

**STANDARDS COMMITTEE**

Minutes of the proceedings at a meeting of the Standards Committee held in the Assembly Room, Kendal Town Hall, on Monday, 11 October 2021, at 2.00 p.m.

Present

Councillors

Chris Hogg (Chairman)  
Matt Severn (Vice-Chairman)

John Holmes

Peter Thornton

Shirley-Anne Wilson

Apologies for absence were received from District Councillor Tom Harvey and Pete McSweeney and Parish Member Peter Smillie.

Officers

Linda Fisher            Legal, Governance and Democracy Lead Specialist (Monitoring Officer)  
Julia Krier             Legal, Governance and Democracy Specialist

**S/1        MINUTES**

RESOLVED – That the Chairman be authorised to sign, as a correct record, the minutes of the meeting held on 20 April 2021.

**S/2        DECLARATIONS OF INTEREST**

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

**S/3        LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS**

RESOLVED – That it be noted that there were no excluded items on the Agenda.

**S/4        TERMS OF REFERENCE**

RESOLVED – That the Terms of Reference for the Standards Committee be noted.

**S/5        LOCAL GOVERNMENT OMBUDSMAN ANNUAL REVIEW, COMPLAINTS RECEIVED FROM APRIL 2020 TO MARCH 2021**

The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) presented the report on behalf of the Operational Lead, People Welfare and Income Maximisation.

In the discussion, Councillors raised the question of the possibility of being provided access to review the progress of a complaint. The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) stated that the progress of complaints was an operational matter, but that Members could ask questions if there were particular matters on which they required an update. In response to a query as to whether there was a central point of reference to which to refer complaints, the Legal, Governance

and Democracy Lead Officer (Monitoring Officer) stated that complaints could be directed to the Council's central complaints email address.

During the discussion, a further query was raised with regard to the timescales within which complaints should be acknowledged and a response issued. The Legal, Governance and Democracy Lead Officer (Monitoring Officer) stated that the Council aims to respond to complaints within ten working days, and to provide an acknowledgement within two working days of receipt of a complaint. It was acknowledged by the Legal, Governance and Democracy Lead Officer (Monitoring Officer) that a full response was not always possible within ten working days and that in that event officers would seek to keep complainants updated as to the reasons for delay.

During the discussion a query was also raised in relation to Code of Conduct complaints. The Legal, Governance and Democracy Lead Officer (Monitoring Officer) advised that this was the subject of agenda Agenda Item No. 8.

RESOLVED – That the reports be received and the recent decisions of the Local Government Ombudsman be noted.

#### **S/6 STANDARDS COMMITTEE - PARISH REPRESENTATIVE**

RESOLVED - That it be noted that, following the end of Parish Councillor David Peters' term as the Chairman of the Cumbria Association of Local Councils to the Standards Committee, the new Chair, once appointed, will be invited to join the Standards Committee as one of the parish council co-optees (in the event that the Chair is unable to take up the position, an alternative parish council co-optee will be sought).

#### **S/7 CODE OF CONDUCT COMPLAINTS**

The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) presented the report and responded to comments with regard to delays responding to complaints. The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) stated that in relation to a number of (related) complaints it had been necessary to seek further clarification from the complainants with regard to the specific breaches of the Code of Conduct alleged. Upon receipt of that further information, the subjects of the complaints had been asked to comment within a specified timescale upon the complaints. The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) advised that once the responses had been received, she would be arranging to meet with the Independent Person regarding the complaints. It was noted that the complainants had been notified of the process accordingly. In relation to another outstanding matter, the Legal, Governance and Democracy Lead Specialist (Monitoring Officer) explained that in relation to that particular matter there had been two parts to the complaint and delays had arisen because the second limb of the complaint required further clarification.

The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) noted that some of the complaints received concerned Parish Council processes and meetings and were not necessarily Code of Conduct complaints. Councillors queried whether a revised 'traffic light' process would assist with dealing with these complaints but it was felt that the current level of complaints did not merit a change in approach. The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) highlighted that it was a matter for the complainants in each case to substantiate their complaints and that the

timescales for dealing with these complaints would only commence from the date at which the breaches were properly outlined and identified by the complainants.

During the discussion, Councillors were pleased to note so few Code of Conduct complaints regarding District Councillors.

RESOLVED – That the report be noted.

**S/8**

**DISTRICT REGISTER OF DISCLOSABLE PECUNIARY AND OTHER REGISTRABLE INTERESTS**

The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) presented the report and noted that there were a number of Members who had not yet attended the training provided upon the new Code of Conduct.

During the discussion, the Chair expressed some concern with the approach that Councillors who had not attended the training session would be provided with a recording to watch. The Chair expressed a preference for Members to attend the training session, rather than listen to a recording, and an action was noted for the Chair to send an email to Group Leaders reminding them of the need for Members to attend training sessions in person / virtually and for Members to each sign and return their confirmation that they had read the Code of Conduct. It was noted that the training was provided online live and so was very convenient to attend.

RESOLVED – That

- (1) the review of the District register of interests be noted; and
- (2) through the Chair, a letter be sent to Group Leaders regarding the need for Members to attend the Code of Conduct training session.

**S/9**

**PARISH REGISTER OF DISCLOSABLE PECUNIARY AND OTHER REGISTRABLE INTERESTS**

The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) presented the report.

During the discussion, it was noted by Councillors that there were a small number of Register of Interest forms outstanding and that a letter to the Clerks and Councillors in question may assist. The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) explained that officers do frequently chase outstanding Register of Interest forms and stated that she would send a letter to the relevant Councillors requesting return of the Register of Interest forms.

RESOLVED – That

- (1) the review of the Parish Register of Interests be noted; and
- (2) a letter be sent by the Legal, Governance and Democracy Lead Specialist (Monitoring Officer) to the relevant Councillors who had not yet returned their Register of Interest forms.

**S/10 EMPLOYEE REGISTER OF INTERESTS AND GIFTS AND HOSPITALITY**

The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) presented the report.

The Chair queried whether there were arrangements for the reportable threshold for gifts to be aligned for both officers and Members. The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) confirmed that the thresholds had not yet been aligned for Members and officers but that this had been identified as an internal audit recommendation.

RESOLVED – That the report and appendices be noted.

**S/11 STANDARDS COMMITTEE WORK PROGRAMME**

The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) presented the Standards Committee's Work Programme.

It was noted by the Chair that Members were acutely aware of the time that would be taken up in relation to Local Government Re-organisation in Cumbria and that he would like this to be reflected in the Work Programme.

RESOLVED - That the Standards Committee's Work Programme be noted.

**S/12 SOCIAL MEDIA GUIDE FOR COUNCILLORS**

The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) presented the report and noted that the Guidance was also referred to in the Code of Conduct training that had been offered to all Members.

There was general discussion by Members regarding online communications and it was suggested that Councillors needed to be mindful of different forms of communication online. In the course of the discussion it was noted that the Chair would send an email to remind Members about the Social Media Guidance.

RESOLVED - That

- (1) the Social Media Guide for Councillors be noted; and
- (2) a reminder be sent through the Chair to all Members regarding the guidance in relation to social media.

**S/13 LOCAL GOVERNMENT REORGANISATION**

The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) provided a verbal update in relation to Local Government Re-organisation ('LGR'). The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) explained that Cumbria Monitoring Officers were meeting regularly and work streams had commenced in relation to governance and legal matters. The Standards regime and Code of Conduct for the new unitary authority would be matters to be considered by the Shadow Authority in due course.

RESOLVED – That the verbal update be noted.

**S/14****DISPENSATIONS**

The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) provided a verbal update in relation to requests, if any received, for dispensations.

It was noted by the Legal Governance and Democracy Lead Specialist (Monitoring Officer) that one request had been received from a Parish Council in relation to advice regarding Parish Council dispensations. The Legal Governance and Democracy Lead Specialist (Monitoring Officer) noted that Parish Councils were responsible for determining requests for a dispensation by a Parish Councillor under Section 33 of the Localism Act 2011. A more detailed report on dispensations would be brought to a future meeting.

RESOLVED – That the verbal update be noted.

The meeting ended at 3.23 p.m.