

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held on Tuesday, 25 June 2019 at 6.00 pm in Meeting Rooms G3/G4, Addenbrooke House, Ironmasters Way, Telford, TF3 4NT

Present: Councillors J Jones (Chair), A R H England (Vice-Chair), R T Kiernan, G C W Reynolds, P J Scott, J M Seymour and P Watling

In Attendance:

Apologies:

ST1 Declarations of Interest

None received.

ST2 Minutes of the Previous Meeting

RESOLVED – that the minutes of the meeting held on 5 February 2019 be confirmed and signed by the Chair.

ST3 Terms of Reference / Update Report

The Assistant Director: Governance, Procurement & Commissioning presented the report on:

- Terms of Reference/Update Report (Minute Number ST4)
- Committee of Standards in Public Life – Incorporating Practice Recommendations (Minute Number ST5)

ST4 Terms of Reference / Update Report

Members raised issues regarding late reports and hard copy agendas and asked for the issues to be looked into.

The Assistant Director: Governance, Procurement & Commissioning introduced the new Service Delivery Manager for Governance and Legal.

The Assistant Director reported that as this was the first meeting of the Committee in the new municipal year that the Terms of Reference needed to be reviewed. There were no suggested changes at present, but amendments may be required in the future following the work taking place by the Committee for Standards in Public Life.

During a discussion some Members asked who would be involved in a Sub-Committee. It was confirmed that the Sub-Committee would consist of Standard Committee Members. Other Members asked if the Code of Conduct applied to candidates as well as elected Members. There was a test to see if

a person was acting in their Councillor capacity or if they were acting as a candidate.

An update was received regarding Member Training. Following the recent elections the Council were in the process of providing a comprehensive training programme for new and returning Councillors. Although the on-line training programme had yet to be completed, a recent induction session for Borough Councillors had taken place, presented by Bethan Evans (external provider), regarding members' roles, interests and standards of behaviour. The handouts from this training would be circulated to Members. A video recording of this training session would be made available on YouTube and could be accessed by Borough Councillors and Parish and Town Councillors. A training session for Parish and Town Councillors would also take place on 18 July 2019.

A discussion took place regarding the current Code of Conduct and its available sanctions and the misuse of social media.

Councillor G Reynolds left the meeting prior to the vote.

Upon being put to the vote it was, unanimously:

RESOLVED –

- a) that the Committee agreed the Terms of Reference as suitable and appropriate; and**
- b) that the update on training and complaints be noted.**

ST5 Committee of Standards in Public Life - Incorporating Best Practice Recommendations

The Assistant Director: Governance, Procurement & Commissioning presented an update on the implications of the report from the Committee on Standards in Public Life. He suggested that the Committee look at each of the 15 recommendations individually.

Some Members felt that they had not had sufficient time to properly study the documents as it had been supplied late and the Assistant Director suggested that Members could continue to make suggestions by e-mail following the conclusion of the meeting.

The report made 15 best practice recommendations for local authorities that could be implemented which Members considered individually with their responses as follows:

	Suggested Best Practice	Proposed response/ action	Member Response
1	Local authorities should include prohibitions on bullying and harassment in	The Council's current code of conduct is a very high level document and does not go	Current Code of Conduct is very high level. It needed to link to Employee Code of Conduct and

	<p>codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.</p>	<p>into this level of detail. This type of issue between members and officers is dealt with in the Member/Officer Protocol.</p> <p>Members' view are sought on whether a specific provision is added to the code or as an Advisory to the provision in respect of Leadership. (Code is attached in Appendix 2 for convenient reference)</p>	<p>Dignity at Work Policies and give Members/Officers a definition of this and reference Member/Officers and Member/Member relationships. Avoid over-defining – need for reasonableness. People need to know in their own minds what is considered bullying and be dealt with pragmatically and with proportionality.</p>
2	<p>Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.</p>	<p>As for 1 above.</p>	<p>Members must respect Code of Conduct and adhere to it as failing to do this was a breach of the Code.</p> <p>Some Members felt they need to further read and understand the Report and why it had arrived at its parameters</p>
3	<p>Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.</p>	<p>Whilst these recommendations have been identified as being capable of implementation without primary or secondary legislation members views are sought on the extent to which this can/ should be done in the absence of sanctions in the existing regime. The current regime is relatively toothless and lacks credibility. In the absence of change consultation would help raise awareness of the standards regime but might create unreasonable expectation and discredit rather than enhance the reputation of local government. However, officers could certainly approach colleagues in Shropshire and local town and parish councils and develop a regular review process.</p>	<p>Members felt that the code could discredit rather than enhance the reputation of the Council. Complaints were received, especially with regard to Parish Councillor Conduct. It was suggested that consultation regarding the Code took place with neighbouring Councils and Parish and Town Council in order to build a positive relationship with partners.</p>

4	<p>An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.</p>	<p>"Councillor code of conduct" on the web-site provides a lot of information about the Council's code and how to submit a complaint</p>	<p>Councillor Code of Conduct was published on website together with Members declarations of interest (although these were redacted).</p>
5	<p>Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.</p>	<p>This is a document that is regularly reviewed by the Monitoring Officer – and is a recommendation that can easily be adopted. Members support is sought for this to be implemented immediately-with the necessary amendments to the Gifts and Hospitality Guidance</p>	<p>The Council were complimented by Beth Evans regarding this as are rules are relatively tight and under £25</p> <p>Members raised whether Parish and Town Councils adopt Council's policy / are their uniform policies. It was confirmed that whilst the Council can't insist these are used only 1 Parish Council had not adopted Council's Code of Conduct. Members suggested that Officers recirculate Code of Conduct.</p>
6	<p>Councils should publish a clear and straightforward public interest test</p>	<p>Such a test sets clear expectations to those making complaints and ensure consistency of approach. Members approval to adopt the following wording and incorporate into the review process</p> <p>1 'CAN' we investigate your complaint? Is the person you are complaining about a councillor? Did the conduct occur within the last six months? Is the conduct something that is covered by the code?</p> <p>2 'SHOULD' we investigate your complaint? Is there evidence which supports the complaint?</p>	<p>It was suggested that the Council adopt the useful addition from Northern Ireland and that documents were reviewed and brought up to date to make them clearer.</p>

	<p>Is the conduct something which it is possible to investigate?</p> <p>Would an investigation be proportionate and in the public interest?</p> <p>Public interest being something which is of serious concern and benefit to the public – taking into account the seriousness of the complaint.</p> <p>When deciding the level of seriousness of the allegation, relevant considerations are: the extent to which the councillor was at responsible for or was to blame for the alleged breach; the circumstances of the complainant; and whether the alleged conduct caused harm to any person</p>		
7	Local authorities should have access to at least two Independent Persons.	The Council currently has one Independent Person. It would be an opportune time to re-visit this provision and increase the number of independent Persons. Members are asked to delegate this recruitment to the Monitoring Officer in association with the chair of the Standards Committee for approval, in due course by the Council	The Council currently had one Independent Person but it was the Council's intention to get two new Independent Persons so that they don't get a close relationship with Members. This was currently under review. Members asked for clarification on the process for appointing an Independent person and were satisfied that the approach to test their impartiality and judgment was undertaken in conjunction with the Chair.
8	An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the	This is the current informal practice. Members views are sought on formalising this process to improve transparency	Some Members suggested good governance would be to report back to Committee when a complaint made. The process being to write a letter listing issues and sanctions to take place and a formal report to go on their record. Members felt that it

	responsible officer is minded to dismiss as being without merit, vexatious, or trivial.		would be good practice to see a example of a redacted letter and that any Member who had a complaint made against them was informed. It was also asked if a Public interest test could be undertaken.
9	Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.	Members views are sought. This can easily be incorporated into the current process via a change to the relevant rules for the Standards Hearings Sub Committee	Members suggested that publishing a notice in paper could be added.
10	A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.	See 4 above. It is proposed that this process is reviewed and brought back to the next Standards Committee for consideration and review.	The Council already published guidance which was easily accessible on the website. It was suggested that the process be reviewed and brought back to Committee and its online presence renewed. Any Vexatious/malicious complaints to be dismissed and a clear Council policy on complaints should be linked.
11	Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.	This seems a sensible suggestion but perhaps this ought to be subject to consultation with Town and Parish Councils	Members felt that there should be more protection for the Parish Clerks and suggested a recommendation "recognising a Clerk can make a complaint" It was suggested that consultation took place with Parish/Town Councils being able to comment. The Council provided a lot of support given to Parish/Town Clerks
12	Monitoring Officers' roles	This is currently done within	This is already done by the

	should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.	existing resources.	Council
13	A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.	This is a sensible suggestion – with Members approval the Monitoring Officer will work on reciprocal arrangements with neighbouring Councils and update the next meeting of this Committee	It was sensible to have a procedure in place. Consult with neighbouring Councils to cover all eventualities. This work to be delegated to SDM to include looking at influence and perception.
14	Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.	The Monitoring Officer is pursuing this as part of a review of governance and will consult with the Senior Management Team and Audit colleagues to come forward with a proposal in respect of this Best Practice recommendation.	Some Members suggested considering bodies such as NuPlace, outside bodies, joint use centres, Local Authority Schools and Academies and companies such as Wrekin Housing Trust and West Mercia Energy. The Assistant Director confirmed that these would dealt with by their own independent Code of Conduct.
15	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.	In the current regime disciplinary action by a political group is one of the more powerful sanctions available to the Council so this recommendation is welcomed by the Monitoring Officer. Members views are sought, if supportive	Some Members felt two way communication was important. Code of conduct sanctions could be improved by removal from the Group or having the Whip removed. With regard to confidentiality issues, individual names did not have to be used

	<p>meetings can be established, on who with and how often.</p>	<p>and this could be done generally. It was good practice to be open and have leaders involved and if it was a serious complaint then leaders will probably know. Need to be careful about data breaches when talking to leaders – but this depended on the issues involved. Clarification was needed on these issues and whether they should be generalised or individual. It was suggested that the SDM approach Group Leaders for input into protocol and where there were areas of concern, Group Leaders to speak to their Members.</p>
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The Assistant Director asked Member to consider the report further outside of the meeting and put forward any other ideas/suggestions for consideration.

Upon being put to the vote it was, unanimously:

RESOLVED – that:

- a) the best practice recommendations be agreed and incorporated into the Council's governance arrangements; and
- b) the Monitoring Officer continues to monitor the progress of the report and report progress back to the Standards Committee.

The meeting ended at 7.09 pm

Chairman:

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Date: Tuesday, 4 February 2020