
STANDARDS COMMITTEE29 SEPTEMBER 2014

Present:- Councillors N Stock (Chairman), R Heaney (Vice-Chairman), J Hawkins, I Johnson, N Turner and J White

In Attendance:- Monitoring Officer (Lisa Hastings), Democratic Services Manager (Colin Sweeney) and Senior Democratic Services Officer (Ian Ford)

(10.00 a.m. - 12.02 p.m.)

6.. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was received on behalf of Councillor Nicholls (with Councillor Turner substituting).

7. MINUTES OF THE LAST MEETING OF THE STANDARDS COMMITTEE

The minutes of the last meeting of the Standards Committee, held on 25 June 2014, were approved as a correct record and signed by the Chairman.

8. DECLARATIONS OF INTEREST

There were no declarations of interest recorded at this time.

9. MANDATORY TRAINING FOR MEMBERS

There was submitted a report (A.1) by the Corporate Director (Corporate Services) which reported on the current position with regard to mandatory training for members (and named substitute members) of the Council's Licensing and Planning Committees.

Members were reminded that at its meeting held on 3 June 2014, the Council had decided, as part of the review of the Constitution, that site visits, briefings and specific training be mandatory for members (and named substitutes) of the Council's planning and licensing committees (Council Procedure Rule 37.1).

The Committee recalled that, at its meeting held on 25 June 2014, it had decided that as part of its work programme it would receive a report on the current position regarding Members' training and how mandatory training would be delivered to ensure compliance with the Council's decision.

It was reported that Members had undertaken previous training in respect of Planning and Licensing matters and details of Member attendance at those sessions were before the Committee as Appendices A and B to the Report of the Corporate Director (Corporate Services). Those records highlighted that there were gaps in the training which current members of those Committees had received, which was mainly due to changes in membership and the new requirement for named substitutes. Therefore, further training sessions were being organised for the Licensing Committee and its Sub-Committees to be delivered in the Autumn. In the meantime, any Member who had not undertaken a form of training relevant to the work of the sub-committees would not be able to sit on the sub-committee to consider business. If there was an urgent need, Officers could offer a short session however, it was not considered an effective and efficient use of resources to deliver those on a one-to-one basis.

The Committee was informed that all members and named substitutes of the Licensing and Planning Committees would be required to attend future organised sessions and that relevant Group Leaders would be notified if their Members did not undertake the training. In order to ensure that the training was successful and that the application of the principles was understood by Members, it was suggested that each session would have a workshop style question session at the end. That approach had been adopted for the Planning Committee's training sessions and had worked well for both Members and Officers.

The Committee was made aware that not all training had to be delivered separately from the committee meeting and at its last meeting, the Monitoring Officer had suggested that the training for Standards Committee members would be delivered through the consideration of a number of reports on procedures and best practice, examples of which included the hearing procedures and a review of the current complaints process. In addition, a pre-hearing session had been organised for the Town and Parish Councils Standards Sub-Committee before its hearing held on 22 September 2014.

It was proposed that training records be maintained by the Democratic Services Section, which would serve as a useful document to provide evidence that those Members (and named substitutes) who had been appointed to the Licensing and Planning Committees had had the appropriate training to allow them to properly undertake the business of their meetings. It was also proposed that record-keeping of this nature be extended to other committees of the Council and, in particular, to the Audit Committee and this Committee.

The Committee discussed what actions, if any, could be taken in the event that a Member could not or would not attend training sessions. The Committee was also firmly of the view that it was important that all Members of the Council should have the freedom to attend all training sessions, as this would be helpful to their personal development as a Councillor and also helpful given the fact that a Member could be called upon to sit on the relevant Committee in the future.

A Member suggested that the number of planning appeals won or lost in respect of planning application decisions taken by the Planning Committee would be a good indicator of the effectiveness of that Committee and the quality of training its Members had received.

It was moved by RESOLVED, that

1. Details of all mandatory and other relevant training undertaken by Members be recorded and maintained by the Democratic Services Section;
2. A programme of relevant training be drafted for approval and implementation by the Audit Committee;
3. An annual report be presented to the Standards Committee, giving details of all training provided and details of attendance (and non-attendance) by Members. Such report should also include details of number of planning appeals won or lost in respect of planning application decisions taken by the Planning Committee; and
4. This Committee recommends to Group Leaders that, where appropriate, they should take into consideration the training record and suitability of their Group's Members when deciding who they nominate to serve on the Audit, Licensing, Planning and Standards Committees.

10. MEMBER AND OFFICER RELATIONS PROTOCOL

There was submitted a report (A.2) by the Monitoring Officer, which sought approval of the proposed Member and Officer Relations Protocol.

The Committee was informed that the purpose of this Protocol was to provide a guide to good working relationships between Members and Officers, defining their respective roles and outlining the principles that underpinned their relationship, including that of mutual respect. The Protocol also built on the Council's good governance arrangements and respective Codes of Conduct for both Members and Officers and through this promoted the maintenance of integrity, both real and perceived, of the Council as well as very high standards of personal conduct.

Members were made aware that the Monitoring Officer also considered that it would be good practice for the Members' and Officers' Codes of Conduct and the Protocol to sit together within the Constitution however, the delegated power to review and approve the Protocol would still rest with this Committee, in accordance with its terms of reference.

The Monitoring Officer circulated to the Committee an updated Protocol which took account of some minor textual amendments.

Having considered the Protocol and discussed matters including:

- Members' preference to the word 'presentation' of Council policy, as opposed to 'promotion' taking into account the position of opposition groups;
- that Members' public criticism of Officers at meetings or otherwise, was not appropriate and if there were concerns about individual performances these should be raised through alternative routes, as set out in the Protocol;
- the role of Officers in writing reports for Cabinet delivering the Administration's policies reflecting within the Protocol a clearer distinction between Cabinet and Council/Committee reports; and
- the actions of both Members and Officers during the period known as 'Purdah'; it was:

RESOLVED that the revised Member and Officer Relations Protocol, as amended at the meeting and as set out in the Appendix to these Minutes, be approved and adopted.

RECOMMENDED TO COUNCIL that the Member and Officer Relations Protocol, together with the Officers' Code of Conduct, be reinstated within Part 6 of the Constitution.

11. UPDATES FROM THE MONITORING OFFICER

(1) Quarterly Update on Complaints

The Monitoring Officer circulated to the Committee a written quarterly update, the contents of which, following discussion, was noted. Members of the Committee were pleased to note the recommendation of the Town and Parish Councils Standards Sub-Committee for the Monitoring Officer to provide a declaration of interests and Code of Conduct guidance session to the Clerks and Chairmen of Town and Parish Councils to assist them in their roles.

(2) Standards Conference 2014

The Monitoring Officer informed the Committee that generally the national position was that the framework under the Localism Act 2011 was working well but that there was a feeling of the lack of sanctions and issues surrounding Councillors acting in a 'Official v Private capacity' had caused concerns.

The Monitoring Officer submitted to the Committee written feedback under the following headings:

- (a) Official v Private capacity;
- (b) Procedural Issues;

- (c) Codes of Conduct;
- (d) Guidance;
- (e) Independent Person Protocol;
- (f) Freedom of Information Act requests and applying the Act versus the Data Protection Act;
- (g) Article 6 of the European Convention of Human Rights (ECHR) – Right to a Fair Trial; and
- (h) Article 10 of the ECHR – Freedom of Expression.

The Monitoring Officer undertook to circulate to Members the Committee on Standards in Public Life's document entitled "Ethics in Practice: Promoting Ethical Conduct in Public Life" and to bring the Independent Person Protocol to the December meeting of the Committee for revision as it was important to keep it up-to-date.

The Chairman suggested that the issue of 'third party' Freedom of Information Act requests for information held by the Monitoring Officer in respect of a standards complaint and its relationship to the Data Protection Act be further discussed by the Committee at its next meeting. In the meantime the Committee endorsed the approach that was currently being taken by the Monitoring Officer in relation to such 'third party' requests.

The Committee noted that the Council had improved its arrangements and was in line with the good practice recommended at the Conference.

The Chairman also stated to the Committee that if any Members would like an item raised or discussed as an agenda item at the Committee, they were free to do so and he suggested that they contacted both himself and the Monitoring Officer to discuss the request. It was noted that, during the debate on the Member/Officer protocol, it had been agreed that a guidance note on 'Purdah' would be an agenda item for the December meeting of the Committee.

12. VERBAL GENERAL UPDATE FROM THE MONITORING OFFICER

The Monitoring Officer spoke on (a) a matrix showing progress in relation to complaints against Members received and (b) the Council's Press Procedure – Complaints Against Members (both tabled at the meeting), which were noted.

13. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

14. EXCLUSION OF PRESS AND PUBLIC

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 9 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act.

Chairman