

## STANDARDS AND ETHICS COMMITTEE - 18/01/18

### STANDARDS AND ETHICS COMMITTEE

18th January, 2018

Present:- Councillor McNeely (in the Chair); Councillors Allen, Mallinder, Ireland, Simpson, Mr. D. Bates and Mr. D. Rowley (Parish Council Representatives) and also Mr. P. Edler and Ms. J. Porter (Independent Co-optees)

Apologies for absence were received from Councillor Andrews, Ms. A. Dowdall (Independent Co-optee), Mr. R. Swann (Parish Council Representative) and Mr. P. Beavers and Mr. D. Roper-Newman (Independent Persons).

#### 49. DECLARATIONS OF INTEREST

There were no Declarations of Interest to report.

#### 50. EXCLUSION OF THE PRESS AND PUBLIC

**Resolved:-** That under Section 100(A) 4 of the Local Government Act 1972, the public be excluded from the meeting for the appendices for Minute Nos. 54 and 55 on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12(A) of such Act indicated, as now amended by the Local Government (Access to Information) (Variation) Order 2006.

#### 51. MINUTES OF THE PREVIOUS MEETING

Consideration was given to the minutes of the previous meeting held on 28<sup>th</sup> September, 2017.

Reference was made to Minute No. 44 (Outcome of Standards and Ethics Sub-Committee) and the alleged breach of the Code of Conduct by Mr. Brian Lewis, Town Councillor for Dinnington St. John's Town Council. Having referred this back to the Town Council Mr. Lewis had refused to apologise for his conduct and was unwilling to participate in any further training.

The Committee expressed their concern at the lack of available sanctions under the Localism Act and unanimously agreed to forward a further letter via the Chair to the Secretary of State strengthening their argument. They wished to cite this case as an example as to how the weak sanctions imposed were ignored and, could not be enforced.

**Resolved:-** (1) That the minutes of the meeting of the Standards and Ethics Committee held on 28<sup>th</sup> September, 2017 be approved as a true and accurate record of proceedings.

(2) That on behalf of the Committee the Chair write to the Secretary of State, citing the hearing outcomes, to reaffirm the weak sanctions that could be imposed under the standards regime within the Localism Act.

**52. OUTCOME OF STANDARDS AND ETHICS SUB COMMITTEE HEARING RE ALLEGED BREACH OF THE CODE OF CONDUCT**

Consideration was given to the report presented by Stuart Fletcher, Deputy Monitoring Officer, which detailed the outcome of a Standards and Ethics Sub-Committee Hearing which took place on 15<sup>th</sup> November 2017 in relation to an alleged breach of the Code of Conduct for Members by Councillor Robert Bird.

The Committee were asked to consider the content of the Decision Record, the outcome of the hearing and in particular the recommendation of the Sub-Committee that the Subject member be censured by the Standards and Ethics Committee at its next meeting.

Discussion ensued on the rationale for the Sub-Committee's decision, the capacity in which the Councillor was acting and the need for a clear declaration, his comments made in the Licensing Sub-Committee and the context in which these were made.

The Committee were unanimous that the Councillor should be censured and suggested the Leader of the leading majority party be informed of the decision.

It was suggested that to avoid any uncertainty in the future, further awareness raising be made with the Chairs of various Committees to clarify whether a Councillor was present at a meeting in an official capacity or a member of the public. This would then prompt more timely declarations and for this to be included as part of induction and formal training.

**Resolved:-** (1) That the report be received and the contents noted.

(2) That the recommendations of the Sub-Committee made at the hearing be supported.

(3) That the Councillor be censured and for this to be reported to the Leader of the Majority Group.

**53. REVIEW OF THE STANDARDS AND ETHICS SUB-COMMITTEE HEARING "ORDER OF PROCEEDINGS"**

Consideration was given to the report presented by Stuart Fletcher, Deputy Monitoring Officer, which highlighted the Procedure used at Standards and Ethics Committee Sub-Committee hearings, in respect of allegations of breaches of the Members Code of Conduct, and whether this should be revised and improved.

## STANDARDS AND ETHICS COMMITTEE - 18/01/18

The procedure known as the "Order of Proceedings" used at the hearing itself was attached as an appendix to the agenda pack. While it was considered the hearings proceeded satisfactorily Members were asked to comment on the Order of Proceedings and suggest any revisions or improvements.

One issue that had arisen following the most recent Sub-Committee hearing was whether it would be appropriate for the hearing process to include a formal step of asking the complainant about their desired outcome and views on this suggestion were sought.

The Committee having considered the Order of Proceedings were content with the order, but requested that this document be revised to be gender neutral. It was also proposed that a simplified version be provided on the day of hearings for the Chair.

In terms of seeking desired outcome suggestions it was proposed that this remain at the informal resolution stage of the investigation and that the "Subject Member" be advised of their opportunity to seek advice from the Independent Person. Whilst it was noted the documentation sent to "Subject Members" did indicate they may be accompanied by a friend or be represented, this may need to be reviewed and elaborated on further.

It was also suggested that room choice and layout for subsequent Sub-Committees be given due consideration within the formality of the process.

**Resolved:-** (1) That the Order of Proceedings document currently used be revised to ensure its contents were gender neutral.

(2) That a simplified textual version be developed for reference at a Sub-Committee by the Chair.

(3) That the desired outcome and views at hearing suggestions remain at the informal resolution stage of the investigation.

### 54. **REVIEW OF CONCERNS RAISED PURSUANT TO THE WHISTLEBLOWING POLICY**

Consideration was given to the report and appendix presented by Dermot Pearson, Monitoring Officer, which provided detail of the concerns raised pursuant to the Whistleblowing Policy and the actions taken to address these matters.

A review of the complaints process and Whistleblowing Policy for the Department of Communities and Local Government had been recommended and following a number of dip sampling processes the informal feedback received indicated the Council had a robust procedure and good working practices.

## STANDARDS AND ETHICS COMMITTEE - 18/01/18

Discussion ensued on the process of overseeing the Whistleblowing Policy and whilst it was acknowledged it was within the terms of reference of this Committee, Members were aware of the overlap with the Audit Committee. However, the Committee expressed the importance of them being aware of any emerging trends or concerns, but would welcome the views of the Department for Communities and Local Government as to where they recommended the scrutiny of the Policy should sit.

**Resolved:-** (1) That the Whistleblowing concerns raised over the previous year and the actions taken to address these matters be noted.

(2) That the recommendations by the Department for Communities and Local Government be submitted to the next meeting should they be received.

### 55. CONSIDERATION OF COMPLAINTS

Consideration was given to the report presented by Stuart Fletcher, 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 (eight relating to the same issue) and the action being taken in respect of each one.

Details of each related case were highlighted and in the cases of 17/17 and 18/17 the convening of Sub-Committees was recommended.

The Committee were mindful of some of the material content shared on social media and suggested a training session be dedicated to this subject in the future.

**Resolved:-** (1) That the report be received and the contents noted.

(2) That the progress in respect of each case be noted pursuant to the Standards and Ethics Committee Complaints Procedure.

(3) That nominations be sought from the Standards and Ethics Committee for two Sub-Committees and for these to be arranged as soon as practically possible.

(4) That a future training session incorporate issues around social media.

### 56. DATE AND TIME OF NEXT MEETING

**Resolved:-** That the next meeting of the Standards and Ethics Committee take place on Thursday, 8<sup>th</sup> March, 2018 at 2.00 p.m. at the Town Hall.