

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held on Wednesday, 24 March 2021 at 6.00 pm in Remote Meeting

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

In Attendance:

J Clarke (Democracy Officer)

Councillor R Evans (Cabinet Member: Council Finance & Governance)

J Galkowski (Democracy Officer)

A Lowe (Associate Director: Policy & Governance)

Apologies: R T Kiernan

ST13 Declarations of Interest

ST14 Minutes of the Previous Meeting

RESOLVED – that the minutes of the meeting held on 30 July 2020 be confirmed and signed by the Chair.

ST15 To receive a presentation from the Assistant Director: Policy & Governance on the model Code of Conduct

The Associate Director: Policy & Governance gave a presentation on the model Code of Conduct, together with a brief overview of the background to the changes. In January 2019 the Committee for Standards in Public Life (CfSPL) published a comprehensive report on ethical standards in Local Government which split into two different parts, one part requiring the support of legislative changes and the second changes that may be required without the need for legislative change. One of these was to update the code of conduct and sought that all Local Authorities sign up to the new model code of conduct. During the summer of 2020 the Local Government Association (LGA) drafted a model Code of Conduct for consideration and the Committee held a constructive meeting to consider the consultation questions and submitted a response to the consultation. The LGA considered the responses to the consultations through the summer to winter 2020 and held consultation events which led to the final version of the model Code of Conduct be released.

The Council currently has a Code of Conduct which was based on the seven principles of standards in public life, also known as the Nolan Principles. This was an 'easy read' approach, one page document which was last updated in 2015. It was adopted by most Parish and Town Councils in the Borough.

The New Code applied to all elected Councillors, co-opted members and a directly-elected Mayor and was substantially more detailed than the Council's current Code. Likewise, it was based upon the seven principles, but these had been used to create general principles and the LGA had used a personal approach. The Code set out the general principles followed by what Members should do when undertaking their role. This applied when a Councillor was in a position as a Councillor and when actions were taken that gave the impression to a member of the public with knowledge of all the facts, that a Councillor was acting within their role as a Councillor. This was, to an extent, an extension to the Code of Conduct into the personal life of a Councillor and applied to all forms of interaction such as face to face, online communication, telephone conversations, written communication, verbal and non-verbal interaction, social media posts, statements and comments. The Code set out the minimum standards that was expected but Members should hold themselves to a higher standard.

Requirements of the standards included:

- Respect
- Bullying, harassment and discrimination
- Impartiality of Officers
- Confidentiality and access to information
- Disrepute
- Use of Position
- Use of resources and facilities
- Comply with the Code of Conduct
- Interests
- Gifts and hospitality

The Code of Conduct had not previously been included in any standards but was implicit in everything that was contained in the Code, although it was challenging to enforce this. As part of the requirements, Councillors would not only have to comply with the Code but would also have to undertake new training and co-operate with any complaint or investigation. Likewise, they would have to make no attempt to intimidate anyone involved in the investigation. Sanctions must be complied with although it was challenging to enforce without more significant sanctions, and legislative changes would be needed to introduce more sanctions.

With regard to gifts and hospitality, this had been set out as £50 in the code. The Council currently had a limit of £25 within its current code and Members were asked to consider whether they would want to continue with this at the current rate.

Within the new Code of Conduct there would be three types of Interests

- Discloseable Pecuniary interests
- Other registerable interests
- Disclosure of non-registerable interests

The proposal with all three interests was that you could not participate and must leave the room. For registerable interests and non-registerable interests Members can speak if members of the public were eligible to speak.

The Associate Director advised Members that the conduct element of the Code appeared reasonable and added clarity to when the Code applied. She suggested Members consider if they were comfortable with the extension into their personal life as this was not a requirement of the law. Interests went further than the current legislation and having three different sorts may make it more difficult to understand and potentially cause confusion.

Recommendations were put forward as follows:

- Adoption of the 'conduct' element of the Model Code subject to
 - Amending the gifts and hospitality limit to £25
 - Any amendments in respect of the extension of the Code into private life
- Hold a further meeting to consider a report on the 'interests' element of the Model Code and where or not they should be recommended
- Consider the update on the Report from the Committee for Standards in Public Life on the Ethical Standards in Local Authorities at the next meeting

During the debate, some Members raised concerns in regard to the extension of the Code into the private life of Councillors and wondered where the line was drawn on this. Likewise, members also asked if they were allowed their own opinion on a topic on their private social media, rather than their Councillor social media accounts. Other Members were pleased to see this element in the Code as they believed Councillors should behave accordingly at all times, but this did not mean Councillors could not express their own views. The Associate Director: Policy & Governance confirmed that any social media account representing a Councillor, in their role as Councillor, was subjected to the Code of Conduct, and any justifiable complaints made in regards to these accounts, would be investigated by the Monitoring Officer. In relation to private social media accounts, where a Councillor's actions gave the impression to a reasonable member of the public, who had knowledge of all the facts, felt a Member was acting in their capacity as a Councillor, then these were also bound by the Code of Conduct. To conclude, the Associate Director: Policy & Governance said that the Monitoring Officer and Independent person would look at complaints on an individual basis and decide if they were valid complaints.

A question was raised regarding safeguarding young people within the Code of Conduct because of the Council's role as a Corporate Parent and its obligation to safeguarding children and young people. With regards to safeguarding, this was not part of the Code of Conduct and this was likely to be found in member strategies or member training requirements. Members were informed that corporate parent training was available to Members on a regular basis. This could be included within the guidance and Full Council could be asked to adopt the Code.

Members raised outcomes from complaints in terms of punishment and processes as a concern. Members were informed that outcomes from complaints were set out in legislation but the Council needed to review the standards complaints process and be clear around the sanctions available. The Committee for Standards in Public Life have recommended that there be greater powers for sanctions and these be legislative changes.

Members queried whether a Councillor taking credit for another Councillors work fell within the parameters for a complaint under the Code of Conduct. In regards to taking credit from another Councillor, the Associate Director: Policy & Governance responded by saying that this would need to be circumstance specific and could potentially be looked at under respect and acting with integrity. Likewise, misinformation could potentially be investigated under the Code if it was deliberate or reckless but likewise, this would be circumstance specific.

A question was raised as to when the new Code of Conduct would come into force and if existing Members would need to sign up immediately. The Code was available to adopt now. The Standards Committee would need to recommend to Full Council that the Code should be adopted or adopted subject to changes, and if adopted by Full Council, all members would then be bound to comply at the point it was adopted. Members would need to be retrained on the new requirements.

With regards to gifts and hospitality some Members felt this should remain at £25. The Chair asked Members to confirm that the Gifts and Hospitality element of the Code would remain at £25 as in the current Code of Conduct. It was proposed and seconded.

The Associate Director: Policy & Governance suggested to Members that a meeting take place on 28 April 2021 in order for her to bring a report setting out the proposals with highlighted amendments and to look at the interests' element to put forward to Full Council.

RESOLVED – that

- a) the Gifts and Hospitality element of the Code of Conduct would remain at the current rate of £25.00;**
- b) the code be amended with the addition of the safeguarding element; and**
- c) a meeting of the Committee takes place on 28 April 2021 in order to consider the extension into the private life element of the code and to agree recommendations to be put before Full Council.**

The meeting ended at 7.03 pm

Chairman:

Date: Wednesday, 28 April 2021