

STANDARDS COMMITTEE

20 February 2020 at 6.08 pm

Present: Councillors English (Chairman), Bennett (Vice-Chairman), Bower, Coster, Mrs Daniells, Edwards, Kelly, Tilbrook and Mrs Worne

Independent Persons Mr B Green and Mr J Thompson were also in attendance at the meeting.

461. DECLARATIONS OF INTEREST

Councillors Bennett, Bower, Coster and Mrs Worne all declared their Personal Interests in Agenda Item 9 [Register of Assessment of Complaints against Councillors] as some of the complaints contained within report involved them. They confirmed that they would leave the meeting if those complaints became the subject of debate.

462. MINUTES

The Minutes from the meeting held on 25 July 2019 were approved by the Committee as a correct record and were signed by the Chairman.

463. UPDATE ON THE REVIEW OF THE CODE OF CONDUCT AND LOCAL ASSESSMENT PROCEDURE

In discussing the feedback from the consultation exercise, the Committee welcomed the overall support to the proposed areas of change to both the Members' Code of Conduct and the Local Assessment Procedure that had been received from those Town and Parish Councils and District Councillor who had responded. The Committee did consider two areas where there had not been consensus and:

1. maintained its previous view on Best Practice Recommendation 3 (the timing of reviews of the Code of Conduct) that reviews should be undertaken every two years timed to be undertaken at the end of years 1 and 3 of each administration; and
2. supported the views of Town and Parish Councils on Best Practice Recommendation 11 (who should make complaints about the conduct of a parish councillor towards a clerk) that this should not be restricted to the Chairman of the Parish Council.

The Committee also agreed that the proposed areas for change to the Members' Code of Conduct should include an obligation that a Councillor must not conduct themselves in a manner which could be reasonably regarded as bringing their office as a Councillor, or the Council itself into disrepute. A request was also made for the review to consider the latest Probity in Planning guidance issued by the Local Government Association in December 2019.

Standards - 20.02.20

The Committee then reviewed whether the Principles of the Code of Conduct, as set out in Section 1, Paragraph 2.1 of the Code should be updated with the CSPLs redefined definitions. The Committee was not comfortable with all of the redefined Principles and asked the Monitoring Officer to review whether there could be a mix and match between the current and redefined wording, and whether the Council could introduce its own wording. It was agreed that a report back would be made on this as part of the ongoing review.

The Committee then

RESOLVED – That

(1) the Group Head of Council Advice & Monitoring Officer brings back a revised draft of the Members' Code of Conduct and Local Assessment Procedure to a future meeting taking account of all the proposed areas for change agreed by the Council on 18 September 2019 and highlighted at this meeting; and

(2) the final amended versions then be presented to the Full Council for approval with an estimated completion date of November 2020.

464. APPOINTMENT OF TWO ADDITIONAL INDEPENDENT PERSONS TO THE STANDARDS COMMITTEE

The Committee received a report from the Group Head of Council Advice and Monitoring Officer which sought the agreement of the Committee to recommend the appointment of two further Independent Persons to the Standards Committee. It was outlined that in line with Paragraph 4.5(7) of Part 3 (Responsibility for Functions) of the Council's Constitution, any recommendations for appointment needed to be made by Full Council.

Councillor Bennett was invited to present the detail of this item as he had chaired the interview panel that had conducted interviews on 16 January 2020.

Councillor Bennett explained that the interview panel had consisted of himself, Councillor Mrs Daniells, and the Group Head of Council Advice & Monitoring Officer. The selection process had considered the candidate's application form and their response to questions posed at interview against the selection criteria and job description for the role. All applicants had also been assessed against the requirements of Section 28 of the Localism Act 2011 which confirmed what would disqualify a candidate from being appointed to this role.

Councillor Bennett outlined that out of the four candidates interviewed, the Panel had unanimously agreed that two be recommended to the Committee for appointment, being John Cooke and Sandra Prail based upon their excellent skills and experience that they could bring to the role. As both candidates had been invited to attend the meeting they were introduced to the Committee and they provided a brief overview of their professional backgrounds.

The Group Head of Council Advice & Monitoring Officer reminded the Committee that it had originally agreed to recruit one additional Independent Persons to extend the number of Independent Persons to three to ensure that there was always adequate independent opinion available to both the Committee and the Monitoring Officer. Appointing an additional Independent Person would always ensure that there was adequate coverage and would allow the opportunity to rotate independent persons around complaint issues to extend experience and cover. It was outlined that the legislation did not set a maximum of Independent Persons to be appointed.

Following brief debate and having agreed to the two suggested appointments, the Committee

RECOMMEND TO FULL COUNCIL – That

- (1) John Cooke is appointed as an Independent Person to the Standards Committee for an initial term of office of one year from the date of the Full Council decision;
- (2) Sandra Prail is appointed as an Independent Person to the Standards Committee for an initial term of office of one year from the date of the Full Council decision;
- (3) Subject to the appointments being confirmed at (1) and (2) above, the Group Head of Council Advice & Monitoring Officer be authorised to confirm the appointment terms to John Cooke and Sandra Prail; and
- (4) The Standards Committee review any extension to these terms of office in January 2021 and then report back to Full Council.

465. REGISTER OF ASSESSMENTS OF COMPLAINTS AGAINST COUNCILLORS

(Prior to the commencement of the discussion on this item, Councillors Bennett, Bower, Coster and Mrs Worne re-declared their interests made at the start of the meeting).

The Committee received a report from the Group Head of Council Advice & Monitoring Officer which provided Members with an update on the complaints made against Councillors over the past two years.

The Committee was advised that this report was being provided in a slightly different format in that it was being presented in open business with the latest list of complaints being provided to Members of the Committee only as an Exempt Appendix, on the basis that it included information relating to individuals. It was made clear therefore that should the Committee wish to discuss any information contained within the Appendix, then it would be necessary for the meeting to move into Exempt business.

Standards - 20.02.20

It was highlighted that since the Committee's last meeting, ten complaints had been received under the Code of Conduct. Of the seven complaints completed, none had required a Stage 2 assessment. The Group Head of Council Advice & Monitoring Officer outlined that since the last meeting, practices had been reviewed on whether a modified public register of complaints should be introduced for publishing via the Committee onto the Council's website. This review had highlighted how few Councils published information on the outcome of complaints received, however, two examples found from the review were circulated to the meeting for discussion. One was from Huntingdonshire District Council and the other was from Durham County Council. The views of the Committee were sought in terms of whether it felt that this Council should publish an annual report of its Code of Conduct complaints.

The Committee agreed that this would be a transparent way of updating the public on complaint cases received and would illustrate how thoroughly complaints were investigated. It did not express any specific view in terms of when this report would be presented, either at the end of each Municipal Year or as part of the first cycle of meetings in the new Council year. Having examined the two examples circulated, the Committee highlighted the Huntingdonshire model as its preference.

The Committee

RESOLVED – That

- (1) The Register of Complaints against Councillors be noted; and
- (2) A change to the publication on the outcome of complaints be made by producing a public register of complaints to be published annually, using the Huntingdonshire model circulated to the meeting.

466. EXEMPT INFORMATION

The Committee

RESOLVED

That under Section 100A (4) of the Local Government Act 1972, the public and accredited representatives of newspapers be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the item.

467. REGISTER OF ASSESSMENT OF COMPLAINTS AGAINST COUNCILLORS

Having noted the Register of Complaints as part of the previous item, the Committee discussed some of the complaints received.

(The meeting concluded at 7.19 pm)