



**MINUTES
OF THE MEETING OF THE
STANDARDS COMMITTEE
MONDAY, 22 FEBRUARY 2021**

Held virtually at 7.00 pm and livestreamed on the
Rushcliffe Borough Council YouTube channel

PRESENT:

Councillors S Bailey (Chairman), N Clarke, T Combellack, B Gray, R Mallender
and D Mason

ALSO IN ATTENDANCE:

K White and S Nelken (Independent Members)
J Baggaley (Independent Person for Standards Matters)

OFFICERS IN ATTENDANCE:

S Sull	Monitoring Officer
H Tambini	Democratic Services Manager

APOLOGIES:

A Wood (Independent Member)

4 Minutes of the Meeting held on 28 September 2020

The minutes of the meeting held on 28 September 2020 were approved as a true record and signed by the Chairman.

5 Declarations of Interest

There were no declarations of interest.

6 Cases and Work Update

The Monitoring Officer presented a report updating the Committee on the complaints received since the last meeting of the Standards Committee in September 2020. It was noted that nine complaints had been received since the last meeting.

The Chairman advised that no findings of fact had been made in respect of any of the complaints received. The Committee was advised that given the circumstances, and to protect the integrity of this Committee, and the investigation process, the Committee should move straight to the vote on the recommendation.

Kerry White referred to the previous meeting of the Committee, when it had been documented that a letter had been sent to Bingham Town Council, and the Monitoring Officer was asked to confirm if a follow-up letter had been sent, as requested by the Committee. The Chairman and Monitoring Officer

confirmed that a letter had been sent on 2 October 2020 and could be viewed on the Bingham Town Council's website.

It was **RESOLVED** that the report be noted.

7 **Standards in Public Life Report and LGA Model Code of Conduct**

The Monitoring Officer presented a report updating the Committee in respect of the report of the Committee on Standards in Public Life (CSPL), which had been produced in January 2019, and the Local Government Association (LGA) Model Code of Conduct, which had been developed following a consultation exercise undertaken in 2020.

The Monitoring Officer advised that the CSPL had written to all Chief Executives, regarding the implementation of the best practice principles, and the Committee was informed that the CSPL had been notified that the Council had adopted those principles at its Council meeting in July 2019.

In respect of the LGA Model Code of Conduct, the Monitoring Officer reminded members of the Committee that they had been asked to participate in the consultation, and in conjunction with the Chairman, the Monitoring Officer advised that she had responded to the consultation. The Model Code of Conduct was released by the LGA on 23 December 2020, and that Model Code was now brought before the Committee for consideration. The Monitoring Officer advised that the Model Code had been drafted in response to the CSPL report, as the CSPL had been keen to have a Model Code drafted, to ensure consistency. The Committee was advised that currently there was no requirement on parish councils to adopt the codes of their principal authorities and it was envisaged that with the adoption of a Model Code, there would be a universal understanding of what the Code of Conduct was.

Members of the Committee were asked to consider in their view, if the Model Code of Conduct would enhance Rushcliffe's current Code, in part, completely, or not at all. The Committee was reminded that there was no requirement to adopt the Model Code. To support and assist the Committee with its deliberations, the Monitoring Officer referred to the following general points:

- The Model Code would be reviewed annually by the LGA;
- The Model Code was written in the first person, which differed from Rushcliffe's Code;
- The LGA would be issuing some guidance to support the Model Code and that guidance was expected in late March/April 2021.
- The Model Code would apply where members were giving an impression that they were acting as a Councillor and would be extended to social media.
- The LGA had focussed on 10 specific standards of conduct and the Model Code also retained the seven Principles of Public Life and sought to build upon those principles.

In respect of specific elements of the Model Code of Conduct, the Monitoring Officer referred to the following points:

- Respect: It was considered that this term was universally understood. Some considered that the definition was still quite limited as it only referred to Councillors and members of the public and the Committee was asked to consider if it would wish to incorporate some additional wording to reflect treating others with respect.
- Bullying and Harassment: The Model Code had been extended to cover the full list of persons covered by the Equalities Act. Currently Rushcliffe's Code referred more generally to an individual or a group. The Committee was asked to consider if a list might enhance Rushcliffe's current Code or if it would be more limiting.
- Confidentiality and Access to Information: The Model Code mirrored Rushcliffe's Code; however, it did not go as far as the definitions in the Local Government Act 1972. The Committee was asked to consider that, given that the Local Government Act legislation had not been repealed; however, it was not replicated in the Model Code.
- Complying with the Code of Conduct: Rushcliffe's Code already had a requirement to cooperate with any investigation.
- Disclosure of Interests: The Model Code mirrored the Rushcliffe Code. There was no requirement to update the Register of Interests during a term, it would be updated on election and re-election and the Committee was asked to consider if it would wish to widen that.
- Gifts and Hospitality: There was no reference to gifts being refused and the Committee was asked to consider if that should be included. It was noted that the use of the word 'significant' could mean different things to different people and the Committee was asked to consider if that term was clear enough. It was noted that if a gift had been accepted, it did not prohibit that person from taking part in a meeting and voting.

In conclusion, the Monitoring Officer advised that if the Committee considered that there could be elements of the Model Code that could enhance Rushcliffe's existing Code, those issues could be taken forward and discussed as part of a Working Group. Any recommendations would then be brought back to this Committee.

The Chairman suggested that it would be appropriate to wait for the LGA guidance notes to be published, and following that set up a Working Group to go through Rushcliffe's existing Code of Conduct and the new Model Code side by side, and to consider any possible amendments in that way.

Members of the Committee were in general agreement with the Chairman that this would be the best approach, and that it would be helpful to receive a paper copy of the documents, so that an easier comparison could be made.

In answer to a question regarding the use of the word 'reasonable' and a legal definition, the Monitoring Officer stated that in legal terms it is defined as 'Wednesbury reasonable', which had been a legal case and it equated to something being deemed as reasonable to 'the average man'

In answer to a question regarding the adoption by parish and town councils of the Code of Conduct of their principal authorities, and how this would move forward, if the CSPL report became law, the Monitoring Officer advised that moving forward, a change to the Localism Act would be required for it to come

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into force.. It was hoped that if legislation was passed, to bring that into force, some guidance would be produced to highlight how it would be implemented.

A member of the Committee suggested that it would be helpful to review Rushcliffe's Register of Interests policy, and what should be included on it, following on from this review.

It was **RESOLVED** that:

- a) the progress of implementation of the CSPL best practice recommendations by Government be noted; and
- b) a Working Group be established to consider the LGA Model Code of Conduct, and the Group's findings be reported back to the Standards Committee.

The meeting closed at 7.40 pm.

CHAIRMAN