

Minutes of the Standards Committee Meeting

Held on 30th June 2020 via Skype at 16.30pm

Members Present:

Councillor S Saleem	(Chair)
Councillor Waheed	(Vice Chair)
Councillor D. Chapman	Member
Councillor M. Hussain	Member
Councillor Nicholls	Member
Councillor Moles	Member
Councillor Roche	Member
Councillor Skelpelhorn	Member
Councillor Young	Member
Ms. P Brennan	Independent Member
Mrs M. Briggs	Independent Member
J. Jones	Independent Member
Andrew Maslen	Independent Member

14. Apologies for Absence (Refs: 1)

Resolved: Apologies for absence from the meeting were received on behalf of Councillor Petts and Peter Orr Independent Member.

15. Minutes (Refs: 2.1)

Resolved: That the minutes of the meeting held on 23rd June 2020 be agreed and taken as a correct record and the Chair be authorised to sign them at a future meeting of the Board.

16. Member Code of Conduct Consultation (Ref: 6)

The Service Director, HR and Monitoring Officer submitted the report (Ref: 6) regarding the draft model Elected Member Code of Conduct developed by Hoey Ainscough, published by the Local Government Association, (LGA) and currently out for consultation. As advised at the last meeting of the Committee, the consultation commenced on 8th June 2020 through to 17th August 2020.

This meeting had been set up to enable conversation about the consultation in order to agree a coordinated response from Members of this Committee. In line with the Localism Act all Councils must have a local Member Code of Conduct and therefore the model code of conduct had been developed in collaboration with a number of stakeholders. When completed it would be a template for Councils to adopt in its entirety and or with local amendments. The LGA would review the model code of conduct annually to ensure all future legislative changes.

The Chair of the Committee and the Monitoring Officer led the discussion on the questionnaire as follows:

Question 1. To what extent do you support the proposal that councillors demonstrate the behaviours set out in the Code when they are publicly acting as, identifying as, and/or giving the impression that they are acting as a councillor, including when representing their council on official business and when using social media?

To a great extent – Agreed

Comment: Some Members of the Committee were of the opinion that this should be limited to time spent in office by the Councillor. However, a more general view was that the public needed to be aware that councillors were accountable.

Question 2. Is it sufficiently clear which parts of the Model Code are legal requirements, which are obligations, and which are guidance?

Yes

No - Agreed

Comment: Members felt that this was not 100% explicit.

Question 3. Do you prefer the use of the personal tense, as used in the Code, or would you prefer the passive tense?

Personal tense (“I will”) - Agreed

“Specific obligations The Code lists 12 specific obligations – these set out a minimum standard councillors are asked to adhere to. Each obligation or group of obligations is put into a wider context to explain why that particular obligation is important”.

Comment: This sounded contractual and better.

Question 4. To what extent do you support the 12 specific obligations?

To a great extent`

To a moderate extent

To a small extent

Not at all

Don't know / Prefer not to say

4.1. Treating other councillors and members of the public with civility – **To a great extent.**

Comment: Change the word (civility) to dignity and mutual respect.

4.2. Treating council employees, employees and representatives of partner organisations and those volunteering for the councils with civility and respecting the role that they play – **To a great extent**

4.3. Not bullying or harassing any person – **To a great extent**

4.4. Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the council – **To a great extent**

4.5. Not disclosing information given to me in confidence or disclosing information acquired by me which I believe is of a confidential nature, unless I have received the consent of a person authorised to give it or I am required by law to do so – **To a great extent**

4.6. Not preventing anyone getting information that they are entitled to by law – **To a great extent.**

Comment: Include “or in the public interest”. Members felt that it would be interesting to see how the LGA would handle this in a model code.

4.7. Not bringing my role or council into disrepute – **To a great extent**

Comment: Some LA areas had in the past excluded this requirement leading to some difficulties in their administration of the process. It was suggested that it would be worthwhile that those actions that could bring the Council to disrepute should be included and listed.

4.8. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else – **To a great extent.**

4.9. Not misusing council resources – **To a great extent**

4.10. Registering and declaring my interests – **To a great extent**

4.11. Not accepting significant gifts or hospitality from persons seeking to acquire, develop or do business with the council or from persons who may apply to the council for any permission, licence or other significant advantage – **To a great extent**

4.12. Registering with the monitoring officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt – **To a great extent**

Question 5. If you would like to propose additional or alternative obligations, or would like to provide more comment on a specific obligation, please do so here:

Comment: Members of the Committee said they were contented with this.

Question 6. Would you prefer to see the obligations as a long list followed by the guidance, or as it is set out in the current draft, with the guidance after each obligation?
As a list – Agreed

Comment: Members felt that this was easy to understand as a list.

Question 7. To what extent to you think the concept of ‘acting with civility’ is sufficiently clear?

To a great extent - Agreed

Question 7a. If you would like to suggest an alternative phrase that captures the same meaning, or would like to provide a comment on this concept, please do so here:

Comment: Include dignity and mutual respect.

Question 8. To what extent do you think the concept of ‘bringing the council into disrepute’ is sufficiently clear?

To a great extent - Agreed

Comment: The concept “bringing the council to disrepute” was contained in Luton Council’s Code of Conduct and was generally referenced in complaints.

Question 8a. If you would like to suggest an alternative phrase that captures the same meaning, or would like to provide a comment on this concept, please do so here:

Comment: As above

Question 9. To what extent do you support the definition of bullying and harassment used in the code in a local government context?

To a great extent - Agreed

Question 9a. If there are other definitions you would like to recommend, please provide them here.

No comment on this

Question 10. Is there sufficient reference to the use of social media?

Yes - Agreed

Comment: Members felt that nationally, social media was the trigger for complaints.

Question 10a. Should social media be covered in a separate code or integrated into the overall code of conduct?

Separate code

Integrated into the code

Don't know/prefer not to say

Question 10b. If you would like to make any comments or suggestions in relation to how the use of social media is covered in the code please do so here:

Comment: Members felt that there should be more clarity around the use of social media.

Registration and declarations of interests The law at present requires, as a minimum, registration and declaration of 'Disclosable Pecuniary Interests' - that is matters which directly relate to the councillor and their partner if applicable. The LGA is proposing that all councillors are required to declare interests where matters also relate to or affect other family members or associates. The LGA has broadened the requirement to declare interests beyond this current statutory minimum in line with a recommendation from the Committee on Standards in Public Life. These specific provisions are set out in Appendix B of the Code.

Question 11. To what extent do you support the code going beyond the current requirement to declare interests of the councillor and their partner?

To a great extent - Agreed

Comment: Members felt that the definition of friends and family could be open to interpretation.

Question 11a. If you would like to elaborate on your answer, please do so here:

Comment: None

Question 12. Should the requirement to declare interests be in the main body of the code or in the appendix where the draft model code currently references it?

In the main body of the code

In the appendix

Other (please specify below)

Don't know/prefer not to say

Question 12a. If you would like to make any comments or suggestions in relation to how the requirement to declare interests is covered in the code please do so here:

(It is also suggested that more outside interests should be registered than is the current statutory minimum. These are set out in Table 2 of the Appendix and are designed to demonstrate to the community transparency about other bodies with which the councillor is engaged).

Question 13. To what extent do you support the inclusion of these additional categories for registration?

To a great extent – Agreed (applicable to all additional categories listed below)

- a) Any organisation, association, society or party of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council
- b) Any organisation association, society or party that exercises functions of a public nature of which you are a member or in a position of general control management
- c) Any organisation, association, society or party directed to charitable purposes
- d) Any organisation, association, society or party of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Question 13a. If you would like to propose additional or alternative categories for registration, please provide them here:

Comment: None

Question 14. To what extent to you support the proposed requirement that councillors do not accept significant gifts as set out in Obligation 11?

To a great extent - Agreed

Question 14a. If you would like to elaborate on your answer, please do so here:

Comment: None

Question 15. The draft code proposes £25 as the threshold for registering gifts and hospitality. Is this an appropriate threshold?

Yes - Agreed

Question 16. The LGA will be producing accompanying guidance to the code. Which of the following types of guidance would you find most useful? Please rank 1-5, with 1 being the most useful.

- _____ Regularly updated examples of case law
- _____ Explanatory guidance on the code
- _____ Case studies and examples of good practice
- _____ Supplementary guidance that focuses on specific areas, e.g., social media
- _____ Improvement support materials, such as training and e-learning packages

Comment: Members were of the opinion that case law would be insufficient to address this.

Question 16a. If you would like to suggest any other accompanying guidance please do so here:

Comment: None

Question 17. If you would like to make any further comments about the code please so here:

Comment: Points already made during the course of conversation.

Resolved: That the Service Director Human Resources and Monitoring Officer be requested to forward the agreed a coordinated response document to Local Government Association (LGA) in response to the draft Member Model Code of Conduct consultation prior to its conclusion on 17th August 2020.

17. Standards Committee Work Programme 2020 (Ref: 7)

Members considered the work programme and agreed the additional item(s) listed below:

- **Reports on Mandatory Training for Elected Members of the Council.**

In addition, the Service Director Human Resources and Monitoring Officer gave a verbal update regarding complaints from local residents in respect of the alleged breach of lockdown rules by some Members of the Council on 21st July 2020. A Local Assessment Panel would be convened to hear these complaints. Also as Members had previously indicated, a face to face hearing would be set up as against virtual hearing with the social distancing rules applied. Members felt that if heard virtually, some confidential information could be compromised and a face-to-face hearing in a committee room was preferred.

Members heard that the Leader of the Council, Councillor Simmons had also received quite a number of complaints in respect of the same matter. She explained that these complaints could be heard through the Labour Group complaints process.

Resolved: (i) That the DSO be authorised to update and amend the work programme to include the item (Report on Mandatory Training for Elected Members of the Council) as discussed and including additional items in consultation with the Chair of the Board.

(ii) That update by the Service Director HR and Monitoring Officer regarding the breach of lockdown rules by some elected Members of the Council be noted.

Note: The meeting ended at 17.30