

Standards Committee

Wednesday, 10th July, 2019
2.00 - 3.05 pm

Attendees	
Borough Councillors:	Max Wilkinson (Chair), Karl Hobley, Klara Sudbury and John Payne
Independent Members:	Duncan Chittenden and Martin Jauch
Also in attendance:	Sara Freckleton (Monitoring Officer)

Minutes

1. APOLOGIES

Councillors Stafford, Horwood and Savage had given their apologies.

2. DECLARATIONS OF INTEREST

None were declared.

3. MINUTES OF THE LAST MEETING

The minutes of the last meeting (16 April 2018) were not circulated with the agenda, though they were summarised in Agenda Item 4. They would be circulated for approval with the next agenda.

4. REVIEW OF LOCAL GOVERNMENT ETHICAL STANDARDS

The Monitoring Officer introduced the report which summarised the outcome of the review undertaken by the Committee for Standards in Public Life (CSPL) in 2018, into Local Government Ethical Standards. The CSPL published its report in January 2019 and whilst seemingly satisfied that the current arrangements were working and on the whole, standards of conduct were high, they felt that arrangements needed to be strengthened to deal with the minority of councillors who did not adhere to the required standards of conduct. The CSPL had made 26 recommendations in total, to Government and other bodies, e.g. Local Government Association (LGA). The Monitoring Officer noted that there were no timescales for any of the Government actions at this time and suggested that it would be likely that a consultation paper would be produced which would be brought before the committee for comment. There was no guarantee that the Government would take all of the recommendations forward.

Personally, the Monitoring Officer thought that the data protection issues would be quite challenging in terms of wording the recommended amendments. In addition to the recommendations CSPL had also provided best practice recommendations which were directed at local authorities and the Monitoring Officer had provided comment to each of these at 2.3 of the report.

The Monitoring Officer gave the following responses to member questions:

- Findings should be published to comply with best practice, though this was not routine within the complaints procedure and as such she would

need to give further consideration to how to do this because it was unlikely that both parties would always be happy with the outcome and therefore the content of any findings. She suggested that a lack of sanctions had resulted in repeat offenders (though not at CBC) and that this recommendation attempted to resolve that issue.

- Only details of formal written complaints or informal complaints which resulted in a written response would be published; which would allow for misunderstandings to be resolved at an early stage. Vexatious complaints would not be published.
- Allegations were filtered against a public interest test but these details were not published at present which should be addressed in a review of the complaints procedure.

The committee agreed that the Monitoring Officer would, as proposed, review the complaints process and to consider what further steps were needed to enable the Council to comply with best practice. The committee would consider all recommendations at the next scheduled meeting (16 October).

Upon a vote it was unanimously

RESOLVED that the report be noted and the Monitoring Officer bring forward proposed responses to the best practice recommendations at the next meeting of the Standards Committee.

5. PLANNING CODE OF CONDUCT

The Chairman explained that members had been invited to a planning consultation by the Oakley Farm developer, and as this was on the edge of his ward, he had hoped to attend, but the invitation was followed by an email from the Head of Planning stating strictly that no members should attend. A number of members had raised concerns in response and the Chairman had felt it would be useful for this committee to consider this element of the Planning Code of Conduct. The Chairman had subsequently discussed this with the Monitoring Officer and established that the advice from the Head of Planning centred on members of the Planning Committee not being seen to have 'behind closed doors' meetings with developers.

The Monitoring Officer stressed that there was no problem with any member attending a public event held by developers, the issue arose when developers held 'private/member only' briefings and invited members of the Planning Committee, in terms of public perception, whereby information was being passed to Members in a way that was not demonstrably transparent. Members would be aware that Planning was a sensitive area, particularly for those parties who may be unhappy with a particular decision and therefore it was a sound principle for Planning Committee members to abide by to ensure transparency.

The Monitoring Officer gave the following responses to member questions:

- The circulation of late information by developers did constitute lobbying and whilst this was permitted, it was not necessarily something that members of the public were experienced in.
- In instances where the Planning Committee have concerns pertaining to highways related issues, the committee were advised to seek independent highway advice as the danger was that at appeal it would

not be possible to successfully defend a decision or any application for costs. This would be reflected in any legal advice to the Committee.

- She felt that the distinction between resident association meetings was that they probably wouldn't prevent an applicant/developer from attending. The danger for a Planning Committee member was that they could take into account, when voting on an application, something said at a private meeting, which was not repeated at a public meeting.
- There was no question of the integrity of members being challenged; it was fundamentally about public perception. Even if meetings were recorded, this could result in the public perception being that information was shared that was not included on the recording.

The suggestion by members was that the Head of Planning should, if not already in hand, be providing a clear message to members that attendance at public meetings or public consultation events on development matters was not barred by the code of conduct, in addition to giving consideration to actively discouraging developers from inviting Planning Committee members to member only briefings.

The Monitoring Officer confirmed that the Code is fairly wordy and would benefit from a refresh, but stressed that the principles were there to protect both individual members as well as the Council. She would review the document and consult Planning Committee members before bringing any proposed amendments to a future meeting of this committee.

6. ANY OTHER BUSINESS

There was none.

7. DATE OF NEXT MEETING

The next meeting was scheduled for 16 October 2019.

Councillor Max Wilkinson
Chairman