

Time commenced – 6.01pm
Finished – 6.39pm

STANDARDS COMMITTEE

7 July 2020

Present: Councillors S Khan (Chair), Atwal, AW Graves, M Holmes (as a substitute for A Holmes), Marshall and Alan Cameron, Stuart Green, Peter Purnell and Philip Sunderland

In Attendance: Emily Feenan - Director of Legal, Procurement and Democratic Services and Monitoring Officer
Steven Mason – Democratic Services Officer

01/20 Apologies

Apologies were received from Councillor A Holmes.

02/20 Late Items Introduced by the Chair

There were none.

03/20 Declarations of Interest

There were none.

04/20 Minutes of the meeting held on 22 October 2019

The minutes of the meeting held on 22 October 2019 were noted.

05/20 A Review of the Local Government Ethical Standards Report

The Committee received a report of the Director of Legal, Procurement and Democratic Services on A Review of the Local Government Ethical Standards Report.

It was noted that the Standards Committee had considered the Local Government Ethical Standards report by the Committee on Standards in Public Life at its meeting on 22 October 2019 and that Members considered the list of recommendations and the list of best practice contained within that report.

It was also noted that Members had resolved to agree that the Monitoring Officer should consider the list of recommendations and the list of best practice contained within the report, with a view to bringing a report to the next meeting of the Standards Committee with any relevant recommendations.

The list of recommendations and the list of best practice from the report, along with the Monitoring Officer's comments and recommendations were attached at Appendix 1 and 2 respectively.

The Committee considered the Monitoring Officer's comments and recommendations.

Members discussed the following best practice at Appendix 2 of the report:

- 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.

In relation to prohibiting trivial or malicious allegations by Councillors, it was proposed that this matter could be addressed at the initial Independent Person Advisory Panel stage of the procedures for considering complaints. It was agreed that the Monitoring Officer should explore how this was dealt with by other authorities and seek external advice. It was also agreed that the Monitoring Officer would report back to the Committee with some examples of what could happen if a Councillor did not comply with any formal standards investigation.

Members also discussed the following best practice at Appendix 2:

- 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.

It was reported that the Local Government Association was currently undertaking a consultation on a new draft Model Member Code of Conduct. Members noted that Democratic Services would be submitting a group response and representations were invited from Members of the Committee. It was agreed that the consultation be distributed to all elected members and that the outcome of the consultation be reported to Committee.

In relation to the Code of Conduct being reviewed annually, it was generally agreed that this should not preclude changes being made to it at other times, if it was deemed necessary to do so.

The following best practice was also discussed:

- 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.

It was noted that the current procedures in place for considering complaints, were silent on this point but that external advice was being sought and that the Monitoring Officer would report back to Committee.

Resolved:

- 1. to agree that an update report on the points raised at the meeting, be brought to a future meeting of the Standards Committee; and**
- 2. to agree that the outcome of the Local Government Association consultation on the new draft Model Member Code of Conduct be reported to a future meeting of the Standards Committee.**

06/20 Procedures for the Assessment and Review of Allegations of Breaches of the Councillors' Code of Conduct

The Committee received a report of the Director of Legal, Procurement and Democratic Services on Procedures for the Assessment and Review of Allegations of Breaches of the Councillors' Code of Conduct.

It was reported that the Monitoring Officer had requested that Weightmans LLP conduct an external review of the procedures for the assessment and review of allegations of breaches of the Councillors' Code of Conduct.

Members noted that the procedure for the assessment and review of allegations of breaches of the Councillors' Code of Conduct was last reviewed by the Standards Committee in February 2019 and that Council subsequently approved amendments to the procedure relating to matters raised with the Monitoring Officer that did not result in a complaint.

It was reported that the proposals related to the introduction of additional procedures for pre-hearings and hearings held following the conclusion of an investigation under the existing process and that the draft procedures were attached at Appendix 1 and 2 respectively.

It was noted that further amendments were also recommended to the existing Complaints Procedure, based on advice received from Weightmans LLP and that these were attached at Appendix 3.

It was reported that the proposed procedures contained some typing errors that would be addressed outside of the meeting.

In relation to the interviews carried out as part of any investigation, Members agreed that interviewees should be asked to agree with any notes taken at such interviews and that wording to reflect this be added at the relevant part of the procedure.

Members asked about the possibility of interviews being recorded, going forward. The Monitoring Officer agreed with this in principal and it was agreed that she would investigate if this was standard practice for other authorities. It was agreed that wording to reflect the following, be added at paragraph 31 of the procedure:

- If appropriate in the investigator's and/or Monitoring Officer's opinion, interviews may be recorded and stored for future evidence purposes, in accordance with Data Protection legislation.

In relation to the draft hearings procedure, members questioned the proposal that hearings would normally take place in public. The Monitoring Officer felt that the presumption should be that hearings be held in public, with consideration being given, on a case by case basis, to the exclusion of the press and public.

Resolved to recommend to Council that the procedure be amended by:

- **The addition of Appendix E (The Pre-Hearing Process)**
- **The addition of Appendix F (Hearings Procedure)**
- **The further changes detailed at Appendix 3 of the report in relation to the substantive procedure for the consideration of complaints against councillors, including the amendments as outlined at the meeting.**

07/20 Summary of Progress with Member Complaints 2019/20 and 2020/21

The Board received a report of the Director of Legal, Procurement and Democratic Services on Summary of Progress with Member Complaints 2019/20 and 2020/21.

It was reported that one complaint was carried over from the 2018/19 municipal year to 2019/20 and that this complaint had been dismissed.

Members noted that nine complaints were received in the 2019/20 municipal year and that four complaints were dismissed; one complaint was resolved through an informal resolution and four complaints were still live and had been carried over to the 2020/21 municipal year.

It was reported that one complaint has been received in the 2020/21 municipal year.

Resolved to note the report.

08/20 Exclusion of the Press and Public

Resolved that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting during discussion of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

09/20 Summary of Progress with Member Complaints
2019/20 and 2020/21

The Committee considered exempt detail in the report of the Director of Legal, Procurement and Democratic Services on Summary of Progress with Member Complaints 2019/20 and 2020/21.

Resolved to note the report.

MINUTES END