

STANDARDS COMMITTEE**Minutes of a meeting of the Standards Committee held on
Tuesday, 13 February 2018 at 6pm in Meeting Room G3-G4, Addenbrooke
House, Ironmasters Way, Telford, TF3 4NT**

Present: Councillors E Clare (Chair), A R H England, R T Kiernan and G C W Reynolds.

In Attendance: J Eatough (Assistant Director: Governance, Procurement & Commissioning and Monitoring Officer), C Humphries (Independent Person) and J Clarke (Democratic & Scrutiny Officer).

ST-06 Apologies for Absence

None

ST-07 Declarations of Interest

None

ST-08 Minutes

RESOLVED – that the minutes of the meeting of the Standards Committee held on 31 October 2017 be confirmed and signed by the Chairman.

A question arose from the minutes regarding the time element on ASBOS and if an ASBO was imposed in teenage years if it was still likely to disqualify an adult from becoming an elected Member. The Monitoring Officer understood that the ASBO was only taken into consideration whilst it was “live”.

ST-09 Update Report

The Committee received the report presented by the Monitoring Officer which gave an update on the Ethical Framework, Training Plan and a Consultation on Standards in Public Life.

Complaints

One complaint had been received since the writing of the report regarding Social Media which was currently being investigated.

Training

A training plan was currently being devised which would include 5-10 minute video shorts and would be available through the Ollie system.

The training at Wellington Town Council had taken place in January 2018. It has been necessary to cancel the training in December 2017 due to the snow.

Appendix 1 to the report gave some recent cases for Members' information.

Consultation on Standards in Public Life

Members considered the consultation questions below:

- a. Are the existing structures, processes and practices in place working to ensure high standards of conduct by local councillors? If not, please say why.
- b. What, if any, are the most significant gaps in the current ethical standards regime for local government?

Response:

Members concluded that the existing structures, process and practices in place were satisfactory and that the Council has a robust approach to its ethical standards.

Codes of conduct

- c. Are local authority adopted codes of conduct for councillors clear and easily understood? Do the codes cover an appropriate range of behaviours? What examples of good practice, including induction processes, exist?
- d. A local authority has a statutory duty to ensure that its adopted code of conduct for councillors is consistent with the Seven Principles of Public Life and that it includes appropriate provision (as decided by the local authority) for registering and declaring councillors' interests. Are these requirements appropriate as they stand? If not, please say why.

Response:

Members felt that it was good practice to have inductions and training for both newly elected Members and current Members. They considered that if Members had not attended training that they would not have the tools to undertake their role. It was suggested that mentoring took place within the political groups and that on-line training courses could be an accessible way for Members to undertake any necessary training.

Investigations and decisions on allegations

- e. Are allegations of councillor misconduct investigated and decided fairly and with due process?
 - i. What processes do local authorities have in place for investigating and deciding upon allegations? Do these processes meet requirements for due process? Should any additional safeguards be put in place to ensure due process?
 - ii. Is the current requirement that the views of an Independent Person must be sought and taken into account before deciding on an allegation sufficient to ensure the objectivity and fairness of the

decision process? Should this requirement be strengthened? If so, how?

- iii. Monitoring Officers are often involved in the process of investigating and deciding upon code breaches. Could Monitoring Officers be subject to conflicts of interest or undue pressure when doing so? How could Monitoring Officers be protected from this risk?

Response:

The Monitoring Officer had not had to undertake an investigation to date. With regard to iii) statutory protection was in place.

Sanctions

- f. Are existing sanctions for councillor misconduct sufficient?
 - i. What sanctions do local authorities use when councillors are found to have breached the code of conduct? Are these sanctions sufficient to deter breaches and, where relevant, to enforce compliance?
 - ii. Should local authorities be given the ability to use additional sanctions? If so, what should these be?

Response:

The Monitoring Officer could only use the current sanctions, if this became necessary, and these could not be changed. At f ii), however, Members concluded that if additional sanctions could be imposed that these could be one of the following:

- **A period of suspension and a freeze on allowances/remuneration**
- **Withdrawal of support from Member Services**
- **Removal of resources/equipment**
 - **ie exclude from receiving confidential papers/computer equipment**
- **Public element to penalties**
 - **ie declared at full Council and minuted**

Declaring interests and conflicts of interest

- g. Are existing arrangements to declare councillors' interests and manage conflicts of interest satisfactory? If not please say why.
 - i. A local councillor is under a legal duty to register any pecuniary interests (or those of their spouse or partner), and cannot participate in discussion or votes that engage a disclosable pecuniary interest, nor take any further steps in relation to that matter, although local authorities can grant dispensations under certain circumstances. Are these statutory duties appropriate as they stand?
 - ii. What arrangements do local authorities have in place to declare councillors' interests, and manage conflicts of interest that go beyond the statutory requirements? Are these satisfactory? If not, please say why.

Response:

Current arrangements satisfactory

Whistleblowing

- h. What arrangements are in place for whistleblowing, by the public, councillors, and officials? Are these satisfactory?

Response:

Current arrangements satisfactory

Improving standards

- i. What steps could *local authorities* take to improve local government ethical standards?
j. What steps could *central government* take to improve local government ethical standards?

Response:

Current arrangements satisfactory

Intimidation of local councillors

- k. What is the nature, scale, and extent of intimidation towards local councillors?
i. What measures could be put in place to prevent and address this intimidation?

Response:

Current arrangements were satisfactory and include personal safety training for Councillors. It was suggested that Members do not undertake visits to constituents alone and either take a ward colleague with them or hold the meeting in a Parish/Town Council building. Further suggestions were not to respond to trolling/intimidation and to block people from e-mails and social media who were causing issues.

RESOLVED – that:

- a) the report including the proposed Members' Standards and Code of Conduct training plan be approved; and
b) delegated authority be given to the Monitoring Officer, in consultation with the Chair, to submit a response on behalf of the Committee to the Committee on Standards in Public Life in relation to their consultation

paper taking into account comments made by Members during the consideration of this.

ST-10 Presentation from the Independent Person

Mr C Humphries, Independent Person, gave a presentation which outlined the role of the Independent Person.

The Independent Person was there to act as an impartial consultee on councillor code of conduct complaints. This will be at the point where a complaint is made and the Monitoring Officer was deciding whether the complaint should proceed, when the Standards Committee were deciding on whether a councillor had acted in breach of the Code of Conduct and the Independent Person could also be contacted by councillors if they have concerns about a conduct complaint against them.

The role of the Independent Person was introduced through the Localism Act. Full Council appoints the Independent Person for a term of four years from 2015-2019.

The Independent person quoted as follows:

- **Independence** is the key attribute. The Independent person must therefore avoid being seen as 'part of the authority' and they should not become too close to individuals within. They are there to ensure the fairness of the processes for all concerned, and to act as a guarantor to both the council and the public that standards matters are being dealt with effectively, efficiently and proportionately. This has to be seen to be an **Independent** role.

The Chair thanked Mr Humphries for his presentation and attendance at the meeting.

The meeting ended at 7.16 pm

Chairman:

Date: