

STANDARDS COMMITTEE

MINUTES OF MEETING HELD ON 14 DECEMBER 2017

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STANDARDS COMMITTEE

MINUTES OF MEETING HELD ON 14 DECEMBER 2017

Present:

Councillor B Ridgway Chair
Councillor G Butler Vice Chair

Councillor P Antcliff
“ W Armitage
“ S Boyle

Councillor S Peters
“ K Rouse

Councillor Mrs D Ward – Parish Council Representative
Councillor Mrs D Ruff – Parish Council Representative

Also Present:

S Sternberg - Assistant Director – Governance and Solicitor to the Council & Monitoring Officer
S Cottam - Senior Governance Officer (Acting)

431 Apologies for Absence

No apologies for absence had been received for this meeting of Standards Committee.

432 Declarations of Interest

Members are requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

There were no interests declared at this meeting.

433 Minutes of Last Meeting

RESOLVED – That the Minutes of the meeting of the Standards Committee held on 20 July 2017 be approved as a correct record and signed by the Chair, subject to amendments to the Councillors' present. Councillors' M Foster and R Welton be removed and amended to show Councillors' P Antcliff and W Armitage present at the meeting.

434 Local Government Ombudsman Annual Review Letter

The Committee considered a report of the Strategic Director to review the Annual Review Letter of the Local Government Ombudsman (LGO) attached as an Appendix to the report.

The Council received its Annual Review Letter on 20 July 2017, it contained information on how many complaints and enquiries had been referred to the Local Government Ombudsman, how many complaints were upheld or referred back for local resolution.

There had been 11 complaints and enquiries received in total by the Local Government Ombudsman which were attached as Appendix B to the report. There had been 13 decisions made by the Local Government Ombudsman, 6 were closed after initial enquiries, 3 were referred back for local resolution, 1 complaint was not upheld and 1 other complaint was upheld – maladministration no injustice.

The Committee were advised of the statutory duty to report Ombudsman findings and recommendations and the Assistant Director – Governance and Solicitor to the Council & Monitoring Officer advised that reports on any maladministration within the Council would be reported periodically.

RESOLVED – That the Standards Committee notes the Annual Review Letter of the Local Government Ombudsman and the outcomes as detailed in the report.

(Assistant Director of Governance and
Solicitor to the Council & Monitoring Officer)

435 Annual Review of the Constitution

The Committee considered a report of the Assistant Director – Governance and Solicitor to the Council & Monitoring Officer to consider the areas proposed for examination under the annual review of the Constitution.

Members were aware that the Committee selected the protocol on Member/Officer Relations as an area for particular focus in this year's Review of the Constitution. This report was presented separately on the agenda.

Further areas of the Constitution had been raised with the Monitoring Officer during the year as matters that required review. These were set out as follows:-

- Protocol on Member/Officer Relations;
- Scheme of Delegation to Officers;
- Petitions Scheme;
- Joint ICT Committee;
- Minute Book Submission to Council;
- Procedure Rules for Questions from the Public and by Councillors and Motions;
- Minor Wording Changes or Updating of Job Titles (house keeping).

Members were requested to raise any further areas they felt the review should include and were also advised that additional issues may arise in the course of the review, but this would be reported to Standards Committee at the earliest opportunity.

To progress the review it was possible that an informal meeting of the Standards Committee would be required in late January or February 2018 to allow Members input in initial proposals, before further work in consultation was carried prior to the initial meeting of the Committee in March 2018. Alternatively, the Committee could agree to

set up a Constitution Working Group to carry out that initial review and report back to the Committee.

RESOLVED – That Standards Committee:-

- (1) Agrees to set up a Constitution Working Group in which all Members of the Standards Committee were welcome to attend.
- (2) Approves the timetable for the Review.

(Assistant Director of Governance and
Solicitor to the Council & Monitoring Officer)

436 Review of Protocol on Councillor – Officer Relations

The Standards Committee considered a report of the Assistant Director – Governance and Solicitor to the Council & Monitoring Officer.

Following a review of the Constitution in 2016/17 the Constitution Working Group considered that the Protocol on Councillor-Officer Relations would be a suitable focus for a review in 2017/18.

The Committee would consider a wider review of the Constitution as well during the year, however, this report allowed Members to focus on this protocol in particular and an opportunity for more targeted scrutiny.

The Council's Protocol on Councillor-Office Relations was contained within Part 5 of the Constitution and was part of a suite of protocols applying to Members and Officers. There was dedicated Code of Conduct for Members and a separate one for employees. The purpose of the Protocol on Councillor-Officer Relations was to provide guidance to Members and Officers in their relations with one another. It was not a prescription or exhaustive set of rules but provided guidance and principles to be followed to achieve the shared aims of enhancing and maintaining the integrity of Local Government through high standards of personal conduct.

At this stage it was not envisaged that any major changes would be recommended to the Protocol or the ways in which Members and Officers interacted. However, some revisions may be suggested to make text more accessible and the guidance easier to understand and follow.

The Monitoring Officer would be carrying out a consultation with Members and Senior Management Team on the Protocol and would bring a further report to the next meeting.

RESOLVED – That the Standards Committee:-

- (1) Agrees that the Assistant Director – Governance and Solicitor to the Council & Monitoring Officer carry out consultation with Members and the Senior Management Team on the Protocol.
- (2) Notes the report on the Protocol on Member/Officer Relations.

(Assistant Director of Governance and
Solicitor to the Council & Monitoring Officer)

437 Complaints Update

The Committee considered a verbal update on Complaints.

The Assistant Director – Governance and Solicitor to the Council & Monitoring Officer advised that only one complaint had been received, however, this complaint was still in the very early stages. There was nothing further to update on.

RESOLVED – That the Standards Committee noted the update on Complaints.

438 Gifts and Hospitality Annual Report 2017

The Standards Committee considered a report of the Assistant Director – Governance and Solicitor to the Council & Monitoring Officer. The purpose of the report was to advise the Committee of the details of all entries in the Council's Gifts and Hospitality Register in respect of offers of gifts and hospitality made to Members and Officers of the District Council during the period January 2017 to December 2017.

RESOLVED – That the content of the Annual Report for the period January 2017 to December 2017 in respect of offers of gifts and hospitality made to Members and Officers be noted.

(Assistant Director of Governance and
Solicitor to the Council & Monitoring Officer)

439 Disqualification Criteria for Councillors and Mayors

The Standards Committee considered a report of the Assistant Director – Governance and Solicitor to the Council & Monitoring Officer. The purpose of the report was to inform Members of the Government's proposals for updating the criteria disqualifying individuals from being elected, or holding office, as a local authority member or directly elected mayor.

In September 2017 the Department for Communities and Local Government (DCLG) announced proposals for updating the criteria disqualifying individuals from being elected or holding office as a local authority member or directly elected mayor. The current rules prevent individuals from becoming a Councillor if they are employed by the authority subject to a bankruptcy order or convicted of an offence resulting in a prison sentence. These restrictions were implemented in 1972 before the Sex Offenders' Register or other non-custodial orders existed.

The current proposals would mean anyone given an Anti-Social Behaviour Injunction, a Criminal Behaviour order or added to the Sex Offenders' Register would no longer be able to hold elected office in their communities, including Councillors and Mayors in Parish Town, Local, County and Unitary Councils or Combined Authorities.

Anyone holding such a position who is convicted of a serious offence that results in an Anti-Social Behaviour Injunction, a Criminal Behaviour Order or being put on the Sex Offenders' Register would have to step down.

The consultation period on the proposal ended on 8 December 2017.

The Committee were advised that the Local Government Association (LGA) had responded to the consultation and a copy of their response was attached to the report.

Members of the Committee raised concerns as to why the Government had not included themselves in the new proposals and why this would only be enforceable on Local Authorities. It was recommended that the Standards Committee write a letter to the LGA agreeing with the comments set out within their letter to show support.

RESOLVED – That the Standards Committee:-

- (1) Requests that the Assistant Director – Governance and Solicitor to the Council & Monitoring Officer writes to the Local Government Authority (LGA) showing their support for the comments made within their response to Government.
- (2) Notes the report.

(Assistant Director of Governance and
Solicitor to the Council & Monitoring Officer)

440 Work Programme 2017/18

The Standards Committee considered a report of the Assistant Director – Governance and Solicitor to the Council & Monitoring Officer. The purpose of the report was to inform Members of its Work Programme for 2017/18.

Members were advised of the background to the Work Programme and the fact that this was a live and changing document. The Assistant Director – Governance and Solicitor to the Council & Monitoring Officer advised the Committee that the focus this year would be on the Constitution Review and there would also be a light touch review of the Whistleblowing Policy.

RESOLVED – That the Standards Committee notes the Work Programme for 2017/18.

(Assistant Director of Governance and
Solicitor to the Council & Monitoring Officer)

441 Urgent Business

Members were advised that there was no urgent business to be discussed in the public session at this meeting of the Standards Committee.
