

# Public Document Pack

Standards Committee

2 October 2019

**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE,  
HELD ON WEDNESDAY, 2ND OCTOBER, 2019 AT 10.00 AM  
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,  
CO16 9AJ**

<b>Present:</b>	Councillors Land (Chairman), Alexander, Harris, J Henderson, Steady and Wiggins
<b>In Attendance:</b>	Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer), Keith Simmons (Head of Democratic Services and Elections)(except items 15 - 18), Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer) and Ian Ford (Committee Services Manager & Deputy Monitoring Officer)
<b>Also in Attendance:</b>	Sue Gallone, David Irvine and Jane Watts (three of the Council's four appointed Independent Persons)

**10. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Councillor Amos (with Councillor Alexander substituting), Councillor Overton (with no substitute) and Clarissa Gosling (one of the Council's appointed Independent Persons).

**11. MINUTES OF THE LAST MEETING**

The Minutes of the last meeting of the Committee held on 3 July 2019 were approved as a correct record and signed by the Chairman.

**12. DECLARATIONS OF INTEREST**

There were no declarations of interest made at this time.

**13. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

There were none on this occasion.

**14. REPORT OF HEAD OF DEMOCRATIC SERVICES & ELECTIONS - A.1 -  
COUNCILLOR DEVELOPMENT STATEMENT**

There was submitted a report of the Head of Democratic Services & Elections (report A.1) which sought to ensure that the Committee:-

- (i) was aware of the development of the Councillor Development Statement;
- (ii) had the opportunity to input into the Statement; and
- (iii) could be re-assured that within the overall ambit of good governance at the Council the need to support the development of Councillors in their roles was being given further recognition through the development of the Statement.

It was reported that the draft Councillor Development Statement 2019-2023 attached at Appendix A to the Officer's report sought to provide the overarching position in respect

of Councillor development at the Council whilst addressing needs analysis and different modes of provision in order to address those needs.

The Committee was requested to consider the draft Statement and determine whether to endorse it for adoption as the framework for Councillor development over the term of the current Council. The Statement would be kept under review and, should there be a need to substantially update, refine and amend it there would be a further report to the Committee.

Members were aware that ensuring that Councillors were as best equipped as practically possible to fulfil the range of responsibilities that role entailed was a key component to delivering good governance.

The Committee raised areas of concern which included:-

Member Comment/Suggestions	Officer Response
<p>[Councillor J Henderson]</p> <p>Training should be offered for newly appointed Members of the Cabinet in order to help them adjust to their new responsibilities and duties.</p>	<p>[HoDS&amp;E]</p> <p>This was a good suggestion that would be taken on board moving forward.</p>
<p>[Councillor Steady]</p> <p>Overview and Scrutiny Members should be allowed to attend Management Team meetings and the Senior Managers' Forum in order to increase their understanding of the operational decision making process and how information is shared across the Authority.</p>	<p>[HoDS&amp;E]</p> <p>Undertook to take up this suggestion with the Chief Executive, as Head of Paid Service as the request related to operational management of the Authority, rather than the item under consideration</p> <p>[HoGLS&amp;MO]</p> <p>Reminded Members that the items discussed at Group Leader meetings with the Chief Executive and at All Member Briefings are for information purposes and share similar topics to those discussed with senior officers, at Management Team/Senior Managers' Forum, for example the draft emerging corporate plan</p>
<p>[Councillor Harris]</p> <p>Newly elected Councillors need prompt training on the "calling in" process for Planning Applications to go to the Planning Committee especially in teasing out the valid planning reasons for doing so.</p>	<p>[HoDS&amp;E]</p> <p>This was a good suggestion that would be taken on board moving forward.</p> <p>[HoGLS&amp;MO]</p> <p>Undertook to re-circulate to Members the</p>

	Members' Referral Scheme & Guidance Note for Planning Applications (January 2019) and also to arrange a training session on this at a future All Members' Briefing.
[Councillor Land]  Guidance should be produced for newly elected Councillors on how best to represent their communities.	[HoDS&E]  This was a good suggestion that would be taken on board moving forward.
[Councillor Alexander]  Concerned that proposal to introduce video recordings of All Member Briefings for later circulation to Members could then get out into the public domain and be used to cause political embarrassment for a Member amongst other nefarious purposes. This could result in a chilling effect on discussions and Members' ability to speak freely.  [Councillor J Henderson]  This proposal could introduce a disincentive for Members to attend.  [Councillor Harris]  Suggested that video recordings of the Officer presentations to the All Member Briefing be produced separately to the Briefing itself.	[HoDS&E]  Officer presentations to the All Member Briefing would be video recorded but not the Member discussions themselves.  [N.B. refer also to resolution (b) below.]
[Councillors Alexander and Steady]  All Member Briefings at present are poorly attended. Attendance at these events should be made compulsory as they are a vital source of information for Members.	[HoDS&E]  Undertook to try to ascertain the reasons why Members do not, or are unable to, attend All Member Briefings and then carry out an analysis of Members' needs going forward.

Having thus considered and discussed the contents of the draft Councillor Development Statement 2019-2023:-

It was moved by Councillor Alexander, seconded by Councillor Harris and:-

**RESOLVED** that the Committee –

- 
- (a) confirms its commitment to seeing good Councillor development as a key component of good governance;
  - (b) endorses the draft Councillor Development Statement 2019/23, as set out at Appendix A to the report of the Head of Democratic Services & Elections, with the exception of the paragraph on page 9 of the Statement which refers to the intention to video record All Member Briefings which should be deleted pending a re-draft and re-submission of that paragraph to a future meeting of the Committee;
  - (c) notes that the Statement will be kept under review and that any substantial alteration to it will be the subject of a further report to this Committee; and
  - (d) authorises the Head of Democratic Services and Elections to make minor amendments to the Statement, as necessary.

**15. REPORT OF THE MONITORING OFFICER - A.2 - "THE LOCAL GOVERNMENT ETHICAL STANDARDS REPORT DATED JANUARY 2019 FOLLOWING A REVIEW BY THE COMMITTEE ON STANDARDS IN PUBLIC LIFE"**

There was a report submitted by the Monitoring Officer (report A.2) which enabled the Committee to consider a breakdown of:-

- (1) which of the Committee on Standards in Public Life's (CSPL) recommendations required changes in legislation;
- (2) which of the CSPL's 'good practice' recommendations could be adopted and implemented straight away by local authorities; and
- (3) which of the 'good practice' recommendations referred to in (2) above this Council had already implemented.

The Committee recalled that, at its meeting held on 3 July 2019 (Minute 7 referred), it had received an update from the Monitoring Officer on the progress being made on the implementation of the CSPL's recommendations.

Following a discussion of the issues arising in the update the Monitoring Officer had undertaken to submit to this meeting of the Committee a breakdown of:-

- (1) which of the CSPL's recommendations required changes in legislation;
- (2) which of the CSPL's 'good practice' recommendations could be adopted and implemented straight away by local authorities; and
- (3) which of the 'good practice' recommendations referred to in (2) above this Council has already implemented.

Appendix A to the Officer's report submitted to this meeting provided an update on the progress made (if any) in implementing the recommendations contained in the CSPL's report.

Appendix B to the report provided a breakdown of this Council's current practice in relation to the list of best practice recommendations to local authorities contained in the CSPL's report.

In relation to the Committee's previous resolution also made on 3 July 2019 that the Head of Finance, Revenues and Benefits Services be requested to produce for the Committee's consideration a business case for providing a general professional indemnity cover for Members, Officers and, in particular, the Independent Persons, the Monitoring Officer reported that this matter was on-going and would be reported back to Committee when progressed.

Having considered and discussed the contents of the two Appendices:-

It was moved by Councillor Harris, seconded by Councillor J Henderson and:-

**RESOLVED** that –

- (a) in relation to Appendices A and B, the Committee notes the updates and other information provided; and
- (b) the Monitoring Officer investigates the feasibility of introducing DBS checks as mandatory for all elected Members (having had regard to the statutory criteria) and reports the outcome of such investigation to a future meeting of the Committee.

#### **16. REVIEW OF THE COUNCIL'S COMPLAINTS PROCEDURE**

The Committee reviewed the Council's Complaints Procedure in order to determine whether it was still 'fit for purpose'.

The Monitoring Officer highlighted two minor textual amendments which would need to be made to the Complaints Procedure namely:-

- (1) in paragraph 11.1 to amend the number of Independent Persons from two to four;
- (2) in paragraph 13.2 to include the address for the Local Government and Social Care Ombudsman.

Having considered the contents of the Complaints Procedure:-

It was moved by Councillor Harris, seconded by Councillor Steady and:-

**RESOLVED**, that no changes be made to the Council's Complaints Scheme at present with the exception of the two minor textual amendments to paragraphs 11.1 and 13.2 highlighted at the meeting by the Monitoring Officer.

#### **17. CASE REVIEW AND GUIDANCE UPDATE**

The Monitoring Officer drew the Committee's attention to national cases relating to:

- (1) a Councillor who had called for the Prime Minister to be "hanged for treason" but was found not to have breached the Code of Conduct;

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- (2) Flintshire Council who had expanded their Code of Conduct with a 'Standard' following abusive language and gestures being made by Councillors in meetings; and
  - (3) a Council Leader who had resigned from office and who had referred himself to the Ombudsman following concerns raised by the Welsh Audit Office.

The Senior Solicitor & Deputy Monitoring Officer then described for Members' benefit two cases under the previous national standards regime where an elected Member had been sanctioned by being disqualified from office. Those cases highlighted the sorts of issues that could once more arise should disqualification from office be restored as a permitted sanction following a Code of Conduct investigation and hearing.

The Monitoring Officer then made the Committee aware of:-

- (a) a recent publication by the Local Government Association of a document entitled "Councillors' Guide to Handling Intimidation"; and
- (b) an open letter to public officeholders circulated by the Chair of the Committee on Standards in Public Life on the importance of upholding high standards of behaviour in public debate. This followed recent fractious and high tempered debates on Brexit in the House of Commons in Parliament.

The Committee noted the foregoing.

#### **18. QUARTERLY UPDATE ON COMPLAINTS**

The Monitoring Officer circulated to the Committee the quarterly schedule, which gave an update on the one existing case from the last update, without providing any names, and went through it with the Committee explaining that, following discussion of the case with one of the Independent Persons, the matter had been referred to two of the Council's trained mediators for resolution. Following the mediators' involvement, the matter had been concluded satisfactorily with both parties agreeing a way for all future contact to be conducted. There had been no new cases arising since the last update to Members and there had been no requests for dispensations from Members.

The Monitoring Officer also informed the Committee that a complaint had been received from a member of the public in relation to a recent decision by the Planning Committee which had made reference to the Code of Conduct. However, this was being treated as a general complaint at present due to the breadth of matters contained within it.

Members were also made aware that the Monitoring Officer would shortly be delivering a refresher session on the Code of Conduct to Harwich Town Councillors.

The Committee noted the foregoing.

The meeting was declared closed at 12.02 pm

**Chairman**