

Standards Committee

Minutes

4 February 2021 at 6.00 pm

Present:

Councillors: S Saleem (Chair), Waheed (Vice Chair), M. Hussain, Nicholls, Moles, Petts, Roche, and Young.

Independent Members:

Ms P Brennan, Mrs M. Briggs, J. Jones, and Andrew Maslen.

01. Apologies (Ref: 1)

Apologies for absence from the meeting received on behalf of Councillors D. Chapman and Skelpelhorn, and Independent Member, Peter Orr. (As he was unable to connect to the meeting)

02. Minutes (Ref: 2.1)

That the minutes of the meeting held on 10 September 2020 be taken as read, approved as a correct record and signed by the Chair in due course.

03. Complaints Against Members (Ref: 6)

The Service Director, HR and Monitoring Officer submitted the report Ref: 6 regarding complaints against Members. She stated that there were no new formal complaints, but had received some correspondence from the Ombudsman in relation to one issue. In addition, there have been some informal allegations about a Councillor, as a result, the relevant party Whip had been asked to have an informal word with the subject of the informal allegation together with the Service Director, HR and Monitoring Officer

Following questions, comments and statements by Members the Service Director HR and Monitoring Officer informed the Committee of the outcome of the Local Adjudication Panel held on 12 October 2020. She stated that the Decision Notice and outcome from that hearing was drafted by the Council's Solicitor and thereafter was agreed with the Chair of the Panel prior to publication on the Council's website. She added that further discussions about this matter could take place at item 8 of the agenda.

A Member suggested that decision made by the Council's Local Adjudication Panel should be brought to the Standards Committee for discussions prior to publication of outcome. The Chair of the Committee stated that she was the Chair of the Adjudication Panel which took place on 12 October 2020. She confirmed that she agreed the decision letter prior to its publication on the Council's website.

An Independent Member of the Committee stated that there might be some practical issues with the suggestion to bring a decision of an Adjudication Panel for discussion and endorsement by the Standards Committee. He stated that these decisions were time critical and having to bring the outcome to the Committee for any, reason would lead to delay in publication and where there was an unusual press interest, there could be further delay caused.

There was a question about discussing the details of the outcome and whether that would fall under exempt information but the Solicitor advised that although the decision had been made in private, the outcome was now in the public domain, therefore it was in order to have the conversation in public.

The Service Director HR and Monitoring Officer explained that the 12 October 2020 Adjudication Panel concluded that the Councillors in question had not breached the code of conduct but their actions were found to be in disregard of the lockdown rules. They were asked to donate to Charity Organisation. It was reported that two of the Councillors had now donated to Charity.

A Member of the Committee stated that the decision could have been brought before the Standards Committee to make recommendations that would have ensured implementation of the outcome from the Adjudication Panel.

The Service Director, HR and Monitoring Officer was asked to circulate the decision letter from that Panel hearing to Members of the Committee electronically to clarify and understanding of the Panel's decision.

Resolved: (i) That the up to date Complaints Against Members (Ref: 6) as reported orally, by the Service Director, HR and Monitoring Officer be noted.

04. Local Government Association – Model Councillor Code of Conduct (Ref: 7)

The Service Director, HR and Monitoring Officer submitted the report Ref: 7 regarding the Local Government Association – Model Councillor Conduct. She stated that the Committee had provided response to a number of consultations carried out by the LGA in respect of the Model Councillor Code of Conduct. Following the period of the consultation, the LGA on 23 December 2020 published a Model Councillor Code of Conduct attached as Appendix to this agenda, which was before the Committee for review.

The LGA had described the Model Code as 'designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government'. She added that although the Model Code had been published, the responses provided by this Committee and clarifications sought during the consultation had not been reflected in the current LGA Code.

The Service Director further explained the recommendations as outlined in the report and as below:

- i. Commend the Model Code, with agreed amendments, to Full Council for adoption
- ii. Review the Code of Conduct in a year's time.
- iii. Request a training programme for councillors, officers and relevant stakeholders is developed and presented to the next Standards Committee meeting.

The Committee's role would be to determine whether to recommend the Model Code, amended or otherwise to Full Council for inclusion in the Council's Constitution.

A Member of the Committee stated that there was nothing significantly new in the LGA Code that had picked up the issues expressed during the consultation, which had raised questions whether there was a need to adopt the LGA Model Code.

A Member asked what action a member could take if they were either subject to, or witnessed poor behaviour during meetings. In response, the Service Director HR and Monitoring Officer explained the primary reason responsibility of the Committee to address issues about the behaviour of Members where this had fallen below expected standard. One of the first steps would be to discuss such concerns with the Group Leaders or the Whips. The Chairs of committees should intervene where a committee Member had exhibited behaviour perceived or considered as being unacceptable. Members should be encouraged to take necessary action to address issues immediately where there was evidence of unacceptable behaviour by a Member. She added that people perceive issues differently.

An Independent Member further explained that where it was apparent that behaviour was deteriorating the onus would be on the person who perceived it to be so to refer the matter through the required channel. Overall Members behaviour in Luton Council had significantly improved over the years. Regarding the LGA published Model Code, he said this was a bit disappointing that the government had not given comments and responses by various LA's a view and were therefore not included in the published code. He added that Members of the Committee could revisit this in 12 months' time.

Members of the Committee agreed that the Council should continue with its own Code of Conduct pending when there would be a review of the LGA's published Model Code of Conduct in about 12 months' time. Members of the Committee also agreed that the Council should carry out a consultation with the involvement of stakeholders, and interested parties to find out what stakeholders believed require improvement in the Council's current Code of Conduct. Furthermore, Members agreed that relevant Councillor training should continue to take place.

In response to a question, the Service Director HR and Monitoring Officer stated that the code of conduct would only apply to Councillors when on council duty, however, a councillor could also be held accountable should their behaviour fall below standard even when not on council duty. The following options were made available to Members of the Committee.

- i. Commend the Model Code, with agreed amendments, to Full Council for adoption
- ii. Review the Code of Conduct in a year's time.
- iii. Request a training programme for councillors, officers and relevant stakeholders is developed and presented to the next Standards Committee meeting.

Resolved: (i) That the report (Ref: 7) regarding the published LGA Model Code of Conduct be noted.

(ii) Members agreed option (ii) to review the Code of Conduct in a year's time.

(iii) Members agreed that a consultation be carried out through appropriate mechanism such as consultation with stakeholders, outside organisations and interested parties whether there was a need to improve the Council's current Code of Conduct.

(iv) That Training Programme for Councillors, Officers and relevant stakeholders be developed and presented to the next Standards Committee meeting.

(v) That the Service Director HR and Monitoring Officer be commended for all her contributions to the Council in her role over the over the years and wish her all the best in her future endeavours.

05. Standards Committee Communications Protocol (Ref: 8)

The Service Director, HR and Monitoring Officer submitted the report Ref: 8, regarding the Standards Committee Communications Protocol. She stated that Members of the Committee requested this information at the last meeting on 10 September 2020. She said the Head of Communications was unavailable to present the report due to other council commitment.

In response to a question, Members were informed that the outcome of the Local Adjudication Panel meeting held on 12 October 2021 would be circulated to all members of the Standards Committee for information.

An Independent Member of the Committee asked whether there were other communication protocols in order to avoid confusion and Members were informed that the this protocol was consistent with other protocols in the way that the Council would normally operate. The Service Director HR and Monitoring Officer referenced the comments made by the Solicitor in the conversation box that deliberations would normally take place in private and this would be followed by a formal Decision Notice which would then be made public. She drew Members attention to the Officer's recommendation in the report to consider whether to adopt the Communication's Protocol subject to inclusion of Member's comments if any.

The Committee agreed the direction of travel to adopt the Communication's Protocol with the inclusion of Member's comments including clarification relating to press releases, which should be agreed with the Chair of the Adjudication Panel but not necessarily the Chair of the Standards Committee who may or may not be chairing the Panel.

An Independent Member of the Committee asked what might happen in the circumstances that the subject of the complaints refuses that the outcome should not be published, guilty or not guilty. Members agreed that for the interest of transparency and fairness of the process the outcome of a local adjudication panel should be made public whether the subject of the complaint had been found guilty or not.

Members agreed that Standards Committee be informed of the decision of the Council's Local Adjudication Panel for information only prior to publication as long as the Chair of the Panel and the subject of the complaints had had sight of and agreed the decision.

Resolved: (i) That the report (Ref: 8) regarding the Committee's Communication Protocol be adopted with the inclusion of comments from Members of the Committee.

06 Standards Committee Work Programme 2020/21 (Ref: 9)

Members of the Committee considered the Committee's work programme regarding future items for discussions at future meetings of the Committee.

Members agreed the inclusion of the items were listed on the work programme as appropriate:

- Update of the LGA Model Code of Conduct – February 2022
- Whistle Blowing Policy – Annual Report 2020/21
- Chair of Standards Committee Annual Report 2020/21 to be inclusive of All Councillors Annual Mandatory Training Records) Note that 2019/20 had been reported already. The next report would cover 2021/22.

Resolved: That the report (Ref: 9) be noted and that the Service Director, HR and Monitoring Officer be requested include the items listed (a–c) below in the Committee’s work programme in consultation with the Chair.

- a) Update of the LGA Model Code of Conduct – February 2022
- b) Whistle Blowing Policy – Annual Report 2020/21
- c) Chair of Standards Committee Annual Report 2020/21 to be inclusive of All Councillors Annual Mandatory Training Records) Note that 2019/20 had been reported already. The next report would cover 2021/22).

(Note: (i) Members of the Committee observed a 1 minute silence for Sir Captain Tom Moore who passed away recently;

(ii) The meeting ended at 19.15))