

## **STANDARDS COMMITTEE**

### **MINUTES OF MEETING HELD ON 11 MARCH 2019**

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**STANDARDS COMMITTEE**

**MINUTES OF MEETING HELD ON 11 MARCH 2019**

**Present:**

Councillor B Ridgway ..... Chair

Councillor P Antcliff  
“ G Butler  
“ S Boyle

Councillor K Rouse  
“ A Powell

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

**Also Present:-**

S Sternberg - Joint Head of Corporate Governance & Monitoring Officer  
N Calver - Governance Manager

**616 Apologies for Absence**

Apologies for absence were received from Councillors W Armitage and S Peters

**617 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 the meeting.

**618 Minutes of Last Meeting**

RESOLVED – That the Minutes of the meeting of the Standards Committee held on 24 January 2019 be approved as a correct record and signed by the Chair.

**619 Joint Whistleblowing Policy – Annual Report**

The Committee considered a report of the Joint Head of Corporate Governance and Monitoring Officer, which provided Members with an annual update on use of the Joint Whistleblowing Policy.

In accordance with the Joint Whistleblowing Policy, the Monitoring Officer has overall responsibility for the maintenance and operation of the Policy, and would maintain a record of concerns raised and the outcomes. The Whistleblowing Policy had been reviewed in February 2019 and no changes were recommended to the Committee for approval.

The Monitoring Officer was also required to report as necessary to both Councils on instances of whistleblowing. Members noted that there had been no instances to report for the 2018/19 municipal year.

**RESOLVED** – That the Committee:-

- (1) Agrees the current Joint Whistleblowing Policy is fit for purpose.
- (2) Notes that no instances of Whistleblowing have been made since the 2018 Annual Review of the Joint Whistleblowing Policy.

## **620 Review of the RIPA Policy**

The Committee considered a report of the Joint Head of Corporate Governance and Monitoring Officer, which updated Members on the use of RIPA powers in the last year, advised of a review of the Joint Policy and Procedures covering the Council's activities under the Regulation of Investigatory Powers Act 2000 (RIPA) and recommended a revised Joint RIPA Corporate Policy and Procedures be approved.

Members noticed that since the last review new codes of practice had been issued and some legislative changes had been made arising from the Investigatory Powers Act 2016 and the Regulation of Investigatory Powers (Juveniles) (Amendment) Order 2018.

In addition, major changes to the procedure for applying for authorisation of the acquisition and disclosure of communications data were made by the Investigatory Powers Act 2016 and these would be brought into force at a later date.

The main changes made to the Council's RIPA Policy included responding to the legislative changes that had come into force and amendments in respect of Home Office guidance.

Members of the Strategic Alliance Management Team were in receipt of training on this matter, including those officers appointed as authorising officers and designated persons, and further training had been delivered for officers within Planning Enforcement, Licensing and Environmental Health.

The Committee were advised that the Council was periodically inspected by the Office of Surveillance Commissioners, with the next inspection being undertaken later that week.

**RESOLVED** – That the Committee:-

- (1) Notes the update provided on the use of the Policy.
- (2) Recommends the revised Joint RIPA Policy and Procedure document for approval by Cabinet, following consideration by the Strategy Alliance Joint Committee.

**621 Parliamentary Committee on Standards in Public Life – Review into Local Government Ethical Standards**

The Committee considered a report of the Joint Head of Corporate Governance and Monitoring Officer, which updated Members on the findings and recommendations of the Parliamentary Committee on Standards in Public Life (CSPL) – Review into Local Government Ethical Standards.

The Localism Act 2011 introduced significant changes to the way that conduct of elected Members was handled, including abolishing a National Code of Conduct and removing powers to suspend or disqualify Councillors. Instead, Councils were required to adopt their own local codes and put local procedures in place to investigate allegations against breaches. The CSPL undertook to review the effectiveness of these arrangements and in May 2018 the Standards Committee gave consideration to the Terms of Reference for this review. The findings of the review were summarised within the report, along with the recommendations that had been made.

Members noted that the Government would respond to the report in the coming months setting out whether or not it accepted some or all of the recommendations, however, some of the recommendations (for example increased sanctions) would require primary legislation. Other recommendations were deemed as good practice and Councils were able to implement immediately.

Overall, the CSPL found that there was little appetite to return to a centrally regulated system as local arrangements on the whole were most effective, however, issues were identified with managing persistent offenders and with governance arrangements in some parish councils.

Some of the key recommendations to note included:-

- The criminal offence for non-registration and non-declaration of disclosable pecuniary interests should be abolished.
- Councils should have the power to suspend Members for up to six months without allowances.
- Independent Persons should be given a legal indemnity by Councils if they were to have a role in agreeing to suspension of Members.
- Independent Persons should be appointed for a two year term, renewable once.
- Statutory protection for Monitoring Officers should be standard to include any disciplinary action, not just dismissal.
- Parish Clerks should hold a suitable qualification.
- There should be greater recognition of the role of the Monitoring Officer in supporting Parishes and resources should be allocated accordingly.

In particular, Members gave consideration to support provided to Parish Councils and the Monitoring Officer, and requested that this item be brought back for full discussion at a future meeting.

**RESOLVED** – That the Committee:-

- (1) Notes the findings of the review and the recommendations of the Parliamentary Committee on Standards in Public Life – Review into Local Government Ethical Standards.
- (2) Requests for the findings and recommendations of the review be considered in line with a review of the Committee’s Terms of Reference, to be presented to a future meeting of the Standards Committee.

**622 Executive and Non-Executive Appointments for the 2019-20 Municipal Year**

The Committee considered a report of the Joint Head of Corporate Governance and Monitoring Officer, which identified those Outside Bodies which should be classed as “Executive” appointments and those which should be classed as “Non-Executive” appointments for the 2019-20 municipal year.

The Standards Committee had previously agreed to an approach to split appointments to Outside Bodies between those carrying out Executive functions and those relating to Non-Executive functions. In addition they agreed a criteria to be applied to categorise these Outside Bodies and this was detailed within the report.

The criteria had been applied and suggested groupings were set out in Appendix 1 to the report.

It was noted that a survey had been carried out of those elected Members who served on Outside Bodies. The early returns to that consultation suggested that some had not been fully clear about their appointments and some had limited contact with the Outside Bodies to which they had been appointed, making them unable to judge the value of their participation in these Bodies. It was hoped that by setting clear appointment criteria for Executive and Non-Executive appointments would provide individual Members appointed to these Bodies, Council and Cabinet the benchmarks the clarity they required.

**RESOLVED** – That the Committee:-

- (1) Considers and endorses the suggested allocation of Executive and Non-Executive appointments, as set out in the Appendix, attached to the report.
- (2) Recommends this allocation to Council and Cabinet for approval and adoption for the 2019-20 municipal year.

**623 Review of the Council’s Constitution**

Members gave consideration to a suite of reports setting out the proposed amendments to the Council’s Constitution as part of the final proposals for

consideration by the Standards Committee prior to submission as part of the annual review of the Constitution to Council for adoption.

### Revised Members Code of Conduct

The Standards Committee were advised that the Members Code of Conduct was adopted by the Council in 2012 following the introduction of the Localism Act 2011 but since had not been formally reviewed.

The review undertaken by the Monitoring Officer proposed a number of changes which included:-

- General Conduct – additions had been made to the Code to provide some clarity around the general conduct expected of Members and ensure that the Code addressed issues around equality, safeguarding and conduct when speaking to the public or to the media as a Councillor.
- Training – a section had been added to set out the requirement to attend essential training and appended to the Code a list of training and frequency of attendance.
- Predetermination or bias – further explanation had been added to the Code as to what constitutes predetermination or bias and what a Member was required to do should they have any concerns.
- Member Interests – a clear explanation had been included as to what constituted a disclosable pecuniary interest (DPI) and a note contained as an Appendix to aid Members as opposed to written within the Code itself.

### Social Media Guidance for Councillors

The Committee gave consideration to introducing a Social Media Guidance document for Councillors to be incorporated into the Code of Conduct for Members. The Council currently did not have any guidance on the use of social media by Councillors, however, as the use of social media has increasingly become a popular method for communication for Councillors to engage with residents it was prudent to provide some guidance for the protection of Councillors and the Council.

The guidance was designed to encourage the use of social media sensibly and responsibly and advised Councillors around issues such as Standards, liability, copyright, data protection, bias and predetermination.

The guidance made specific reference to how aspects of the Code of Conduct for Members would apply to online activity in the same way as it did to any other Councillors use.

Members welcomed the guidance document and requested that training be provided to Members, not only as part of the Induction process but also throughout the year.

**Final Areas of Review**

During the review of the Proper Officer Provisions it was found that a number of regulations specified under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 relating to Proper Officer Provisions were not titled correctly and that several of the regulations that had Proper Officer Provisions were not included within the list detailed within the Council's Constitution. Appendix 2 to the report set out the revisions to this section amended in line with legislation.

**JEC/JAC Terms of Reference**

At the meeting of Council on 4 March 2019 Members gave consideration to changes proposed to the Terms of Reference for the Joint Employment Committee and the Joint Appeals Committee, amalgamating the two to create a Joint Employment and Appeals Committee (JEAC). The rationale for the change was that under the current arrangements any Appeal against a decision by the JEC would be made to the JAC and an Appeal could not be heard by the same Members that heard the original disciplinary or capability case and was therefore a breach of natural justice. The Scheme of Delegation to Officers would also be updated to reflect this.

**RESOLVED** – That:-

(1) The proposals for amendments to the Council's Constitution in respect of:-

- The revised Members Code of Conduct;
- Social Media Guidance for Councillors';
- Proper Officer Provisions; and
- Terms of Reference for JEC and JAC;

be supported and submitted to Council as part of the Constitution review.

(2) That the areas identified for inclusion in the 2019/20 review as set out in 1.2 of the report be agreed for submission to a future meeting.

**624 Work Programme 2018/19**

The Committee considered a report of the Joint Head of Corporate Governance and Monitoring Officer, which informed Members of its Work Programme for 2018/19.

Members noted the achievements throughout the municipal year and where items had been referred for consideration in the forthcoming Work Programme.

**RESOLVED** – That the Work Programme 2018/19 be noted.

**625 Work Programme 2019/20**

The Committee considered a report of the Joint Head of Corporate Governance and Monitoring Officer, which informed Members of its Work Programme for 2019/20.

Further to discussions earlier in the meeting Members requested that the outcome of the review of the Parliamentary Committee for Standards in Public Life be reported to a future meeting along with a discussion around how better support could be provided to Parish Councils and how the Monitoring Officer may be resourced to achieve this.

RESOLVED – That the Work Programme 2019/20 be accepted as amended.

**626 Complaints Update**

The Committee received a verbal update on complaints made against Members from the Joint Head of Corporate Governance and Monitoring Officer and noted that three complaints had been received so far during 2019.

RESOLVED – That the update be noted.

**627 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.

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