

STANDARDS COMMITTEE

Wednesday, 27 September 2023

PRESENT – Councillors, Councillor Saj Ali (Chair), Casey, Connor, Fletcher, Raja, Shaw, Slater and Whittingham.

Also Present – Paul Fletcher

OFFICERS – Asad Laher, Chris Bradley, Corinne McMillian & Shannon Gardiner

RESOLUTIONS

1 **Welcome and Apologies**

The Chair welcomed everyone to the meeting.

Apologies were received from Cllr Samim Desai, Alan Eastwood and Daniel Wilde.

2 **Minutes of the Previous Meeting**

RESOLVED – That the minutes of the previous meeting held on 22nd June 2023 were agreed and signed as a correct record.

3 **Declaration of Interest**

RESOLVED – There were no Declarations of Interest received.

4 **Committee Membership**

At the committee on 22nd June 2023 it was agreed that officers would contact parish councils regarding the vacant position for a parish member to be on the Committee.

All parishes were contacted and a parish councillor from Livesey parish expressed their interest for the position.

RESOLVED – That the committee recommend the parish member to fill the position and be invited to the next meeting.

5 **Code of Conduct**

Christopher Bradley, Head of Service for Corporate Contracting and Procurement, delivered a presentation to the committee on the Code of Conduct.

Members of the committee were shown scenarios of potential misconduct of the code of conduct. Members discussed each scenario and were advised on the outcome.

The Council adopted a code of conduct in line with the requirements of the Localism Act 2011. The Localism Act placed the Council under a duty to

promote and maintain high standards of conduct for its members and co-opted members.

The code has general principles which Members must behave and observe the following, some which are set out in law:

1. Selflessness
2. Honesty and Integrity
3. Objectivity
4. Accountability
5. Openness
6. Personal judgement
7. Respect for others
8. Duty to uphold the law
9. Stewardship
10. Leadership
11. Training

Failure to follow comply with the code may result in a sanction and failure to take appropriate action in respect of a Disclosable Pecuniary Interest may result in a criminal conviction and a fine of up to £5,000 and /or disqualification from office for a period of up to 5 years.

The code of conduct also highlights general obligations which Members must not do such as;

- (a) do anything which may knowingly cause your authority to breach the Equality Act 2010;
- (b) bully, harass or be abusive to any person;
- (c) intimidate or attempt to intimidate any person who is or is likely to be:
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

The importance of Disclosable Pecuniary Interests were highlighted and that it is an interest of yourself or partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

- Employment, office, trade, profession or vacation
- Sponsorship
- Contracts
- Land
- Licences
- Corporate tenancies
- Securities

Disclosable Pecuniary Interest must be submitted to the Monitoring Officer within 28 days of your election or appointment to office as a member of co-opted member. Members must also notify the Monitoring Officer within 28 days

of becoming aware of any changes to a Disclosable Pecuniary Interest previously notified or of any new Disclosable Pecuniary Interest not previously notified, and provide an update to the Monitoring Officer once every 12 months.

RESOLVED – That the presentation be noted.

6 Member Training 2023/24 Update

Asad Laher updated the committee on the local training programme scheduled for 2023/24.

It was highlighted that the Standards Committee has a key role in directing the provision of member development in order to ensure that elected members receive training, which meets their needs as decision makers and ward councillors. The Committee therefore reviews and updates the training and development needs each year, and considers the training programme. The programme includes items that the Committee consider mandatory and areas that it also feels necessary for members to be aware of in carrying out their duties generally as a Councillor and in their specific roles.

The Council offers a training and development programme for Members. This includes:

- An online MeLearning e-learning facility, which has a selection of courses available to all Members
- Mandatory annual training for elected members sitting on Planning & Highways and Licensing Committees
- Essential 'online' training courses for DOJO Cyber Security Awareness and Information Governance for Elected Members

In addition to the above, a local training programme is to be for 2023/24. These will include briefings and presentations delivered online (MS Teams), in-person, or through the 'hybrid' method where an in-person event can be joined remotely by other councillors. Following discussion at the meeting of the Committee in June, items of the local training programme were considered and now been finalised.

The member training and development programmes were split into categories mandatory training, recommended training and briefing sessions.

RESOLVED – That the report and training programme 2023/24 be noted.

7 Complaints Update

Asad Laher, Monitoring Officer, updated the committee on complaints received under the adopted arrangements.

The Monitoring Officer was dealing with two complaints and were being dealt with under the Arrangements. The first complaint involves an allegation of pecuniary interest that has not been declared and therefore presenting a potential conflict of interest when taking part in decision-making at committee.

The second complaint relates to an allegation of 'inappropriate' involvement in a procurement process. The committee will be updated further on the progress of these two complaints at a subsequent meeting.

At the last meeting of the Committee, the Monitoring Officer referred to a member complaint relating to a planning matter. Following the Initial Assessment under the Arrangements the matter was formally investigated to determine whether there had been a breach of the Code by the subject Member. The investigation required collation of facts and information and interviewing relevant officers, the complainants, the subject members and thereafter consulting with the Independent Person. The two complaints were related to two planning applications relating to the same property and concerned the Chair of the Planning & Highways Committee who had become involved with the applicant and the objectors as the property was in his ward. The complainants were also objectors to these planning applications and made a number of allegations against the Chair for breach of the Code, which included:

- contacting the Planning Officer whilst the first application was being considered under the scheme of delegation;
- for not declaring an interest and following the scheme of delegation when considering whether the first planning application should be referred to the Committee for determination;
- for alleged comments made in public at a non-council meeting and alleged posting of comments in a local newspaper.

After a detailed investigation none of the allegations were substantiated and no breach of the code has been found. However, the Monitoring Officer having carefully considered the investigation report had identified a number of learning points and made the following recommendations to assist all members, particularly those serving on the Planning & Highways Committee:

- The internal process for consideration by the Chair of planning applications received (which would usually be determined under officer delegations) for referral to the Planning & Highways Committee be reviewed. There needs to be clear records kept of meetings/consultations, including any declaration of interests by the Chair/Vice-Chair.
- Councillor request for updates on planning applications – it is expected that Councillors would be interested in planning applications in their ward, and would contact the planning department for information (although most information could be obtained from the Council's website). However, they should ensure this cannot be perceived as an attempt to seek to influence or question the planning officer's judgement on the particular applications. To ensure that this does not happen the planning department should also keep a record of enquires made by councillors on specific applications and the responses provided by officers. A suggestion would be to ask councillors to make any enquires by email, and responses to be provided by email. This would also provide some transparency and protect planning officers and councillors against allegations of bias etc. (and the perception of that).

- Members of the Planning & Highways Committee and their involvement with applicants and objectors - advice and training should be provided to members of their role in protecting the integrity of the process by always demonstrating impartiality and avoiding or limiting their involvement with applicants/objectors, to reduce risks of any allegations of bias (or the perception of bias).
- Consider adopting a Planning Protocol for Members.

RESOLVED – That the Committee approved the Monitoring Officers recommendations details in the report relating to planning matter.

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed