

STANDARDS AND ETHICS COMMITTEE
Thursday, 21st March, 2019

Present:- Councillor McNeely (in the Chair); Councillors Clark, Fenwick-Green, Ireland, Simpson, Short and Vjestica, in addition to Mr. D. Rowley and Mr. R. Swann (Parish Council Representatives) and also Mrs. A. Bingham, Mr. P. Edler, Mrs. M. Evers and Ms. J. Porter (Independent Co-optees).

Also in attendance was Ms. Kate Penney (Observer).

Apologies for absence were received from Councillor Pitchley and Mr. D. Bates.

28. MONITORING OFFICER

The Committee were sorry to learn that the Monitoring Officer was currently off work ill and wished to offer him their best regards for a speedy recovery.

29. DECLARATIONS OF INTEREST

Councillor Ireland left the room during Minute No. 32 during consideration of this item as a member of the Parish Council.

30. MINUTES OF THE PREVIOUS MEETING HELD ON 13TH DECEMBER, 2018

Consideration was given to the minutes of the previous meeting held on 13th December, 2018.

With regards to Minute No. 22 (Complaints) the Committee noted the need for a Standards hearing and sought nominations for a Sub-Committee on a date to be agreed.

Resolved:- (1) That the minutes of the meeting of the Standards and Ethics Committee held on 13th December, 2018 be approved as a true and accurate record of proceedings.

(2) That a Sub-Committee comprising Councillors McNeely and Simpson, Mr. R. Swann (Parish Council Representative), Mr. P. Edler and Mrs. A. Bingham (Independent Members) and Mr. P. Beavers (Independent Person) be arranged for Friday, 3rd May, 2019 at 10.00 a.m. at the Town Hall.

31. DIFFERENCES BETWEEN THE REQUIREMENTS FOR MEMBERS AND OFFICERS WITH REGARDS TO DECLARATIONS FOR GIFTS AND HOSPITALITY

Further to Minute No. 26 of the meeting of the Standards and Ethics Committee held on 13th December, 2018, consideration was given to the

report presented by the Head of Internal Audit which informed the Committee of the requirements to declare gifts and hospitality received by Members and Officers.

The Code of Conduct for Members and Co-Opted Members depicted that a Member must within 28 days of receiving any gift or hospitality over the value of £25, provide written notification to the authority's Monitoring Officer of the existence and nature of that gift or hospitality. A member must similarly provide written notification of gifts and hospitality received on more than one occasion during a twelve month period from the same person or body, even though each gift or hospitality was of a lesser value than £25, unless the gifts were of nominal value for publicity purposes in the Register of Interests.

The staff Code of Conduct stated that, as a general rule, gifts should be refused. Where that was not possible gifts should be recorded in the Corporate Gifts and Hospitality Register, available from the management support team and that employees should exercise discretion in offering and accepting hospitality, with regard given to seven criteria. Again, any hospitality received or offered should be recorded in the Corporate Gifts and Hospitality Register.

Financial Procedure Rule 34 gave overall guidance for Gifts, Loans and Sponsorship defining them as the voluntary provision to the Council of non-public funds, services, equipment or other resources. It stated that gifts, loans and sponsorship must not be accepted where there was a risk of damaging the integrity or propriety of the Council, and provided guidance of offers that should be avoided. It also stated that Strategic Directors have discretion to accepting individual gifts, loans or sponsorship related to their directorates in accordance with the above guidance up to a value of £25,000. Above this value, the approval of Cabinet was, therefore, required.

The Deputy Monitoring Officer offered further information on proposals to increase the amount for gifts and hospitality for Members up to £100.00 and would liaise with the Head of Internal Audit accordingly on the detail.

With regards to gifts and hospitality received as part of the role as Mayor, it was noted that a separate register recording all the detail was available via the Mayor's P.A.

Resolved:- That the report be received and the contents noted.

32. CONSIDERATION 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.

Details of each related case, recommended outcome any actions identified were highlighted.

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.

(Councillor Ireland left the room during consideration of this item)

33. REVIEW OF CONCERNS RAISED PURSUANT TO THE WHISTLEBLOWING 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.

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

Clarification was sought on the programme of publicity around the Whistleblowing Policy and awareness raising with staff.

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

34. APPOINTMENT OF STANDARDS AND ETHICS COMMITTEE INDEPENDENT PERSONS

Consideration was given to the report presented by the Deputy Monitoring Officer which reviewed the arrangements for the Council's Independent Persons and recommended the re-appointment of the current Independent Persons.

It was noted the Council had previously appointed two Independent Persons, who were not members of the Committee, and their terms of office were renewed at the Council meeting in May, 2018 until the end of the 2018/19 Municipal Year.

A recruitment exercise in respect of the two Independent Person posts had commenced, but this may not be concluded before the end of the 2018/19 Municipal Year. Therefore, it was recommended that the terms of office for the current Independent Persons be extended to the end of the 2019/20 Municipal Year. This extension would be on the basis that following the conclusion of the recruitment exercise a further report would be brought to the Standards and Ethics Committee and if necessary subsequently Council.

STANDARDS AND ETHICS COMMITTEE - 21/03/19

The recruitment exercise had not been undertaken previously as it was felt appropriate to take into account the recommendations from the review into Local Government Ethical Standards by the Committee on Standards in Public Life. With regards to Independent Persons the review recommended that “The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once”.

The Committee welcomed the continuity and extension of the terms of office for the current Independent Persons and could see the continued added value of appointing two separate people to deal with complaints from 2020.

Resolved:- (1) That Council be asked to confirm the appointment of the current Independent Members of the Committee until the end of the 2019/20 Municipal Year.

(2) That the ongoing recruitment exercise in respect of the Independent Person roles be noted and that a further report be submitted to the Standards and Ethics Committee at the conclusion of the recruitment process.

(Mr. P. Beavers and Mr. D. Roper-Newman, Independent Persons, left the room during consideration of this item)

(THE CHAIR AUTHORISED CONSIDERATION OF THE APPOINTMENT OF AN INDEPENDENT MEMBER IN ORDER TO FULLY REALISE THE FULL MEMBERSHIP OF THE STANDARDS AND ETHICS COMMITTEE)

35. APPOINTMENT OF INDEPENDENT MEMBER TO THE STANDARDS AND ETHICS COMMITTEE

Further to Minute No. 21 of the meeting of the Standards and Ethics Committee held on 13th December, 2018, consideration was given to an update following the recruitment process to try to fill the last remaining Independent Member vacancy.

An interview process involving the Chair, Monitoring Officer and one of the Independent Persons confirmed the candidate, who was interviewed on Monday, 18th March, 2019, to be an appropriate person to undertake the role of Independent Member. The candidate was Kate Penney.

The Committee were pleased to finally have a full membership and were happy to support the appointment.

Resolved:- That Council be recommended to confirm the appointment of Kate Penney as Independent Members of the Standards and Ethics Committee for a period of four years.

(Ms. Kate Penney left the meeting during discussion of this item)

36. COMMITTEE ON STANDARDS IN PUBLIC LIFE (CSPL) - REVIEW OF LOCAL GOVERNMENT ETHICAL STANDARDS

Consideration was given to the report as submitted and a short presentation (by way of PowerPoint) by the Deputy Monitoring Officer, which presented the findings of the Committee on Standards in Public Life review of Local Government Ethical Standards and sought views from the Committee on what action should be taken at this stage if any.

On 30th January, 2019, the Committee on Standards in Public Life published its report and key recommendations included:-

- A new power for local authorities to suspend councillors without allowances for up to six months with a right of appeal for suspended councillors to the Local Government Ombudsman.
- Revised rules on declaring interests and gifts and hospitality.
- An updated voluntary Model Code of Conduct to be introduced with local authorities to retain ownership of their own Codes of Conduct.
- A strengthened role for the Independent Person.
- Monitoring Officers provided with adequate training, corporate support and resources and statutory protections to be expanded
- Greater transparency about the number and nature of Code complaints
- Political groups set clear expectations of behaviour by their members and code of conduct training be mandatory.

Many of the recommendations would require primary legislation; the implementation of which would be subject to Parliamentary timetabling. Some changes could be made through secondary legislation or amendments to the Local Government Transparency Code, which could be implemented by Government relatively quickly.

The best practice was a matter for individual local authorities and, therefore, could be introduced by the Council straightway through the establishment of a Working Group. This would allow for consideration of the steps to be taken to introduce all of the best practice recommendations as set out in the report.

STANDARDS AND ETHICS COMMITTEE - 21/03/19

The Committee welcomed the recommendations set out in the report, but suggested that the Working Group be delayed and included as an agenda item at the next meeting in June, thus allowing for potential changes to the membership at the Annual Council Meeting in May. This was due to the Council already having some of the best practice in place; notably prohibition on bullying and harassment in the code of conduct, the code of conduct and arrangements for dealing with complaints clearly published on the website, access to two Independent Persons and a requirement to consult with the Independent Person at initial assessment stage.

The presentation highlighted:-

- A Reminder of the Current Regime.
- Remit for the Review.
- Headline Findings.
- Specific Recommendations – Code of Conduct.
- Specific Recommendations – The Scope of the Code.
- Specific Recommendations – Sanctions.
- Specific Recommendations – The Role of the Independent Person.
- Specific Recommendations – Standards Committees.
- Specific Recommendations – The Role of the Monitoring Officer.
- Best Practice in Local Government.
- Next Steps.

The Committee were in full support of the steps to introduce all the best practice recommendations as this would demonstrate the Committee's continued commitment to promote and maintain high standards of conduct by members and co-opted members of the Council.

The introduction of an updated voluntary Model Code of Conduct for Local Authorities to retain ownership of their own Codes of Conduct would provide consistency across the borough and provide clarity when the Code was applicable. The eventual application of any sanctions would be subject to a level to be determined by the Council once the legislation had been approved.

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

(2) That consideration of a Working Group being established, to consider the steps be taken to introduce all of the best practice recommendations set out in the Committee on Standards in Public Life report, be deferred to the next meeting.

37. DATE AND TIME OF NEXT MEETING - THURSDAY, 13TH JUNE, 2019 AT 2.00 P.M.

Resolved:- That the next meeting of the Standards and Ethics Committee take place on Thursday, 13th June, 2019 at 2.00 p.m.