

Report to Council – 17 March 2020

Report of Standards Committee – 25 February 2020

Standards Committee met on 25 February 2020. The minutes are published on the council's website.

The following were present at the meeting:

Present: Councillor Crout (Chair)
Councillors Bashir, Bell, Grimston and Saffery

Officers: Group Head of Democracy and Governance
Democratic Services Manager

The following was a recommendation to Council:

2. Report by Committee for Standards in Public Life on Review of Standards in Local Government

The committee received a report of the Group Head of Democracy and Governance which informed members about the recommendations made by the Committee for Standards in Public Life following its review of standards in local government.

The Group Head of Democracy and Governance advised the committee that the Local Government Association (LGA) would be consulting on a draft model code of conduct later in March. She proposed that the committee met again after the 16 March to review the draft code and provide a response to the LGA. The draft code would also be circulated to group leaders for their comments. It was noted that as yet the government had not responded to the report.

The committee discussed the 15 recommendations which were considered to be best practice and the Group Head of Democracy and Governance's suggestions.

Councillors' compliance with formal standards investigations (paragraph 4.3.2 of the report)

The committee discussed this recommendation and noted that it was not included in the council's existing code. However, it was felt it would not be necessary to adopt this recommendation.

Independent person consulted about undertaking a formal investigation and comment on dismissal of trivial or vexatious complaints by responsible officer (paragraph 4.3.8 of the report)

Following questions about this recommendation Group Head of Democracy and Governance explained that under current legislation the Independent Person was unable to make any decisions. The Monitoring Officer's obligation was to consult with the Independent Person if it was intended there would be an investigation. The recommendation in the report proposed that this should be extended to when the Monitoring Officer did not intend to investigate. The Independent Person would be able to comment on the Monitoring Officer's decision but not veto it.

Following a question about a member of the public complaining about a councillor, the Group Head of Democracy and Governance advised that she asked the complainant which part of the code had been breached and proof to support their claim. She would then consider if the member had been acting in their capacity as a councillor and breached the code of conduct. She would then ask the councillor for their comments about the complaint. If it was felt there was merit in the complaint she would approach another monitoring officer or equivalent in another authority and ask them to review the case. If it was considered there had been a breach then a hearing would be held; if not then the matter was closed.

Publishing agendas, minutes and annual reports for separate bodies set up by the council (paragraph 4.3.13 of the report)

It was considered whether this recommendation should be adopted. The Group Head of Democracy and Governance cautioned against it. There was already some information available through Company's House. She was concerned that if this recommendation was adopted it may make it difficult to get external partners on board. She also considered it important to show a legal separation from the council. It was acknowledged that commercial sensitivity needed to be considered.

RESOLVED

1. that Council be recommended to adopt the Committee on the Standards in Public Life's recommendations set out below

Recommendation 3: Local authorities should review their code each year and regularly seek the views of the public, community organisations and neighbouring authorities – **that the code be reviewed annually by the Monitoring Officer and Standards Committee.**

Recommendation 6: Local authorities should publish a clear and straightforward public interest test against which complaints should be filtered

– that the procedure be updated to include a clear and straightforward public interest test against which complaints should be filtered.

Recommendation 7: Local authorities should have access to at least two independent persons – **that the council advertises for a second Independent Person.**

Recommendation 8: The Independent Person should be consulted as to whether to undertake a formal investigation into an allegation, and given the option to comment on any allegations that the responsible officer is minded to dismiss as being without merit, trivial or vexatious – **that the Monitoring Officer seeks the view of the Independent Person when minded to dismiss any complaint as without merit, trivial or vexatious.**

2. that Council be recommended not to adopt the Committee on the Standards in Public Life's recommendation 2: Local authorities should provide in their codes for councillors to comply with formal standards investigations, and prohibit trivial or malicious allegations by councillors.
3. that Council notes that the recommendations 1, 4, 5, 9, 10 and 15 of the Committee for Standards in Public Life's review were already being followed and recommendations 12 and 13 were not applicable as there were no parish or town councils in the borough.