

(These minutes are subject to confirmation at the next meeting of the Standards Committee to be held on 4 September 2014)

Standards Committee

19 June 2014

Present: Councillor C Johnson (Chair)
Councillors J Allan, D Corkey, P Earley, S Graham, E Hodson,
P Mason and J O'Shea.

Also Present: Mr G Clark (Independent Person)

SC01/06/14 Apologies for Absence

Apologies for absence were received from Councillor F Lott and Ms S Gardner (Independent Person).

SC02/06/14 Appointment of Substitute Members

There were no substitute members reported.

SC03/06/14 Declarations of Interest and Dispensations

There were no declarations of interest reported.

There were no dispensations in relation to registerable personal interests reported.

SC04/06/14 Minutes

Resolved that the minutes of the Standards Committee meeting held on 6 March 2014 be confirmed, subject to a correction in Minute SC14/03/14 to indicate Councillor S Graham, Chair of Overview and Scrutiny Committee in attendance and not Councillor J McLaughlin as recorded.

SC05/06/14 Annual Report and Action Plan

The Standards Committee's Annual Report was received covering the work of the Committee for the period 1 April 2013 to 31 March 2014; and its Action Plan/Work Programme for 2014/15.

Central Government's modernisation agenda for local government in the late 1990's included the introduction of a new ethical framework for local government. This followed on from the Nolan report on Standards in Public Life published in 1995.

The Local Government Act 2000 provided the statutory basis for this and a key element was that Authorities were required to set up Standards Committees.

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The Localism Act 2011 introduced changes to the Local Government Act 2000 with effect from 1 July 2012 and the Council abolished the Standards Committee and established a Governance Committee in response to the new requirements in relation to ethical governance.

Following a further review of the Authority's Local Arrangements in respect of dealing with complaints under the Code of Conduct for Members, Council in September 2013, along with other changes to the Local Arrangements, renamed the Governance Committee as the Standards Committee.

The Committee's ongoing role was to consider what actions it should undertake to promote high standards of behaviour by Members and Co-opted Members. The Terms of Reference of the Standards Committee were set out in Appendix 1 to the report.

The following were Members of the Standards Committee in 2013/14:

Councillors Jim Allan, Councillor Frank Lott, Councillor Paul Mason, Councillor Jean McLaughlin, Councillor John O'Shea, Councillor Lesley Spillard and Councillor Michael Huscroft. The Committee was chaired by Councillor D Corkey. The Deputy Chair was Councillor C Johnson.

Mr G Clark and Mrs S Gardner had been appointed by the Council to act as Independent Persons in relation to the operation of the Authority's Code of Conduct. Mr Clark and Mrs Gardner attended meetings of the Standards Committee as guests of the Committee.

The Standards Committee met on 4 occasions in 2013/14. The work of the Committee in the last year; and the Action Plan outcome table was set out in the body of the report.

The Standards Committee had a Sub-Committee which was established to consider requests for dispensations from the requirements of the Code of Conduct for Members and to consider reports of complaints for potential breaches of the Code of Conduct for Members referred for investigation. The Sub-Committee met on 4 occasions in 2013/14.

In accordance with the Authority's Local Arrangements, only 1 local assessment of a complaint against Members was carried out for the period 1 April 2013 to 31 March 2014. This complaint was referred for investigation. The Sub-Committee received and accepted a report into this complaint that concluded that no breach of the Code of Conduct for Members had occurred.

The Sub-Committee had also undertaken a hearing into 1 complaint that had been received in the previous municipal year, which was referred for investigation. The Sub-Committee found that no breach of the Code of Conduct for Members and Co-opted Members had occurred.

The Committee at its December 2013 meeting agreed that a public engagement exercise be undertaken to gauge the public's perception of Member behaviour and the requirement for the Authority to have a Code of Conduct. Engagement events were organised and had taken place in late April and June 2014. Participants were invited from the Residents' Panel and the Youth Council. Both events were successful and positive feedback was received from the participants in relation to how the event was organised and run. A report summarising the feedback received from participants was provided elsewhere on the agenda.

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The Standards Committee was responsible for the Authority's statutory duty to promote and maintain high standards of conduct by the Elected Mayor, Councillors and Co-opted Members. The Committee had worked to discharge this duty by undertaking the actions detailed in the report. The Action Plan for 2013/14 had been monitored by the Committee at each meeting.

The Standards Committee's future Work and Action Plan up to 31 March 2015 was set out in the report. This Action Plan would be monitored by the Committee at each meeting and the progress of the identified actions would be reported in the Committee's Annual Report in May 2015. The Committee would continue to work to discharge this duty by undertaking the actions detailed in the report.

In response to a Member's query regarding the registration of Members' Interests in relation to appointments to Outside Bodies, the Monitoring Officer agreed to re-circulate details of the requirements to All Members.

Resolved that the Head of Law and Governance, in consultation with the Chair of the Standards Committee, be authorised to finalise the Committee's Annual Report prior to its submission to Council at its meeting to be held on 24 July 2014.

SC06/06/14 Extension of Appointment of Independent Persons

A report was received on the extension of the Appointment of the Authority's Independent Persons.

The Localism Act 2011 ("the Act") placed a statutory duty on the Authority to promote and maintain high standards of conduct by its elected and co-opted members. The Act also required the Authority to introduce local arrangements to handle any misconduct complaints including the appointment of Independent Persons

The Localism Act 2011 required the Authority to appoint at least one Independent Person. The Independent Person's views were required to be sought and taken into account before the Authority's Standards Committee made a decision on any allegation which had been investigated that a Member or Co-opted Member had failed to comply with the requirements of the Code of Conduct for Members and Co-opted Members, and at other times when considered appropriate. An Independent Person's views may also be sought by a Member who was the subject of a misconduct complaint.

The Council at its meeting on 1 July 2012, agreed to the appointment of two Independent Persons in order to deal with situations where one Independent Person was ill, indisposed, away on holiday, or indeed had a conflict of interest in a matter on which they had to be consulted.

Mr George Clark was appointed at the July 2012 Council meeting as one of the Independent Persons. A second appointment at that meeting was not possible and Council authorised the Monitoring Officer to undertake a further recruitment process. Mrs Stella Gardner was appointed at the September 2012 Council Meeting.

Mr Clark and Mrs Gardner were appointment for a period of 2 years with an option to extend the appointment for a further 2 years. Both had indicated a willingness to continue in the role of Independent Person for a further period of 2 years. This allowed for a

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balance between acquired proficiency and a possible perceived diminution of independence.

The allowance to be paid to the Independent Persons had been determined by Council. The allowance was contained within existing budgets.

The Committee was requested to recommend to Council to extend the appointments of Mr George Clark and Ms Stella Gardner as Independent Persons, pursuant to the requirements of the Localism Act 2011, for a further period of 2 years to July 2016.

Members endorsed the recommendation to extend the appointment of the Authority's current Independent Persons, however, in view of perceived 'good practice' principles requested the period of appointment not to be beyond 4 years and that recruitment of the appointments to be carried out at the conclusion of the further 2 year period.

Resolved that (1) the report be noted;

(2) Standards Committee recommends to Council to extend the appointments of Mr George Clark and Ms Stella Gardner as Independent Persons, pursuant to the requirements of the Localism Act 2011, for a further period of 2 years to July 2016; and

(3) the Monitoring Officer undertakes a further recruitment process of appointment of the Authority's Independent Persons at the conclusion of the 2 year period as set out in (2) above.

SC07/06/14 Webcasting of Authority Meetings

Further to Minute SC14/03/14, a report was received on the use of video cameras in Authority meetings and the draft Regulations in relation to the webcasting of such meetings.

The Committee at its March 2014 meeting discussed how to improve ethical standards and the behaviour of Members. Reference was made to inappropriate text messaging, tweeting, talking, eating etc. during meetings, which could be off-putting to others during debate and decision making.

It was proposed as a part of the Committee's duty to promote and maintain high standards of conduct by Members, that the Monitoring Officer, in conjunction with the Chair and Deputy Chair of Standards Committee, the Authority's Independent Persons and the Group Leaders, meet to consider the use of video cameras at Council meetings as a means of improving Member behaviour.

Since the Committee's last meeting draft regulations (The Openness of Local Government Bodies Regulations 2014) had been laid before Parliament for approval, which would require local authorities to allow persons to report and commentate on public authority meetings, however, they would not permit the public to film meetings in which confidential or exempt information would be disclosed.

Officers were monitoring the progress of the Regulations through Parliament to ascertain when they were likely to come into force. When in force, the Regulations would allow any person to attend a public meeting of an authority for the purpose of reporting and to use any communication methods, including the internet, to share the results of their reporting activities, during or after the meeting.

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Reporting included filming, photographing or audio recording of proceedings. Authorities might require oral commentary to be provided outside of the meeting.

This Authority had not previously permitted film or audio recording of its Council, Cabinet and Committee meetings. It would, once the Regulations came into force, be appropriate to introduce signage to meeting rooms to advise Members, officers and the public that the meetings might be recorded in those formats and to request that recording focused upon the public meeting, rather than, for example, filming members of the public who may be intimidated by the presence of cameras.

While the Regulations did not require the Authority to film or audio record its meetings, this was something which would be considered. Officers were collating information regarding the options available to audio record or film meetings, including the potential to webcast meetings and were liaising with other local authorities in the region as to their current and future arrangements. Further information would be provided to the Committee and Members in relation to the implementation of the Regulations as more information became available.

Members welcomed in principle the introduction of the use of video cameras in Authority meetings together with advance promotion of the facility, however, a definitive understanding of the Regulations and webcasting processes was needed prior to implementation. The Monitoring Officer commented that the introduction of video cameras at meetings would be considered by Cabinet 'in the round' on the current and future arrangements of other authorities, along with the overall implications of the Regulations to this Authority.

Resolved that (1) the report be noted;
(2) an update report on the use of video cameras in Authority meetings and the Regulations in relation to the webcasting of such meetings be submitted to a future meeting of the Standards Committee.

SC08/06/14 Review of Local Arrangements

Further to Minute SC14/03/14, a report was received on the proposed establishment of a Working Group to review the Authority's Local Arrangements for dealing with complaints under the Code of Conduct for Members and Co-opted Members.

The Committee at its March 2014 meeting requested that the Monitoring Officer undertake a further review of the Authority's Local Arrangements for dealing with complaints under the Code of Conduct for Members and Co-opted Members.

In particular, the Committee was of the view that an examination of the local arrangements should have a particular focus on the local resolution stage thereby avoiding the necessity for a hearing. Members were also of the view that complaints needed to be dealt with in a timely manner, particularly in the case of formal investigations leading on to a hearing, that laid down timescales should be adhered to; and for the process to not continue indefinitely. It was suggested that measures should be put in place to achieve an early resolution, or, the process shortened, if possible, for the benefit of all concerned.

Following consultation with the Chair and Deputy Chair of the Committee, it was proposed to re-establish the Working Group of the Committee that looked at the Local Arrangements

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in 2013. The Working Group would be made up of the Chair and Deputy Chair of the Committee, a Member of the Committee from the Labour Group and the Conservative Group and a representative of the Liberal Democratic Group and the Authority's Independent Persons. A working group would provide the best opportunity of capturing the views of Members in relation to the changes that they wanted to see to the Authority's local arrangements.

It was suggested that a report of the Working Group be brought back to the Committee at its next meeting in September 2014. If any changes to the Local Arrangements were suggested a report would then be submitted to a Council Meeting for the adoption of any proposed changes.

Resolved that (1) a Working Group be established made up of the Chair and Deputy Chair of the Standards Committee, a Member of the Committee from the Labour Group and the Conservative Group and a representative of the Liberal Democratic Group and the Authority's Independent Persons, to review the Authority's Local Arrangements for dealing with complaints under the Code of Conduct for Members and Co-opted Members; (2) a further report on the outcome of the work of the Working Group be submitted to the next meeting of the Standards Committee.

SC09/06/14 Code of Conduct for Members – Public Engagement Update

Further to Minute SC08/12/13, a report was received on the Code of Conduct Engagement process recently undertaken with representatives of the Residents' Panel and Young Councillors.

The Committee at its December 2013 meeting requested that a public engagement exercise be undertaken to gauge the public's perception of Member behaviour and the requirement for the Authority to have a Code of Conduct and the requirements placed on Members by a Code of Conduct.

Engagement events were organised and took place in late April and June 2014. Participants were invited from the Residents' Panel and the Young Councillors. Both events were successful and positive feedback was received from the participants in relation to how the events were organised and run.

During the events the participants were given small tasks and questions to answer in order to facilitate discussion and debate. Those tasks/questions related to:

- a) identifying the behaviours and qualities that they expected of Members;
- b) considering whether the behaviour and qualities should apply to Members all the time;
- c) considering whether a Code of Conduct governing Member's behaviour was necessary or were there other methods/processes that would be better such as political group disciplinary procedures or the ballot box.

Attached at Appendix 1 to the report were the responses received and the comparison made with the Code of Conduct. The Authority's Code of Conduct for Members and Co-opted Members was attached at Appendix 2 for information.

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The majority of the behaviours and qualities identified by the engagement groups linked directly to the General Conduct requirements of the Code of Conduct. Most behaviours and qualities identified linked directly to either the requirement to treat others with respect (Paragraph 1 of the Code) or not to bring the Council or yourself (as a Councillor) into disrepute (Paragraph 4 of the Code). These behaviours and qualities were followed up, in terms of popularity, by the requirement to be impartial and not to do anything that compromised the impartiality of anyone who works for the Authority (Paragraph 3 of the Code).

The requirement not to secure improper advantage or disadvantage for oneself or others (Paragraph 5 of the Code) was identified as the next most popular along with the requirement not to bully, intimidate or improperly influence (Paragraph 2 of the Code). These were followed by the requirement to not prevent access to information people were legally entitled to (Paragraph 8 of the Code) and the requirements in relation to confidentiality (Paragraph 9 of the Code).

None of the behaviours and qualities identified by the Groups linked directly to the following paragraphs of the Code:

Paragraph 6 – You must comply with any Protocol adopted by the Authority; and
Paragraph 10 – You must not take scrutinise a decision you were in involved in.

It was understandable that the above Paragraphs, whilst important, were not identified as they were of a more technical nature and related to the operation of the Authority rather than directly to behaviours and qualities of individuals who were elected to the Authority.

The engagement groups identified a number of other behaviours and qualities that were listed in Appendix 1 which were not linked to the General Code of Conduct. Those behaviours and qualities could be used as a reference of the further expectations that the public had of Members over and above the Code of Conduct.

The Groups were asked “Would you expect the behaviours and qualities you’ve identified to apply to councillors all the time when they were a councillor, including outside their official role as a councillor?”

All participants in both engagement sessions were of the view that the behaviours and values that they had identified and which were reflected in the Code of Conduct should apply to Members all of the time.

It was explained that the current version of Code of Conduct applied to Members when they acted in the capacity of a Councillor or purport to act in such a capacity and not, by reference to an explanation of the relevant case law, in their personal and private lives. The participants were then asked with the benefit of the explanation of the relevant case law and the circumstances that led to its development, whether the view they had previously expressed had changed. The responses were set out in the body of the report.

The participants recognised and understood the need to Members to have private lives unconnected with their roles as Councillors. However, at both engagement events the view was expressed that the Code of Conduct should apply to Members all of the time and not when they were acting or purporting to act in the capacity of a Member.

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Finally, the participants were asked 'Do you think the Council needs to have a Members' Code of Conduct?' Other methods of dealing with behaviour issues were suggested such as dealing with it through the Members political party disciplinary processes or on when the Members was seeking re-election through the ballot box.

All participants in both engagement sessions except one were of the view that the Authority needed to have a Code of Conduct for Members. Additional responses in relation were set out in the body of the report.

The responses received from the two engagement sessions, which was made up from representatives across the age spectrum reflect, support and provide re-assurance that the provisions and requirements of the Code of Conduct for Members and Co-opted Members, that the Authority had adopted, met the expectations of the public in relation to how Members should behave.

There was also a clearly perceived need for a Code of Conduct for Members.

The participants also expressed the view that the Code of Conduct for Members should apply all of the time and not when a Member was acting, or purporting to act, in the capacity of a Member. This view was not in line with the current law. The current position with respect to the dis-application of the Code to a Member's private life originated in case law and was incorporated in to statute when the Localism Act 2011 was enacted. To re-apply the Code of Conduct for Members all of the time would require a change in primary legislation.

Members positively welcomed the report and contributions by the Residents' Panel and Young Councillors. During discussions, Members considered the most appropriate use of the engagement findings and conclusions and the way forward in broadening the recognition of the report.

Members proposed that in order to build upon the contribution and positive feedback from participants, details of the engagement should be shared with all Members of the Council.

Members would be invited to respond to the comments with regard to the public's perception of Member behaviour and the requirement of the Authority to have a Code of Conduct and the requirements placed on Members by a Code of Conduct. The Monitoring Officer agreed to arrange Member Briefings to allow discussion and consultation on the comments received and to provide a link to the engagement information contained in the report via the Members weekly newsletter for this purpose.

It was also proposed that an update report on the outcome of the consultation with all Members should be submitted the September 2014 meeting of the Committee.

Resolved that (1) the findings and conclusions of the report be noted;
(2) thanks be forwarded from the Standards Committee to all participants to recognise the contributions made;
(3) the Monitoring Officer on behalf of the Standards Committee arranges Member Briefings to allow discussion and consultation on the comments received and provides a link to the findings and conclusions of the engagement via the Members weekly newsletter; and
(4) an update report on the outcome of the consultation with all Members in (3) above be submitted to the next meeting of the Standards Committee.

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SC10/06/14 Survey on Training for Members Update

Further to Minute SC16/03/14, a report was received which advised the Committee of the feedback and results of a Member Development Survey.

On 6 March 2014, the Committee considered a report detailing Member attendance at recent training and expressed concern at the number of training events cancelled due to lack of take up and little use of the online learning modules promoted to Members.

The Committee proposed to survey the views of Members on the Member Development Programme, to identify ways to improve attendance and consider the preferences of Members on the type, method and delivery of future events/learning. Appendix A to the report outlined the full results of the survey circulated to all Members. In summary:

- 7 responses were received;
- Members preferred workshop/face to face training and e-learning to other styles of learning;
- The majority of Members were generally satisfied with the member development opportunities on offer and how they are delivered; and
- Members would like to see more e-learning on offer which was specific to their role. Individuals who had completed e-learning in the past 24 months felt it was effective.

Some Members felt that the training offered was partially relevant to their role. Further work to ensure the content of training events was relevant and met the expectations of Councillors was required. Communicating the relevance, benefits and outcomes of member training events could encourage more Members to attend.

Using plain English, keeping training sessions short with no duplication and increased attendance at events to encourage debate were suggested to further improve the delivery of training.

Work commitments and diary conflicts with other meetings were identified as the main barriers to attending training sessions. Member development events were programmed into the Council calendar at the same time Committees to avoid diary conflicts and provide protected time for training. Events were normally offered twice, both in the afternoon, and, evening, to offer a choice to Members and provide flexibility for working Members. Members suggested training could be offered mornings and prior to meetings.

Members felt that attendance could be improved if training was more relevant to a member's role and by sharing attendance figures with Group Whips. The Members Support Group was regularly consulted and provided feedback on the training priorities of Members, with the aim for the Member Development Programme to appeal to Members and meet their needs.

From the feedback provided by the Standards Committee, Member Support Group and Survey responses on the Member Development Programme, the following recommendations were proposed to improve the learning opportunities on offer to Members:

1. Launch a range of Member specific e-learning modules. Mandatory training

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identified within the Constitution would be priority as all Members would benefit from the learning. This included regulatory committee training, code of conduct, safeguarding, corporate parenting and equality & diversity. A timetable for the development of e-learning would be agreed with the Member Support Group.

2. Offer one to one/ group training and demonstration of the use of Learning Pool to ensure all Members can locate e-learning and review the development programmes on offer to officers.
3. Provide a monthly training update to all Members via email to promote up and coming Member development events, learning support (e.g. ICT mentors etc), e-learning and relevant officer development programmes that may be of interest to Members. Focus communications on "What's in it for me" promoting the benefits of development events to Members and how the learning can be used in their role.
4. Provide training (general development) prior to or after a Planning Committee, and review attendance figures/feedback. If successful extend this approach to other regulatory committees in the future.
5. Review regulatory committee training annually with lead officers to ensure that training was refreshed, learning activities and scenarios varied each year and alternative learning methods were considered for refresher training e.g. quizzes to demonstrate knowledge and understanding.
6. Provide training attendance figures to group leaders and deputies every 6 months, highlighting any gaps in mandatory training.

In response to a Member's query regarding login/access details to the e-learning modules, the HR Development Advisor agreed to re-circulate details to all Members.

Resolved that (1) the feedback and results of the Member Development Survey be noted;
(2) the 6 recommendations listed above to improve the learning opportunities on offer to Members with the aim for the Member Development Programme to appeal to Members and meet their needs, be agreed.