

Present: Councillors Tom Ashton, George Cornah, Anne Dorrian, Jonathan Noble and Stephen Woodliffe

Officers –

Deputy Chief Executive (Monitoring Officer) and Democratic Services Manager

1 TO APPOINT A CHAIRMAN AND VICE CHAIRMAN

It was agreed that Councillor Jonathan Noble be appointed as Chairman of the Sub Committee and Councillor Tom Ashton as the Vice-Chairman.

2 TO RECEIVE APOLOGIES FOR ABSENCE

No apologies for absence were received.

3 DECLARATION OF INTEREST

No declarations of interest were made.

4 REVIEW OF LOCAL GOVERNMENT ETHICAL STANDARDS BY THE COMMITTEE ON STANDARDS IN PUBLIC LIFE

The Deputy Chief Executive and Monitoring Officer introduced a report advising on the outcome of the review on Local Government Ethical Standards by the Committee on Standards in Public Life.

The report stated that the current Local Government Ethical Standards regime had been introduced under the Localism Act 2011 and been in operation since June 2012.

In January 2018 the Committee for Standards in Public Life (CSPL) commenced a review of the ethical standards regime and, in particular, the effectiveness of sanctions available in relation to breaches of the Member Code of Conduct.

The terms of reference for the review were to examine the structures, processes and practices in local government in England for:

- Maintaining codes of conduct for local councillors
- Investigating alleged breaches fairly and with due process
- Enforcing codes and imposing sanctions for misconduct
- Declaring interests and managing conflicts of interest; and
- Whistleblowing

And to:

- Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government
- Make any recommendations for how they can be improved

- Note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.

The Review identified some specific areas of concern relating to bullying and harassment and other disruptive behaviour by a minority of councillors, and a number of risks in respect of the current rules around conflicts of interest, gifts and hospitality and the complexity of local government decision making.

However, the review continued to support the current framework whereby local authorities had responsibility for ethical standards and concluded there was no reason to reintroduce centralisation.

The CSPL had made 26 recommendations and identified 15 recommendations of best practice to improve ethical standards in local government. A copy of the CSPL review including recommendations was appended to the report.

There were five key recommendations which would impact on Councillors:-

- Updating the model code of conduct and extending it to Parish Councils;
- Presumption of official capacity;
- Extending the list of registerable interests;
- A new 'objective' test for when councillors must withdraw or not vote;
- Strengthening the sanctions system.

Most of the recommendations would require primary legislation and therefore any changes would be subject to Parliamentary timetabling. CSPL intended to monitor the implementation of its recommendations.

The review report also set out a list of fifteen best practice recommendations for local authorities which were considered a benchmark of good ethical practice and which all local authorities should implement.

A draft action plan to deliver the best practice recommendations was appended to the report. It was noted that some of the recommendations and best practice points were already in operation within Boston and any proposed changes to the Code of Conduct would need to be approved by full Council.

A review of the current Code of Conduct had been undertaken by a Cross Party Working Group between June and November 2018 when it had been agreed to defer until a Standards Committee had been established and task that body with the review. A copy of the proposed Code of Conduct was appended to the report.

The Sub-Committee were generally supportive of the recommendations and good practice set out in the report, particularly welcoming the review of available sanctions when breaches of the code occurred.

However, views were expressed:

- If the code of conduct was extended too much it would lose its impact;

- Potential for endless vexatious and politically motivated complaints;
- Available timescales in respect of sanctions and length of time for the Local Ombudsman Complaints process to be concluded;
- The public would be punished by not having an active Councillor if suspended under the sanctions regime;
- Contentious or difficult investigations could be investigated by a neighbouring authority;
- The 'recall' option should be available to local government as it was for Parliament to ensure MPs and Councillors were both answerable to the electorate.

The Monitoring Officer responded that Government would undertake further consultation on the recommendations which required primary legislation and the Sub Committee would be welcome to feed into that process. However, it was expected that Government would audit Councils on the implementation of the best practice points from next year. Therefore, it was important that the Code of Conduct was revised to make it more robust, to moderate and mitigate bad behaviour and to specifically reference bullying and harassment which it failed to do currently.

Members commented that further detailed discussion on the proposed revisions to the code of conduct were required before a recommendation could be made to full Council. It was proposed to accept the Action Plan except points 1 and 2 and that the review be considered at the next meeting of the sub-committee.

During debate Members requested the Monitoring Officer to arrange a Member Briefing on the responsible use of social media, and it was suggested that a consultation exercise on the amendments to the code could be combined with the briefing.

It was agreed

- 1. That the 26 recommendations made by the Review of Local Government Ethical Standards by the Committee on Standards in Public Life and the 15 best practice points be noted and the Sub Committee looked forward to participating in further consultation on the recommendations requiring primary legislation.**
- 2. To note that the Council already practiced some of the recommendations which did not require legislative changes as a matter of good practice.**
- 3. That the Action Plan to deliver the 15 best practice recommendations be agreed, subject to action points 1 and 2 being referred to the next meeting of the Sub Committee further consideration.**
- 4. That the proposed Code of Conduct as set out in appendix 3 of the report, be considered at the next meeting of the Sub Committee.**

5 RECRUITMENT AND REMUNERATION OF THE INDEPENDENT PERSON

The Monitoring Officer introduced a report providing an update on the recruitment process for Independent Persons and seeking consideration of whether the position should be eligible to receive remuneration.

The report stated that in accordance with the Localism Act 2011, arrangements must be put in place for the appointment by the Council of at least one Independent Person whose views must be sought and taken into account by the Council before a decision was made on an allegation against an elected member that had been referred for investigation.

Currently, the Council had one Independent Person appointed and during the previous eighteen months had conducted recruitment campaigns to increase the pool of available persons, but no applications had been forthcoming.

It was proposed to commence a further recruitment exercise and the Sub-Committee was asked to consider whether the existing arrangement of the position only being eligible to receive travelling and subsistence expenses was appropriate.

An option would be to request the Independent Remuneration Panel to make a recommendation on an appropriate level of remuneration for the role of Independent Person. It was noted that the equivalent role of Lay Member of the Audit and Governance Committee received an allowance of £408 per annum.

Examples of allowances paid to Independent Persons by other authorities was set out in the report for information.

Members supported the proposal to introduce an allowance for the Independent Person, recognising that their workload and time commitment may increase if the recommendations of the Local Government Ethical Standards report were implemented.

It was agreed

- 1. That the update on the recruitment process for Independent Persons be noted.**
- 2. That the Independent Remuneration Panel be requested to consider an appropriate level of remuneration for the position of Independent Person, to recognise the time commitment and responsibility attached to the role.**

6 UPDATE FROM THE STANDARDS CONFERENCE

The Monitoring Officer gave a verbal report following her attendance at the recent Monitoring Officer's Conference. Topics discussed included:

Cases of breaches of codes of conduct and links to legislation, examples would be submitted to future meetings of the sub-committee to consider if the findings would have affected the Boston code;

Acknowledging it was the responsibility of everyone to challenge and report inappropriate behaviour, not just the Monitoring Officer;

Local Government Ombudsman update – questioning if larger town and parish councils should be subject to the LGO process in respect of service requests. Concern this would have the potential to morph into conduct complaints if not dealt with effectively.

The Monitoring Officer also reported that following a recent meeting of an Assessment Panel a request had been made for equalities training to be provided to all Members. It was important that members of the Standards Sub-Committee, particularly the Chairman, were seen as advocates of standards and equalities, therefore it was agreed that the Chairman and Monitoring Officer would meet to plan the training and how best to engage with Members.

7 NEXT MEETING

The next meeting of the Standards Sub Committee was scheduled for Thursday 7 November. At the request of the Sub Committee the start time for future meetings will be 6 p.m.

The Meeting ended at 4.00 pm