

## STANDARDS COMMITTEE

23 March 2021

### Present:-

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

### Apologies:-

Councillors R Saltmarsh

#### \* 99 **Minutes**

It was **MOVED** by Councillor Barker, **SECONDED** by Councillor Bloxham, and **RESOLVED** that the minutes of the meeting held on 16 November 2021 be agreed as a correct record.

#### \* 100 **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

#### \* 101 **New Model Code of Conduct Update**

The Committee considered the Report of the County Solicitor (CSO/21/3) on the current position with the new model code of conduct.

The Committee noted that they 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' which had been published on 30 January 2019. One of the recommendations of that Report was that the Local Government Association create an updated model Code of Conduct.

The Report explained the LGA's wider programme of work on civility in public life and also the consultation process that had taken place in preparing the Code. The purpose of the new Code of Conduct was to assist Councillors in modelling the behaviour expected of them and to set out the type of conduct against which appropriate action may be taken, including some general principles of conduct.

In terms of responding to the Consultation, Devon's response was broadly in support of the aims of the Code, but raised concerns over the lack of sanctions in the new proposals, in line with many other Councillors and Officers.

A copy of the final Model Code was received on the 23rd December and the Report contained a summary of its contents including a number of general principles of Councillor conduct (based on Nolan), when the code applied and what types of communication it covered. It also set out obligations, which were the minimum standards of conduct required of a Councillor, covering issues such as respect, bullying, harassing, equality, impartiality, confidentiality, interests, gifts and hospitality and not bringing the Council into disrepute. The Report outlined all the obligations in full.

The current Code of Conduct for the Council was attached to the agenda and Members noted that it had been adapted on numerous occasions, for example the adoption of the 'Local Government Ethical Standards - A Review by the Committee in Public Life' 'best practice' recommendations.

The Committee noted that additional guidance was anticipated to support the application of the new Local Government Association Code, initially expected in March but now more likely to be May.

Whilst many of the additions to the new Code were welcomed, for example the inclusion of social media and other electronic communications, the lack of sanctions was still a cause for concern, although it was acknowledged these required primary legislative changes.

Whilst the Local Government Association was promoting the new Code for adoption, there was no statutory requirement to do so and early conversations with colleagues were already showing a mixed picture, with some proposing to adopt the new Code but with local tweaks and others in its entirety and others proposing to adopt parts.

Members noted that:

- sanctions within the Code still needed amending and strengthening;
- declaration of gifts and hospitality outlined a £50 limit, but did not discuss frequency and how often a Member could receive them;
- the definition of co-opted members was different at County compared to Parishes and could be confusing for some Members;
- the aspiration was to have a uniformed Code across all Councils that had some authority;
- co-opted Members, whether voting or not, still had power and influence and therefore the Code should still apply; and,
- there had to be a reason to impress upon councillors the need to adhere to a code of conduct.

It was **MOVED** by Councillor Barker **SECONDED** by Councillor Twiss and **RESOLVED**

(a) that the process by which the Local Government Association (LGA) Model Code of Conduct was prepared and written be noted;

(b) that Members note further guidance is awaited, anticipated to be received in the next few weeks;

(c) that Members' views as outlined above be noted and used as part of any future review on the new Local Government Association (LGA) Code of Conduct; and

(d) that the Committee further review the Local Government Association (LGA) Code, together with the guidance (when received), the current Code of Conduct and the views expressed at this meeting, and prepare a revised Code of Conduct for the New Council to consider for adoption.

\* **102**      **Standards Annual Report 2020/2021**

The Committee considered the draft of the Standards Committee Annual Report for 2020/21 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 had met four times in 2020/21 with three ordinary meetings and a further meeting convened to consider a complaint and whether the matter warranted a full investigation. Co-opted Members attended a further 24 meetings of Council, Cabinet or Committees to observe and monitor compliance with the Council's ethical governance framework. 10 of those meetings were held virtually.

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 in the previous year had considered the Report 'Local Government Ethical Standards - A Review by the Committee in Public Life' and had submitted a response to the Consultation. A number of the recommendations (26 in total) involved legislative change which would be a matter for Government to implement. A number of additional best practice suggestions were made (e.g. 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 and the writing of a public interest test for the complaints process) which were taken on board and adopted.

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.

The Report also referred to the proposed new LGA Model Code of Conduct and had submitted a response to the consultation. Whilst the Committee had supported many of the aims of the Code, it had also raised concerns over the lack of sanctions in the new proposals.

The New Code had been received in December but because additional guidance was anticipated, feedback had been obtained from the Committee (see Minute 101) and had agreed to propose a new Code for adoption for the new Council post Elections in May.

Looking ahead, the key issues for 2021 would be induction processes for the new Council and watching out for the guidance to accompany the new LGA Code of Conduct anticipated in the Spring 2021, in order to prepare a revised Code for presentation to the Committee and Council.

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.

The Committee placed on record their thanks for the work of the co-opted members for attending meetings in their monitoring capacity and providing feedback to the Council.

**RESOLVED** that the Annual Report for 2020/21 be approved, published on the Council's website and promoted via Inside Devon.

\* **103**      **Ethical Governance Framework: Monitoring**

The Committee received the report of the County Solicitor ([CSO/21/9](#)) 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.

Members had of course attended meetings remotely.

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 use of cameras and microphones, backdrops, breaks to be scheduled for longer meetings and shared documents being difficult to read.

\* 104 **Local Determination of Complaints**

The County Solicitor reported that, since the last meeting, three complaints concerning an alleged breach of the Members Code of Conduct had been received relating to Councillors failing to act in the public interest regarding rural and urban parts of a parish, the conduct and chairing of a committee meeting, and failure to observe the 'principles of public life' and act in the public interest.

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 any complaint 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.

**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 3.03 pm