

STANDARDS AND ETHICS COMMITTEE
Thursday, 18th June, 2020

Present:- Councillor McNeely (in the Chair); Councillors Clark, Cooksey, D. Cutts, Ireland, Mr. D. Rowley, Sheppard, Simpson and Vjestica and also Mrs. K. Penney.

Apologies for absence were received from Councillors Mr. D. Bates and Mr. R. Swann and Mrs. A. Bingham, Mr. P. Edler, Mrs. M. Evers and Mrs. J. Porter.

75. MINUTES OF THE PREVIOUS MEETING HELD ON 12 MARCH 2020

Resolved:-

That the minutes of the previous meeting held on 12 March 2020 be approved as a true and correct record of the proceedings.

76. DECLARATIONS OF INTEREST

Councillor Ireland declared a personal interest in respect of agenda item 'Review of Complaints', on the basis that his involvement in one of the items listed.

77. EXCLUSION OF PRESS AND PUBLIC

Resolved:-

That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for agenda items 7 (Review of Concerns Raised Pursuant to the Whistle-blowing Policy) and 8 (Review of Complaints) on the grounds that these agenda items involve the likely disclosure of exempt information as defined in Paragraph 1 and 2 of Part 1 of Schedule 12A to the Local Government Act 1972.

78. MEMBERSHIP OF STANDARDS AND ETHICS COMMITTEE

It was noted that the membership of the Standards and Ethics Committee in the 2019-20 municipal year, including Independent Members and Parish and Town Council Members, has been continued for the 2020-21 municipal year, in accordance with the decision of the Council on 3 June 2020 and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

79. CONSULTATION MODEL CODE OF CONDUCT

Consideration was given to a report presenting a consultation by the Local Government Association (LGA) as to good practice around Model Member Codes of Conduct.

The consultation had begun 8 June and would run until 17 August. As set out in the report, the Council was a vital element of national democracy, and as the public placed their trust in a Councillor upon electing them to serve on the Council, the conduct of an individual councillor could affect the reputation of all councillors. Therefore, the consultation had been undertaken, and the resulting Model Code of Conduct that would be developed was to be reviewed annually by the LGA so that it reflects the evolving needs and expectations of councillors.

The questions that were part of the consultation were located at Appendix 3 of the report, and it was noted that a narrative response is also welcomed. It was suggested that a general conversation about the Model Code of Conduct could be held, and that the Monitoring Officer and Deputy Monitoring Officer might then undertake to develop a draft. If desired, this draft could then be brought to a working group in the event that more work was needed.

In discussion, it was noted that the proposed Model Code of Conduct did not seem to be altogether different from what had previously been in place. The response identified differences around assumptions of acting in a capacity of councillor versus that of a private person, especially as regards use of social media. The current Principles were included in an appendix to the draft Model Code of Conduct, therefore, it was not a great deviation from what Members have been accustomed to.

The emphasis on civility as opposed to bullying and harassing on social media was noted. It was observed that it seemed that respect has always been the practice. It was further noted that the report indicates councillors' statements on social media that were made in a private capacity may be taken as having been made in the capacity of a councillor. The response noted the presumption that a councillor on social media is expected to be acting in a public capacity automatically. While this may not apply at all times, certainly, the capacity of councillor is much wider than it was usually assumed.

Clarification was sought as to whether the Committee might discuss the report only, or if comments on the consultation questions themselves were also welcomed in this discussion. The response noted that time limitations did not allow the discussion to go through each of the questions in this meeting, but assurance was provided that Officers would take away all expressed views of Committee Members and produce a draft that reflects those views. If Members wished to submit any thoughts separately, that would be just fine. If needed, a small sub-meeting could be arranged to discuss the matter further.

It was queried whether the objective of the consultation was to reduce the number of complaints, or to inform legislation that needed to be updated. It was clarified that this was a national consultation that the LGA was sending out to all Councils to ensure that Councillors conducted business in a civil and respectful manner. Therefore, compliance with this code of conduct should result in fewer complaints.

The suggestion was raised that the question that asked respondents to rate how much they agree that bullying and harassing should not be allowed might be used as an indicator with regard to any individual Member's beliefs. The clarification was provided that members were not going to be required to complete the consultation survey, but that it would be completed on their behalf by the Monitoring Officer based on the response of the committee to the contents of the report.

It was asked whether the consultation might address possible penalties for breaching the Code of Conduct. The response averred that the Code of Conduct was to set forth what was expected. A change in sanctions resulting from a breach of the Code of Conduct would require a change in legislation.

The next question noted that according to the EU, everyone had the right to their own opinion and their own freedom of expression. The concern was expressed that Councillors might be discouraged from expressing their real opinions and experiences. In response, it was emphasised that, instead of a device for gagging members, the Model Code of Conduct was more a guide to promote courteousness while expressing one's opinions. It was noted that there was not to be any impingement on human rights.

Resolved:-

1. That Members provide comments on the report.
2. That Members' comments inform the response that Officers will prepare outside the meeting.

80. REVIEW OF CONCERNS RAISED PURSUANT TO THE WHISTLE-BLOWING POLICY

Consideration was given to the report and appendix presented by the Deputy Monitoring Officer, which provided an overview of the Whistleblowing cases which have been received over the past year.

Particular reference was made to the appendix to the report which set out clearly the description of the concerns received and action taken.

Resolved:-

1. That the Whistleblowing concerns raised over the previous year and the actions taken to address these matters be noted.

81. REVIEW OF COMPLAINTS

Consideration was given to the report presented by the Deputy Monitoring Officer, detailing the progress with the handling of complaints relating to breaches of the Council's Code of Conduct for Members and Town and Parish Councillors. The report listed the current cases of complaint and the action being taken in respect of each one.

Reference was made to each related case and recommended outcomes/actions identified were highlighted.

Resolved:-

1. That the report be received and the contents noted.

82. URGENT BUSINESS

There were no items of urgent business.

83. DATE AND TIME OF NEXT MEETING**Resolved:-**

That the next meeting of the Standards and Ethics Committee take place on 17 September 2020, commencing at 2.00 pm.