

STANDARDS COMMITTEE

Wednesday, 21 December 2022

PRESENT – Councillors, Parwaiz Akhtar (Chair), Lilian Salton, Mohammed Irfan, Neil Slater and Elaine Whittingham.

ALSO IN ATTENDANCE – Paul Fletcher

OFFICERS – Asad Laher, Corinne McMillan, Laura Hodgkinson and Shannon Gardiner

RESOLUTIONS

8 **Welcome and Apologies**

The Chair welcomed everyone to the meeting.

Apologies were received from Cllrs Samim Desai, Jim Casey, Kevin Connor, Saj Ali and Miranda Carruthers-Watt and Daniel Wilde.

9 **Minutes of the Previous Meeting**

RESOLVED – That the minutes of the previous meeting held on 28th September 2022 were agreed and signed as a correct record.

10 **Declarations of Interest**

RESOLVED – There were no Declarations of Interest received.

11 **Register of Member Interests**

A report was submitted to consider the legal framework is applicable to the registration and declaration of member interest, and consider the new digital process for 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:

- 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 are 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'

Interest 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.

In relation to the Register of Members Interest, Members are asked to complete a form adopted by the Council in 2012, which are then collated, scanned and published on the Council's website. In accordance with the legal requirements referred to above, Members are also advised to notify and update any changes to the register immediately. Such changes could include change of employment/office/trade, change of ownership or interest in land, new sponsorships, membership of bodies, gifts/hospitality etc.

At its meeting on 22 March 2022, the Committee were informed of a new process for Members to register their interests. This is through Council's Mod.Gov system, which 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 their Member interests. This system has now been set up by the Governance team and is accessible for Members to complete and update their interests without requesting a paper form.

Nathan Richards, Democratic Services, demonstrated the new process to submit a Member Interest through the Council website. The members of the committee agreed that the new process was quick and efficient to use.

In order to assist Members, the Monitoring Officer has 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 through the Mod.Gov system. An annual reminder will also be sent to all Members to review the register and update any changes.

RESOLVED –

- That the legal framework for the requirements to register interest and consider the new digital process for submitting and updating the Register of Member's Interests.
- That the digital process for submitting and updating the Register of Member's interests be recommended to Council Forum

12 Local Government (Disqualification) Act 2022

The Committee was informed of the new grounds for disqualification from being elected or being a member of a local authority that have been introduced by the Local Government (Disqualification) Act 2022.

The Act updates the disqualification criteria for local authority Members to explicitly disqualify individuals who are subject to relevant notification requirements or orders due to sexual offences such as Sexual Harm Prevention Orders and Sexual Risk Orders from standing for or remaining in office.

Previously a Councillor would be disqualified from standing for election or holding public office if they had been convicted of any offence and had received a sentence of imprisonment (suspended or not) for a period of no less than three months or more in the five-year period before the relevant election.

Recently new offences and sentencing regimes were implemented, meaning that some sexual offences, registration on the Sex Offenders Register and other offences such as anti-social behaviour do not result in a custodial sentence, e.g. they might require a notification or an Order may be made. Therefore, Councillors convicted of offences, which previously would have resulted in disqualification, were able to retain their role if elected or run for election even if recently convicted.

The Act updates the disqualification criteria so that sexual offences that had unintentionally fallen out of the scope of the disqualification criteria were brought back into scope. The disqualification introduced by the Act does not operate retrospectively. Therefore, it does not disqualify a person who became subject to any relevant notification requirements or a relevant order before or on 28 June 2022.

Candidates for election to local government must declare they are not disqualified from standing using prescribed 'Consent to Nomination' forms at nomination. The briefing highlights that it is a criminal offence to make a false statement on nomination papers.

RESOLVED – That the report be noted.

13 New Council Values & Behaviours

The Committee considered the new Council values and behaviours and reviewed the Protocol on Members and Officer Relations.

The Protocol on Member/Officer Relations (“the Protocol”) is contained in Part 5, Section 3 of the Constitution. Its purpose is stated in paragraph 1.2 as: “...to guide Members and Officers of the Council in their relations with one another”.

The Protocol covers the respective roles and responsibilities of Elected Members and Officers, the legitimate expectations of each other, and specific guidance on a number of issues that commonly arise, including an ‘Advice Note for Elected Members/Officers involvement in respect of family members and social care matters.’ Some of these expectations reflect the principles underlying the Code of Conduct for Members (“the Members’ Code”) and the Officer Code of Conduct (“the Officer Code”). The shared object of these codes is to enhance and maintain the integrity of local government and the Codes, therefore, demand very high standards of personal conduct. Although the Members Code has been subject to some amendments since its formal adoption in 2012 following recommendations by the Committee, the Protocol has not been reviewed for some time.

At its meeting on 28th September 2022, the Committee considered a review of the Member’s Code and were presented with the work undertaken in relation to the Council’s organisational values: Trust, Respect, Ambition, Collaboration, Kindness (TRACK). A special Member Training session was arranged to be held on 12 October 2022 to present that Council’s organisational values and behaviours, and it was resolved by the Committee to consider the review of the Code in conjunction with these Council’s values and behaviours after the training session.

At the training session it was stated that these values and behaviours had been cascaded to all staff who are committed to them in all aspects of their work, and in particular when engaging with customers, other officers, Elected Members, and external and partner organisations.

It is also noted that the principle, “Respect for Others” has been incorporated into the Members Code with an explanation: “Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority’s statutory officers, and its other employees.”

As well as reviewing the Members Code, the Committee could also consider the adoption of Council’s Values and Behaviours as a reciprocal understanding in their engagement with officers. In doing so, the Committee could suggest recommendations to the Protocol.

Such recommendations could include incorporation of the 'TRACK' values and behaviours in the Protocol. The Standard's Committee's role and function as delegated by the Council is contained in the constitution. It includes assisting councillors and co-opted members to observe the Code of Conduct. The Committee also has a function to monitor the operation of the Council's standards arrangements and make appropriate recommendations to the Council as it considers appropriate with respect to the maintenance and review of the Code, together with such other codes, procedure, protocol or guidance as the committee considers appropriate.

The Members of the committee discussed the new Council values and behaviours and raised how it would be implemented as well as monitored. It was noted that Officers would work closely with Members from all parties for their views and feedback.

RESOLVED – That the Protocol on Member/Officer Relations to be reviewed and considered at the next committee meeting on 29th March 2023 and recommend any amendments to full Council for approval.

14 Complaints Update

The Monitoring Officer, Asad Laher, updated the committee on complaints that had been received since September 2022.

It was noted that there were no complaints.

RESOLVED – That the update be noted.

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed