March 2022.

There was one minor change suggested to the Terms of Reference (shown in red on Appendix 1 of the report) to provide clarity around the process for appointment of a Chair for the Committee. It noted that the Chair was appointed by Full Council (in line with the Constitution) but set out that a Vice-Chair may be appointed by a majority decision of the Committee if required.

During the debate a question arose regarding whether the Terms of Reference should refer to either one or two Independent Persons.

The Director: Policy & Governance explained to the Committee that by having two Independent Persons it allowed the Council to remain within the statutory

requirements in case of the unavailability or resignation of an independent person.

It was proposed that the agreed Terms of Reference be amended to reflect the appointment of two Independent Persons.

RESOLVED- that the Terms of Reference be agreed subject to the amendment to include the appointment of two Independent Persons.

ST7 Appointment of Independent Persons

The Service Delivery Manager: Legal & Democracy presented the report which gave an update on the recruitment process of the Independent Persons to date. It set out a recommendation to Full Council on the appointments which would be for an initial period of four years.

The Service Delivery Manager informed the Committee that following the recruitment exercise two candidates had been identified as suitable for appointment to the role of Independent Persons. The Committee for Standards for Public Life considered it good practice to appoint a minimum of two Independent Persons to account for any potential conflicts of interest.

The Committee asked the two candidates to introduce themselves, and provide brief background information in relation to their experience and working background.

The candidates left the meeting for a discussion on their appointment to take place. They returned after the vote had taken place.

Upon being put to the vote it was:

RESOLVED that:

- a) **the update on the recruitment process so far for the new Independent Persons be noted; and**
- b) **To RECOMMEND TO COUNCIL that the appointments of Thomas Senior and Julia Lynch as Independent Persons for Telford and Wrekin Council be approved for an initial period of four years.**

ST8 Approval of Updated Standards Complaints and Investigation Process

The Service Delivery Manager: Legal & Democracy presented the report on the updated complaints and investigation process which had been designed to deal with Standards complaints made against Councillors.

As part of a review of the Council's Policies and Procedures, arrangements for Standards complaints had also been reviewed and an updated procedure

drawn up making it easier for those people wishing to make a complaint to understand.

The updated Complaints and Investigation Process set out why the arrangements were put in place and how these new arrangements would ensure that there was good governance. It would also help to regularise complaints in accordance to any alleged code of conduct breaches.

The new arrangements would first assess whether a Councillor at the time of the alleged complaint was acting as a private citizen or in the capacity of a Councillor. The Council had a duty to ensure that elected Councillors upheld their duty in public life which the updated complaints and investigation process would deliver. The Monitoring Officer would then continue to consider complaints by applying the public interest test, to assure that no ethical lines has been crossed by the elected representative.

During the debate, some Members asked for clarification in relation to what constituted a legitimate complaint, and the process around a formal investigation taking place. Other Members enquired whether or not the new code of conduct being introduced would apply to Parish Councils.

The Director: Policy & Governance informed the Committee that an appropriate investigation into the alleged breach of the code of conduct would be part of the complaints process and the details of the new model code of conduct could be found at Appendix 1 to the report. In respect of Parish Councils, training and information on the updated complaints and investigation procedure would be made available. However, it was noted that enforcing the policy on a parish level could prove difficult.

Upon being put to the vote it was:

RESOLVED – that the updated process for Investigating and dealing with Standards Complaints be approved.

ST9 Government's Response to Committee on Standards in Public Life's Ethical Standards Review

The Lead Lawyer: Property & Commercial presented the report which updated Members on the Governments response to the Ethical Standards Review which had been undertaken by the Committee on Standards in Public Life and how this may affect Telford & Wrekin Council following any recommendations that were implemented.

The Lead Lawyer set out that despite Government recognising and agreeing with the main thrust behind the proposals in the report, they were not planning on introducing legislation to implement the reforms. Examples of policy recommendations which had been put forward in the Governments response to the review were:

- Candidates standing for public office were not required publicly to disclose their home address; and
- Councillors should be presumed to be acting in an official capacity in their public life, including statements on publicly accessible social media.

Upon being put to the vote it was:

RESOLVED – that the Governments response to the Ethical Standards Review conducted by the Committee on Standards in Public Life be noted.

ST10 National Standards Matters Update (Verbal)

The Lead Lawyer: Property & Commercial presented a verbal update on National Standards Matters.

The Lead Lawyer provided the Committee with national examples of complaints received by other Local Authorities, and the outcome of Standard's Committee investigations into these complaints.

A former council leader had been found guilty of breaching the code of conduct, after sharing confidential information about an authority declaring a coronavirus 'major emergency' and publicising the death of a colleague before their family had been notified.

In another investigation, a Councillor had been disciplined after two investigations into their behaviour recommended that they had bullied council members. The investigations determined that the Councillor had shown a clear pattern of aggressive, intimidating behaviour targeted at a female officer in an attempt to undermine and humiliate her. Both Investigations found a failure to treat people with respect and bullying in relation to Councillor's conduct in meetings, with it reasonably being regarded as bringing his office or the authority into disrepute.

A councillor had been jailed for 18 weeks after sending a "grossly offensive" and threatening email. The email consisted of a threat to a Member of Parliament and sexual language that the Member for parliament would come to harm.

A Leader of a District Council's Conservative Group had been found to have breached the councillors' code of conduct. The Councillor had acted improperly in phoning two Conservative councillors ahead of another standards panel hearing which was due to take place the next day. While in communication, the Councillor enquired whether a Liberal Democrat councillor was guilty of failing to uphold the council's code of conduct - a charge he was later cleared of.

Members noted the verbal update.

The meeting ended at 7.08 pm

Chairman:

Date: Tuesday 10 January 2023