

Standards Committee

Monday, 16th April, 2018
2.00 - 2.40 pm

Attendees	
Borough Councillors:	Max Wilkinson (Chair), Bernard Fisher, Helena McCloskey, Suzanne Williams and John Payne
Independent Members:	Duncan Chittenden and Martin Jauch
Also in attendance:	Sara Freckleton (Monitoring Officer)

Minutes

1. APOLOGIES

Apologies were received from Councillors Hay and Harman.

2. DECLARATIONS OF INTEREST

No interests were declared.

3. MINUTES OF THE LAST MEETING

The minutes of the last meeting had been circulated with the agenda.

Upon a vote it was unanimously

RESOLVED that the minutes of the meeting held on the 20 October 2016 be agreed and signed as an accurate record.

4. REVIEW OF PROTOCOL OF MEMBER / OFFICER RELATIONS

The Monitoring Officer introduced the draft protocol for Member/Officer relations. All members and the Council's Senior Leadership Team had been invited to comment on the current protocol and suggest changes and the Standards Committee, met as a working group on two occasions to consider the representations which were received. The feedback was that, in the main, the Protocol was still relevant and fit for purpose; however, there were a few points of detail which it was considered needed to be amended. Paragraph (4.2) on Political Assistants was removed as the Council had not, to date employed any. It was agreed that this would be reinstated in the future if deemed appropriate. The section on Complaints (13) had been re-worded so as to make it clear how the outcome of any referred complaints would be communicated. In addition to these changes, there had also been a number of amendments to wording, which rather than being substantial or altering the substance of the report, instead simply brought the protocol up to date. The committee was asked to approve the amended Protocol and recommend it for adoption by Council in June.

A member queried whether there was any right of appeal if a member was refused access to a document under the "need to know" principle. The Monitoring Officer explained that there was not, as the determination would have been taken by the relevant Director, with advice, if necessary, from

Borough Solicitor/One Legal. She noted that it was likely that only personal data would be withheld, unless the member had a disclosable interest. Whilst there was no suggestion of any issues at this Council, the Monitoring Officer advised that concerns about improper exercise of power, then the Whistleblowing Policy would come into play.

The Chairman confirmed that there was no suggestion that the protocol needed to be further amended.

Upon a vote it was unanimously

RESOLVED that the amended protocol (attached at Appendix 1), be approved for adoption by the Council.

5. REVIEW OF LOCAL GOVERNMENT ETHICAL STANDARDS

The Chairman explained that this review had been initiated by the Government, namely the Committee on Standards in Public Life and that the review would consider whether the current structures, processes and practices in Local Government in England were conducive to high standards of conduct. The Monitoring Officer advised that she had consulted all Borough and Parish Councillors, as well as the Senior Leadership Team, none of whom had made any specific comments and so she referred members to Appendix 2 of the report, in which she had drafted her initial thoughts in response to the consultation questions and these included:

Members of the committee would be aware of the serious concerns which the Monitoring Officer had raised with the Government and Information Commissioner about the publication requirements relating to interests of third parties (spouses and partners etc), which she considered to be wholly inappropriate given that they had not been elected to public office. She also considered this requirement to be inconsistent with the Data Protection and Human Rights legislation and despite all members having complied with the requirements, this information had still not been published on the Council's website. The Monitoring Officer intended to write again on this point, in detail, separately, as this was of increasing concerns given the requirements of the General Data Protection Regulations which would take effect in May. Her main cause for contention was that the requirements for third parties and publication were included as a late amendment to the Localism Bill before enactment and the amendment did not appear to have been subject to an Impact Assessment (as was the case with the unamended Bill).

The Code adopted by this Council (and the 5 Parish Councils operating in the Borough) exceeded the statutory minimum and since its adoption some 6 years ago there had been very few complaints about Borough or Parish Councillor conduct and even fewer instances where there had, following consideration of a complaint, been found to be a breach of the Code of Conduct. She commented that one of the advantages of the current regime was that there was discretion to resolve complaints informally, which was helpful for less serious complaints as there could be a quicker resolution. The most significant gap however, was the lack of sanctions to address any serious breaches, which were currently restricted to censure, apology or training, or, where appropriate and with support of the relevant Political Group Leader, removal from a Committee or External Body. She did not consider that these sanctions were sufficient to

deter serious breaches and neither were there additional sanctions available in the event that a Councillor who has been found to be in breach of the Code, refuses to accept the sanction (e.g. giving an apology).

Asked whether any other sanctions were available, the Monitoring Officer advised that sanctions such as suspension and disqualification were removed on the basis that a Councillor's tenure should be determined by the electorate. She agreed with the sentiments of the committee that members of the public who raised concerns regarding conduct might be dissatisfied with the limited sanctions available.

Comments from members of the committee included:

- There should be an option to suspend Borough and Parish Councillors when this option was available when dealing with breaches by Members of Parliament.
- Whilst the previous complaints regime was at times long and somewhat onerous, it was felt that the ability to hold a Councillor to account and allow the complainant to have their say was reassuring to the public and perhaps this option should be considered further.

The Monitoring Officer would ensure that the key points raised by the committee, regarding inadequate sanctions and disproportionate nature of having to disclose interests of third parties (spouses and partners) would be included in the response, that would be finalised in consultation with the Chairman of the committee.

Upon a vote it was unanimously

RESOLVED that authority be delegated to the Borough Solicitor / Monitoring Officer to finalise a response to the Committee for Standards in Public Life, in consultation with the Chair of Standards Committee.

6. LOCAL GOVERNMENT ACT 1972 - EXEMPT INFORMATION

Upon a vote it was unanimously

RESOLVED that in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining items of business as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraph(s) 1 and 2, Part 1, Schedule 12A (as amended) Local Government Act 1972, namely:

Paragraph 1; Information relating to any individual

Paragraph 2; Information which is likely to reveal the identity of an individual

7. REPORT OF DECISIONS TAKEN BY MONITORING OFFICER

The Monitoring Officer advised that one complaint had been received since the last meeting of the committee and that it was decided, in consultation with the

support of the Independent Persons, that no further action would be taken on the matter.

8. EXEMPT MINUTES OF THE LAST MEETING(S)

The exempt minutes of the last meeting(s) had been circulated with the agenda.

Upon a vote it was unanimously

RESOLVED that the exempt minutes of the meetings held on the 20 October 2016 and 12 July 2017 (working group meeting) be agreed and signed as an accurate record.

9. ANY OTHER BUSINESS

There was no other business.

10. DATE OF NEXT MEETING

The next meeting, which would take the form of an introduction to the work of the Standards Committee (for new and any existing members) was scheduled for the 10 July 2018.

Chairman