

STANDARDS COMMITTEE MINUTES - 10 MARCH 2020

Present: Mrs T Barnes (Chair);
Councillors Ayub, Edwards (Vice-Chair), Lovelock and R Singh

Apologies: Councillors Gittings and Khan & Mr D Comben (Independent Person)

1. MINUTES

The Minutes of the meeting held on 27 June 2019 were confirmed as a correct record.

2. INVESTIGATION OF COMPLAINTS 2019/20

The Monitoring Officer submitted a report outlining the number, type and disposal of complaints made by members of the public against councillors in the financial year 2019/20.

The report also outlined the Council's response to one complaint, which took 14 months to resolve, and the issues raised by this complaint.

Annex A to the report contained a list of 10 complaints that had been made by members of the public to the Monitoring Officer between 1 April 2019 and 31 March 2020. The complaints contained a mixture of Code of Conduct related items and other issues that had been raised when members of the public were not happy with a councillor's performance.

Of the 10 complaints set out in Annex A:

- 1 complaint had been resolved at the filter stage
- 3 complaints had been judged not to engage the Code of Conduct and were rejected at the initial filter stage
- 1 complaint was referred to the Group disciplinary process and resolved
- 1 complaint (Mr Collie's complaint) was referred for investigation
- 3 complaints were initially suggested to the Monitoring Officer, but the complainant did not proceed to make a complaint or respond to correspondence
- 1 complaint was made about a councillor who was not acting in the capacity of a councillor

The report advised that the cases that had been reported did not highlight any systematic issues of concern for the Council.

The Committee was asked to consider whether the Council's current procedure for dealing with complaints allowed members of the public to understand the process for making a complaint for its investigation and determination. The present arrangements were set out in Article 9 of its Constitution and were included in the report at Annex B.

The report stated that the Committee for Standards In Public Life (CPSL), in its January 2019 report into Local Government Ethical Standards, made 15 best practice recommendations for local authorities (see also Minute 3 below). The recommendations, together with commentary on each of them, were set out in the report.

The Committee considered that it was important that complaints should be dealt with promptly, with strict timescales incorporated into the Council's complaints process. It recognised that ordinarily, a complaint was likely to be made by a person who had been

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directly affected by the alleged behaviour of a councillor. However, there might be circumstances where a complaint had been made by a third party. The Council's current arrangements were silent on this point and the Monitoring Officer recommended including some information about handling this situation in the revised arrangements.

Resolved -

- (1) That the complaints received in the financial year 2019/2020 be noted;**
- (2) That the Monitoring Officer's observations in the complaint made by Mr Collie against Councillor Page be noted;**
- (3) That appropriate timescales be included in the Council's arrangements for dealing with complaints against councillors so as to ensure the expeditious disposal of the matter;**
- (4) That the Monitoring Officer produce a revised set of arrangements for dealing with complaints and that these be presented to a future meeting of the Committee.**

3. CODE OF CONDUCT

The Monitoring Officer submitted a report outlining the new recommended model Councillor Code of Conduct (the Model Code) that had been published by the Local Government Association (LGA) on 23 December 2020. The LGA had developed the Model Code in association with key partners and after extensive consultation with local authorities. The Model Code, which was attached at Annex A, provided a template for Councils to adopt in whole and/or with local amendments, should they wish to. It set out the standards of councillor conduct and guidance on the reasons for these obligations and how they should be followed. The report advised that discussions with Monitoring Officers from neighbouring authorities had indicated a collective leaning towards adoption of the Model Code, albeit with some variations.

A copy of the Council's current Code of Conduct (dated 23 October 2012) was attached at Annex B.

The Monitoring Officer highlighted several issues for the Committee's consideration as to whether local variations to the Model Code were appropriate. These were:

- Use of social media
- Gift and hospitality threshold
- Dealing with disrespect
- Exempt information

In respect of the gift and hospitality threshold, the report explained that the monetary threshold of £50.00 in the Model Code was more than the £25.00 threshold in the Council's current Code of Conduct. The LGA had reported that over seven in ten respondents (72%) supported £25.00 as the threshold for registering gifts and hospitality. The Committee considered that £25.00 was the appropriate figure, noting that any gifts received were estimated as being well within this value.

In respect of exempt information, the report explained that the operation of the clauses set out in paragraphs 4.1(a) to 4.1 iv(3) of the Model Code was quite complicated, involving a number of matters which a councillor was required to take into account when dealing with exempt and confidential information. The report recommended adopting a more straightforward obligation on councillors, namely to seek advice from the Monitoring

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Officer before releasing any paper which was marked, or could reasonably be assumed to be, confidential or exempt. The Committee agreed with this proposed modification.

The Monitoring Officer agreed to produce a revised version of the Model Code, incorporating these two amendments and any other revisions, to a future meeting of the Committee before being recommended to Council for adoption.

Resolved -

- (1) That the Monitoring Officer produce a revised version of the Model Code, to be submitted to this Committee prior to it being recommended to the Council for adoption;**
- (2) That a training programme for the new adopted Model Code be developed and presented by the Monitoring Officer after the next Council elections for the benefit of all new and existing councillors.**

(The meeting commenced at 4.30pm and closed at 5.20pm).