

STANDARDS COMMITTEE

14 December 2021

Commenced: 16:00

Terminated: 17:30

Present: Mrs Bracken (Chair) and Mrs Barnes

Councillors Dickinson, Ricci and Parish Councillor Travis

In Attendance: Sandra Stewart Director of Governance and Pensions
(Monitoring Officer)

Apologies for Absence: Councillors Boyle, McNally, Homer, Smith and Councillor Kitchen
who attended virtually

1 DECLARATIONS OF INTEREST

There were no declarations of interest submitted by Members of the Standards Committee.

2 MINUTES

The minutes of the Standards Committee meeting on the 17 November 2020 were approved as a correct record.

3 UPDATE RE: MEMBER CODE OF CONDUCT

Consideration was given to a report of the Director of Governance and Pensions (Monitoring Officer). The report set out the latest version of the Model Code of Conduct and recommended the adoption of the code.

Members of the Committee were advised that the purpose of the Code of Conduct was to assist councillors in modelling the behaviour that was expected of them, to provide a personal check and balance, and to set out the type of conduct against which appropriate action could be taken. Further, it was also to protect councillors, the public, fellow councillors, council officers and the reputation of local government. It set out the conduct expected of all members and a minimum set of obligations relating to conduct.

The Director of Governance and Pensions explained that the Code of Conduct applied to a councillor when they were acting or claiming or giving the impression that they were acting, in public, or in their capacity as a member or representative of the Council. In addition, councillors were expected to uphold high standards of conduct and show leadership at all times.

The Code applied to all forms of member communication and interaction, including written, verbal, non-verbal, electronic and via social media, including where a councillor could be deemed to be representing your council or if there were potential implications for the council's reputation. Model conduct and expectations was for guidance only, whereas the specific obligations set out instances where action would be taken.

It was stated that everyone in public office at all levels ministers, civil servants, members, council officers – all who served the public or deliver public services should uphold the seven principles of public life. This Code had been developed in line with these seven principles of public life.

It was explained that following the Committee's recommendation Tameside Council adopted the LGA Model Code of Conduct on the 12 January 2021 effective from the 2021/2022 Municipal Year. This Code of Conduct was attached at Appendix 1 to the report.

Additional guidance was expected to be released intended to aid Local Authorities with interpretation and implementation of the Model Code. However, owing to Covid there was a delay in the publication of the LGA Guidance and was not published until July 2021 and was attached to the report at Appendix 2 to the report.

The Director of Governance and Pensions further explained that since its issue, the LGA code had now been updated twice by the LGA to clarify issues that were not fully covered in the earlier versions. The latest version of the LGA code was attached at Appendix 3 to the report. It was because of the number of changes and the fact that the Model Code still seemed unsettled whilst we worked through the Covid Pandemic that only 2 of the GM Authorities had adopted the Code so far.

The report set out that because the Model Code, together with the Guidance, had been designed to protect the democratic role, encourage good conduct, and safeguard the public's trust and confidence in the role of councillor in local government it was recommended to elected members that they adopt the latest version to ensure that the Code of Conduct for Councillors was fit for purpose, provided clarity on expected behaviours and manages and reflected public expectation.

Further guidance was issued on the 21 September 2021 on the Member Model Code of Conduct Complaints Handling attached at Appendix 4 to the report.

This guidance was intended together with the guidance prepared for councillors to help them understand and follow the revised Local Government Association (LGA) Code of Conduct. It is designed to assist monitoring officers, and anyone nominated by a monitoring officer to carry out investigations on their behalf and to assist councillors in understanding the process. It was recommended that this guidance and the Council's current process agreed across GM were reviewed to ensure they were fully aligned and achieved fairness, proportionality, transparency and impartiality.

RESOLVED

That the Standards Committee:

- (i) note the update of the LGA Model Code of Conduct, which has been revised twice since the Council adopted, the original draft Model Code on the 12 January 2021 (Appendix 1) and recommends that the Council adopts the final updated version of the Model Code issued on the 17 May 2021 (Appendix 2);**
- (ii) agrees that the Monitoring Officer puts in place the necessary training and development for elected members taking into account the guidance (Appendix 3); and**
- (iii) reviews the Guidance on Member Model Code of Conduct Complaints Handling (Appendix 4) with the current procedures and brings back a report setting out any changes recommended..**

4 CIVILITY IN PUBLIC LIFE

Consideration was given to a report of the Director of Governance and Pensions (Monitoring Officer). The report detailed training provided to Members for their safety and recommended a bullying and harassment statement and a Member's pledge.

The report explained that the LGA recognised the growing need among councillors for support related to intimidation, and had jointly developed a resource following advice from both councils, councillors, other council representative organisations, as well as national organisations such as the Suzy Lamplugh Trust and National Counter Terrorism Security Organisation. The guide covered topics such as how to handle abuse, both face-to-face, letters or online, and the legal and practical

remedies, including the nature of the criminal offences involved and will be continuously updated with the latest advice and information available.

It was stated that the LGA had been developing and launched a call for evidence of abuse and intimidation of councillors. The call for evidence was an ongoing part of the LGA Civility in Public Life Programme, which captured elected members' experiences and emerging trends around abuse and intimidation from the public. The evidence gathered would help the LGA develop a body of evidence to support LGA calls for legislative and systemic change and develop support for elected members.

The Director of Governance and Pensions reported that In light of some of these issues, the Council's Organisational Development team with support of CMA Training a specialist training company offering training and consultancy in personal safety and crime prevention provided elected members with a development session on the 22 November 2021, which was very well attended by over 90% of Councillors. A copy of the training materials were attached to the report at Appendix 1 to the report.

It was explained that as a first step in the promotion of civility and respect, councils were recommended to add a statement to their websites stating that bullying, harassment and intimidation would not be tolerated. The Bullying and Harassment Statement recommended by the LGA was set out in the report.

Members of the Standards Committee were reminded at the last Standard Committee Members proposed that Tameside Council Members from across the political spectrum were asked to agree on a pledge that would set a tone of civility and respect that could be mirrored by everyone. A suggested Member pledge was detailed within the report.

RESOLVED

That the Committee consider the report and note the training undertaken and make final recommendations in respect of the proposed (1) bullying & harassment statement and (2) member's pledge to support civility in public life.

5 ETHICAL UPDATE - HELPING TO PROMOTE HIGH STANDARDS OF CONDUCT

Consideration was given to a report of the Director of Governance and Pensions (Monitoring Officer), which briefed Members on any developments and new on matters of local government ethics.

Members were advised that the Information Commissioner's Office had launched an investigation into the use of private correspondence channels at the Department of Health and Social Care. The ICO's investigation would establish if private correspondence channels had been used, and if their use had led to breaches of freedom of information or data protection law. The Commissioner also highlighted the public concern about a lack of transparency about decisions that affected individuals and their families.

It was explained that the use of private correspondence channels for official government business did not break freedom of information law, but information in private emails and messages could be forgotten or otherwise not considered when a freedom of information request is later received. This could frustrate the freedom of information process, and put at risk the preservation of official records of decision-making.

It was reported that in September 2021, Maldon District Council upheld six complaints against a member who was found to have failed to treat others with respect; bullied officers and other members; to have disclosed confidential information about another member on social media; and had deliberately attempted to undermine the Council's Code of Conduct process, bringing his office and the Council into disrepute.

It was stated that the Councillor was censured after complaints upheld from officers and other members. As well as the decision to formally censure the member, the Chair of the Joint Standards Committee also recommended that the member be removed from committee meetings and working groups; that access to ICT and email to be restricted until May 2022; and that the member is provided with training on conflict management and resolving disputes.

The report also detailed how an Allerdale councillor had been sentenced to six weeks in prison after pleading guilty to sending a threatening email to his local MP and the borough council's chief executive.

The Director of Governance and Pensions reminded Members that they were required to complete their register within the 28 day period of being elected and within 28 days of a change in circumstances relating to their interests, change of job, additional interest group. The Register of Interest was a live documents and therefore needs to be reviewed regularly to ensure it is up to date. Failure to keep councillor Register of Interests up to date could lead to a complaint being received that it was not accurate and also misleading.

Members of the Committee were advised that Monitoring Officer would write to all Members reminding them of the requirement to submit a written request for a dispensation for the February 2022 Council budget meeting.

RESOLVED

That the report be noted.

6 INDEPENDENT PERSON(S)

Consideration was given to a report of the Director of Governance and Pensions (Monitoring Officer). The report concerned the recruitment and appointment of Independent Persons who would work with the Monitoring Officer on standards matters in accordance with the Localism Act 2011 and the Council's Code of Conduct.

The Director of Governance and Pensions reported that the Council had been very well served by Valerie Bracken as Chair of the Standards Panel and supported by Judith Barnes who had through their dedication and commitment supported and maintained high standards of integrity and conduct at the Council. The intention was that they would serve two terms of four years. However, the impact and uncertainty of the Covid Pandemic meant that it was an inappropriate time to seek a new Chair and Deputy and both kindly agreed to support the Council by extending their tenure. However, it was now felt appropriate and in line with good corporate governance to recruit two independent persons to act as Chair and Deputy of the Standards Committee seeing their guidance and support to recruit to the roles.

In response both Valerie Bracken as Chair of the Standards Panel and supported by Judith Barnes had said they were very proud to serve the Borough and maintain high standards of conduct and civility.

It was explained that the Committee would lose a lot of experience and knowledge it was thought useful if an Independent Person protocol was drafted to help clarify the role. The Independent Person protocol was attached at Appendix A to the report.

It was stated that Individuals appointed as Independent Persons must be recruited through a formal procedure. As a result, in accordance with the Act, a public advertisement campaign was recommended. A copy of the proposed advert and candidate information pack was attached at Appendix B to the report.

RESOLVED

That the Standards Committee:

- (i) **Acknowledge the tremendous work undertaken by the Chair - Valerie Bracken and Deputy – Judith Barnes over the last decade which has maintained high standards of conduct and thank them for agreeing to cover the pandemic period;**
- (ii) **Approve the Independent Person Protocol attached at Appendix A; and**
- (iii) **Authorise the Monitoring Officer to undertake a recruitment process to appoint two Independent Persons in the capacity as Chair and Deputy of the Standards Committee for a term of 4 years (from the start of the 2022/23 Municipal Year until the end of the 2025/26 Municipal Year - with such term of office being extended to a maximum of 8 years.**

7 WORK PROGRAMME UPDATE

Consideration was given to a verbal report of the Monitoring Officer. Members were advised that a Work Programme would be put together of guidance and protocols to ensure they were relevant and updated.

Members of the Committee discussed the contents of the programme it was explained that the rolling programme would include the planning protocol, protocol on gifts and hospitality, register of interest, social media guidance and Member relationship protocol. This programme would be considered at future meetings of the Committee. Further, it was stated that a training programme would set out the training for officers and Members.

RESOLVED

That the information provided be noted.

8 REGISTER OF INTERESTS AND GIFTS AND HOSPITALITY

The Register of Interests and Register of Gifts and Hospitality were available online for inspection.

9 URGENT ITEMS

There were no urgent items.

10 DATE OF NEXT MEETING

The date of the next meeting was scheduled for the 29 March 2022.

11 DISCUSSION PERIOD FOR MEMBERS TO RAISE ISSUES (IF ANY)

No items were raised during the discussion period.

CHAIR