

Minutes of the Ethical Standards and Member Development Committee

6th March 2020 at 3.00pm

- Present:** Councillor Ahmed (Vice Chair in the Chair);
Councillors Akhter, Dhallu, Hevican, P Hughes and Simms.
- Observer:** Mr John Tew (Independent Person).
- Officers:** Surjit Tour – Director of Law and Governance and Monitoring Officer; Elaine Newsome – Service Manager – Democracy; Trisha Newton – Senior Democratic Services Officer.

7/20 **Apologies for Absence**

Apologies for absence were received from Councillors Horton and Lewis.

8/20 **Declarations of Interest**

No interests were declared at the meeting.

9/20 **Minutes**

The minutes of the meeting held on 7th February 2020 were agreed as a correct record and signed by the Chair.

10/20 **Matter of Urgency**

There were no additional items of business to consider.



11/20

LGA Member Code of Conduct Review

In January 2019, the Committee for Standards in Public Life published its findings and recommendations which included “The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of Councillors and officers of all tiers of local government.”

The Local Government Association (LGA) commenced work on revising the model code in September 2019 with an anticipated introduction of the new code at the LGA conference on 30th June 2020. This was part of a broader programme of work around civility in public life which aimed to address concerns about intimidation of those holding public office and the standards of public and political debate.

Nationally, elected members and officers had been involved in initial discussions on the content of the code. The Council’s Monitoring Officer had been invited by the LGA to participate in progressing this element of the LGA’s programme.

The LGA review of the model code would influence the direction of the Council’s review of its governance arrangements. It was appropriate and timely for the Council’s Monitoring Officer to contribute to the development of the revised model and the Ethical Standards and Member Development Committee should continue to lead on developments relating to the conduct of elected members.

Arrangements would be made for a meeting of the Standards Working Group to consider the review.

Agreed that:-

- (1) the Director of Legal and Governance and Monitoring Officer be given delegated authority, in consultation with the Chair and Vice Chair of the Committee, to work with the Local Government Association on the update of the model Code of Conduct;

- (2) the draft model Code of Conduct be submitted to a future meeting of the Ethical Standards and Member Development Committee.

12/20 **Annual Report of the Ethical Standards and Member Development Committee 2019-20**

The Committee considered the draft Annual Report of the Ethical Standards and Member Development Committee 2019-20.

The Annual Report would be submitted to the next meeting of Full Council.

Agreed that the Annual Report of the Ethical Standards and Member Development Committee be approved for submission to the next meeting of Full Council.

13/20 **Recruitment of Independent Persons for dealing with standards matters**

In accordance with the Localism Act 2011, arrangements must be put in place for the appointment by the Council of at least one Independent Person whose views must be sought and taken into account by the Council before deciding how to deal with a complaint and before it makes a decision on an allegation against an elected member that it has decided to investigate.

The Council had decided to have three Independent Persons and there were currently two vacancies. The vacant position had been advertised openly for several weeks and one candidate was interviewed on 28 February 2020 by a Member Panel, consisting of the Vice Chair of the Ethical Standards and Member Development Committee, Councillor Hevican and the Leader of the Council. The interview panel unanimously determined that the candidate was a suitable appointment to the role.

Mr Richard Phillips had been offered the position, subject to Council approval, by the Panel and he had accepted.

The Committee endorsed the recommendation of the Panel to appoint Mr Phillips and a report would be submitted to Full Council for consideration.

Agreed that a report be submitted to Full Council to consider the appointment of Mr Richard Phillips to the role of Independent Person pursuant to the Localism Act 2011.

14/20 **Elected Member Standards Complaints – Update**

The Committee received details of complaints received in relation to member conduct and the progress on the complaints as follows:-

Case Reference: MC/02/0717

Allegations concerning land sales to a Councillor when displaced from his home by a Compulsory Purchase Order. The matter was subject to investigation and resulted in a new allegation that the subject member had not fully co-operated with the investigation. The Councillor and his representative had been given a number of opportunities to engage with the investigator but had not replied to requests to attend meetings and provide comments. A draft report would be completed in line with the Arrangements. The 'Maxwellization' process was to be completed by 6th March 2020.

Case Reference: MC/01/0619

Allegations arising from a meeting between a Councillor and candidate prior to the 2019 Local Elections in which it was alleged that various inappropriate comments and actions took place in breach of the Members' Code of Conduct and Nolan Principles. An investigation had been undertaken and a draft Investigation Report received by the Monitoring Officer. The 'Maxwellisation' process was underway with a final report imminent.

Case Reference: MC/02/0719

This complaint arose following the review of a historic matter. The review highlighted concerns with the conduct of the investigation resulting in an allegation that the Councillor had not co-operated candidly and fully with the investigation. The matter was considered by the Independent Person and the Deputy Monitoring Officer (DMO) and it was determined that a formal investigation was not appropriate.

The Ethical Standards and Member Development Committee was asked to review the DMO decision on 11th November 2019 and determined that the Independent Person had not been provided with all the relevant Information. The Committee referred the matter for re-assessment. The matter was being considered by the DMO (not the same person as the previous DMO). An alternative Independent Person was awaited before the review of the complaint under the Arrangements could be concluded.

Case Reference: MC/01/0719

This complaint arose following the review of a historic matter. The review highlighted concerns with the conduct of the investigation and the process that was followed resulting in an allegation that the Councillor had not co-operated candidly and fully with the investigation and had not questioned the conduct of others resulting in a potential breach of the members Code of Conduct and the Nolan principles. The matter was referred for independent investigation. The DMO had recently received the Investigation Report from the Independent Investigator and was considering the next course of action.

Other Matters

A complaint had been received against a Councillor in which a resident alleged that the Councillor failed to treat the resident with respect and had brought the Council into disrepute. The matter was linked to a long-standing neighbour dispute that did not involve the Councillor directly. The Monitoring Officer had made enquiries and gathered further information from the parties in order to conclude the review of the complaint as required under the

Arrangements. A decision notice had been provided to the parties with no further action required.

There was a further matter that was referred to the Monitoring Officer in relation to a Councillor's disclosable pecuniary expenses and declared election expenses. Preliminary enquiries had been made by the Monitoring Officer to gauge a better understanding of the issues. The Monitoring Officer was currently determining whether further action was required save for advice and guidance to the subject member by the Monitoring Officer.

A new complaint had been received by the Monitoring Officer alleging inappropriate behaviour and failure to challenge inappropriate behaviour at a meeting of members. This matter was currently under initial assessment by the Monitoring Officer.

15/20

National Cases

The Committee received and discussed details of national cases relating to various councillors who had breached the code.

Meeting ended at 3.34pm.