

STANDARDS COMMITTEE

TUESDAY, 2 FEBRUARY 2021

PRESENT: Councillor Caryl Sydney-Smith (Chair), Councillor Steve Weisinger (Vice-Chair), Councillor Claire Crilly, Councillor Steph Exell, Councillor Steve Heyes (Deputy), Councillor Jenny Jefferies, Councillor Jane Milner-Barry, Councillor Barbara Parry (Deputy), Councillor Roger Smith, Councillor Bazil Solomon, Councillor Andy Spry, Mr Richard Hailstone (Parish Representative) and Mr Paul Morris (Independent Person).

Also in attendance were: Councillor David Renard (Leader of the Council) and Ms Susie Kemp (Chief Executive).

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

18. 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.

19. Minutes

Resolved – That the Minutes of the meeting held on 12th October 2020 be confirmed and signed as a correct record.

20. Public Question Time

There were no public questions.

21. 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 8 (Minute 24) 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.

22. Question and Answer Session - Leader of the Council and Chief Executive

The Leader of the Council, Councillor David Renard, and the Chief Executive, Ms Susie Kemp, addressed the Committee.

The Leader referred to the report within the agenda pack and that there had been no standards issues in the previous year. The Chief Executive referred to the unprecedented response to the Covid-19 pandemic throughout the last year, and expressed her pride at

how officers had pulled together and the help and support received from members when difficult decisions had to be taken. The Chief Executive stated that she believes this has set our council as an exemplar of how to react in a major incident, and thanked members for that support.

The Leader and Chief Executive then responded to a number of comments made by members as follows:

- That the Council has been very supportive to residents by helping them to be aware of, and keep in line with, any Covid-19 restrictions.
- That any landline numbers in the internal directory for officers could be changed to mobile numbers, but only where a Council-owned mobile has been provided and where diverting procedures are not in place. The Committee noted that Microsoft Teams can also be used to place calls to officers, but that a balance has to be struck as officers need time for matters other than responding to member queries.
- How frontline services been maintained, particularly waste collection.
- The motivational communication to residents on Covid-19 which has worked well.
- The sad news that Captain Sir Thomas Moore had passed away.
- Whether it would be possible for the Council to record the history of this time, to create a booklet of personal experiences and how the Council helped them.
- The large number of members who have been able to join monthly briefings via Microsoft Teams, plus the other opportunities this tool provides to enable member engagement and to help both officers and members maintain a better work life balance.
- The legislation on holding virtual meetings which ends on 7th May 2021. The Committee noted that the Local Government Association is lobbying to ensure that Councils can choose to hold either virtual, physical or hybrid meetings after this point but that, at the moment, all members will be obliged to return to the Civic Office for meetings after the election. Council will have to consider health and safety implications and take a view dependent on what happens with the legislation.
- How it is hoped that the excellent work on communication and liaising with the Parish and Town Councils will continue post-Covid-19.
- The work being undertaken to look at improving members' induction, increasing the engagement of existing members with learning opportunities, and assisting both members and officers to understand each other's roles.

Resolved - That the Leader of the Council and the Chief Executive be thanked for attending the meeting and for their full and open responses to members questions on matters relating to the Council's ethical governance framework and issues of probity.

23. 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.

Consideration of any recommended updates to Codes and Protocols

In accordance with the previously utilised review process, the Committee noted that the

Monitoring Officer had consulted on each of the Codes and Protocols with relevant officers, the political groups on the Council and the Parish and Town Councils, with responses having been set out in the relevant sections of the report. The Committee was advised that copies of the Codes and Protocols listed below are contained within the Council's Constitution, and can be inspected on the Council's website as Appendix 1 to the report.

The Committee was invited to consider, in turn, each of the Council's Codes and Protocols to determine whether changes were required to ensure they remain effective and fit for purpose, taking into account any matters as set out in the report.

Members' Code of Conduct

The Monitoring Officer confirmed that since agenda publication it has been publicised that the Local Government Association (LGA) is intending to review / revise its Model Code of Conduct, and has commissioned an accompanying guidance. Given this information, the Monitoring Officer advised that it was no longer recommended for this Committee to devote its next meeting to reviewing the Code and that the Committee was instead recommended to postpone its review until such time as an update had been provided by the LGA.

The Committee noted that Councillor Brian Ford and Haydon Wick Parish Council had both submitted representations regarding the Code of Conduct, which would be considered by Committee at the time of its review. No changes were therefore proposed.

Officers' Code of Conduct

The Committee considered the comments submitted by Councillor Brian Ford as set out in the report. The Monitoring Officer also advised that this Code is being reviewed separately with respect to gifts and hospitality, and that any proposed changes would be brought before Committee for consideration at a future point. No changes were therefore proposed.

Monitoring Officer Protocol

The Committee considered the comments submitted by Councillor Brian Ford and Haydon Wick Parish Council as set out in the report, and noted the comments and recommendations from the Monitoring Officer as set out in Appendix 2. It was noted that the term 'Chair' was satisfactory as a gender neutral name, and no changes were proposed.

Councillor Role Definitions

No changes were proposed.

Media Guidelines for Councillors

The Committee was reminded of the concerns expressed at its last meeting regarding the use of two social media accounts by members (one for personal use and one for councillor related activity). It noted that the Local Government Association's background information on the use of social media for councillors briefly mentions Councillors choosing to have separate accounts for their Councillor / private presence (Section 3 'Responsibilities of Councillors on social media'). The concerns raised at the previous meeting stemmed from the FAQs page on Facebook. When looking at the fuller version on their current community standards there does not appear to be an actual prohibition on maintaining more than one account. The rules seem mainly to be based around authenticity (i.e. not using false names

or creating fake profiles). No changes were therefore proposed.

Protocol for Member / Officer Relationships

No changes were proposed.

Members Code of Good Planning Practice

The Committee considered the comments submitted by Haydon Wick Parish Council as set out in the report. It was also queried whether Section 7 on Site Visits was up-to-date given that visits do not appear to be formally arranged by the Council for members any more. It was agreed that it would be prudent to seek the views of Planning Committee and planning officers on the appropriateness of this section of the Code, prior to this Committee revisiting its review at its next meeting.

Local Code of Corporate Governance

No changes were proposed.

Recording, Photography and use of social media protocol and guidance

No changes were proposed.

Public Question Time at Council meetings Protocol and Guidance

The Committee considered the comments submitted by Councillor Brian Ford as set out in the report. No changes were proposed.

The Whistleblowing Policy

No changes were proposed.

Arrangements for considering Code of Conduct Complaints

The Committee has previously indicated its intention to review the arrangements currently in place for the consideration of Code of Conduct Complaints. A full review has yet to be started but, in the meantime, it was agreed that the following changes would be implemented to facilitate a small but significant difference to the process:

- That it be formalised within the Arrangements for determining Code of Conduct Complaints that the Chair of the Standards Committee be automatically appointed as Chair of the Standards Assessment Panel when it is convened (unless the Chair has a perceived bias with regards to the Complaint to be considered).
- The six proposed changes to the Complaint Form completed by Complainants, as set out in Appendix 3 of the report.

Dispensations

The Committee noted that, at its meeting on 12th October 2020, it had 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; that any dispensations granted under these conditions be for the maximum period of four years, ending on 11th October 2024, and; that dispensations will be granted in consultation with the Chair of the Standards Committee and reported back to the next available meeting.

Also at its meeting on 12th October 2020, 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.

The Committee noted that no requests for dispensations had been granted since its last meeting.

Summary of Code of Conduct Complaints

The Committee noted the summary of Code of Conduct complaints, set out in the table at paragraph 3.31 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 had indicated that he did not wish to seek re-appointment as a Lay Representative, and his current term expired at the end of October 2020. The Committee noted that in order to reduce costs, the recruitment process for both positions had been taking place at the same time. The vacancies have been advertised, and applications have been submitted. The interviews will be held in the week commencing 15th February 2021 and it is anticipated the Committee will be invited to appoint the new members at its next meeting.

Member Training

The Committee noted the details of the learning and development events planned for the remainder of the 2020/2021 Municipal Year as set out in Appendix 4 to the report. 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.

The Committee also 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 2021-22 Municipal Year.

Resolved – (1) That, having considered the submissions received following consultation and the update provided by the Monitoring Officer with regards to the Local Government Association Model Code of Conduct, the Committee determines that the Council's Codes and Protocols (excluding the Members Planning Code of Good Practice) remain fit for purpose and do not require to be amended at this time.

(2) That the review of the Local Government Association Model Code of Conduct be postponed until the expected publication of any revised Code and associated guidance.

(3) That the Monitoring Officer be authorised to consult on potential changes to Section 7 (Site Visits) of the Members Planning Code of Good Practice, with any suggested revisions

to be considered by this Committee at its next meeting.

(4) That the next meeting of this Committee be moved from 19th April 2021 to 11th March 2021.

(5) That it be formalised within the Arrangements for determining Code of Conduct Complaints that the Chair of the Standards Committee be automatically appointed as Chair of the Standards Assessment Panel when it is convened (unless the Chair has a perceived bias with regards to the Complaint to be considered).

(6) That the six proposed changes to the Code of Conduct Complaint Form completed by Complainants, as set out in Appendix 3 of the report, be adopted.

(7) That the Ethical Framework Update, including: the dispensations granted to members; 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.

24.

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.