

STANDARDS COMMITTEE

At a meeting held on Thursday, 25th March, 2021

Present:-

S B Green (Chairman) in the Chair;

Councillors G Coulson, W Chatt, Ms T Norton, Ms S Tucker, P Riley, N Heritage and

R Maw

and Parish Councillors R Marley and R Thompson

1. DECLARATIONS OF INTERESTS

There were no declarations of interests

2. MINUTES

The Committee noted the minutes of 19 March 2019. Due to changes in the committee membership there was only one Councillor present at the Committee that was also present at the 2019 meeting.

The Chair highlighted that Agenda item 4 from the 2019 meeting, regarding the dispensation application for Sneaton Parish Council, had been deferred and requested confirmation that the matter had been dealt with. The Monitoring Officer (MO) confirmed that the matter was now resolved.

3. PUBLIC QUESTION TIME

There were no public questions.

4. COMPLAINTS 2019 AND 2020 OVERVIEW

The Chair explained that the report provided an overview of Standards Complaints received by the Council in 2019 and 2020. The Chair noted that an average of 30 complaints in a year was average.

Cllr Coulson questioned why the names of the Councillors who had been complained about were not included in the report. He highlighted it would be useful to establish if there were any repeat complaints against the same Councillor. The Chair confirmed that names of Councillors were not provided as all complaints were confidential unless the complaint is upheld. The MO confirmed that decision notices are only published where an investigation had taken place. If complaints are not upheld it is considered personal information.

Cllr Maw required confirmation that repeat offenders are not highlighted in the report. The MO advised that moving forward the report can be updated to include if the same Councillor is being complained about, without disclosing the name. The Chair agreed with this recommendation.

Cllr Chatt stated that he believed it was as much about which Councillors were being complained about, as who was complaining. He raised concerns that he believes the Standards Regime was being used as a tool by Councillors to bully and intimidate other Councillors. He referred to a Freedom

of Information Request which stated that one Councillor had made multiple complaints.

The MO noted that there was a system in place to filter out malicious, politically motivated and trivial complaints in the first instance. This was undertaken by consultation between the MO and the Independent Persons. The MO highlighted that the Council is under a duty to consider all complaints made to them under the process which Councillors had adopted.

The Deputy Monitoring Officer (DMO) provided a breakdown of the complainant type. Figures showed that in 2019 there was an even split between complaints from members of the public and from Councillors. However in 2020 the majority of the complaints were from members of the public.

Cllr Tucker questioned if the repeat offenders were for the same complaint or issue and if there was a way to identify if the same issue was causing the problem. The Cllr stated that highlighting repeat offenders would show that Councillors are not learning and not changing their behaviour. The MO confirmed that where the Council are aware of a specific problem, this is normally addressed through additional training for Councillors focusing on that particular area.

Cllr Heritage suggested that the date of the complaint is provided in the report, rather than just the year. As this would enable to the Councillors to piece together the information to see if there were multiple complaints about the same thing. The Chair confirmed that there could be multiple complaints following Council meetings. The MO confirmed she was happy to note the suggestion and take it on board moving forward.

Cllr Coulson raised his concerns about the conduct of Councillors at recent meetings not being appropriate and as the meetings are now on YouTube they are more in the public arena. He believes that stronger punishments should be implemented.

The DMO advised that at the previous meeting in March 2019, a report was brought forward highlighting recommendations from the Review of The Committee on Standards in Public Life. The DMO confirmed that most of the complaints dealt with during 2019 and 2020 were deemed to have occurred whilst the Councillor was not acting in their official capacity as a Councillor. The DMO reiterated the recommendations in the March 2019 report, including the use of social media and the removal of sanctions under the Localism Act.

The MO stated that it is a commonly held view amongst Monitoring Officers across the Country that the sanctions for non-compliance with the code of conduct are not strong enough and require review. However the Council is restricted by what they are able to do by the current legislation.

RESOLVED; that the Committee note the information within the report

5. REGULATORY AND INVESTIGATORY POWERS ACT (RIPA) ANNUAL REVIEW

The DMO provided the Committee with a summary of the use of RIPA. The DMO confirmed that there had been no formal applications for RIPA authorisation and this is a continuation of previous practice as there have been no RIPA applications or authorisations since 2016.

No questions were raised on the report.

RESOLVED; that the Committee note the information within the report

6. NEW MODEL CODE OF CONDUCT

The DMO explained that a new model code of conduct had been published by the Local Government Association (LGA). The new model code is part of the LGAs programme of civility in public life. The aim of the new model code is to provide consistency across all tiers of local government. The LGA have provided a template of the model code which can be adopted in full or part and are producing further guidance which is expected to be published by the end of March.

No questions were raised on the report.

The Chair requested volunteers to join the working group which would also include the co-opted Parish Council members of the Committee and will consult with the Independent Persons. Councillors Chatt, Tucker, Heritage, Coulson and Green volunteered to be part of the working group.

Cllr Maw asked if the working group would report to the Standards Committee and how frequently the working group and Standards Committee would meet. The Chair confirmed that once decisions were made by the working group they would be referred to the Standards Committee. The MO further confirmed that any changes to the Code of Conduct would then be approved via Full Council.

Cllr Phillips asked whether the working group would take evidence from other Councillors and Parish Councillors. The MO advised that the group was only in its initial stage and would need to meet to discuss its terms of reference and how it wishes to proceed. Cllr Phillips highlighted that other Councillors should be involved as they were more experienced with standards issues within Parish Councils, to have full representation on the group. The MO highlighted that Parish Councils were separate bodies from the Council and therefore it would only be a recommendation that Parish Councils adopt the same code as the Borough Council.

Cllr Norton asked for clarification on how the Councillors who are part of the Committee and Working Group were setting an example and not breaching the code of conduct themselves, whilst they are making recommendations on the behaviour of others. The DMO highlighted that the working group would only be making recommendations to the Committee on the Code of Conduct.

Cllr Heritage highlighted the amount of time available for changes to be made due to the recently proposed Local Government Reorganisation. The DMO agreed that time was a factor for the working group, however the Council is still awaiting guidance from the LGA. The MO confirmed that other Councils across North Yorkshire were also looking at the code.

Cllr Maw questioned the lack of training for Standards Committee and requested some training for new members. MO noted the comments made by Cllr Maw and confirmed that the working group should seek the views of wider Council members in its recommendations.

RESOLVED that:

- (i) the Committee note the information within the report;
- (ii) the Committee will form a working group to review the Council's Code of Conduct to seek the views of Town and Parish Councils within the Borough.

7. VERBAL UPDATE BY THE MONITORING OFFICER

The MO confirmed that the Council were in the process of arranging training for members of Standards Committee and all Borough Councillors on the Code of Conduct, conduct issues and obligations on Councillors. The training would be delivered by a nationally recognised expert- Jonathan Goolden. The training will be held when Councillors are able to attend training in person. The MO highlighted that the Council currently has problems with Councillors showing respect towards other Councillors.

The MO also wanted to bring the attention of the Committee to the group 'Compassion in Politics'. The group promotes respect for one another's views without unpleasant and vicious attacks. The MO is wanting Members support for the group and involvement in promoting more compassion in politics.

Chairman