

STANDARDS COMMITTEE

MONDAY, 12 OCTOBER 2020

PRESENT: Councillor Caryl Sydney-Smith (Chair), Councillor Steve Weisinger (Vice-Chair), Councillor Claire Crilly, Councillor Oliver Donachie, Councillor Steph Exell, Councillor Oladapo Ibitoye, Councillor Jenny Jefferies, Councillor Vinay Manro, Councillor Jane Milner-Barry, Councillor Barbara Parry, Councillor Basil Solomon, Councillor Andy Spry and Mr Richard Hailstone (Parish Representative).

Apologies for absence were received from: Councillor Janine Howarth, Councillor Roger Smith, Councillor Vera Tomlinson, Mr Trevor Davies (Lay Representative), Mr David Dawson (Lay Representative), Mr Mick Compton (Parish Representative), Mr Paul Morris (Independent Person) and Mr Keith Strickland (Independent Person).

12. Declarations of Interest

The Chair reminded members of the need to declare known interests in any matters to be considered at the meeting. No declaration were made.

13. Minutes

Resolved – That the Minutes of the meeting held on 13th July 2020 be confirmed and signed as a correct record.

14. Public Question Time

There were no public questions.

15. Exempt Items - Exclusion of Press and Public

Resolved - That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded during the discussion of the matters referred to in Agenda Item 7 (Minute 17) on the grounds that it involves the likely disclosure of exempt information as defined in the Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

16. Ethical Framework Update

The Committee considered a report from the Chief Legal Officer, which provided an update on the following matters relating to the Ethical Framework and issues of probity in the Council.

Dispensations

The Committee noted that, at its meeting on 7th November 2016, it had authorised the Monitoring Officer to grant any applications for a dispensation on the subject matter of the Budget and Council Tax matters for a four year period, with dispensations being granted in

consultation with the Chair of the Standards Committee and reported back to the next available meeting. Also at its meeting on 7th November 2016, the Committee noted that it had authorised the Monitoring Officer, in consultation with the Chair of the Standards Committee, to grant applications for urgent dispensations on any subject matter in between meetings of this Committee, with any such dispensations being reported to the next available meeting.

As the period of the dispensations referred to above would shortly expire, and there is still no automatic exemption for Members from having a prejudicial interest in the Budget and Council Tax matters, the Committee agreed to authorise the Monitoring Officer to grant dispensations to Members on the subject matter of the Budget and Council Tax matters, to grant these and any additional applications received until 11th October 2024, and that any dispensations granted under these conditions be for the maximum period of four years, ending on 11th October 2024.

The Committee considered and noted that the Monitoring Officer, in consultation with the Chair of the Standards Committee, will continue to be authorised to grant applications for urgent dispensations on any subject matter in between meetings of this Committee, and that any such dispensations will be reported to the next available meeting. The Committee also asked the Monitoring Officer, where appropriate, to advise the Town and Parish Clerks of the need to arrange similar applications and determination of dispensations in respect of Town and Parish Councillors setting Parish budgets and precepts.

The Committee noted that the Chief Legal Officer had granted dispensations for non-attendance at meetings to Councillors Adorabelle Shaikh and Vera Tomlinson for reasons relating to Coronavirus Covid-19.

Annual Governance Statement

The Committee considered the Annual Governance Statement (AGS), set out in Appendix 2 to the report, which is the formal statement that recognises, records and publishes an authority's governance arrangements. It was confirmed that the Council has approved and adopted a local code of corporate governance, which is consistent with the principles of the CIPFA/SOLACE Framework for Delivering Good Governance in Local Government. The AGS explained how the Council had complied with the local code along with meeting the requirements of the Accounts and Audit Regulations 2015 in relation to the publication of an annual governance statement.

The Committee noted that Audit Committee, at its meeting on 21st July 2020, had reviewed the Corporate Management Team and the Council's Monitoring Officer assessment of any areas of significant governance or internal control issues, and potential areas for inclusion. It had agreed that:

- Children Services could be removed from the statement.
- Further progress is still required in Information Governance and Security and GCSE attainment before they can be taken off the statement.
- That Covid-19, the Youth Offending Team, SEND, Car Park income, Communities and Housing and State of the Council's data should be included in the statement for 2019/20.

The Committee noted that the AGS will be signed off by the Leader of the Council and the Chief Executive.

During discussion the following matters were raised:

- The introduction of a new risk rating of 'Very High' with regards to financial sustainability following mitigation on the Corporate Risk Register, and what this means on a linear scale (an explanation of which will be circulated to members subsequent to the meeting).
- The officer-based focus on reviewing the effectiveness of corporate governance arrangements, in particular developing the council's capacity (including the capability of its leadership and the individuals within it), and the separate processes in place to assist members with their learning and development. The Committee noted the discussions taking place at the Member Development Advisory Group on the potential for, and efficiencies to be gained by, offering joint member and officer sessions.
- The Committee noted the concerns raised by Councillor Oliver Donachie relating to the adoption of a change to the Council's constitution in line with prior legislation to permit the delegation of key or strategic decisions to the Chief Executive, but only with the consent of the Leader and Deputy Leader of the Council and with the requirement to report such decisions to Council. The Chair agreed to forward on the following commentary from Councillor Donachie to Cabinet:
 - That Cabinet should consider the introduction of a sunset agreement / clause to ensure that this transfer of powers to three individuals is not permanent.
 - That the wording within the Constitution should be strengthened to demonstrate that these three individuals can only exercise this authority during an emergency response to a declared Gold Command event, and not during any subsequent recovery phase.
 - That Cabinet should agree that this change to the Constitution will be reviewed in line with the usual annual review process, noting these concerns as part of that process.

The Council's Codes and Protocols

The Committee was invited to consider whether the Council's various Codes and Protocols remained fit for purpose. In accordance with the Committee's previously utilised review process, the Monitoring Officer was asked to consult on each of the Codes and Protocols with relevant officers, the political groups on the Council, along with the Parish and Town Councils, and report back to the Standards Committee at its meeting on 27th January 2020.

During the discussion, the matter of a new Model Code of Conduct being introduced by the Local Government Association following its consultation was raised. The Committee noted that it will be prudent to delay the review of the Borough's Code to allow a revised model to be taken into account. It was also reiterated that all Parish and Town Councils within the Borough are consulted on the Codes and Protocols.

Update to the Council's Ethical Audit Self-Assessment

The Committee was invited to review the annual Ethical Audit Desktop Analysis, attached

at Appendix 4 to the report. It was agreed that the Desktop Audit should be endorsed without amendment.

Summary of Code of Conduct Complaints

The Committee noted the summary of Code of Conduct complaints, set out in the table at paragraph 3.22 of the report.

Independent Remuneration Panel - Membership

The Committee noted that it had previously agreed to re-appoint Mr Keith Strickland as a Lay Representative for a period of one year, which will be ending in March 2021, at which point the position will be vacant. The Committee also noted that Mr Ram Thiagarajah has indicated that he does not wish to seek re-appointment as a Lay Representative, and his current term will expire at the end of October 2020. In order to reduce costs, the Committee was asked to note that the recruitment process for both positions will take place at the same time, and will begin in January 2021.

Member Training

The Committee noted that the Member Development Advisory Group is working on proposals for the learning and development activities that will take place for councillors during the 2020-21 Municipal Year. A log of member attendance, and the feedback received from councillors at these events, will be kept and reported to this Committee at a future meeting.

The Committee was advised that parish councillors are able to attend training sessions as advertised in the Members Bulletin. The details of parish councillor attendance will be kept and reported to this Committee at a future meeting.

Resolved (with one vote against) – (1) That the actions with regards to Dispensations, as set out in paragraph 3.5 of the report, be agreed.

(2) That the Annual Governance Statement (that was considered by Audit Committee on 21st July 2020 and will be signed off by the Leader and Chief Executive) be noted.

(3) That, in order to facilitate the Standards Committee's annual review of the Council's Codes and Protocols, attached at Appendix 3 to the report, the Monitoring Officer be asked to consult on each document with relevant officers, the political groups on the Council, and with Parish and Town Councils, and recommend any valid changes to the Standards Committee at its meeting on 4th January 2021.

(4) That, further to (3) above, members of the Committee be invited to submit to the Monitoring Officer the details of any particular issues that they would wish to be considered as part of the annual review of the Codes and Protocols.

(5) That the latest Ethical Audit Desktop Analysis, attached at Appendix 4 to the report, be endorsed.

(6) That the Ethical Framework Update, including the Summary of Code of Conduct complaints, the membership of the Independent Remuneration Panel, and; the latest position regarding councillor training and development within the Borough be noted.

(7) That the Chair forward on the commentary of Cllr Oliver Donachie as agreed.

17.

Ethical Compliance Report

The Committee considered a report of the Chief Legal Officer regarding the outcome of various ethical compliance matters, including the details of any Whistleblowing cases, breaches of the Member / Officer Protocol, and Code of Conduct complaints received since the last Committee.

Resolved – That the Ethical Compliance report be noted.