

STANDARDS COMMITTEE

Minutes of the proceedings at a meeting of the Standards Committee held in the Georgian Room, Kendal Town Hall, on Tuesday, 17 April 2018, at 2.00 p.m.

Present

Councillors

Chris Hogg (Chairman)
Pete McSweeney (Vice-Chairman)

Mark Wilson

Parish Members

David Peters

Apologies for absence were received from District Councillor Eric Morrell, and Parish Member Peter Smillie.

Officers

Jason Habbershon	Committee Services/Scrutiny Officer
Simon McVey	Assistant Director Performance and Innovation
Debbie Storr	Director of Policy and Resources (Monitoring Officer)

S/12 MINUTES

RESOLVED – That the Chairman be authorised to sign, as a correct record, the minutes of the meeting held on 19 September 2017.

S/13 DECLARATIONS OF INTEREST

RESOLVED – That it be noted that no declarations of interest were raised.

S/14 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

RESOLVED – That it be noted that there are no excluded items on the agenda.

S/15 REPORT ON COMPLIMENTS, CUSTOMER FEEDBACK AND COMPLAINTS RECEIVED DURING 2017/18

The Assistant Director Performance and Innovation presented an update on the compliments, customer feedback and complaints received during 2017/18.

During 2017/18 there had been a large increase in the number of compliments; 72 compared to 54 received during the previous year.

Previous reports had shown that the number of complaints received tended to be consistent, and averaged approximately two per week. This trend had continued during 2017/18 with a slight reduction in the overall number of complaints. Both the average time taken to respond to complaints and the number of complaints answered within the 10

working day target had also improved since the previous year. The Assistant Director Performance and Innovation confirmed that no trend had been identified with regard to the nature of complaints received.

A discussion was held on the definition of a complaint and a compliment as well as the ways in which these were received, with particular regard to customer contact through social media platforms. The Assistant Director Performance and Innovation explained that whether a communication was classified as a complaint would depend upon the situation.

The Chairman asked whether the targets for responding to complaints received could be tighter given that the Council regularly exceeded them. The Assistant Director Performance and Innovation explained that the majority of complaints received were dealt with within one working day, but that the target needed to reflect the likely average of all cases, including those which were more complex and which required a full investigation.

The Committee expressed its thanks to staff and particularly welcomed the reduction in complaints received by Street Scene relating to missed bin collections.

The Assistant Director Performance and Innovation reported that the Annual Review Letter from the Local Government Ombudsman was expected in July 2018. There had been no public interest reports received. Since September 2017 one complaint had been upheld and recorded as maladministration and injustice at pre-report stage. The Council was required to review an application and its procedures for future applications. This application had been reviewed and the procedures were being reviewed within an agreed timeframe.

RESOLVED – That

- (1) the report be received; and
- (2) the recent decisions of the Local Government Ombudsman be noted.

S/16

CODE OF CONDUCT COMPLAINTS

The Director Policy and Resources (Monitoring Officer) presented a report regarding complaints received under the Council's Standards Arrangements from September 2017.

One complaint regarding a parish/district councillor had been forwarded for investigation by the Monitoring Officer. She also explained that the local constabulary were not pursuing any further the case of an alleged failure to declare an interest which had been passed on to them earlier in the municipal year.

The Director Policy and Resources (Monitoring Officer) reported that a query regarding a further parish matter had recently been raised but that no formal complaint had been made at the time of reporting.

RESOLVED – That the report be noted.

S/17

REVIEW OF DISPENSATIONS RE PUBLIC PARTICIPATION

The findings of the review of dispensations relating to public participation was presented by the Director of Policy and Resources (Monitoring Officer).

In April 2016, the Standards Committee had considered a dispensation for Members and Co-opted Members to enable them to make representations under the General Public

Participation Scheme in circumstances where the Member had a disclosable pecuniary interest in relation to that agenda item. The same dispensation had been approved to allow Members and Co-opted Members to utilise the Public Participation Scheme applicable to Planning Committee.

Since the dispensations had been introduced there was evidence of them having been used at Planning Committee which had enabled Members to put forward representations where they would not have been able to do so without dispensation. If the Standards Committee felt it appropriate to continue the dispensations, it was suggested that they be extended for a further period of four years, the maximum period which a dispensation may take effect.

Members raised the importance of the need for clear guidance for those using dispensations, particularly for those who were not members of the Planning Committee. The Director of Policy and Resources (Monitoring Officer) confirmed that she would follow this up. She also reiterated that the dispensation was only required where a Member had a disclosable pecuniary interest or where there was the possibility of bias or predetermination, and not simply by acting in the role of ward member.

The potential impact of the introduction of three Member wards on public participation regarding ward matters was discussed and whether this would reduce the effectiveness of the dispensation. The Committee felt that the boundary changes would not negate the need for the dispensation and that there was merit in continuing its application for a further four years.

RESOLVED – That the continuation of the existing dispensations for a period of four years be approved as detailed within the report.

S/18

GUIDANCE ON GIFTS AND HOSPITALITY

The revised Guidance for Members on Gifts and Hospitality was presented by the Director of Policy and Resources (Monitoring Officer). The guidance sought to help Members and Co-opted Members to avoid situations where their integrity may be questioned as a result of the offer or receipt of gifts and hospitality. The guidance had last been reviewed in September 2015.

The Member Development Steering Group had reviewed the document in September 2017 and requested that the guidance included reference to the Officer / Member Protocol and how this also governed the relationship and engagements between Members and Officers.

An additional amendment had been proposed following the despatch of the agenda to make clear within paragraph 3.2 of the guidance that registration of gifts and hospitality was only required where the value was at least £50.

It was highlighted that the title of the guidance referred to Members but not Co-opted Members. The Director of Policy and Resources (Monitoring Officer) undertook to amend the title as part of the document's finalisation.

A discussion was held on the appropriateness of the question asked at the end of paragraph 11.2 of the guidance. It was agreed that the word "received" should be changed to "offered", to read "Would I have been offered this gift or hospitality even if I were not the Leader/Portfolio Holder?"

Members requested that, as part of the next review of the guidance, the views and experience of the Leader and Cabinet Members be sought and fed back to the Committee. The Director of Policy and Resources (Monitoring Officer) confirmed that the views of the Executive would be included within the next review scheduled for 2019/20.

RESOLVED – That, subject to the amendments raised above, the revised Guidance for Members and Co-opted Members on Gifts and Hospitality, as attached at Appendix 1 to the report, be approved.

S/19

REVIEW OF LOCAL GOVERNMENT ETHICAL STANDARDS: STAKEHOLDER CONSULTATION

The Director of Policy and Resources (Monitoring Officer) explained that the Committee on Standards in Public Life was undertaking a Review of Local Government Ethical Standards. As part of that review, the Council had been invited to respond to a stakeholder consultation paper, and a draft response had been produced based upon that feedback.

A discussion was held on the sanctions currently available to councils and how these had changed following the introduction of the Localism Act 2011. The majority of Members felt that greater power to sanction those failing to follow the Code of Conduct was needed, however, were of the opinion that the former Standards Board for England (SBE) had been dismantled for the right reasons. Despite this, a concern was raised that increasing the power to sanction could potentially be misused and that this could lead to the disenfranchisement of residents. Overall it was agreed that the response to the Committee on Standards in Public Life indicate a preference for the reinstatement of the pre-Localism Act 2011 sanctions, with a recognition that these powers would be used in exceptional circumstances only.

It was suggested that the response to the “Declaring interests and conflicts of interest” section should include reference to the active dispensations approved by the Standards Committee.

In formulating a response to the “Improving standards” section of the consultation paper, Members felt that consideration should be given to the creation of an independent body, more agile than the previous SBE, which could reduce inconsistencies and provide greater guidance. This independent board could review cases but would not be a reinvention of the SBE.

Members felt that the Cumbria Monitoring Officers group was an example of great partnership working which had ensured consistency across the vast majority of authorities within the county.

It was suggested that the improvements made to the website through Customer Connect and the introduction of a Members SharePoint page would further improve the training and awareness of standards issues amongst councillors.

The Committee felt that the steps available to Local Government in improving ethical standards was dependent largely upon Government policies. The need for better management of public expectation of standards regimes was also highlighted as an important consideration for the review.

Members discussed the various forms of intimidation which may be experienced by elected Members, particular through increasing use of social media. Concern was also expressed regarding the potential for those recording meetings to subsequently edit the footage

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unfairly, and Members felt that prior notification of filming should be a requirement. Overall the Committee felt that the current rule of law was sufficient in dealing with intimidation of Councillors, but that it was nevertheless an increasing issue which needed to be addressed and had potentially meant that fewer people were willing to stand for office. Additional guidance and support would be welcomed to help Members to better deal with intimidation.

The Director of Policy and Resources (Monitoring Officer) undertook to amend the draft response based upon the comments raised and agreed to circulate this to the Committee prior to submission. Members felt it appropriate to delegate authority to the Director of Policy and Resources (Monitoring Officer) to finalise the document, in consultation with the Chairman, and to submit the final response to the Committee on Standards in Public Life prior to the 18 May 2018 deadline.

RESOLVED – That

- (1) the Review of Local Government Ethical Standards by the Committee on Standards in Public Life be noted;
- (2) subject to the amendments and additions raised, the draft responses to the consultation paper be approved; and
- (3) the Director of Policy and Resources (Monitoring Officer) be authorised, in consultation with the Chairman of the Standards Committee, to finalise the response prior to submission to the Committee on Standards in Public Life.

S/20

ANNUAL REPORT 2017/18

The draft Annual Report 2017/18 was presented by the Director of Policy and Resources (Monitoring Officer) and detailed the work of the Committee and the operation of the Council's Standards Arrangements over the past 12 months.

It was considered appropriate for the Committee to review the Council's Standards Arrangements on a regular basis. This had last been done in 2017 and it had been proposed that the next review would take place in 2018/19. The Annual Report would be amended, in consultation with the Chairman of the Committee, prior to its submission to Council to reflect decisions arising from this meeting.

Members wished to record their particular thanks to the Director of Policy and Resources (Monitoring Officer) for the huge amount of work she put in to supporting the Standards Committee and her work in ensuring standards were upheld across the District. Parish Member Councillor David Peters added that South Lakeland District Council was viewed in high regard by Members of the Cumbria Association of Local Councils

RESOLVED – That, subject to the finalisation of the document to reflect the decisions arising from this meeting, the draft Annual Report 2018/19 be approved for referral to full Council.

S/21

STANDARDS COMMITTEE WORK PROGRAMME

The Director of Policy and Resources (Monitoring Officer) presented the Standards Committee's Work Programme for 2018/19.

The Committee felt that there would be benefit in arranging a mock hearing for Standards Committee Members, particularly given the length of time that had passed since the last

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hearing had taken place. The Director of Policy and Resources (Monitoring Officer) suggested that there was the potential to arrange a Cumbria-wide training session for Standards Committee Members and that a mock hearing could be included as part of that.

It was highlighted that the Work Programme contained a duplicate entry regarding training and that the Review of Standards Arrangement scheduled for April 2018 was not included. The Director of Policy and Resources (Monitoring Officer) undertook to amend the Work Programme following the meeting.

RESOLVED – That the Standards Committee's Work Programme for 2018/19 be noted.

The meeting ended at 3.35 p.m.