
STANDARDS COMMITTEE

MINUTES of the Meeting held via Skype on Tuesday, 16 November 2021 from 7.00 pm – 7.56 pm.

PRESENT: Councillors Addicott, Lloyd Bowen, Steve Davey (Vice-Chairman), Tim Gibson, James Hunt, Ken Ingleton, Elliott Jayes, Richard Palmer, Hannah Perkin (Chairman), Ken Rowles and Tony Winckless.

OFFICERS PRESENT: David Clifford, Robin Harris and Kellie Mackenzie.

ALSO IN ATTENDANCE: Councillors Mike Baldock, Roger Clark, Alastair Gould and Roger Truelove.

APOLOGIES: Independent Persons Mrs Patricia Richards and Christopher Webb.

431 CHANGE OF MEMBERSHIP

The Chairman advised that following a change to the political balance the Committee membership of the Standards Committee had changed as agreed at Full Council on Wednesday 10 November 2021. New Members were confirmed as Councillors Tim Gibson and Richard Palmer.

432 MINUTES

The Minutes of the Meeting held on 17 November 2020 (Minute Nos. 254 – 257) were taken as read, approved and signed by the Chairman as a correct record.

433 DECLARATIONS OF INTEREST

No interests were declared.

434 REVIEW OF THE STANDARDS REGIME

The Monitoring Officer introduced the discussion paper and explained that the Council's current Code of Conduct was nearly ten years old, and the Council needed to ensure that it was still fit for purpose. The Monitoring Officer reported that from 1 November 2020 to 31 October 2021, 27% of complaints received were by Borough Councillors about other Borough Councillors an increase on previous years. He spoke about the increase in toxicity in national politics generally highlighted by the appalling murder of Sir David Amess. He considered it an appropriate time to look at the political cultures within the Council and to understand the role of the Standards regime in overseeing that culture and whether a change in the Council's Code of Conduct was required.

The Monitoring Officer drew attention to paragraph nine of the report, which asked Members to think about what the Committee's role was in improving the political culture and trying to ensure respectful relationships and an atmosphere free of intimidation for all Members. The Monitoring Officer also drew attention to paragraph 14 of the report which listed some questions for discussion.

The Chairman invited Members to ask questions and make comments. Points made included:

- Considered that the Local Government Association (LGA) Code of Conduct was a good basis for a framework;
- referred to the question in paragraph 14 of the report which mentioned “lower-level issues” and questioned what was meant by low-level? As an issue that one person considered serious another might judge as low-level;
- there was a risk that considering lower-level issues could result in the Monitoring Officer becoming bogged-down in trivial complaints;
- complaints needed to be something that breached the Code of Conduct;
- Group Leaders needed to set a good example;
- surprised that there was no cohesion and the codes seemed to differ for various levels of Government;
- Central Government were not setting a very good example on how to behave in public office which was filtering down to Local Government;
- important to ensure that codes of conduct for Central and Local Government were linked in some way;
- considered the perception of public office had changed dramatically over the last ten years;
- the Council needed more training on how to deal with other Members and improving standards;
- there was an issue around the way Members and the general public interpreted what was written so the code needed to be clear and precise;
- there was value on having a hybrid of the LGA code and the Council’s code;
- did not always agree that training was the way forward but needed to consider common decency and respect for ourselves and for each other. Often it was not what was said but how it was said and had occasionally felt extremely uncomfortable during meetings because of this;
- welcomed what the LGA code said in paragraph 1.2 about respect and how Members spoke to each other;
- considered that due to the way members treated each other it stirred-up the public and “fuelled the fire”;
- the code needed to be clear and concise on what was expected of Members as currently it was not clear;
- Members needed to ensure that they displayed a high level of behaviour in their personal lives so as not to bring the Council into disrepute;
- would like to see the Independent Persons lead on complaints against Members;
- now was a good time to review the role of the Standards Committee as the Council moved over to the Committee system;
- suggested a Member working group be set-up to review the Code of Conduct and the role of the Standards Committee;
- was there a reason why the Council had moved away from the LGA code?;
- Members had a responsibility to uphold a certain dignity in their actions and what they said and did;
- code of conduct training should be on-going;

- greater input from Independent Persons was needed to challenge whether the Council's Code of Conduct was fit for purpose;
- training for those that had breached the code meant nothing if they were not willing to change or learn from it;
- The Standards Board lacked "teeth" and was very limited in what action it could actually take against those that breached the code;
- suggested that Members could review the recording of meetings and comment on Members behaviour with a view to having one to one meetings to resolve any issues;
- concerned that the standards process could be open to abuse and if there was the political will you could silence Members so that they only said what political groups wanted them to;
- suggested that a truth and reconciliation committee be explored as people were not always aware of the consequences of their actions and through discussion they might have a better understanding;
- did not consider that if a complaint in about someone you got a satisfactory resolution;
- needed to consider the mental health of Members for those making complaints and those that had complaints against them as there was currently nowhere for Members to go to about any anxiety concerns;
- the Council needed to look at ways of supporting Members more when they received inappropriate comments from members of the public; and
- the Housing and Health and Wellbeing Cabinet Advisory Committee should be considering the wellbeing of Members.

The Chairman thanked Members for their comments and reported that she had discussed with officers what the Standards Committee could look like moving forward into the Committee system and considered it would be a good opportunity to make it a much more proactive Committee. She also considered that there should be some investment in assisting Members with mental health issues they might be struggling with.

In response to points raised the Monitoring Officer explained that repeated lower-level incidents that did not get to the threshold of a code of conduct could collectively still be an issue. He stated that there was a wide grey area between conduct that all Members would agree was irreproachable and conduct that needed to be dealt with under the code of conduct, and the legal context of the standards regime was quite constraining. The Monitoring Officer stated that the Council could not adopt a Code of Conduct which set limits that could not be supported in law. The Monitoring Officer also referred to Article 10, Freedom of Expression, under the Human Rights Act which allowed for a wide range of rights of free expression including provocative and arguably offensive expression.

The Monitoring Officer welcomed Members comments and considered there was an opportunity to use peer pressure in a way that was legally compliant and addressed incidents. He considered that the Independent Persons would be prepared to be more involved and that with the introduction of the committee system in 2022 the Standards Committee may be able to meet on a quarterly basis with substantial business to discuss. He noted the comment from a Member about

the system being open to abuse and considered that Members needed to be mindful of that.

The Deputy Monitoring Officer said he was pleased that there seemed to be a cross-party view that standards nationally and within the Council were not working as they should be and explained that there was the opportunity to self-police and improve the system and asked Members for ideas on the way forward.

Councillor Lloyd Bowen suggested the following as a way forward: That a cross party task and finish/working group be formed including an Independent Person and KALC representative to look at the standards regime for the Council and make proposals to come to the committee for adoption at a later date. The Chairman suggested a LGA representative to be included as well. This was supported by Members.

Resolved:

(1) That the report be noted.

435 ANNUAL MONITORING OFFICER REPORT

The Monitoring Officer introduced the report which provided an overview of his work during the period 1 November 2020 to 31 October 2021. The Monitoring Officer drew attention to Section 5 of the report, Code of Conduct cases 1 November 2020 to 31 October 2021, and the statistics on the Code of Conduct cases.

The Chairman invited Members to make comments and ask questions.

Members raised points including:

- Considered that the Member Development Working Group needed to consider setting a programme of Member training for each municipal year including social media training so Members knew well in advance what training was planned;
- how were service area complaints monitored and published?; and
- supported the comments in paragraph 9.6 of the report and thanked the Monitoring Officer and Democratic Services for their work and support.

In response to questions, the Monitoring Officer stated that the Council had a very robust complaints system for dealing with service area complaints which he outlined for Members. A quarterly complaints report was considered by the Council's Strategic Management Team (SMT) and an Annual Complaints report was considered by SMT and Informal Cabinet. The Monitoring Officer agreed to liaise with the Leader about making the Annual Complaints report available to all Members.

Resolved:

(1) That the report be noted.

Chairman

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All Minutes are draft until agreed at the next meeting of the Committee/Panel