

**MINUTES
OF THE MEETING OF THE
STANDARDS COMMITTEE
TUESDAY, 12 MARCH 2019**

Held at 5.00 pm in the Committee Room 1, Rushcliffe Arena, Rugby Road, West
Bridgford

PRESENT:

Councillors J Wheeler (Chairman), S Bailey, M Buckle, R Inglis, S Mallender,
F Purdue-Horan, G Norbury, K White and A Wood

ALSO IN ATTENDANCE:

G Norbury, K White, A Wood (Independent Members)
J Baggaley (Independent Person for Standards Matters)

OFFICERS IN ATTENDANCE:

A Graham
K Marriott

Chief Executive
Executive Manager - Transformation
and Operations
Borough Solicitor
Constitutional Services Officer
Constitutional Services Officer

S Sull
T Coop
L Webb

13 Declarations of Interest

Councillor Purdue-Horan declared a non-pecuniary interest in agenda item 4,
Cases Update.

14 Minutes of the Meeting held on 26 November 2018

The minutes of the meeting held on 26 November 2018 were approved as a
true record and signed by the Chairman.

15 Presentation from the Chief Executive

The Chief Executive provided a presentation titled 'Setting the Standards',
which seeks the Committees endorsement and support on setting an effective
threshold to enhance the integrity and value of the complaints process. He
explained that there had been a growing increase in the number of complaints,
where the complaints process was being used for a political purpose, rather
than to uphold the Standards regime.

The Chief Executive explained that by adopting arrangements that promote
informal resolution wherever possible and trusting in the integrity of the
Monitoring Officers responsibilities for determining whether a complaint merits
further action is best practise.

The Committee thanked the Chief Executive for bringing these issues to the attention of the Committee and agreed that moving forward, the implementation of more formal procedures with evidence to support the complaint would be the right balance between a genuine complaint and that of a frivolous one. In addition, robust procedures would avoid lengthy investigation being made by the Monitoring Officer and or Independent Person.

The Committee questioned whether other local authorities were experiencing similar problems with complaints at Town and Parish level. The Monitoring Officer understood this was apparent and that she would do some research on neighbouring authorities Standards complaint procedures.

To conclude the Chief Executive asked the committee to provide and sign a 'Statement of Support' to endorse the setting of effective thresholds to enhance the integrity and value of the complaints process and to ensure efficient and effective management of resources.

It was **resolved** that the committee endorse the statement of support.

Statement of Support

The Standard's Committee supports and endorses the current complaints process which relies upon the professional impartiality and integrity of the Statutory Officers of Rushcliffe Borough Council, who include the Head of Paid Service, the Section 151 Officer and the Monitoring Officer.

It also has witnessed the work of the Monitoring Officer and believes that the initial assessments which are often carried out are undertaken diligently and professionally. Therefore, the Committee is of the view that where these assessments are undertaken they should be honoured and adhered to, unless new and specific verifiable evidence can be produced that would automatically trigger a reassessment.

The Standard's Committee recognises that in the unlikely event that a complaint is received regarding a Rushcliffe Borough Council Statutory Officer, that their integrity and honour can only be challenged through the defined legal and statutory process defined within the constitution of Rushcliffe Borough Council.

16 Cases Update 2018 -19

The Monitoring Officer provided a report to update the Committee on complaints received since the last meeting of Standards Committee. The Monitoring Officer advised the Committee of six further complaint cases regarding alleged breaches of the Councillors' Code of Conduct since the last meeting. Four complaints had been reviewed and no formal action taken, one complaint linked to a previous case had been reviewed, and options for determination were being considered and one complaint was at the initial assessment stage and is being dealt with by the Monitoring Officer. The Monitoring Officer advised the Committee that in all cases due regard had been given to the Councillor's Complaint Procedure and where appropriate the Independent Person had been consulted.

The report also updated the Committee on the revisions to the Code of Conduct and Social Media Guidance. The Monitoring Officer advised the Committee that since the last meeting invitations had been made for presentations to Parish Councils to comment on the draft Code of Conduct and Social Media Guidance, adding that a further response had been received to include:

‘Gender Reassignment be changed to Gender Identity’

The Monitoring Officer informed the Committee that the member induction programme is under review and is programmed to deliver induction training following the Elections in May 2019.

It was **resolved** that the report be noted and the suggested amendment ‘Gender Reassignment be changed to Gender Identity’ be incorporated.

17 **Committee on Standards in Public Life - Review of Local Government Ethical Standards**

The Monitoring Officer provided a report that presented the findings of the Committee on Standards in Public Life, review of Local Government Ethical Standards. The purpose of the review was to review the standard arrangements in particular how they support and safeguard local democracy, maintain high standards of conduct, and protect ethical practice in local government, particularly in light of the changes made by the Localism Act 2011. The Monitoring Officer explained that terms of reference for the review examined the structures, processes and practices in local government in England as follows:

- Maintaining code of conduct for local councillors
- Investigating alleged breaches fairly and with due process
- Enforcing codes and imposing sanctions for misconduct
- Declaring interests and managing conflicts of interest
- Whistleblowing
- Assess whether the existing structures, processes and practices are conducive to a high standards of conduct in local government
- Make any recommendations for how they can be improved
- Note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation

The report also made a number of key recommendations as follows:

- A new power for local authorities to suspend councillors without allowances for up to six months with a right of appeal for suspended councillors to the Local Government Ombudsman
- Revised rules on declaring interests and gifts and hospitality
- An updated voluntary Model Code of Conduct to be introduced with local authorities to retain ownership of their own Codes of Conduct
- A strengthened role for the Independent Person
- Monitoring Officers provided with adequate training, corporate support

- and resources and statutory protections to be expanded
- Greater transparency about the number and nature of Code complaints
- Political groups set clear expectations of behaviour by their members
- and code of conduct training to be mandatory

The Monitoring Officer referred to the Best Practise guidance provided in the Appendix with the report, advising that the best practice guidance provided a list of best practice are a matter for individual local authorities and could be introduced by the Council straightaway. The Monitoring Officer added that some of the items were already included within the Council's arrangements.

In considering the recommendations provided in the report the Committee raised specific questions in respect of the language used within the best practice, and whether these could be reworded if adopted by the Council. The Committee also felt that the role of Town and Parish Clerks required adequate protection when reviewing Standards, adding that recruitment of good clerks can be difficult raising the concern that there is one clerk in the Borough covering a number of Parishes.

The Independent Person raised his concerns in respect of his role and his protection adding that the Council would find it increasingly difficult to recruit for this role also.

It was **resolved** that:

- a) The report of the Committee on Standards in Public Life be noted; and
- b) Steps be taken to introduce the best practice recommendations set out in the report of the Committee on Standards in Public Life.

18 **Revisions to Councillors Code of Conduct**

The Monitoring Officer provided a verbal update highlighting that in view of the Committee on Standards in Public Life and the review of Local Government Ethical Standards, the recent review of the Council's Code of Conduct is amended to reflect the recommendations and a draft Code of Conduct is provided for approval by the Committee. Once approved the Code will be forwarded for approval at Full Council in June.

It was **resolved** that a draft Code of Conduct is drafted for the next meeting of the Standards Committee scheduled for Monday 24 June 2019.

The meeting closed at 6.25 pm.

CHAIRMAN