

# **STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL**

## **STANDARDS COMMITTEE MEETING**

### **Minutes**

**FRIDAY, 19 JULY 2019**

PRESENT: Councillor B Emery (Vice-Chair, in the Chair)

Councillors J Aberley, B A Hughes, K J Jackson, B Johnson,  
K Martin and P Taylor. Mr D Fowler

IN ATTENDANCE: M Trillo Executive Director & Monitoring Officer  
P Rushworth Deputy Monitoring Officer  
L Vernon Senior Officer (Governance & Member Support)  
P Trafford Democratic Services Officer  
Cllr. L Swindlehurst

APOLOGIES: Councillors G Bond, I Herdman and P Wilkinson

1 **URGENT ITEMS OF BUSINESS, IF ANY (24 HOURS NOTICE TO BE PROVIDED TO THE CHAIRMAN).**

There were no urgent items.

2 **TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE PREVIOUS MEETING.**

RESOLVED: That the Minutes of the Meeting held on 22 March 2019 be approved as a correct record and signed by the Chair.

Following the recent local elections there had been a significant change in membership of the committee so, at this point, each person present introduced themselves.

3 **DECLARATIONS OF INTEREST, IF ANY:**

There were no declarations of interest made.

4 **CODE OF CONDUCT - DISPENSATIONS**

Presented by Senior Officer (Governance & Member Support) Linden Vernon, this report followed the recent local elections and was put forward under Section 33 (2) of the Localism Act 2011.

Previously, under the old Code of Conduct, general exemptions were provided to all councillors with regard to prejudicial interests in any business of the authority where that business related to functions of the authority in respect of:-

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- An allowance, payment or indemnity given to members;
- Any ceremonial honour given to members;
- Setting Council Tax or a precept under the Local Government Finance Act 1992 as amended from time to time or any superseding legislation;
- Housing, where the councillor was a tenant of the authority provided that those functions did not relate particularly to the councillor's tenancy or lease.

General dispensations were also granted on these terms for the following decisions which were also made by the Council as a result of changes in relevant legislation:-

- Setting the local council tax support scheme for the purposes of the Local Government Finance Act 2012 as amended from time to time or any superseding legislation;
- Setting a local scheme for the payment of Business Rates, including eligibility for rebates and reductions, for the purposes of the Local Government Finance Act 2012 as amended from time to time or any superseding legislation.

RESOLVED: That general dispensations as outlined above be granted to all councillors under Section 33 (2) of the Localism Act 2011 for a period of 4 years.

### **5 COMMITTEE ON STANDARDS IN PUBLIC LIFE - ETHICAL STANDARDS REVIEW**

Executive Director & Monitoring Officer Mark Trillo initially gave a presentation outlining the work of the committee, covering:-

- Framework of the committee & scrutiny panel system in place;
- Localism Act 2011;
- Composition of the committee;
- Role of the committee;
- Ethical Framework;
- Work Programme.

Members raised specific queries, including (*responses in brackets*):-

1. What was the 'Local Government Ombudsman's Annual Letter'? (*The letter summarised all complaints received and the results within the year referred to. The letter would be reported to the next meeting of this committee. Any matters which necessitated Police involvement would be forwarded to the Police as a matter of course and further action at SMDC would cease to allow their investigations to take place.*)
2. What was the criteria on voting rights at the committee? (*Under the previous 2000 Act, there was a requirement for Standards Committees to include Parish Representatives and Independent Members. Under the Localism Act 2011 the requirement for Parish Representatives (PR's) and indeed a Standards Committee was removed. There was, therefore, no statutory provision for the vote to be retained. It was also noted that the political balance of the committee would be skewed if co-opted members were to vote.*)

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3. Given the limited sanctions available to the Standards Committee, could recommendations be made to Full Council to enforce any necessary action? *(Yes, this did happen where considered necessary.)*
4. Were substitutes allowed on the committee? *(No, the Council's Constitution did not allow for substitutes on this particular committee.)*
5. Where a Hearing Panel was convened to consider a complaint relating to a Parish Councillor, how would the membership of the panel be determined? *(The panel would reflect the parish nature of the complaint.)*

The Committee on Standards in Public Life had reviewed the ethical standards in local government and had made 15 best practice recommendations for the Council's local ethical framework where appropriate. Most of the recommendations were already covered in the Code of Conduct but 3 amendments were proposed:-

1. Under 'General Conduct' paragraph 2.2, the words (including any unwanted behaviour that makes someone feel intimidated, degraded, humiliated or offended) with reference to bullying;
2. Also under 'General Conduct' an additional paragraph 2.11 "Co-operate fully with any investigation carried out in accordance with the Council's Arrangements for dealing with Standards Complaints under the Localism Act 2011, and by not making any trivial or malicious allegations under those Arrangements;
3. The addition of a 'Public Interest Test' as with the initial assessment criteria used by the Northern Ireland Local Government Commissioner for Standards in Public Life (attached as appendix 2 to the report as follows:-
  - Can we investigate the complaint?
  - Is the person you are complaining about a councillor?
  - Did the conduct occur within the last 6 months?
  - Is the conduct something that is covered by the Code?
  - **Should we** investigate the complaint?
  - Is there evidence which supports the complaint?
  - Is the conduct something which it is possible to investigate?
  - Would an investigation be proportionate and in the public interest?

Mr. Trillo advised that there was a need for an independent external review of the Council's governance arrangements. A similar process for High Peak Borough Council would reduce the unit costs, which would be on a set fee basis.

RESOLVED: That the report be **NOTED** and that the adoption of the best practice recommendations into the Council's ethical Standards framework be **APPROVED**.

FURTHER RESOLVED: To **RECOMMEND TO COUNCIL** that the revised Code of Conduct be **APPROVED**.

FURTHER RESOLVED: That the initial assessment criteria as attached at Appendix 2 be **ADOPTED** for use under the Council's Arrangements for dealing with Standards Complaints under the Localism Act 2011.

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**6 EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED:

That, pursuant to Section 100A(2) and (4) of the Local Government Act, 1972, the public be excluded from the meeting in view of the nature of the business to be transacted or the nature of the proceedings whereby it is likely that confidential information as defined in Section 100A (3) of the Act would be disclosed to the public in breach of the obligation of confidence or exempt information as defined in Section 100 I (1) of Part 1 of Schedule 12A of the Act would be disclosed to the public by virtue of the Paragraphs indicated.

**7 TO APPROVE AS A CORRECT RECORD THE EXEMPT MINUTES OF THE PREVIOUS MEETING.**

RESOLVED: That the Minutes of the Meeting held on 22 March 2019 be **APPROVED** as a correct record and signed by the Chair.

**8 COMPLAINTS MONITORING REPORT**

Members considered a report regarding complaints received since the previous meeting.

The meeting closed at 11.08 am

\_\_\_\_\_ Chairman \_\_\_\_\_ Date