JOINT STANDARDS COMPLAINTS COMMITTEE

Date: 15 July 2020
Venue: Online meeting
Time: 7.30pm
Present: East Northamptonshire Councillors:
Rosalie Beattie Gill Mercer
Andy Mercer Robin Underwood

Town and Parish Councillors:
Dave Munday (Stanwick Parish Council)
Nigel Rudd (Warmington Parish Council)
Terry Stagg (Oundle Town Council)
Robert Tyman (Raunds Town Council)
Adrian Winkle (Irthlingborough Town Council)
Vivienne Barnard (Independent Member)
Andrew Sortwell (Reserve Independent Member)

94. **ELECTION OF CHAIRMAN FOR THE 2020/21 MUNICIPAL YEAR**

It was moved, seconded and agreed that Councillor Dave Munday be elected chairman of the Joint Standards Complaints Committee for 2020/21.

Councillor Dave Munday – in the Chair

95. **ELECTION OF VICE-CHAIRMAN FOR THE 2020/21 MUNICIPAL YEAR**

It was moved, seconded and agreed that Councillor Gill Mercer be elected vice-chairman of the Joint Standards Complaints Committee for 2020/21.

96. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Annabel De Capell Brooke and Arthur Whittaker (Yarwell Parish Council).

97. **MINUTES**

The minutes of the meeting of the Joint Standards Complaints Committee held on 19 February 2020 were approved as an accurate record, to be signed by the Chairman at a later date.

98. **DECLARATIONS OF INTEREST**

The Chairman invited those who wished to do so to declare interests in respect of items on the agenda.
Councillor Dave Munday declared a disclosable pecuniary interest in respect of item 7 (Requests for Dispensations) as he would be requesting a dispensation to enable him to be involved in parish council discussions and decisions relating to the management of Stanwick Cemetery.

Councillor Munday undertook to leave the meeting during this discussion.

99. **QUESTIONS SUBMITTED UNDER PROCEDURE RULE 10.3**

There were no questions submitted under Procedure Rule 10.3.

100. **REQUESTS FOR DISPENSATIONS**

*(The Chairman, Councillor Dave Munday left the meeting prior to discussion of dispensations for councillors)*

Councillor Gill Mercer – in the Chair

The Deputy Monitoring Officer reported that one request for dispensation had been made from Councillor Dave Munday of Stanwick Parish Council.

The Committee noted the proposal to renew the dispensation relating to Councillor Munday, recognising the balance of facilitating the business of the council whilst being mindful of his particular interest.

**RESOLVED:**

That a dispensation be granted under Section 33 (2) (c) of the Localism Act to Cllr D Munday, member of Stanwick Parish Council, until 10 May 2021 to enable his involvement in Parish Council discussions and decisions relating to the management of Stanwick Cemetery unless these discussions involve any changes in rights, responsibilities or charges for the use of the cemetery plot in which he has a disclosable pecuniary interest.

*(Reason: to allow this councillor to represent his community on issues of wider community concern in relation to the Parish Council's management of these spaces whilst acknowledging the personal interest he has in part of the space.)*

*(The Chairman, Councillor Dave Munday returned to the meeting)*

Councillor Dave Munday – in the Chair

101. **ACTIVITY REPORT OF THE MONITORING OFFICER**

The Deputy Monitoring Officer submitted a report providing a brief update on Monitoring Officer activity covering the period from the last meeting of the Committee on 19 February 2020.

During discussion it was noted that:-

i) Babs Morris, having previously assisted the Council with Monitoring Officer duties, had returned to the Council on 24 June 2020 working two days a week as an Interim
Deputy Monitoring Officer to assist the Monitoring Officer with East Northants duties. This was due to Bhupinder Gill having been appointed as Interim Monitoring Officer for North Northamptonshire Shadow Authority and Ben Smith, the Deputy Monitoring Officer, as joint Lead Democratic Services Manager also for the North Northamptonshire Shadow Authority;

ii) There had been no new Code of Conduct complaints since the last meeting. There were 8 current complaints that are ongoing which were being dealt with in accordance with usual practices;

iii) A further update regarding the progress in dealing with the existing complaints would be brought to the next meeting of the Committee;

iv) A major Local Government Association consultation had been issued in respect of an updated Model Code of Conduct. This would be discussed as a separate report at this meeting.

RESOLVED:

That the contents of the report in terms of monitoring of complaint activity be noted;

Reason: to demonstrate active monitoring of the local ethical standards position)

102. LOCAL GOVERNMENT ASSOCIATION MODEL MEMBER CODE OF CONDUCT CONSULTATION

The Interim Deputy Monitoring Officer submitted a report which invited members’ comments on the proposed revised Local Government Association (LGA) Model Member Code of Conduct.

It was noted that the Committee for Standards in Public Life had published a report in January 2019 entitled the Local Government Ethical Standards Review. The outcome of the Review resulted in 26 recommendations including that the (LGA) create an updated Model Code of Conduct in consultation with representative bodies of Councillors and Officers of all tiers of local government.

The LGA had recently issued a draft Model Member Code of Conduct accompanied by 17 questions for response during a 10 week consultation exercise running from 8 June to 17 August 2020. In order to assist the Committee with its responses, the Interim Deputy Monitoring Officer had made some suggested initial responses to the questions.

Arising from discussion, the following comments were made:-

i) There was felt to be an imbalance in the current standards regime, with the ability of an accuser to remain anonymous whilst the accused councillor, even if cleared of the accusation, having their reputation potentially damaged;

ii) It was strongly felt that there needed to be a focus on transparency and openness in the new Model Member Code of Conduct and also that it should not be able to be used as a political device between political parties;

iii) Specific comments were made in respect of some of the 17 questions and suggested responses arising from the LGA consultation document:
Q.1 – There was a need to clarify the difference between when acting in a non-
political environment as opposed to being a councillor;

Q.3 – That the response be amended to express preference for the passive tense;

Q.4. That the first of the 12 specific obligations be amended to include ‘Treating other
councillors and members of the public with civility…and respect’;

Q.7. That the response be amended to read ‘To a small extent’;

Q.8. That the response be supplemented with a further comment that the Committee
considers the sanctions available as part of the current standards regime as too
weak and as a result are inadequate;

Q9a. It was considered the guidance on bullying and harassment should be
strengthened regarding the protection of councillors, particularly following some high
profile cases involving politicians in recent years;

Q.10a That social media should be covered in a separate code/guidance that could
be updated locally by councils in response to the fast moving technological
environment;

Q.11a The current system for declaring interests was considered onerous at times in
terms of completion of the Register itself. It was also believed that interests should be
declared at each relevant meeting in the interests of transparency, rather than rely on
members of the public referencing back to the Register of Interests;

(At this point of the meeting, with the agreement of the Committee, the
chairman undertook to extend the meeting beyond the two hour limit, for a
maximum of half an hour.)

Q.14a That the proposed requirement in relation to the acceptance of significant gifts
was not precise enough in relation to family members and close friends;

Q.15 That the threshold for registering gifts and hospitality should remain at £25;

Q.16a That supplementary guidance in respect of social media should include advice
on ‘trolling’, i.e. in respect of those members of the public who deliberately provoked
councillors online by saying inflammatory and/or offensive things.

RESOLVED:

That approval be given to the submission of the responses to the Local Government
Association, as set out in Appendix D to this report, subject to the Interim Deputy
Monitoring Officer’s incorporation of the comments now made.

(Reason: To provide the Council’s response to the LGA consultation document.)

Chairman