

Time commenced – 4.01pm  
Finished – 5.21pm

## **STANDARDS COMMITTEE 12 February 2019**

Present: Councillors A Holmes (Chair), Bayliss, Graves, Marshall and Skelton  
and Alan Cameron, Peter Purnell and Philip Sunderland

In Attendance: Emily Feenan - Interim Director of Legal, Procurement and  
Democratic Services and Monitoring Officer  
Glen O'Connell – former Interim Monitoring Officer  
Steven Mason – Democratic Services Officer

### **07/18 Apologies**

Apologies were received from Stuart Green.

### **08/18 Late Items Introduced by the Chair**

In accordance with Section 100(B)(4) of the Local Government Act 1972, the Chair agreed to admit the following item on the grounds that it needed to be considered before the next meeting:

Member Contact with Licensing Section.

### **09/18 Declarations of Interest**

It was proposed that declarations in relation to the exempt item part of the following report be dealt with at the point at which it was to be considered:

Interim Monitoring Officer Progress Report 2018/19.

Members agreed.

### **10/18 Member Contact with Licensing Section**

The Committee received a report of the Monitoring Officer on Member Contact with Licensing. The report was presented by the Interim Director of Legal, Procurement and Democratic Services and Monitoring Officer.

It was reported that on 22 July 2015, Council approved a reporting system for Councillor contact with officers within the Licensing section as part of changes arising from the Casey Review. It was also reported that the system involved member contact being reported to a Lawyer within Legal Services, who subsequently would make a recommendation to the Monitoring Officer on whether the reported activity had the potential to constitute a Code of Conduct breach.

The system was established to restrict the likelihood of the following:

- Contact from members where the purpose is to influence the processing of
- individual applications;
- Members making representations on behalf of the trade or individual drivers at
- sub-committee hearings;
- The dilution of regulatory standards after representations with the trade.

Members noted that two referrals had been made which identified potential breaches for the period from mid-August 2018 to mid-January 2019, and that this was reported to the committee for information. It was also noted that given that no complaint had been made about the Councillors in question, they were anonymised for the purpose of the report.

Members were informed that there was a separate report to the Committee which recommended changes to the procedures which would, potentially, result in the two referrals being referred to the Independent Person Advisory Panel. It was reported that the proposed change to the complaint procedures had not been adopted and so the current arrangements were applicable in these cases.

Members noted that the first referral was made after it was suggested interaction between Councillor X and the Licensing section could be perceived as an attempt to gain an advantage for a driver by enabling a document which was contrary to legislative requirements to be accepted. It was also noted that the contact between Councillor X and the Licensing Section took place on 5 November 2018. The Monitoring Officer agreed with the view of the Lawyer who considered this matter that, if proven, the alleged behaviour of Councillor X would constitute a breach of Paragraph 6.1(a) of the Members' Code of Conduct. It was reported that the Monitoring Officer had spoken to Councillor X about the issue and explained why such an approach was inappropriate and went beyond what was acceptable in terms of Councillors undertaking a representative role on behalf of their constituents.

Members noted that in the second referral it was alleged that Councillor Y was rude to officers within the Licensing section and implied that they were being unhelpful when he contacted the Licensing section in relation to immigration checks on 20 December 2018. It was also noted that the Monitoring Officer fundamentally agreed with the view referred by Legal Services that this had the potential to be a breach of the Code of Conduct under paragraph 3.1 (treating others with respect). It was reported, however, that the Monitoring Officer did not agree that its referral was consistent with the principles upon which the referral system was based (detailed in paragraph 1.2 of the report) and, therefore, sat outside of that referral system. It was also reported that the Monitoring Officer had spoken to Councillor Y and reminded him of his responsibility to treat others with respect.

Members noted that 13 other instances of Councillor contact were recorded by the Licensing service during this period, none of which suggested inappropriate behaviour or breaches of the Code of Conduct.

Members agreed that the Monitoring Officer should check the reporting system agreed by Council in 2015, to see if it could be strengthened to allow the identification of repeat offenders.

**Resolved:**

- 1. to note the issue in relation to Councillor X, in which the Monitoring Officer agrees that the summary provided does give rise to a potential breach of the Members' Code of Conduct and that the referral was consistent with the principles upon which this system was established; and**
- 2. to note the issue in relation to Councillor Y, in which the Monitoring Officer agrees that the summary would have the potential to give rise to a potential breach of the Members' Code of Conduct, but do not consider that the referral was consistent with the principles upon which this system was established.**

**11/18 Minutes of the meeting held on 10 July 2018**

The minutes of the meeting held on 10 July 2018 were agreed as a correct record.

**12/18 Procedure for the Assessment and Review of Allegations of Breaches of the Members' Code of Conduct**

The Committee received a report of the Strategic Director of Corporate Resources on Procedure for the Assessment and Review of Allegations of Breaches of the Members' Code of Conduct. The report was presented by the Interim Director of Legal, Procurement and Democratic Services and Monitoring Officer.

It was reported that the Standards Committee considered new Procedures for the Assessment and Review of Allegations of Breaches of the Members' Code of Conduct at its meeting on 27 March 2018 and that the procedures had been approved by Council on 23 May 2018.

It was reported that most breaches, or alleged breaches, of the Code of Conduct were reported to the Standards Committee following a process initiated through a complaint being submitted. It was also reported that without a complaint being submitted, the Committee did not have any power to issue sanctions against a Councillor for a breach.

It was noted that there were occasions, however, when the Committee was alerted to potential breaches that had come to the attention of the Monitoring Officer. It was also noted that one such circumstance was through the log of Councillors who became involved in licensing matters.

It was reported that previous experience had shown that it would be inappropriate for the Committee to make a ruling, or issue sanctions, based on the submission of this information alone. It was also reported that on that basis, the existing Paragraph 26

of the procedure stipulated that the Committee would have no power beyond noting in those circumstances.

It was reported that at its meeting on 10 July 2018, the Committee had felt there needed to be a mechanism where instances of a potential breach arising in such circumstances could be considered in the same way as a complaint would, without the necessity for a complaint having been received. Members noted that the proposed amendment to Paragraph 26 and addition of Paragraph 27 provided a mechanism for the Committee to return any such matter to the Independent Person Advisory Committee for consideration.

Members considered paragraphs 26 and 27 and agreed further minor changes to the wording.

Members felt that the review of the process for considering complaints about Councillors, should be deferred for six months.

**Resolved to recommend to Council that the procedure be amended by the proposed change to paragraph 26 and addition of paragraph 27 (shown in Appendix 1, in red), subject to the amendments as outlined at the meeting.**

## 13/18 Interim Monitoring Officer Progress Report 2018/19

The Committee received a report on Interim Monitoring Officer Progress Report 2018/19. The Chair invited the former Interim Monitoring Officer to present the item.

The report provided a summary of progress on cases dealt with under the new local standards regime, together with comment on the operation of the new regime in its first year.

It was reported that at the Council's annual meeting in May 2018, approval was granted for substantial changes to local procedures for handling standards complaints in the light of dissatisfaction with the proliferation of, and nature of, complaints under the previous regime.

It was also reported that in the 2018/19 municipal year, three standards complaints had been received and dealt with under the new regime and that this was a substantial reduction from previous levels of complaints. Members noted that a summary of each complaint and its outcome was contained in an exempt appendix of the report.

It was reported that within the new procedures there was an ability to refer a complaint to the subject member's political group where it was considered that the complaint may be politically directed. It was also reported that although this ability had not yet been exercised, the former Interim Monitoring Officer did consider this to be an innovative and valuable tool within the procedure which could be particularly effective if politically directed complaints returned to previous levels.

It was noted that all three cases involved complaints about comments made by Councillors and two of the three concerned comments on social media. It was also

noted that training on appropriate use of social media would form part of this year's Councillor induction programme.

It was reported that the new procedure involved the use of a Panel of four Independent Persons and that it provided effective support to the Monitoring Officer through use of group e-mail exchanges, telephone conferencing and face to face discussion. It was also reported that the availability and use of such flexible contact overrode any initial perception that the views of the Panel may be difficult to coordinate.

Members noted that the former Interim Monitoring Officer considered that the new regime was innovative in its intent to reduce the number of politically motivated/associated complaints but that there was insufficient evidence to conclude that the new regime had achieved that objective as the reduction in complaints could, equally, be driven by other local factors. It was also noted that the Panel had proved a useful mechanism to provide constructive challenge within the procedure. It was reported that the procedure had worked effectively within its first year of operation but on a low level of complaints. It was also reported that as a procedure, it was quite complex, but the level of work, to date, had not placed any strain upon it and it was suggested that it was retained and reviewed in the light of more experience of its operation.

**Resolved to note the experience of the operation of the new regime and the suggestion that no changes be made to it, other than as recommended in a report elsewhere on this agenda, until further experience suggests it is necessary.**

#### 14/18 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.**

#### 15/18 Interim Monitoring Officer Progress Report 2018/19

The Committee received a report which provided exempt information in relation to summaries of the three cases of complaints about Councillors submitted in the 2018/19 municipal year.

A number of the Members declared an interest in the report and left the room at the relevant points of consideration.

**Resolved to note the update.**

MINUTES END