

Standards Committee

Thursday, 30 July 2020

7:30pm

Present:

Cllr John Caller (Chair)
Cllr Lyn Milner (Vice-Chair)

Cllrs: Emma Elliott
Gary Harding
Les Hoskins
Emma Morley
Gurbax Singh
Lauren Sullivan
Denise Tiran

Jan Guyler Head of Legal Services
Ben Clarke Committee & Scrutiny Assistant (Minutes)

7. Apologies for absence

An apology of absence was received from Cllr Diane Marsh; Cllr Les Hoskins substituted.

8. To sign the minutes of the previous meeting

The minutes of the meeting on Thursday, 01 August 2019 were signed by the Chair.

9. Declarations of Interest

The minutes of the meeting on Thursday, 01 August 2019 were signed by the Chair.

10. Review of Ethical Standards Report

The Committee were provided with a report that updated them on the Council's response to the best practice recommendations made by the Committee on Standards in Public Life following its review of ethical standards in local government, which was published in January 2019.

The Head of Legal Services drew Members attention to Appendix Five to the report which listed the Council's proposed response to the fifteen best practice recommendations from the Committee on Standards in Public Life.

The Head of Legal Services outlined each proposed response to the Committee and Members gave their comments:

1. Response to Recommendation 1 – **Approved**
2. Response to Recommendation 2 – **Approved**

3. Response to Recommendation 3 – **Approved**

4. Response to Recommendation 4 – **Approved**

5. Response to Recommendation 5 – **Approved subject to the following:**

Members agreed to the £50 value limit for recording any gifts and hospitality but the Chair advised that the value limit would be reviewed again following the results of the consultation and amended to £25 if necessary.

6. Response to Recommendation 6 – **Approved subject to the following:**

A typographical error, a second use of the word ‘or’, was noted on page 163 and the Head of Services agreed to amend it.

7. Response to Recommendation 7 – **Approved subject to the following:**

The Head of Legal Services added that the interviews for the recruitment of two Independent Persons concluded this week; thirteen applications were received.

In response to a question on the key criteria for an Independent Person, the Head of Legal Services advised that the Panel looked for an applicant who had an interest in maintaining high standards, had experience in dealing with complaints, legal experience, a high level of communication skills, a high level of reading and report writing. The desired applicants were qualified lawyers or barristers but that was not essential.

Some concern was noted by a Member in difficulty finding a completely independent person in the Legal profession.

8. Response to Recommendation 8 – **Approved;**

Concern was raised by a Member with regards to Question Four in Appendix Seven as he felt that the Independent Person would have too much power in terms of deciding if no further action was needed to be taken with a complaint from a Member. The Head of Legal Services assured Members that it was still the decision of the Standards Committee if a complaint received from a Member was deemed serious enough to warrant an investigation

9. Response to Recommendation 9 – **Approved**

10. Response to Recommendation 10 – **Approved**

11. Response to Recommendation 11 – **Approved**

12. Response to Recommendation 12 – **Approved subject to the following:**

The Head of Legal Services advised that the proposed response had a typographical error which she would amend; it should read ‘Since April **2017**’

13. Response to Recommendation 13 – **Approved**

14. Response to Recommendation 14 – **Approved**

15. Response to Recommendation 15 – **Approved subject to the following:**

Cllr Lyn Milner asked that congratulations be noted for the Head of Legal Services for her work on the documents submitted to the Committee; Cllr Milner was particularly pleased to see that Parish Councils had been actively engaged with during the process.

It was **resolved** that the Committee:

- Recommended the proposed changes to the Code, as demonstrated as tracked changes at Appendix 6 to the report, to Full Council
- Approved the changes to the procedure for dealing with Member Conduct complaints, as demonstrated as tracked changes at Appendix 7 to the report
- Agreed to review the Member Code of Conduct on an annual basis and make recommendations to full Council as necessary, and that where possible when substantial changes are proposed, the views of the public, community organisations and neighbouring authorities are sought
- Agreed that decision notices relating to the outcome of formal investigations be produced and published, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision- maker, and any sanction applied and that these be kept on the website for a period of 12 months, subject to that when the outcome of a hearing is a Committee finding of no breach, the subject member is given the option as to whether the decision notice includes their names or whether it remains anonymous and does not provide information that could identify the subject member
- Agreed that the Monitoring Officer request the 6 parish councils in Gravesham to formally acknowledge the expectation that formal complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances and confirm their commitment to adhere to this in relation to any future complaints of this nature
- Agreed that the Monitoring Officer ask all alternative delivery models set up by the local authority to publish board agendas, minutes and annual reports
- Noted all other responses set out in the table at Appendix 5 where no specific or additional action is required.

11. Recruitment to Statutory Post of Independent Person x2

The Committee were updated on the need to recruit to the statutory post of Independent Person x2 and the outcome of the recruitment process.

The Head of Legal Services stated that all local authorities were required under Section 28 (7) of the Localism Act 2011 to appoint at least one Independent Person. Since the introduction of The Local Authorities (Standing Orders) (England) Regulations 2015, it was

amended so that a local authority had to include at least two independent persons to a panel hearing the dismissal of a senior officer.

Gravesham Borough Council already had one Independent Person who was appointed in 2016; amendments were made to the process for considering complaints in 2019, which included the provision to recruit to the IP role for a new 4 year term commencing on 13 October 2020.

The Head of Legal Services advised that thirteen applications were received and eight of them were shortlisted for interviews which were concluded this week.

It was **resolved** that the Committee:

- Noted the need to recruit to the statutory Independent Person post and the outcome of the recruitment process.

12. Delegation to the Monitoring Officer to consider and determine requests for dispensations from Members

The Head of Legal Services sought agreement from the Committee to recommend to Council that a delegation be made to the Monitoring Officer to consider and determine any requests for dispensation from Gravesham Members and co-opted Members.

The Head of Legal Services assured the Committee that the delegation was not a blanket authority for the Monitoring Officer and it was envisaged that the delegation would be used very rarely and only in urgent situations where a particular issue arose and it was not practical to convene a Standards Committee in time. It will remain the case that the majority of requests for dispensations will be considered by the Standards Committee and only a small minority of requests would be considered and determined by the Monitoring Officer in genuine emergencies.

The Head of Legal Services advised that all decisions that were delegated to the Monitoring Officer would be reported back to the Standards Committee and Members would be fully updated.

It was **resolved** that the Committee:

- Recommended to Council that a delegation be made to the Monitoring Officer to consider and determine any requests for dispensations from Gravesham Members and co-opted Members in cases where the timing of a request would make it impractical to convene a meeting of the Standards Committee.

13. Response to LGA's Consultation on Model Code of Conduct

The Committee were provided with a draft response from the Monitoring Officer to a consultation on a model code of conduct for Councillors prepared by the Local Government Association for comments/suggested amendments.

The Head of Legal Services drew Members attention to Appendix Two to the report which highlighted the Monitoring Officers comments in red on the LGA's Model Member Code of Conduct Consultation Draft.

The Head of Legal Services informed Members that the comments made by the Monitoring Officer were all draft suggestions to assist the Committee in formulating a response to the consultation and their comments/amendments were requested.

It was explained to the Committee that the deadline for the consultation was the 17 August 2020 and the Monitoring Officer would submit a response on behalf of the Council; the public consultation mainly targeted local authority Heads of Legal, Monitoring Officers, Council Leaders and members of the public. The Head of Legal Services explained that adoption of the LGA Code of Conduct was voluntary but the LGA were hopeful that many local authorities would adopt it so that there was consistency across the country.

The Head of Legal Services went through each draft comment from the Monitoring Officer, at Appendix Two, and the Committee approved all of the comments for the consultation response subject to the following amendments:

- The third bullet point ‘treat all persons with civility’ should be included in the Model Code of Conduct:

A lengthy discussion was had by the Committee on the draft comment from the Monitoring Officer recommending that ‘treat all persons with civility’ be removed from the Model Code of Conduct. Members of the Committee felt strongly that ‘civility’ was an important factor in the conduct of Members but there was some discussion around using different words such as integrity and honesty. Upon conclusion of the discussion, it was agreed that ‘treat all persons with civility’ should be kept in the Model Code of Conduct but if any problems arose by adopting this in the future such as a significant increase in petty complaints due to the differing perception of “civility” then the line would be revisited and reviewed again. In response to a question regarding similarity with Medway’s Code of Conduct, the Head of Legal Services explained that Gravesham and Medway’s Code of Conducts were similar but they did not need to be identical; however Medway Council still underwent the same process as Gravesham.

- It was agreed that the additional paragraphs for the below sections of the LGA Model Code of Conduct would not be included in Gravesham Codes of Conduct as that extra level of detail was deemed not necessary and it would make Gravesham’s Code of Conduct too text heavy and the response to the Consultation would reflect this:
 - 4. Impartiality of Officers of the Council
 - 5 & 6. Confidentiality and Access to Information
 - 7. Disrepute
 - 8. Your Position
 - 9. Use of Council Resources and Facilities
 - 10. Interests
- With regards to gifts and hospitality, it was agreed that GBC’s Code of Conduct was amended to the thresholds of £50 and £100 to reflect the CSPL recommendations in January 2019. However, if the outcome of the consultation for the LGA Model of Conduct was confirmed to have reduced the threshold further to £25 for a single or series of gifts then it would be reflected in Gravesham’s Code of Conduct. In the response to the consultation the Committee would agree to the suggested threshold of £25.

- The outcome of the consultation will be awaited before making a decision regarding creating a right of appeal

The Head of Legal Services drew Members attention to Appendix Four to the report which held a questionnaire from the LGA to the Monitoring Officer regarding Gravesham's Code of Conduct.

The Head of Legal Services advised that the answers were in draft form and the actual answers to the questions would be submitted online; Members feedback on the answers was requested to complete the response:

- Question 1 & 1A – **Approved**
- Question 2 – **Approved**
- Question 3 – **Approved subject to the following:**

Concern was raised by a Member over the phrase 'personal tense' as it was not grammatically correct. The Head of Legal Service responded that it was the standard form received from the LGA but she promised to try and amend the wording.

- Question 4 – **Approved subject to the following:**

The Head of Legal Services advised that the answer to the first obligation 'Treating other councillors and members of the public with civility' would be amended to agree with that proposal 'to a great extent'.

It was pointed out by a Member that obligation twelve advised that the value limit for registering a gift or hospitality with the Monitoring Officer was £25 but it had been agreed earlier in the meeting to keep the value limit at £50.

The Chair agreed and asked that the Head of Legal Service ensured obligation twelve was amended before submission.

- Question 5 - **Approved subject to the following:**

The Head of Legal Services advised that the amendment regarding 'Civility' would be added to the question.

- Question 6 – **Approved**
- Question 7 – **Approved subject to the following:**

It was agreed that the Head of Legal Services would amend the answer to question seven to 'To a great extent'.

- Question 7a – **Approved subject to the following:**

Due to the previous discussion on 'Civility' it was agreed that the wording of the answer would be completely removed by the Head of Legal Services and left blank.

- Question 8 & 8A – **Approved**
- Question 9 & 9A – **Approved**
- Question 10, 10A & 10B – **Approved**
- Question 11 – **Approved subject to the following:**

The Head of Legal Services agreed to amend the answer to question 11 to 'To a great extent'.

- Question 11a – **Approved subject to the following:**

The Head of Legal Services agreed to delete the answer to question 11a.

- Question 12 & 12A – **Approved**
- Question 13 & 13A – **Approved**
- Question 14 & 14A – **Approved**
- Question 15 – **Approved**
- Question 16 & 16A – **Approved**
- Question 17 – **Approved**

The Head of Legal Services concluded the discussion and advised that a document was circulated via email earlier in the day which summarised a webinar meeting that the Head of Legal Services attended to discuss the LGA's Model Code of Conduct.

The Chair and The Head of Legal Services thanked Members of the Committee for their feedback on the draft response to the LGA's consultation Model Code of Conduct.

Close of meeting

The meeting ended at 20:39pm.