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Standards Committee

19 March 2018

**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE,
HELD ON MONDAY, 19TH MARCH, 2018 AT 10.00 AM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors Heaney (Chairman), Honeywood (Vice-Chair)(except items 26 (part) - 27), Bray, Bucke, Nicholls, Steady and Whitmore
In Attendance:	Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer), Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer) and Ian Ford (Committee Services Manager & Deputy Monitoring Officer)
Also in Attendance:	Clarissa Gosling and John Wolton (Independent Persons)

21. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor J A Brown (with Councillor Whitmore substituting).

22. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Standards Committee, held on 22 January 2018, were approved as a correct record and signed by the Chairman.

23. DECLARATIONS OF INTEREST

There were none on this occasion.

24. REPORT OF THE MONITORING OFFICER - A.1 - MANDATORY TRAINING FOR MEMBERS - ANNUAL UPDATE

There was submitted a report (A.1) by the Monitoring Officer which sought to update the Committee, as part of its agreed work programme, on the current position of mandatory training for Members and named substitute Members of the Council's Audit, Licensing & Registration, Planning and Standards Committees.

The report reiterated the Council's decision and constitutional requirement to make relevant training mandatory for Members, and their named substitutes, in respect of a number of the Council's Committees and also provided details of training undertaken and attendance to date.

Appendix A to the report provided details of those Members who had undertaken 1-2-1 Code of Conduct sessions with the Monitoring Officer, either following a recommendation from the Standards Committee, or following election to the Council. The Monitoring Officer confirmed that due to the type of matters considered by the Standards Committee, each topic involved consideration of the relevant factors and in doing so the Committee received a range of information to take into account. When hearings were required to determine the outcome of Members' Code of Conduct complaints a briefing was held with the members of the Committee beforehand.

Appendix B to the report provided details of the Planning Committee Mandatory Training for 2017/18. The Committee noted that the usual range of subjects had not been delivered, with concentration on determining applications and the Local Plan, as both of those sessions were essential to understanding the various considerations to be taken into account by the Planning Committee when making decisions on applications.

Appendix C to the report detailed the training record for the Licensing and Registration Committee. This year only one session had been delivered but it had covered a range of topics.

Appendix D to the report was the training record for the Audit Committee.

The Committee was reminded that to ensure that the training was successful and the application of the principles was understood by Members, each session tended to have a workshop style question and answer session at the end. This style had been adopted by the Licensing and Registration and Planning Committees' training sessions and had worked well for both Members and officers and had encouraged debate.

It was reported that recently, as part of the committee structure review, members of the Electoral Review Working Group had raised the requirements to attend mandatory training and the consequences for failing to do so. Whilst the Constitution required a Member to undertake mandatory training if they were a member of certain committees, the rules were silent on the consequences of failing to do so. It was acknowledged that in the majority of cases, if a Member had not undertaken mandatory training they would not take part in certain decision making. However, without the relevant Group Leader's co-operation this would be difficult to enforce if a Member failed to observe the rules.

The Electoral Review Working Group had therefore requested that the Monitoring Officer undertake a review of the constitutional requirements relating to attending mandatory training linked to committee membership. Due to falling within its terms of reference, the Monitoring Officer would consult the Standards Committee on any new proposals.

Following discussion by the Committee, it was moved by Councillor Whitmore, seconded by Councillor Nicholls and -

RESOLVED that the Standards Committee:

- (a) notes the contents of the report and its Appendices;
- (b) encourages Members of the Planning, Licensing and Registration and Audit Committees to attend organised mandatory training to comply with the constitutional requirement;
- (c) welcomes a review of the constitutional requirements relating to attending mandatory training linked to committee membership and requests that the Committee is consulted on any new proposals. Further that any such review should also examine the relationships/implications between Members' attendance at meetings and Members' allowances; and
- (d) that, in future, the Independent Persons be invited to attend Member training sessions on the Code of Conduct.

After further discussion it was moved by Councillor Bray, seconded by Councillor Steady and –

RESOLVED (e) that, the Committee at its first meeting after the District Council Elections in May 2019, receive details pertaining to the attendance of Members at the training sessions on the Members' Code of Conduct.

25. REPORT OF THE MONITORING OFFICER - A.2 - ANNUAL REPORT ON DECLARATIONS OF INTEREST AND ASSOCIATED MATTERS

There was submitted a report (A.2) by the Monitoring Officer which provided the Committee with an overview on the register of, and declarations of interests by, Members in the period 11 March 2017 to 28 February 2018. The report provided statistics and related information on -

- 1) the Register of Members' Disclosable Pecuniary Interests including a specific dispensation granted by the Monitoring Officer;
- 2) declarations of interest at meetings;
- 3) use of blanket dispensations;
- 4) declarations of offers/receipt of gifts and hospitality; and
- 5) revised declarations of interest with effect from April 2018.

The data had been collated from the Committee modern.gov IT system and from Members' submissions.

Having considered the information submitted it was moved by Councillor Bray, seconded by Councillor Bucke and:

RESOLVED that the contents of the report be noted.

26. REVIEW OF LOCAL GOVERNMENT ETHICAL STANDARDS BY THE COMMITTEE ON STANDARDS IN PUBLIC LIFE

The Committee considered submitting a response to the stakeholder consultation by the Committee on Standards in Public Life on its review of local government ethical standards. The review was considering all levels of local government and its terms of reference were to:

- examine the structures, processes and practices in local government in England for:
 - maintaining codes of conduct for local councillors
 - investigating alleged breaches fairly and with due process
 - enforcing codes and imposing sanctions for misconduct
 - declaring interests and managing conflicts of interest
 - whistleblowing.
- assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government.
- make any recommendations for how they can be improved.

- note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.

The consultation was due to end on 18 May 2018.

During the debate, the Committee requested that further consideration be given to whether the Council should register all Members of the Council, on their behalf, as data controllers with the Information Commissioner's Office rather than requiring Members to register on an individual basis and reimburse the fee. Although recent guidance had been issued by Officers, a number of the Committee had different interpretations of the current position and sought further guidance and clarification. The Monitoring Officer agreed to raise this with the Corporate Director for Corporate Resources.

Having considered the information submitted and questions asked in the consultation document it was moved by Councillor Bray, seconded by Councillor Heaney and:

RESOLVED that the Monitoring Officer be authorised to submit, in consultation with the members of the Committee, the Council's formal response to the stakeholder consultation by the Committee on Standards in Public Life on its review of local government ethical standards.

27. DISCUSSION TOPICS AND/OR UPDATES FROM THE MONITORING OFFICER

Prior to the update from the Monitoring Officer, the Chairman wished the Committee to discuss the matter of non-payment of Council Tax by Councillors which was receiving public interest.

Following debate by the Committee it was moved by Councillor Heaney, seconded by Councillor Bray and -

RESOLVED that:

- (a) the Standards Committee is disappointed that a number of Councillors have recently failed to pay Council Tax and reminds all District Council Members of the Guidance approved by the Standards Committee and issued last year and requests the Monitoring Officer to reissue the same;
- (b) Non-payment of Council Tax is regarded as a matter of bringing the Council into disrepute and failing to demonstrate several of the Nolan Principles, especially when Councillors receive a monthly allowance; and
- (c) this subject is included within the Standards Committee's response to the stakeholder consultation by the Committee on Standards in Public Life on its review of local government ethical standards, particularly in relation to the lack of sanctions.

Quarterly Complaints Update

The Monitoring Officer circulated to the Committee the quarterly schedule, which gave general details of complaints received, without providing any names, and went through them with the Committee.

General Notes – Matters arising through January to March 2018

The Monitoring Officer informed the Committee that, unfortunately, due to an increase in her workload/lack of capacity it had not been possible to finalise two of the pending complaints within the time scale specified in the Council's Complaints Procedure.

To that end the Deputy Monitoring Officer arrangements had been amended to provide additional resource to the Monitoring Officer.

Members were informed that Linda Trembath (Senior Solicitor) would assist with future matters relating to complaints and, in addition, a governance officer post to be shared with the Council's Section 151 Officer had been approved for recruitment.

Members were also informed that Ian Ford (Committee Services Manager) would be a further source of advice on matters relating to the Council's Constitution.

Requests for Dispensations

The Committee was advised that no requests for dispensations had been submitted to the Monitoring Officer since the last update to Members.

The Committee's Work Programme for 2018/2019

The Committee gave consideration to its work programme for the 2018/2019 Municipal Year.

Members had before them a suggested work programme which had been submitted by the Monitoring Officer.

It was moved by Councillor Nicholls, seconded by Councillor Bray and –

RESOLVED that the annual Work Programme for 2018/2019, as set out below, be approved –

20 June 2018 (provisional date)

- Review of Member and Officer Relations Protocol (contained within the Members' Constitution Booklet);
- Consultation on proposed changes to mandatory training requirements
- Quarterly Complaints update by Monitoring Officer

3 October 2018 (provisional date)

- Consider and approve recruitment arrangements for Independent Persons for appointment from May 2019
- Quarterly Complaints update by Monitoring Officer

16 January 2019 (provisional date)

- Review – update for the Committee on decisions and actions taken nationally for information and guidance

- Quarterly Complaints update by Monitoring Officer

20 March 2019 (provisional date)

- Update on Mandatory Training
- Annual Report on declarations of interest (meetings, gifts and hospitality)
- Work Programme 2019/2020
- Quarterly Complaints update by Monitoring Officer

The Committee was aware that individual matters might be referred to the above meetings by the Monitoring Officer in accordance with the Committee's Terms of Reference as necessary, for example an appeal against dispensation decision or a code of conduct hearing.

The meeting was declared closed at 1.02 pm

Chairman