

STANDARDS COMMITTEE

16 November 2020

Present:-

Councillors S Barker (Chair), M Asvachin, R Bloxham, P Colthorpe, C Slade, P Twiss, I Hipkin, R Hodgins, A Mayes and R Saltmarsh

Apologies:-

Councillor A Connett and Sir Simon Day

* **90** **Minutes**

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

RESOLVED that the minutes of the meeting held on 17 March 2020 be agreed as a correct record.

* **91** **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency but the Chair wished to place on record his thanks to the Co-opted Members of the Committee who had continued to attend meetings remotely to give the Council valuable feedback on Governance issues and the operation of virtual meetings.

* **92** **Ethical Governance Framework: Monitoring**

The Committee received the Report of the County Solicitor ([CS/20/12](#)) 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.

Of particular note was that meetings were being held virtually and a number of positive comments were made including that Members appeared to be at ease with the technology, spoke in an orderly fashion and there was always efficient advice available should members have a problem.

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.

* **93 Annual Review of the Code of Conduct**

The Committee noted that they would normally conduct an annual review of the Council's Code of Conduct.

However, the Committee agreed that with a new Code of Conduct anticipated in early December, the Committee would review, consider and adopt a new and revised Code of Conduct at its next meeting.

* **94 New Model Code of Conduct Consultation**

The Committee considered the Report of the County Solicitor (CSO/20/19) on the Model Code of Conduct Consultation and the Council's response.

Members recalled that the Committee had previously considered the Report of the Committee on Standards in Public Life 'Local Government Ethical Standards - A Review by the Committee in Public Life'. This final report was published on 30 January 2019 and whilst a number of issues surrounding behaviours and governance in public life were considered, there was a recommendation that the Local Government Association (LGA) create and draft an updated new model Code of Conduct.

As part of the process, a series of workshops had been held with national representative bodies to develop some broad principles. The aim had been to develop a code that benchmarked a standard for all in public office and for those engaged in public discourse and debate. Its main purpose was to assist Councillors in modelling the behaviour expected of them, to provide a personal check and balance, and to set out the type of conduct against which appropriate action may be taken.

The original proposed timeline was delayed due to the COVID-19 pandemic, however, four webinars had been conducted with over 1000 participants and over 1600 written responses to the consultation received. Whilst there was support for the Code, a number of issues had been raised nationally such as use of the first person or third person, the wording in relation to respect or civility, social media issues including confidentiality, the threshold for the declaration of gifts, the need for accompanying guidance with examples, the Equality Act, an obligation to cooperate with investigations, compulsory training for members and the application of sanctions.

The Council had submitted a response to the Consultation, a copy of which was attached to the agenda. Members had been consulted on the proposed response over the summer. Whilst the Council supported many of the aims of the Code, it also raised concerns over the lack of sanctions in the new proposals.

The draft Code had been discussed at a Councillor's Forum on the 22/10/20 and would be reviewed in light of that discussion and a final Code prepared for the Local Government Association Board for approval on 3rd December

2020. The approved Code would then be published and issued to Local Authorities with associated guidance.

It was **RESOLVED** that the update and progress on the Model Code of Conduct be noted.

* **95** **Committee on Standards in Public Life - Landscape Review of Public Standards**

The Committee noted that the Committee on Standards in Public Life had launched Standards Matter 2, which was a landscape review of the institutions, processes and structures in place to support high standards of conduct.

It proposed to look at best practice and identify any themes and gaps in the way the [Seven Principles of Public Life](#) were promoted and maintained.

As part of this, the Committee on Standards in Public Life was running a public consultation and a public sector survey as part of this review. As the survey was inviting individual experiences, Members were asked to respond individually if they so wished. The Consultation ended on 18th December.

The [terms of reference](#) for the review were available on the website as well as the ability to [reply to the consultation](#).

* **96** **Local Determination of Complaints**

The County Solicitor reported that, since the last meeting, nine complaints concerning alleged breaches of the Members Code of Conduct had been received relating to County Councillor behaviour.

The complaints and the nature thereof were detailed below and following an initial assessment of each of the complaints and consultation with an Independent Person appointed by the Council, it had been agreed that the associated actions be taken.

1. A member of the public had felt unfairly treated – further detail was sought from the complainant but no response was received, therefore no further action could be taken.

2. Failure to deal with constituent enquiries and preventing the community from accessing information – no breach of the code was established but an apology was given for overlooking an email.

3. Inappropriate use of social media and the associated failure to promote high standards of conduct, not treating others with courtesy and respect, bringing the Council into disrepute, failure to act in the public interest and inappropriate language on social media – this had been subject to further investigation and was to be considered later in the agenda.

4. Inappropriate use of Facebook and alleged harassment – as comments were not made in the capacity of a being a County Councillor, no further action could be taken.
5. Allegations of attempting to influence, change, undermine and interfere with the conduct of Parish Council business – no breach of the Code of Conduct was established therefore no further action was taken.
6. Comments made in the background of a remote Council meeting - it was established that the comments were by a member of the public, therefore no action was taken.
7. Allegation of abuse of position as an elected member and bullying – Chief Officer of the service area had been asked to look at the matter further.
8. Lack of impartiality regarding a planning application – the matter was connected to the individual's role as a Parish Councillor, therefore no further action was taken on the complaint.
9. Failure to act in the public interest between rural & urban splits in the Parish – the complaint had yet to be assessed.

* **97** **Exclusion of Press and Public**

It was **MOVED** by Councillor Barker, **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.

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

The Committee considered the Report of the Deputy County Solicitor and Monitoring Officer relating to a complaint received from Mr Hayward (the Complainant) relating to an alleged breach of the Members' Code of Conduct by Councillor Stuart Hughes (the Subject Member).

The covering and investigation Report of the Deputy County Solicitor and Monitoring Officer gave the background on actions to date including receipt of the complaint, consultation with the Independent Person, the views of the Assessment Sub Committee and the decision of the Assessment Sub Committee that a Report be brought forward to the next meeting of the Standards Committee in relation to clarification on sponsorship and a social

media tweet. The Assessment Sub Committee had determined that no further action should be taken in relation to a third social media tweet.

The Deputy County Solicitor and Monitoring Officer's Report highlighted the matters had been investigated but stressed the importance of the Committee thoroughly considering the issues before reaching its own conclusion as to whether or not there had been a breach of the Members' Code of Conduct.

The Report of the County Solicitor and Monitoring Officer also encompassed the views of the Independent Person following his consideration of the investigation Report who concurred with both the content and recommendation.

The County Solicitor and Monitoring Officer reminded the Committee of their role and remit which was to determine whether or not it considered the Code of Conduct had been breached. If the Committee found there was no breach then there would be no further action, but if the Committee felt there had been a breach then it needed to determine what sanctions, if any, should be applied to the Subject Member.

The sanctions available to the Committee were to require the Subject Member to issue a formal, public apology, recommend that the Committee issue some form of public censure of the Subject Member, recommend to the appropriate Group Leader that the Subject Member be removed from any or all Committee / Sub Committees and outside bodies, exclude or restrict the Subject Member's access to some or all County Council premises, instruct the Monitoring Officer to arrange training, remove the Subject Member from all outside bodies appointed to or nominated to by the Council; and / or withdraw facilities (e.g. computer access).

The decisions of the Committee on each of the alleged breaches and application of allowable sanction is detailed below.

The findings of the Report were that, in relation to the retweeted message there had been no failure under paragraph 1.3(h), 5(b) or 5(c), but the Committee needed to consider whether there had been a potential failure under paragraph 1.3(i) and 4(a) (promote and support high standards of conduct and treat others with respect and courtesy). In relation to the second post, the investigation report found there had been no breach of 1.3(a), 1.3(b), 1.3(f), 5(a), 5(e) or 5(h).

The Committee expressed their view that the sponsorship issue had now been thoroughly investigated and they agreed with the investigating officers report that there had been no breach of the Code of Conduct.

However, in relation to the reported retweet, it was **MOVED** by Councillor Bloxham, **SECONDED** by Councillor Slade and **RESOLVED** that there had been a breach of the Code of Conduct under paragraph 1.3(h) (to promote and support high standards of conduct when serving in the public post) and

paragraph 4(a) (to treat others with courtesy and respect) and subsequently the Committee asks the Monitoring Officer to provide guidance to the Subject Member relating to the use of social media and retweeting messages which could cause offence.

*(In line with the Procedure agreed under Standards Minute *18, Mrs Mayes and Mr Hodgins showed their support for the approved resolution. In line with that procedure, their views are recorded in the minutes).*

NOTES:

1. Minutes should always be read in association with any Reports for a complete record.
2. If the meeting has been webcast, it will be available to view on the [webcasting site](#) for up to 12 months from the date of the meeting

DENOTES DELEGATED MATTER WITH POWER TO ACT

The Meeting started at 2.15 pm and finished at 3.38 pm