

STANDARDS AND ETHICS COMMITTEE - 14/06/18

STANDARDS AND ETHICS COMMITTEE

Thursday, 14th June, 2018

Present:- Councillor McNeely (in the Chair); Councillors Brookes, Clark, Fenwick-Green, Simpson, Vjestica, Mr. D. Bates and Mr. D. Rowley (Parish Representatives), Mr. P. Beavers (Independent Person) and also Mr. P. Edler (Independent Co-optee).

Apologies for absence were received from Councillor Ireland, Mr. R. Swann (Parish Representative), Mrs. J. Porter (Independent Co-optee) and Mr. D. Roper-Newman (Independent Person)

1. **DECLARATIONS OF INTEREST**

There were no Declarations of Interest to report.

2. **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. 75 and 76 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.

3. **MINUTES OF THE PREVIOUS MEETING HELD ON 1ST MAY, 2018**

Consideration was given to the minutes of the previous meeting held on 1st May, 2018.

Mr. P. Beavers, Independent Person, pointed out he was present at the meeting.

Reference was made to Minute No. 62 (Membership of the Committee) and the outstanding review of the Committee's terms of reference. It was noted that the Constitution Working Group was scheduled to meet in early July, 2018.

In terms of the resolution of Minute No. 62 the Monitoring Officer confirmed Council agreed the appointment of the current Town and Parish Council representatives, the current Independent Co-opted Members and the current Independent Persons at its meeting on the 23rd May, 2018 for the 2018/19 municipal year.

At the Parish Council Network Group held on 5th June, 2018, Town and Parish Councils were invited to nominate three representatives to be members of the Committee until May, 2020.

STANDARDS AND ETHICS COMMITTEE - 14/06/18

With regards to Minute No. 63(3) (Work Plan) it was noted the Chair of the Committee and Monitoring Officer had attended the Parish Council Network Group on 5th June, 2018.

The response to the consultation as per Minute No. 64 (Review into Ethical Standards in Local Government) would be circulated to all members of the Standards and Ethics Committee.

Sub-Committee Hearings in relation to Minute No. 66 (Consideration of Complaints) would be arranged as soon as practically possible in accordance with relevant Members' diaries. However, it was noted that wherever possible reasons for delays in scheduling hearings be documented.

Resolved:- That the minutes of the meeting of the Standards and Ethics Committee held on 1st May, 2018 be approved as a true and accurate record of proceedings, subject to the inclusion of Mr. P. Beavers in the attendance.

4. **TRAINING PLAN - VERBAL UPDATE FROM MONITORING OFFICER FOLLOWING PARISH LIAISON GROUP**

Dermot Pearson, Monitoring Officer, provided an update following the attendance of him and the Chair of the Standards and Ethics Committee at the Parish Council Network Group on 5th June, 2018.

A worthwhile discussion had taken place on the training needs of Town and Parish Councillors where it was requested that training sessions be co-ordinated to avoid duplication and spread out evenly throughout the year.

It was suggested that liaison take place with the Yorkshire Local Councils Association to determine their training schedule to enable the Borough Council to align its own proposed training sessions accordingly. This would then enable the briefing on the new Waverley Parish Council and the seeking of nominations to be scheduled accordingly.

Resolved:- That the information be received and duly noted.

5. **LOCAL CODES AND PROTOCOLS**

Consideration was given to the report presented by the Monitoring Officer which sought the views on what work the Committee might wish to do on the development of local codes and protocols to supplement the existing Code of Conduct for Members and Co-opted Members and the Member/Officer Protocol.

The topics which were covered by such protocols and codes could include:-

STANDARDS AND ETHICS COMMITTEE - 14/06/18

- Planning Protocol [usually a matter for an Authority's Planning Board].
- Use of Resources Guidance for Members.
- Gifts and Hospitality Guidance for Members.
- Social Media Guidance for Members.

The Committee, in considering the suggestion, believed prioritisation should be given to social media guidance for development, but welcomed the potential opportunity to poll all Members to seek their views rather than a small working group to develop new codes.

The Monitoring Officer pointed out that the adoption of such protocols would allow the Town and Parish Councils to adopt or not.

Resolved:- That a poll/survey of Borough Councillors be undertaken with various options for consideration in consultation with the Chair of the Standards and Ethics Committee and other Members of the Committee where appropriate.

6. ANNUAL REPORT

Consideration was given to the report presented by the Monitoring Officer which summarised the work undertaken by the Standards and Ethics Committee during the Municipal Year 2017/2018.

The Chair of the Committee asked Members to consider when the Annual Report should be produced. It was her view that this should be at the end of the Municipal Year which would allow for looking back at what had been achieved and in looking forward for the Work Programme for the coming year.

The Committee were in agreement that this should be at the end of the municipal year in case the membership changed for the following year and welcomed further consideration of the membership moving forward, the boundary changes and the challenges that 2020 would bring.

Resolved:- That the work undertaken in the municipal year 2017/2018 be noted.

7. CURRENT ISSUES IN LOCAL GOVERNMENT STANDARDS

Consideration was given to the report presented by the Monitoring Officer which detailed information about current issues and developments in Local Government standards and related issues which affected Local Government. It drew on material published by North Yorkshire County Council's Standards Committee, with permission, as a useful baseline.

This related to how in December 2017 the Committee on Standards in Public Life [CSPL] published "*Intimidation in Public Life – A Review by the CSPL*". This was in response to a request from the Prime Minister for the

STANDARDS AND ETHICS COMMITTEE - 14/06/18

CSPL to undertake a review on the intimidation of Parliamentary candidates, considering the wider implications for public office-holders. The issue of intimidation of councillors was raised in the recent CSPL consultation to which this Committee responded.

The recommendations made by the CSPL were set out in the Appendix to this report. The Government issued a press release on 6th February, 2018 announcing it would consult on plans to remove the requirement for candidates standing as councillors in local elections to have their addresses published on ballot papers, in time for local elections in May 2019; and on a new electoral law offence of intimidating parliamentary candidates and their campaigners.

The recommendations of particular interest in a local government context were:-

- The government should bring forward legislation to remove the requirement for candidates standing as local councillors to have their home addresses published on the ballot paper. Returning Officers should not disclose the home addresses of those attending an election count; and
- Local Authority Monitoring Officers should ensure that members required to declare pecuniary interests are aware of the sensitive interests provisions in the Localism Act 2011.

The Council's Code of Conduct for Members and Co-opted Members reflected the relevant provisions in the Localism Act 2011 and provided:-

You need not disclose the nature of any personal interest or disclosable pecuniary interest in an item of business where the Council's monitoring officer considers that disclosure of the details of the interest ("a sensitive interest") could lead to you or a person connected with you being subject to violence or intimidation.

The Committee considered the merits of publicising addresses and whether for safety reasons it not be included on material or on relevant websites. There needed to be due diligence to ensure the requirements were met whether this be by the Clerk of a Parish Council, the Elections Officer or the political selection party.

Resolved:- That the matters set out in the report be noted.

8. STANDARDS AND ETHICS COMMITTEE - CONSIDERATION OF COMPLAINTS

Consideration was given to the report presented by the 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.

STANDARDS AND ETHICS COMMITTEE - 14/06/18

Details of each related case and recommended outcome were highlighted, some of which required the arrangement of a sub-committee hearing. These would be arranged soon as possible in line with the relevant procedure.

The Committee asked if dates of actions taken could be included within the schedule as this would then identify if there were particular issues.

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.

9. **A REVIEW OF CONCERNS RAISED PURSUANT TO THE WHISTLEBLOWING POLICY**

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

The appendix to the report set out clearly the description of the concerns received and action.

The Committee welcomed the report and considered the reported matters in detail which would identify if there were any particular trends or issues. However, the Committee asked if more information could be provided on how the information was used, an activity log for timescales and whether or not a target date for completion would assist in preventing any unnecessary delays.

The Monitoring Officer agreed to speak with Human Resources and Audit to ascertain what could and could not be shared as some of the concerns raised were outrageous and vexatious.

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

(2) That liaison take place with relevant services as to whether any additional information could be included for the Committee's consideration.

10. **DATE AND TIME OF NEXT MEETING**

Resolved:- That the next meeting of the Standards and Ethics Committee take place on Thursday, 13th September, 2018 at 2.00 p.m.