

STANDARDS COMMITTEE

17 March 2020

Present:-

Councillors J Mathews (Chair), M Asvachin, R Bloxham, P Colthorpe, C Slade and P Twiss

Apologies:-

Councillors A Connett, Sir Simon Day, I Hipkin, R Hodgins, A Mayes and R Saltmarsh

* 76

Minutes

RESOLVED that the minutes of the meeting held on 4 November 2019 be agreed as a correct record.

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Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 78

Customer Service Centre - Call Data and Training

The Committee received a presentation from Mr R Jenkins (End User Computing Manager) on the Council's Customer Service Centre. This was following a discussion at a meeting of this Committee on 4 November 2019 (minute 70 referred) which resolved that the Manager of the Customer Service Centre be invited to a future meeting to discuss call recording and associated performance management and training.

The presentation covered issues surrounding call handling such as the use of the 0345 prefix lines (as opposed to 0845), GDPR compliance, recording of calls and call storage.

Mr Jenkins also advised the Committee on performance standards including the receipt by staff of monthly reports on performance against required standards, additional safeguards and checks, customer feedback monitoring and feedback to staff, appraisals and coaching by both managers and peers.

The Committee also heard about the training mechanisms in place including specific induction training, health & safety, GDPR obligations, equalities, customer service and call handling skills as well as attendance at 'welcome to devon' days before specific training in certain service areas such as waste and recycling, residents' parking, before the addition of more complex services such as Care Direct, Childrens' Services and Highways as well as seasonal training on schools admissions, winter weather and / or service specific updates.

Members discussed and asked questions on the first line response, the number of queries resolved first time, scrutiny of performance data and the ability to drill down that data, speed of call answering and the resilience measures in place.

RESOLVED that the presentation be welcomed and circulated with the minutes of the meeting.

* **79** **Standards Committee Annual Report for 2019/20**

The Committee considered the draft of the Standards Committee Annual Report for 2019/20 prepared in line with best practice commenting on its work and developments during the year and on any issues for consideration or development in the future.

The Committee met four times in 2019/20 with three ordinary meetings and one convened to consider a complaint and whether the matter warranted a full investigation. Co-opted Members attended a further 21 meetings of Council, Cabinet or Committees to observe and monitor compliance with the Council's ethical governance framework.

The Report also referred to the number of complaints that had been received over the last 12 months, the nature of the allegations and the outcome of each of those.

The Committee had also considered the Report 'Local Government Ethical Standards - A Review by the Committee in Public Life' and had previously submitted a response to the Consultation. They had also discussed the identified 'best practice' and whilst much of this was already in train, a number of additional suggestions were made and adopted such as amending the code of conduct to require Councillors to comply with any formal standards investigation, agreeing to review the code of conduct annually, publishing the gifts and hospitality register online which was now available on Members profile pages and the writing of a public interest test which was also available on the website.

During 2018/19 the Council had agreed a policy that Members of the Council would undergo a basic DBS check, notwithstanding that a Councillor may undertake certain roles which, in line with the legislation, required them to undergo an enhanced DBS check. The Council also approved a Risk Assessment. The Committee noted that all Councillors had now undergone the DBS check process and a list was published on the website.

The Annual Report also referred to the fourth Ethical Governance Survey which had been conducted between 27 August 2019 and 20th September 2019. The majority of responses to each question had been positive, particularly in relation to engagement with democracy and the local community. The Committee previously welcomed the qualitative responses received which gave reassurance in terms of good standards of Governance.

Looking ahead, the key issue for 2019/20 would be a new Model Code of Conduct anticipated in the summer of 2020, which could mean an overhaul of current regimes.

The Committee acknowledged that the publication, independently, of an Annual Report by the Committee complemented and gave rigour to the Council's Annual Governance Statement which it was required to publish on an annual basis.

RESOLVED that the Annual Report for 2019/20 be approved, published on the Council's website and promoted via Inside Devon.

* **80** **Model Code of Conduct - Update**

The Committee considered the Report of the County Solicitor: Chief Officer for Legal, Human Resources and Communications (CSO/20/8) which gave a position statement on the proposed new Model Code of Conduct.

The Board of the Local Government Association (LGA) on 11th September 2019 had agreed to commence reviewing the Code as part of a wider programme on civility in public life. The first stage of the review had been completed (which was the gathering of views and good practice examples) and also a series of workshops held with national representative bodies where there were mutual concerns expressed about the current codes, inconsistencies in application, a lack of guidance and sanctions.

The aim of the LGA was to develop a code that benchmarked a standard for all public office and for those engaged in public discourse and debate. It would set out the duties and expectations of persons in public office as well as their rights, particularly to be protected from abuse and intimidation.

The next stages of the review process were outlined in the Report which included the launch of the consultation period (week commencing 16 March until 24 April), the review of consultation findings with a view to a final copy being provided to the LGA Board in early June and a proposed launch date of 30th June on the first day of LGA conference.

The Committee noted this review was significant, being the first major rewrite of a model code of conduct for a number of years and it was important for the Committee to submit their views and comment on the proposals.

It was **MOVED** by Councillor Mathews, **SECONDED** by Councillor Bloxham, and

RESOLVED

(a) that the update and timeline outlined in the Report be noted;

(b) that the Committee consider, either via special meeting or remotely, the Consultation on the Model Code of Conduct from the Local Government Association (LGA) and;

(c) that delegated power be given the County Solicitor: Chief Officer for Legal, Human Resources and Communications in consultation with the Chair of the Committee, to submit the final response.

* **81** **Ethical Governance Framework: Monitoring**

The Committee received the report of the County Solicitor: Chief Officer for Legal, Communications and Human Resources ([CS/20/3](#)) summarising feedback from Co-opted Members of this Committee on their attendance at meetings of the Council, Cabinet and Committees since the previous meeting monitoring compliance by Members and Officers with the Council's ethical governance framework.

The Committee were pleased to note that there had been no areas of significant concern or any indication of actions or behaviours that might be felt to have resulted in a potential breach of the Code, acknowledging also that steps would continue to be taken to address practical and procedural matters in light of Member's comments arising from both this and the previous monitoring reports in future training sessions (for example, background noise in Committees, nameplates and the use of forenames).

* **82** **Local Determination of Complaints**

The Head of Democratic Services reported that, since the last meeting, four complaints concerning alleged breaches of the Members Code of Conduct had been received relating to Councillors failing to treat others with courtesy and respect, intimidating and disrespectful behaviour, derogatory behaviour, improperly conferring an advantage, failure to observe the 'principles of public life' and act in the public interest, damage to the reputation of the Council and bullying / intimidatory behaviour.

Following an initial assessment of the complaints and consultation with an Independent Person appointed by the Council it had been agreed that no further action should be taken on two of the complaints on the basis that either there had been no material breach of the code to warrant further investigation or that the allegations would not be a breach of the Code of Conduct and, accordingly, could not therefore be investigated.

One complaint would be determined later in the meeting and the last complaint received was in the process of being discussed with the Independent Person.

* **83** **Exclusion of Press and Public**

It was **MOVED** by Councillor Mathews, **SECONDED** by Councillor Slade, and

RESOLVED: that the press and public be excluded from the meeting for the following items of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 and 2 of Schedule 12A of the Act namely, information relating to an individual and information likely to reveal the identity of an individual and in accordance with Section 36 of the Freedom of Information Act 2000, by virtue of the fact that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

* **84** **Allegation of Breach of Members' Code of Conduct**

The Committee considered the Report of the County Solicitor: Chief Officer for Legal, Communications and Human Resources and Monitoring Officer which also included the Deputy Monitoring Officer's Reports into a complaint received from Mr Walker (the Complainant) relating to alleged breaches of the Members' Code of Conduct by Councillor's S Hughes and P Twiss (the Subject Members).

The covering Report gave the background on actions to date including receipt of the complaint, investigation and consultation with the Independent Person, as required.

The Committee was asked to consider the Deputy Monitoring Officer's Reports, take into account the findings of the Deputy Monitoring Officer, determine whether there had been a breach of the Member's Code of Conduct and if so what sanctions, if any, be imposed, having due regard to the nature of the complaint.

In relation to the complaint against Councillor Hughes, it was alleged the Subject Member failed to apply the principles of public life (integrity, objectivity, openness, personal judgment, respect, upholding of the law and stewardship) and breached the general provisions of the code of conducts as outlined at sections 1.3(a), 1.3(d), 1.3(e), 1.3(f), 1.3(g) and 1.3(i), 1.6, 1.7 and 1.8. Furthermore, that he had breached sections 5(a), 5(c), 5 (d), 5(e) and 5(h) of the Code of Conduct.

In relation to Councillor Twiss, the Complainant alleged that the Subject Member breached the Council's Code of Conduct in the way he spoke to the Complainant and dealt with procedures during a meeting of the East Devon Highways and Traffic Orders Committee on 22 November 2019 and damaged the reputation of the Council through his behaviour at that same meeting.

The Report of the Deputy Monitoring Officer outlined his findings against each of the allegations made.

The Committee considered the findings and recommendation of the Deputy Monitoring Officer in relation to Councillor Hughes.

RESOLVED that

(a) in relation to the East Devon Highways and Traffic Orders Committee, the meeting had been carried out in accordance with the Constitution and relevant operating protocols including those relating to conduct and behaviour, and as such, there had been no breach of the Councils Code of Conduct;

(b) with reference to the other allegations, the relevant sections outlined above, the Committee agree there has been no breach of the Councils Code of Conduct;

(c) in relation to the Complainant's assertion that 1.7 (at all times avoid any occasion for suspicion or appearance of improper conduct) was breached, the Subject Member acted appropriately in putting forward the proposal in question and arranging barriers. However, the subsequent tweet and quoted remarks in the Sidmouth Herald were felt, by the Committee, to be a lapse of judgement by Councillor Hughes, but not a breach of the Code; and

(d) in light of (c) above, the Council's Social Media Protocol be refreshed and issued to all Members in due course.

The Committee then considered the findings and recommendation of the Deputy Monitoring Officer in relation to Councillor Twiss.

RESOLVED that the Committee agree that the Subject Member (Councillor Twiss) had not breached Code of Conduct and no sanctions were therefore appropriate.

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 2.15 pm and finished at 3.10 pm