

STANDARDS COMMITTEE

Wednesday, 30 March 2022

PRESENT – Councillors, Humphrys (Chair) Casey, Desai, Liddle and Rawat.

Independent – Paul Fletcher

OFFICERS – Asad Laher, Corinne McMillan and Shannon Gardiner

RESOLUTIONS

17 **Welcome & Apologies**

The Chair welcomed everyone to the meeting.

Apologies were received from Miranda Carruthers-Watt and Alan Eastwood.

On behalf of the Committee the Chair thanked Cllr Ron Whittle, who recently resigned, for all his services and hard work for the Standards Committee and that he would be missed. The Committee wished Ron all the best.

18 **Minutes of the Previous Meeting**

RESOLVED – That the minutes of the previous meeting held on 27th October 2021 be agreed as a correct record.

19 **Declarations of Interest**

RESOLVED – There were no Declarations of Interest received.

20 **Member Training Update**

The Committee were updated on the Member Training Programme for 2021/2022. It was noted that at the previous meeting the Committee agreed the continuation for all Members to undertake the mandatory e-learning packages, which included, Civil Contingencies for Elected Members, DOJO Cyber Security Awareness and Information Governance for Elected Members.

The Committee also approved for Equality & Diversity Training be arranged ‘in person’ during the course of this municipal year, as restrictions were lifted. The Committee endorsed a message to all members to take the opportunity to review the LGA elected member course portfolio accessible direct to them via the MeLearning Portal, and access the training and development which they consider would best assist their continued effectiveness as a councillor.

Finally, the Committee also approved an outline local programme of additional ‘online’ and ‘in person’ training events, as set out in the Appendix to this report, to support elected members of the Borough to fulfil their duties and responsibilities in an effective and safe manner

The Committee requested reporting of councillor’s attendance on training courses provided, particularly the three mandatory courses. The attendance had varied and councillors needed to be further encouraged to attend,

particularly the online courses. In relation to the mandatory courses most councillors had completed the IG training in 2019/20, but are required to refresh this training each year. A tailored specific DOJO Cyber Security Awareness course content for Members had been procured for 2022-2023 which is due to be launched in April 2022.

It was noted that Members were expected to ensure that they are regularly updated with key knowledge of main legislation relating to their work as Councillors. These courses delivered by Council Officers assist the delivery of that objective. Attendance at mandatory courses whilst not being a legal requirement is seen as good practice.

RESOLVED –

- That the update of the Member Training Programme for 2021/22 and in relation to the mandatory training attendance be noted
- That the equality and diversity related training & workshop in the Member Training Programme for 2021/22 has been postponed until a date after the May 2022 local elections be noted
- That a further report will be presented to the Committee at the next meeting to consider the Member Training Programme for 2022/23 be noted

21 Member Interests

The Committee considered the legal framework applicable to the registration and declaration of Member Interests and reviewed the process of submitting and updating the register of Members' Interests.

The current legal framework relating to members interests and standards is set out in the Localism Act 2011 ('the Act'). Under the Act Councils are required to:

- To promote and maintain high standards of conduct by its members, and;
- Adopt a code dealing with the conduct that is expected of its members.

In relation to the Code of Conduct ('the Code'), the requirement is simply that a council's code is consistent with the following principles:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty and
- Leadership

These principles were recognised as the Nolan Principles of standards in public life. The Act also requires councils to ensure that its code includes such provisions the council considers appropriate in respect of the registration and disclosure of both:

- Pecuniary interests; and
- Interests other than pecuniary interests.

Pecuniary interests and the specific requirements are set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. The list of those matters coming within the definition of a Disclosable Pecuniary Interest (DPI) is contained in Part 2 of the adopted Code (contained in Part 5, section 1 of the Constitution).

The Localism Act 2011 requires Members to notify the Monitoring Officer within 28 days of becoming a Member of any Disclosable Pecuniary Interests (DPIs). In addition, if a Member is present at a meeting and they have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting, which is not yet registered, they must notify the Monitoring Officer of the interest within 28 days. These requirements are set out in the Code. The Codes also outlines that it is a criminal offence to:

- Fail to notify the Monitoring Officer, of any DPI within 28 days of election
- Fail to disclose a DPI at a meeting if it is not on the Register of Members' Interests.
- Fail to notify the Monitoring Officer within 28 days of a DPI that the Members has been disclosed at meeting but is not on the Register of Members' Interests
- Participating in any discussion or vote on a matter in which the Member has a DPI,
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

The criminal penalties available to a court are to impose an unlimited fine and disqualification from being a councillor for up to 5 years.

The Council adopted a Code of Conduct in August 2012 in accordance with the Act, and since then some minor amendments have been made. The current version of the Code is published on the Council's website and is also contained in Part 5, section 1 of the Constitution.

Currently, the Members are asked to complete on an annual basis a form adopted by the Council in 2012. Once all the completed forms are collated, they are scanned and published on the Council's website. In view of the legal requirements referred to above, Members are also advised to notify and update any changes to the register during the year. Such changes could include change of employment/office/trade, change of ownership or interest in land, new sponsorships, membership of bodies, gifts/hospitality etc. However, many new Members have joined the Council over the years and the practice of registering interests amongst Members varies.

The Council's Mod.Gov system has a facility for registering interests for each Member, which is then published in a table format. Many councils are already using the Mod.Gov system to register and publish Member interests. It is also acknowledged that some Members require advice and guidance when registering their interests. The Government has published a guide for councillors, 'Openness and transparency on personal interests' which members can refer to as well as seek specific guidance from the Monitoring Officer.

In order to assist Members and simplify the process for registering their interests, the Monitoring Officer will put in place arrangements for individual Members to receive guidance when registering their interests, as soon as they are elected to office. The completed register of interest would then be published via the Mod.Gov system. In addition, all Members would be requested to notify the Monitoring Officer of any changes, and update the register of interest. An annual reminder will also be sent to all Members to review the register and notify of any changes.

RESOLVED –

- That the legal framework for the requirement to register interests, and consider the process for submitting and updating the Register of Members' Interests be noted
- That Members be reminded of the requirements to register and declare interests be recommended to Council
- That the revised process for submitting and updating the Register of Members' Interests be recommended to Council

22 Complaints March

The Strategic Head of Legal updated the Committee on complaints received regarding Members conduct under the Arrangements for dealing with complaints about the Code of Conduct for Members since October 2021.

In October 2021 the Committee was informed of 3 complaints received by the Monitoring Officer of which two were still 'live'. On one of the complaints, after being informed of the range of possible sanctions available to the Committee and the Council, the complainant did not respond to requests for further information. It was therefore assumed that the complainant did not wish to continue with the complaint.

The other complaint was from a Parish Councillor in relation to a message posted on social media by a Member questioning the accuracy and truthfulness of the statements made. After consulting the Independent Person it was decided that the matter would not be taken any further as there was no apparent breach of the Code and it was clear that the nature of the matter and the issues that arose were politically motivated on both sides. However, the Monitoring officer provided advice and guidance to the Member.

Since October 2021 the Monitoring Officer had received further complaints:

Two complaints from members of the public were received against a Parish Councillor in relation to the content of a public statement made before a parish council meeting. After considering an explanation provided by the Parish Councillor and consulting with the Independent Person, it was determined that as the public statement was general in nature rather to targeted individuals or groups of persons there was no breach of the code as suggested by the complainants. It was therefore advised that the Parish Councillor should provide an explanation to the statement at the next parish council meeting. No further action was taken.

Further complaints were received against a Member over the use of social media. The concerns raised related to using social media for allegedly self-

promoting for activities undertaken by others. Although this was not substantiated it was evident that the member concerned had forwarded social media messages with altered photo images and other edited material posted by the complainants (one councillor and a member of the public) in order to mock them, and thereby causing offence to them. This was identified as a breach of the Code and after meetings with Monitoring Officer, the Member had offered to apologise to the two complainants. The Monitoring Officer had also made a number of other recommendations including face-to-face training on the Code of Conduct and the use of social media, removal of the altered images from social media and actions by the group leader. There were other allegations against the Member, including harassment and shouting abuse. There was no sufficient evidence to substantiate these.

RESOLVED – That the update report be noted.

Other Business

The Chair thanked the Members of the Committee for attending the last meeting of the municipal year and thanked them for their ideas, discussions and dedication to the Standards Committee.

The Chair also thanked the Officers who support the Standards Committee.

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed