

Standards Committee
Minutes of the Meeting Held on Monday 27 July 2020
at 10.30am

Present:

Cllr Mark Kiddle-Morris (in the Chair)	
Cllr Claire Bowes	Cllr John Ward
Cllr George Nobbs	Cllr Tony White (Vice-Chairman)
Cllr Dan Roper	

Independent Members Present:

Mr S Jones

Also in Attendance:

Helen Edwards - Director of Governance and Monitoring Officer

1. Apologies

- 1.1 Apologies were received from Cllr Sarah Butikofer (Cllr Dan Roper Substituted).

2. Minutes

- 2.1 The minutes of the meeting held on 9 October 2019 were confirmed as a correct record and signed by the Chairman.

3. Declarations of Interest

- 3.1 There were no interests declared.

4. Urgent Business

- 4.1 There was no urgent business to consider.

The Committee **agreed** to consider agenda item 6 (Performance and Monitoring Report) as its next item of business.

5. Performance and Monitoring Report

- 5.1 The Committee received a report from the Director of Governance and Monitoring Officer updating it on matters of standards and conduct since the last meeting.
- 5.2 In introducing the report, the Director of Governance & Monitoring Officer drew the Committee's attention to the following:

- The report covered the period from 28 September 2019 to 10 July 2020.
- No complaints had been received since the report was written on 10 July 2020.
- Six complaints had been received during the period, one of which was the same complaint made by two individuals. The complaint had been concluded through the County Council's complaints procedure.
- One complaint had resulted in a hearing by the Standards & Hearings Sub-Committee which had investigated the complaint and issued a reprimand, requiring the Councillor to undertake training. The Councillor concerned had undertaken the required training with a recognised expert in standards and conduct for councillors and the case had now concluded.
- Both Independent Persons had been consulted regarding a complaint about failure to respond to correspondence. The complaint did not proceed as, after initial investigations, it was found that a response had been sent.
- One hearing of the Standards Hearing Sub-Committee had been held during the period.
- No requests for dispensation had been received during the reporting period.

5.3 The Committee considered the report and **RESOLVED** to **note** the Council's performance in relation to Member standards and conduct during the period 28 September 2019 to 10 July 2020.

6. Consideration of draft model Code of Conduct

6.1 The Committee received the report by the Executive Director of Strategy & Governance asking it to consider the Local Government Association's draft model Code of Conduct so the Director of Governance and Monitoring Officer could respond to the consultation, on behalf of the County Council, by the deadline of 17 August 2020.

6.2 The Director of Governance & Monitoring Officer introduced the report during which the following points were noted:

- Once the consultation had finished, the final draft from the LGA was expected to be issued in the autumn. Once the final draft was received, the Standards Committee would meet to review the final draft.
- The Director of Governance & Monitoring Officer would respond to the consultation by the deadline of 17 August 2020.
- The Standards Committee, at its meeting on 9 October 2019, had considered a report by the Committee on Standards in Public Life "Review of Ethical Standards in Local Government" which had recommended a number of areas where ethical standards could be strengthened. Therefore issues such as sanctions could not be included until Government Legislation had been passed.

6.3 The Committee considered the comments received from Councillors and

Officers following the circulation of the consultation document by the Director of Governance & Monitoring Officer.

- 6.3.1 The LGA's Model Code of Conduct would be better and more inspirational if it follows our own Code which says: "Championing the needs of residents – the whole community and in a special way all my constituents and putting their interests first".

The Committee felt that the comment "in a special way" was unclear and any future reviews in the current Code of Conduct could consider removing those words.

- 6.3.2 The Committee discussed the comments made by Officers and agreed that when the review of the Norfolk County Council Constitution took place, it could be amended to incorporate the comments and to remove any ambiguity around expected behaviours of Councillors.

- 6.4 The Committee considered each question in the consultation document and **agreed** the Director of Governance & Monitoring Officer should submit following responses on behalf of the County Council:

6.4.1 **Question 1**

To what extent do you support the proposal that councillors demonstrate the behaviours set out in the Code when they are publicly acting as, identifying as, and/or giving the impression that they are acting as a councillor, including when representing their council on official business and when using social media?

Agreed Response: **"To a great extent"**.

Question 1a (If you would like to elaborate on your answer, please do so here:

More clarity is required regarding the social media aspect, particularly whether this would only apply when acting as a Councillor.

6.4.2 **Question 2**

Is it sufficiently clear which parts of the Model Code are legal requirements, which are obligations and which are guidance?

Agreed response: **"No"**.

Comment: The Committee felt it was not clear which were obligations, legal requirements or guidance and noted that if the guidance was included in the code of conduct there could still be breaches.

6.4.3 **Question 3**

Do you prefer the use of the personal tense, as used in the Code, or would you prefer the passive tense?

Agreed response: **"Personal tense (I will)"**.

Comment: Some Members of the committee felt using the passive tense

would make it easier for members of the public to understand, although the use of the personal tense would make the document easier to use.

6.4.4 Question 4

To what extent do you support the 12 specific obligations?

Question	Response
1. Treating other councillors and members of the public with civility.	To a great extent.
2. Treating council employees, employees and representatives of partner organisations and those volunteering for the councils with civility and respecting the role that they play.	To a great extent.
3. Not bullying or harassing any person.	To a great extent.
<p>4. Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the council</p> <p>Comment: The Committee considered that the text did not reflect the definition. Members felt the integrity of officers should not be compromised, but felt it would be right for councillors, particularly Cabinet Members to expect some influence over information included in reports and recommendations and be able to disagree with officers.</p>	To a great extent.
<p>5. Not disclosing information given to me in confidence or disclosing information acquired by me which I believe is of a confidential nature, unless I have received the consent of a person authorised to give it or I am required by law to do so.</p> <p>Comment: The Committee wanted clarity as to what “confidential information” meant and whether this meant exempt reports or personal information.</p>	To a moderate extent.
6. Not preventing anyone getting information that they are entitled to by law	To a great extent
<p>7. Not bringing my role or council into disrepute.</p> <p>Comment: The Committee considered the title needed to reflect the text in the guidance.</p>	To a moderate extent
8. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else.	To a great extent.
9. Not misusing council resources.	To a great extent.
10. Registering and declaring my interests.	To a great extent.
11. Not accepting significant gifts or hospitality from persons seeking to acquire, develop or do business with the council or from persons who may apply to the council for any permission, licence or other significant	To a great extent.

advantage.	
12. Registering with the monitoring officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.	To a great extent.

6.4.5

Question 5

If you would like to propose additional or alternative obligations, or would like to provide more comment on a specific obligation, please do so here:

None.

6.4.6

Question 6

Would you prefer to see the obligations as a long list followed by the guidance, or as it is set out in the current draft, with the guidance after each obligation:

Agreed Response: **“Each specific obligation followed by its relevant guidance”**.

6.4.7

Question 7

To what extent do you think the concept of “acting with civility” is sufficiently clear?

Agreed Response: **“To a great extent”**.

The Committee felt that there should be a full stop at the end of “civility” as the other point made the sentence more confusing.

6.4.8

Question 8

To what extent do you think the concept of “bringing the council into disrepute” is sufficiently clear?

Agreed Response: **“To a moderate extent”**.

Comments:

- a) The Committee felt that the explanatory text/guidance only referred to dishonesty or deceit, and clarity was needed about what constituted disrepute as well as including examples of what a breach of the obligation looked like.
- b) The Committee also felt that, to give greater clarity, the guidance should include “councillor role” rather than just “role”.

6.4.9

Question 9

To what extent do you support the definition of bullying had harassment used in the code in a local government context?

Agreed response: **“To a great extent”**.

6.4.10

Question 10

Is there sufficient reference to the use of social media?

Agreed response: **“No”**.

6.4.11 **Question 10a.**
Should social media be covered in a separate code or integrated into the overall code of conduct?

Agreed response: **“Integrated into the code”**.

6.4.12 **Question 10b**
If you would like to make any comments or suggestions in relation to how the use of social media is covered in the code please do so here:

Comments: The Committee wanted more clarity in the code about the use of social media and what a breach could look like. Some Members thought a Councillor was a Councillor all the time, while other Members felt this provision could impinge on the right to free speech. The Committee also queried how much of a Councillor’s life could be kept private, for example if a Councillor made a private comment that contravened a council policy, it could cause difficulties.

6.4.13 **Question 11**
To what extent do you support the code going beyond the current requirement to declare interests of the councillor and their partner?

Agreed response: **“To a great extent”**.

6.4.14 **Question 12**
Should the requirement to declare interests be in the main body of the code or in the appendix where the draft model code currently references it?

Agreed response: **“In the main body of the code”**.

6.4.15 **Question 13**
To what extent do you support the inclusion of these additional categories for registration?

Comments: Although members did not object in principle to registering these interests, they did object to the proposal that having these other interests would prevent a Councillor from taking part in a meeting, believing this would be unduly restrictive, and prevent local knowledge being used appropriately. An example was given of a member on a local drainage board, feeling that local knowledge would be useful in a meeting discussing floods, so would not want to have to leave the meeting.

Question	Response
Any organisation, association, society or party of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council	Don’t know/prefer not to say.
Any organisation, association, society or party that exercises functions of a public nature of which you are a member or in a position of general control or management	Don’t know / prefer not to say.
Any organisation, association, society or party	Don’t know / prefer

directed to charitable purposes	not to say
Any organisation, association, society or party of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)	Don't know / prefer not to say.

6.4.16 **Question 14**

To what extent do you support the proposed requirement that councillors do not accept significant gifts as set out in Obligation 11?

Agreed Response: **“To a great extent”**.

6.4.17 **Question 15**

The draft code proposes £25 as the threshold for registering gifts and hospitality. Is this an appropriate threshold?

Agreed response: **“Yes, but the amount should be reviewed annually with the code’s review”**.

6.4.18 **Question 16**

The LGA will be producing accompanying guidance to the code. Which of the following types of guidance would you find most useful Please rank 1-5 with 1 being the most useful.

Agreed response:

- 1 Explanatory guidance on the code. (b)**
- 2 Case studies and examples of good practice. (c)**
- 3 Supplementary guidance that focuses on specific areas, eg social media. (d)**
- 4 Regularly updated examples of case law. (a)**
- 5 Improvement support materials, such as training and e-learning packages. (e)**

6.4.19 **Question 17**

If you would like to make any further comments about the code, please do so here.

None.

6.5 The Director of Governance and Monitoring Officer would complete the draft response, in consultation with the Chairman, and circulate it to the Committee before its submission to the LGA.

6.6 The Committee considered the draft code and **RESOLVED:**

- To ask the Director of Governance and monitoring Officer to respond to the LGA’s consultation by the deadline of 17 August 2020.

The meeting finished at 12.05pm.

Mark Kiddle-Morris
Chairman