

Standards Committee Minutes

The minutes of the Standards Committee meeting of Wyre Borough Council held on Thursday, 14 March 2019 at the CivicCentre, Poulton-le-Fylde.

Standards Committee members present:

Councillors I Amos, B Birch, Catterall, Lees, Orme and Matthew Vincent

Apologies for absence:

None.

Other councillors present:

None.

Officers present:

Mary Grimshaw, Senior Solicitor and Deputy Monitoring Officer
Liesl Hadgraft, Head of Business Support and Monitoring Officer
Roy Saunders, Democratic Services and Scrutiny Manager

Barry Parsonage, Independent Person, was also present.

No members of the public or press attended the meeting.

16 Declarations of Interest

None.

17 Minutes

Agreed that the minutes of the meeting of the Committee held on 15 November 2018 be confirmed as a correct record.

18 Wyre Code of Conduct Review

The Monitoring Officer submitted a report on the outcome of a review of Wyre's code of conduct undertaken by a working group of councillors.

She said that the working group had met on two occasions, the first to establish the remit of the group and provide officers with a clear instruction of what was required. At this meeting it had been agreed that officers should review best practice and undertake research and then report back with a

revised code of conduct based on their findings. As part of this process they had been asked to:

- consider the re-introduction of a number of commitments that were in the code prior to the Localism Act coming into force and considered to be best practice
- Where appropriate expand on any definitions/provide examples to assist officers and members with interpretation
- Simplify the wording around pecuniary and non-pecuniary interests
- Make the advice regarding the registration of interests clearer to avoid misunderstandings that could ultimately lead to complaints

At its second meeting the group had been provided by officers with an updated draft Code of Conduct for consideration, based on codes in other councils and best practice. In addition, consideration had also been given to the type of complaints received.

In summary, the amendments to Part 1 of the Code submitted for consideration, were:

- To include all possible behavioural elements, namely
 - Uphold the law
 - Respect the law
 - Have due regard for officer advice
 - Not bully a person
 - Not intimidate
 - Not disclose confidential data
 - Not bring office into disrepute.
- It had also been suggested that, as bullying and intimidating were very similar, those behaviours should be grouped together. An explanation had also been provided, giving examples of what was considered to be bullying and intimidating and also, more importantly, what is wasn't. The explanatory note also referred to the element of 'banter' which took place in the political arena and the intention not to increase the number of trivial complaints.
- Further information had been provided with regard to public speaking and the need to make clear when views being made were those of the individual and not necessarily the Council.

The working group had agreed that all of the above would enhance the code

and go some way to dealing with some of the complaints received in recent times.

The amendments proposed for Part 2 of the Code of Conduct had been intended to provide clarity around what should be included on the register and the requirements for declaring and interest. It had been acknowledged that the wording was currently complicated and therefore could do with simplifying to give a better understanding. It had, therefore, been divided into sections, the first addressed the need to register interests and addressed what should be included. Appendix A & B gave examples of pecuniary and non-pecuniary interest. There was then a section on how non-disclosable interests should be declared at meetings and how these would be managed in terms of discussions and voting.

The proposed amendments had been accepted by the working group, with only a couple of very minor changes and were now being recommended to this Committee for endorsement.

The Monitoring Officer said, in response to a comment made by Councillor Matthew Vincent, that the Committee might wish to include some explanatory text in the Code to clarify what was meant by “respect”. She suggested that, if that was the case, it would be logical to use the same terminology as in the social media policy recently agreed by the Council.

The Monitoring Officer said in response to a further comment from Matthew Vincent, that it would not be possible, at this stage, for the Council to include in its Code a presumption that a Member was acting in their capacity as a Councillor unless they could clearly demonstrate that they were not. Whilst the Committee on Standards in Public Life had recommended the Government to consider such a presumption, it would not be legally possible to do so until there had been a change to legislation. The Localism Act 2011 specifically referred to codes of conduct applying to the behaviour of councillors when they acting in that capacity.

Finally, the Monitoring Officer advised that, although it had previously been anticipated that the recommendations of this Committee would be reported to the April meeting of the Council, it was now intended that it would be submitted to full Council on 19 July, when a review of the Constitution was also due to be considered.

Agreed:

1. That the amendments to the Code of Conduct proposed by the Working Group set out in Appendix 1 of the report, be endorsed, subject to the inclusion of an additional explanatory note relating to the requirement to *always treat others with respect*”, stating that:

“if you make personal attacks or indulge in rude or offensive comments, this may be interpreted as disrespectful”.

2. That the Council be recommended to approve the proposed

amendments to Wyre's Code of Conduct at its meeting on 19 July 2019 and include it in Part 5.01 of the constitution, in place of the current version.

19 Committee on Standards in Public Life Report on Ethical Standards in Local Government

The Monitoring Officer submitted the Executive Summary, the List of Recommendations and the List of Best Practice from the Report on Ethical Standards in Local Government, published by the Committee on Standards in Public Life, in January 2019.

The Monitoring officer reminded members that a consultation document had been circulated in Summer/Autumn 2018, requesting views on current standards in local government and how they might be improved. The Standards Committee had agreed a response on behalf of the Council.

It was pleasing to report that it appeared that a number of concerns shared in this committee and elsewhere with regard to standards having no teeth had been heard. However, legislative changes would need to be made before the recommendations could be implemented and a more robust system put in place. She therefore suggested that, in the meantime, it was worth continuing with the proposed revisions to the Council's code just approved by the Committee, to ensure that everything possible was being done to promote good ethical standards at Wyre. The changes made today would go some way to aligning Wyre's code to best practice, as outlined in the report.

Agreed:

1. That the recommendations made to the Government by the Committee on Standards in Public Life be noted and welcomed.
2. That the recommendations on best practice made by the Committee on Standards in Public Life also be noted.
3. That, the Council be informed, when the proposed revisions to the Wyre Code of Conduct agreed earlier in this meeting were submitted, to Council, that the recommended changes would bring the Council more in line with the best practice identified by the Committee on Standards in Public Life.
4. That the Committee would review Wyre's Code of Conduct again when the Government had responded to the recommendations made by the Committee on Standards in Public Life and the required changes to legislation had been made.

20 Current Complaints: Summary

The Monitoring Officer submitted a schedule summarising complaints of alleged breaches of the Council's code of conduct which were currently being processed or which had been completed since the last meeting of the

Committee.

She provided further information on each of the complaints, as follows

Ref 2018/05

The information provided in the initial complaint had been insufficient. She had attempted to contact the complainant a number of times using different methods, but to no avail. Given the information that was available she had decided not to pursue the matter any further.

Ref 2018/04

This complaint was a classic example of a councillor doing something with the best of intentions, but perhaps not handling it in the most appropriate way. Having spoken with the subject member, it was clear that they had no intention of being offensive. However, the subject member had been able to see how their behaviour could have been construed. In light of this, it had been agreed that an explanatory statement and apology would be made by the subject member at the next available council meeting. The statement and apology had duly been made and the matter had therefore been concluded.

Ref 2018/06

This has been a difficult and complex complaint to review, with a number of aspects needing to be considered. In order to investigate it fully, two specific angles had been deliberated. In the first instance, had any breach in actual policy/procedure occurred? Secondly, was there deliberate intention to deceive on the Subject Member's part? In both instances the answer to those questions had been no and so, no breach of the code was found to have occurred.

Agreed that the summary of complaints submitted by the Monitoring Officer and her verbal report on each of the complaints referred to, be noted.

21 Date of next Meeting

Noted that the next meeting of the Committee was scheduled to be held at 6pm on 20 June 2019.

The meeting started at 6pm and finished at 6.32pm.

Date of Publication: Wednesday 27 March, 2019.