

Standards Committee Minutes

The minutes of the Standards Committee meeting of Wyre Borough Council held on Thursday, 15 March 2018 at the Civic Centre, Poulton-le-Fylde.

Standards Committee members present:

Councillors Ian Amos, Marge Anderton, Barry Birch, Sue Catterall, Terry Lees and Paul Moon

Apologies: None.

Officers present:

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

Also present: Barry Parsonage (Independent Person).

No members of the public or press attended the meeting.

19 Declarations of Interest

Councillor Moon declared a significant interest (non-pecuniary) in agenda item 6 (Summary of Current Complaints) because he had been informed that he was the subject member in complaint Ref: 2017/06. He said that he would withdraw from the meeting should the complaint be discussed in any detail.

20 Minutes

RESOLVED that the Minutes of the meeting of the Committee held on 16 November 2017 be confirmed as a correct record.

The Monitoring Officer reported that the proposed social media policy for councillors, referred to in minute STA 10, had been submitted to Council on 10 December 2017. The Council had resolved that the contents of the proposed policy be reviewed by a working group with a politically balanced membership and brought back to the Council for approval.

The Monitoring Officer stated in response to a question from Cllr M Anderton, that she was not aware of any changes to the qualification criteria for Councillors having yet been implemented following the consultation exercise

reported to the last meeting of the Committee (minute STA 11).

21 Review of Ethical Standards in Local Government

The Monitoring Officer submitted a consultation document which had recently been circulated to stakeholders by the Committee on Standards in Public Life (printed on pages 5 – 8 of the agenda).

She said that, as concerns had previously been expressed by the Committee about the effectiveness of the current ethical standards arrangements, she assumed that it would want to take the opportunity to respond to this nationwide review.

Following a wide-ranging discussion on the main elements of the review, the following issues were identified for inclusion in a response:

Background and context

The Committee recognised that there had been widespread support for the abolition of the former Standards Board for England and for the reform of the previous very convoluted and prescriptive standards regime when proposals for change had first been made. However, the Committee noted that it was now widely accepted that, the current arrangements, whilst simpler, were fairly toothless and ineffective.

Q's (a) & (b) Existing structures processes and practices

The Committee stated that at Wyre the main issues were:

1. That the local processes for considering alleged breaches of the Code of Conduct (although sometimes time consuming) were fair and reasonable, but effective outcomes and improved behaviours were often not achievable.
2. That the most significant gap was the lack of sufficient sanctions to deter or improve inappropriate behaviours.
3. That the responsibilities imposed on district council standards committees in areas such as Wyre were problematic, because of the large amount of time spent on dealing with complaints relating to parish and town councillors. In Wyre a disproportionate amount of time had been spent on complaints relating to behaviours and relationships with a very small number of Parish/Town Councils, which it had not been possible to resolve under the current arrangements.

Q's (c) and (d) Codes of Conduct

When the Localism Act was implemented, Wyre Council had chosen to adopt a simple, "light touch" Code of Conduct based on the existing model. The Standards Committee recognised that it could consider recommending to the Council that, in the light of experience, a more rigorous code should now be

adopted which could, for example, require councillors to treat others “with respect” or refer more explicitly to situations when Councillors would be considered to be “acting as a Councillor” in the event of alleged breaches of the Code.

Q(e) Investigations and decisions on allegations

The Committee considered that Wyre had adequate processes in place to investigate complaints, but a significant amount of time could still be spent dealing with fairly low level behavioural issues, rather than tackling significant wrongdoing or corruption.

Q(f) Sanctions

The sanctions currently available were considered to be insufficient. Naming and shaming was not always a deterrent. The national review should therefore recommend to the Government that additional, more meaningful, sanctions be made available to local Standards Committees, including consideration of the following:

- Suspensions;
- Enforced removal from Committees or positions of responsibility, without reference to a Group Leader (which it was recognised would have to exclude the Leader of the Council, who can only be removed by a vote of the whole Council);
- Withdrawal of Allowances.

Q(g) Declaring interests and conflicts of interest

The Committee considered that clearer guidance should be given to Councillors on when interests should be declared, particularly when a non-financial interest was “significant”.

Q(h) Whistleblowing

The Committee noted that Wyre’s Whistleblowing Policy was primarily targeted at employees (although Councillors could use it if they felt it necessary). As the policy had originally been approved and was reviewed annually by the Audit Committee, most recently in November 2017 when it had been considered satisfactory, the Standards Committee agreed that there was no need to comment on this issue.

Q’s (i) and (j) What steps could be taken by central government or the Council to improve standards?

The Committee reiterated its view that the measures referred to above should be considered, particularly the need for more effective sanctions.

Q(k) Intimidation of local councillors

The Committee noted that this question had been included in the consultation as a follow up to a separate review recently undertaken by the Committee on Standards in Public Life on intimidation of candidates during the 2017 elections (and that for that review, intimidation had been interpreted as “*words and/or behaviour intended or likely to block or deter participation, which could reasonably lead to an individual wanting to withdraw from public life*”). The review had revealed that some candidates had experienced physical violence, damage to property, threats and abusive online and offline communication. Women, particularly black and Asian women, candidates and MPs were found to be disproportionately subjected to intimidation. A large amount of concern about intimidation via social media had also been reported.

The intimidation of candidates at elections was not considered to be a particular problem in Wyre, but concerns were expressed about the potential impact of increasingly vitriolic social media attacks on individual Councillors.

RESOLVED:

1. That the Monitoring Officer be asked to prepare a response to the consultation document, in line with the views expressed at the meeting (as listed above), to send copies to members of the Committee for information and then to submit it to the Committee on Standards in Public Life by the deadline of 18 May 2018.

That the Monitoring Officer be requested to report to a future meeting of the Standards Committee on possible revisions to the Council’s current Code of Conduct.

22 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 had been completed since the last report to the Standards Committee. The Monitoring Officer said that brief details of each of the complaints were included in the schedule. She provided further information to the Committee at the meeting, as follows:

Ref: 2016/18

A Standards hearing had been held the previous day to consider a complaint made by Cllr Rita Hewitt against Cllr Terry Rogers.

The Panel had concluded that Fleetwood Town Council had used its Standing Order relating to disruption of meetings inappropriately, but did not find that Councillor Terry Rogers had breached the Councillors Code of Conduct.

In light of this finding, the Panel had recommended that the following actions be taken:

- That Members of the Town Council receive training on the Council's Standing Orders.
- That it be minuted at a future Town Council meeting that Standing Order 29 had been used inappropriately on 3 previous occasions.
- That Standing Order 29 should be reviewed by the Town Council with a view to making it clearer and to remove any ambiguities.
- That the Town Council give consideration to arranging mediation between Councillor Rogers and Councillor Hewitt.

The decision letter to be sent to both parties would also indicate that any future complaints from either party concerning each other's behaviour would not be considered. Such complaints would be put on hold until the mediation recommended by the Standards Committee at the hearing had been satisfactorily completed.

Ref: 2017/04

A Standards hearing had been held the previous day to consider a complaint made by four Wyre Councillors against Cllr Evelyn Stephenson. The Standards Committee had accepted the Investigating Officer's findings and concluded that the behaviour of Councillor Evelyn Stephenson at the Planning Committee meeting on 5 July 2017, at which applicants, objectors and members of the public were present, had failed to meet her requirement to "*promote and support high standards of conduct when serving in your public post*" and that she had therefore breached the Council's Code of Conduct.

The Panel had decided to recommend to Cllr E Stephenson that she agree to the following wording being included on the agenda for a future meeting of the Planning Committee:

"At the Planning Committee on 5 July 2017 I made some comments in relation to the Fleetwood Pier application. As you will no doubt recall, it was a very controversial meeting which was noisy, heated and emotional. I was very much aware of the strength of public feeling in Fleetwood about the impact the proposed development would have and having heard the debate felt passionately that it should have been refused. However, a Panel of Standards Committee Members has now informed me that some of my behaviour at that meeting amounted to a breach of the Councillors Code of Conduct.

I apologise for that breach."

Ref: 2017/05

An initial investigation had been completed and the complainants have been updated. However, additional questions had been raised by the complainants and these were currently being considered.

Ref: 2017/06

An initial investigation has been completed and the complainants have been updated. However, additional questions had been raised by the complainants and these were currently being considered.

Ref: 2017/09

There was nothing further to report on this case at this moment in time.

Ref: 2018/01

There was nothing further to report on this case at this moment in time.

RESOLVED:

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

23 Date of next Meeting

The Committee noted that its next scheduled meeting was currently due to be held at 6pm on Thursday 21 June 2018.

The meeting started at 6.00 pm and finished at 7.10 pm.