

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Standards Sub-Committee held in the Council Chamber -
The Guildhall on 6 November 2019 commencing at 2.00 pm.

Present: Councillor Mrs Anne Welburn (Chairman)

Councillor Mrs Tracey Coulson
Councillor Mrs Diana Rodgers
Councillor Mrs Mandy Snee

In Attendance:

Alan Robinson	Monitoring Officer
Katie Storr	Senior Democratic & Civic Officer
James O'Shaughnessy	Corporate Policy Manager & Deputy Monitoring Officer

Apologies: Councillor Lewis Strange

Membership: No substitutes

1 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

(a) Minutes of Meeting held on 24 September 2018

RESOLVED that the Minutes of the Meeting of the Standards Sub-Committee held on 24 September 2018 be confirmed and signed as a correct record.

2 DECLARATIONS OF INTERESTS

All Councillors present declared a non-pecuniary interest in agenda item 4 ii) (To review the number nature and outcome of complaints received during the civic years 2016/17 – 2019/20) due to the fact that they were all subject to the Code of Conduct.

3 COMMITTEE ON STANDARDS IN PUBLIC LIFE - REPORT ON LOCAL GOVERNMENT ETHICAL STANDARDS

The Committee gave consideration to a report which informed Members of the review into Local Government Ethical Standards, its findings and recommendations.

During 2018, the CSPL (Committee of Standards in Public Life) undertook a review of local government ethical standards. "The review was not prompted by any specific allegations of misconduct, but rather to assure themselves that the current framework, particularly since

the Localism Act 2011, was conducive to promoting and maintaining the standards expected by the public.”

The Localism Act 2011 introduced significant changes to the way that conduct of elected Councillors was handled. It abolished a national framework headed by a regulator and a national Code of Conduct and removed powers to suspend or disqualify Councillors for serious breaches of the Code of Conduct. Instead it placed a duty on Councils: to adopt their own local Code; to put local procedures in place to investigate allegations the Code may have been broken (with principal authorities carrying out that duty for parish councils; and to appoint at least one Independent Person (IP) whose views they had to take into account when considering matters under investigation.

The report summarised the CSPL’s findings, recommendations for legislative change and best practice recommendations (which could be introduced without a change in legislation) for each of the areas reviewed. Those areas of best practice previously adopted to date by WLDC and prior to the review, were highlighted green in the tables with the report set out Sections 3 – 9.

It was noted the Government had been expected to respond to the report in September 2019 setting out whether or not it accepted some or all of the recommendations. However some of the recommendations – for example increased sanctions, or the abolition of the DPI criminal offence, would require new primary legislation, whilst others will require changes to regulations, therefore the time-line to see this area of work fully concluded was expected to be extensive, and it was doubtful how high up the Government’s agenda this work was.

That being said, a number of the recommendations were considered best practice and could be implemented with immediate effect if desired and of the 14 best practice recommendations detailed within this report, West Lindsey has already adopted 10 as a result of its fundamental review in 2017/2018.

Debate ensued and at the request of Members, Officers outlined which of the remaining best practice recommendations they considered worthy of implementation and which ones, at this stage they would not recommend being adopted. Rationale was offered.

In general, the Committee welcomed the report, however it was unfortunate that those changes which would see the greatest overhaul could not be implemented without a change in legislation and there was a shared concern that the Government would not see this work as priority. The decriminalisation of “interests”, the re-introduction of proper meaningful sanctions and a common code across the board were all welcomed and the Committee requested that Officers continue to lobby in respect of these aspects, ensuring both the MP and relevant Minister were aware of the authority’s view.

It was further suggested the Officers should lobby through the professional bodies of which they were members including ADSO and the Lincolnshire MO Group. It was also suggested that an article around this subject should be included in the Members’ Bulletin.

The Committee also considered it would be worth while understanding the logic behind best practice recommendation 9 which the Authority was not supportive of in the absence of legislation to protect IPs.

Following much discussion it was **RESOLVED** that:

- (a) the report on Local Government Ethical Standards, published by the Committee on Standards in Public Life be received and noted;
- (b) In light of the comments expressed throughout the debate, Officers be requested to continue lobbying Government Ministers for a change in legislation to allow for the decriminalisation of “interests”, and the re-introduction of proper meaningful sanctions; and
- (c) a further report be submitted to the Committee during 2020/21 setting out any new proposed practices to be introduced in light of the debate, namely best practice recommendations 3 and 6
 - * Local Authorities should review their code annually and regularly seek the views of the public, community organisations and neighbouring authorities
 - * Local Authorities to adopt (and publish) a public interest test for filtering complaints

4 TO REVIEW THE NUMBER, NATURE AND OUTCOME OF COMPLAINTS RECEIVED DURING THE CIVIC YEARS 2016/2017 - 2019/20

Members gave consideration to a report which presented a data analysis of the number nature and outcome of complaints received under the Code of Conduct regime for the civic years 2016/17, to 2019/20 (to-date August).

The report further asked Members to give consideration as to whether the Standards Sub-Committee should undertake any informal proactive to further improve standards and raise the profile of the Committee’s work. .

Section 2 of the report included a number of graphs, including graphs which set out: -

- * The total no. of complaints received and whether these related to District or Parish Councillors;
- * The nature of complaints received and how these were split between District and Parish Councillors;
- * The Outcome of those complaints received; and
- * The Actions taken where potential breaches of the Code had been identified

Section 4 of the report summarised some of the evident trends; points which were brought to Members’ attention included: -

- * That the number of complaints had fallen sharply following the introduction of the new Code for both Parish and District Councillors. However, in the previous civic year (2018/19) the number of complaints made rose, in particular against District Councillors. Arguably, this could be attributed to the pending election that year.

- * The main source of complaints continued to be respect, bullying and intimidation.
- * In the run up to election and in recent months social media had been at the centre of a number of complaints
- * The majority of complaints still resulted in a “no breach” determination being made at the initial assessment stage. This is primarily as result of them relating to behaviour in a Councillor’s private capacity, or having been deemed to not meet the threshold worthy of investigation.
- * The number of complaints falling outside the Code had reduced significantly, but this was directly as a result of the additional provisions being included in the Code from May 2017 onwards.
- * During 2018/19 In all cases, except one, where a potential breach was identified they were resolved with a local informal resolution such as meditation or an apology without the need for investigation
- * During 2019/20 to-date three cases had been referred for investigation, this was primarily as a result of two of the complaints receiving national press – the outcome of which was awaited.

Finally Section 5 of the report set out a number of suggestions regarding pro-active work the Sub-Committee may wish to consider undertaking.

Debate ensued and Members welcomed the report and the mainly positive trends. The recent blip, unfortunately, was considered “expected” in the run to an election and this was a common trend often seen.

With regard to undertaking pro-active work going forward, Members considered the following would be of assistance: -

- * The Monitoring Officer to continue to meet with Group Leaders / Whips on a quarterly basis to discuss any issues in an informal setting prior to complaints being received;
- * Training on Standing Orders be built into the Work Programme for all Councillors, including Committee Chairs who should be encouraged to use these in order to manage behaviour within formal meetings;
- * Potentially extending training to the Remuneration Panel to extend their understanding of the role of Councillor. .
- * Regular reminders on the acceptable use of Social Media and the pitfalls for those holding public office.

It was acknowledged the role of the Monitoring Officer was made all the more difficult in the absence of legislation which included sanctions.

On that basis it was

RESOLVED that: -

- (a) the statistical data presented within the report be noted; and
- (b) having given consideration as to whether any proactive work should be undertaken the following actions be undertaken throughout the year as appropriate: -
 - * The Monitoring Officer to continue to meet with Group Leaders / Whips on a quarterly basis to discuss any issues in an informal setting prior to complaints being received;
 - * Training on Standing Orders be built into the Work Programme for all Councillors, including Committee Chairs who should be encouraged to use these in order to manage behaviour within formal meetings;
 - * Explore extending training to the Remuneration Panel to extend their understanding of the role of Councillor. .
 - * Regular reminders on the acceptable use of Social Media and the pitfalls for those holding public office be issued.

The meeting concluded at 3.06 pm.

Chairman