

STANDARDS COMMITTEE MINUTES - 27 JUNE 2019

Present: Mrs T Barnes (Chair);
Councillors Ayub, Edwards, Khan, Lovelock and Warman;
Mr D Comben (Independent Person);

Apologies: Councillors Gittings and R Singh.

1. MINUTES

The Minutes of the meeting held on 28 June 2018 were confirmed as a correct record and signed by the Chair.

2. TERMS OF REFERENCE AND ANNUAL REPORT

The Monitoring Officer submitted a report setting out the Standards Committee's terms of reference and constitutional role for this Municipal Year and provided an update on developments and complaints during the previous year. Chapter 7 of the Localism Act 2011 had ended the statutory standards regime and introduced a duty on local authorities to promote and maintain high standards of conduct by Councillors and Co-opted Members, including adopting a local Member code of conduct. The Act also required local authorities to adopt arrangements to deal with allegations that Members had breached the Code of Conduct, and gave them discretion to establish a local Standards Committee as part of this process. The terms of reference and Standing Orders of the Committee were set out in Appendix A.

The report also had the local Member Code of Conduct attached at Appendix B, which was based on a good practice draft produced by the Association of Council Secretaries and Solicitors. It set out the statutory requirement for Members to register and declare disclosable pecuniary and other interests. The content of the code was open to each local authority to decide but must be consistent with the seven *Nolan* Principles, which were set out in the report at paragraph 4.2. The Standing Orders and Rules of Procedure for the Standards Committee and the Committee itself formed the authority's local arrangements to enable complaints about Councillors to be investigated. The 3-stage local procedure was described in the "Complaints about Councillors" document, which was attached at Appendix C to the report and was available on the website. The report stated that local authorities were required to appoint an Independent Person who must be consulted on complaints about Members.

With regard to the registration and declaration of interests by Members, there was a legal requirement on Members to register and declare interests. Members could seek a dispensation from the Standards Committee to take part in decisions where they had a disclosable pecuniary interest. However, the Committee would only grant a request for a dispensation where it was satisfied that one of the limited circumstances set out in paragraph 6.18 of the report applied. Additionally, at the Annual Council Meeting on 22 May 2019, the delegation to the Monitoring Officer to grant a general dispensation to members of the authority was re-established. The circumstances when this could be done were set out in paragraph 6.20 of the report. In addition to declaring interests, Councillors must be aware of the common law principles of bias and predetermination. These may still apply, even if there was no personal interest. The report stated an *interest* was personal to the Member; bias was an attitude of mind which prevented the decision maker acting objectively; and predetermination was making up your mind in advance of taking the decision.

The Planning Code of Conduct had been appended at Appendix D to this year's report for information because it had been updated to reflect the Local Government Association's

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Planning Code of Conduct guidance. In addition, the Committee on Standards in Public Life had published a report in January 2019 on ethical standards in Local Government. The Committee's recommendations were attached at Appendix E, which included proposals to reintroduce powers to local authorities to suspend councillors and to no longer make failure to declare a disclosable pecuniary interest a criminal offence. The Committee was supportive of reintroducing the ability to suspend councillors to enable serious breaches of the Members' Code of Conduct to be dealt more effectively at a local level. The Committee was also keen to ensure that the use of social media by councillors was appropriate. The potential pitfalls of appearing to predetermine decisions by posting comments online prior to a Committee's consideration of a particular matter and failing to treat others with respect during political discourse over social media were discussed. The Monitoring Officer reported that he would be attending a conference for monitoring officers dealing with standards issues on 10 July 2019, at which a member of the Committee on Standards in Public Life would be providing an update on the Committee's work. He would report back to the Standards Committee on any relevant matters from the Conference.

The Register of Gifts and Hospitality offered to Councillors in the financial year 2018/19 was attached to the report at Appendix F.

Resolved -

- (1) That the Committee's terms of reference and Standing Orders and Rules of Procedure (Appendix A) be noted;**
- (2) That the local Member Code of Conduct (Appendix B) be noted;**
- (3) That the Complaints about Councillors document (Appendix C) be noted;**
- (4) That the re-appointment of Mrs Tina Barnes as the independent member and Chair of the Standards Committee and Mr David Comben's re-appointment as the Independent Person be noted;**
- (5) That the Monitoring Officer's delegated authority to grant a dispensation relieving the Member from the restrictions on participating in the discussion or voting on any item of business in which they have a disclosable pecuniary interest in the prescribed circumstances described in paragraph 6.20(1) of the report be noted;**
- (6) That the updated Planning Code of Conduct (Appendix D) be noted;**
- (7) That the recommendations in the report by the Committee on Standards in Public Life on Local Government Ethical Standards (Appendix E) be noted;**
- (8) That the list of gifts and hospitality registered by Members in the financial year 2018/19 be received (Appendix F);**
- (9) That the Vice-Chair be asked to present the Minutes of this meeting to the Council meeting on 15 October 2019, in the event that there were matters of concern identified by the Committee, which it deemed necessary to bring to the attention of all Councillors.**

(The meeting commenced at 6.32pm and closed at 6.55pm).