

## **STANDARDS COMMITTEE**

**WEDNESDAY 31 MARCH 2021 AT 10:00**

**PRESENT:** Councillor Mrs Bowman (Chair), Councillors Mrs Mallinson, Meller, Dr Tickner, Miss Sherriff and Miss Whalen.

**OFFICERS:** Monitoring Officer

### **ST.01/21 APOLOGIES FOR ABSENCE**

An apology for absence was submitted on behalf of Councillor Paton.

### **ST.02/21 DECLARATIONS OF INTEREST**

There were no declarations of interested submitted.

### **ST.03/21 PUBLIC AND PRESS**

**RESOLVED** - It was agreed that the items of business within Part A be dealt with in public and the items in Part B of the agenda be dealt with in private.

### **ST.04/21 APPOINTMENT OF INDEPENDENT PERSON**

**RESOLVED** – It was noted that Council, at its meeting on 2 March 2021, received and adopted the minutes of the meeting held on 10 December 2020. The Chair will sign the minutes at the first practicable opportunity.

### **ST.05/21 APPOINTMENT OF INDEPENDENT PERSON**

The Monitoring Officer submitted report GD.28/21 regarding the appointment of the Council's Independent Person.

The Monitoring Officer reminded the Committee that the Localism Act 2011 introduced a new role of Independent Person (IP) to provide advice and guidance to the Monitoring Officer and Members who were the subject of a standards allegation. Following advertisement and a full recruitment process the Council appointed two IP's, Mr Keith Thomas and Ms Jane Elliott, who have held the said appointment since 2013. Their current terms of appointment expire on 30 June 2021.

Ms Elliot's term of office would have been considered and reappointed at the Annual Council meeting which had been scheduled for 18 May 2020. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 allowed for the Annual Council Meeting to be cancelled. Appointments which would have been made at the said Annual Meeting continued with the current appointed persons until the next Annual Meeting. Ms Elliot's appointment was extended for one year.

As a result of the extension both of the IPs term of office were due to end in June 2021. If the Council did not continue with both of the appointments then it would be necessary to advertise for new Independent Persons and it was likely that, due to their co-option as members of the Employment Panel, they would not be able to apply.

The Monitoring Officer reported that nothing had altered Mr Thomas and Ms Elliot's suitability for the post; therefore, it was recommended that their appointments be continued for a period of two years for Mr Thomas (until a review date of 30 June 2023) and three years for Ms Elliot (until a review date of 30 June 2024).

In response to a Member's question the Monitoring Officer explained that, should the local government re-organisation move forward, the Government would publish transitional rules setting out the arrangements for matters such as the Independent Person.

RESOLVED – That the Standards Committee recommends to Council that Mr Thomas and Ms Elliot's appointments as the Council's Independent Person be continued for a period of two years for Mr Thomas (until a review date of 30 June 2023) and three years for Ms Elliot (until a review date of 30 June 2024).

## **ST.06/21            CARLISLE CITY COUNCIL CODE OF CONDUCT, ARRANGEMENTS AND GUIDANCE REVISION**

The Monitoring Officer submitted the proposed Model Code of Conduct for Local Authority Members together with revisions to the Council's Arrangements for Dealing with Code of Conduct Matters and Guidance so as to implement the Committee for Standard's in Public Life's Best Practice Recommendations (GD.27/21).

The Monitoring Officer reminded the Committee that the current Members Code of Conduct had been in place across Cumbria since 2012. In 2019 the Committee on Standards in Public Life published a Report which reviewed ethical standards in Local Government and set out several statements of best practice which it recommended should be implemented. Many of the recommendations required changes to legislation, however, a number were within the Council's remit. The City Council already complied with most of the suggested best practice, but the Report gave the Council the opportunity to review and refresh the Code.

The first Best Practice Recommendation required the Local Government Association (LGA) to create an updated Model Code of Conduct. The LGA undertook the work and the Model Code was published in December 2020. As the county wide consistency of the previous Code had worked well the Cumbrian Monitoring Officers had worked together on the Model Code to make appropriate local amendments.

The Monitoring Officer's report set out the Best Practice Recommendations and how the City Council documentation may be amended. If the recommendations were approved then the Council would be fully compliant with all of the best practice recommendations. The report also included a Model Code of Conduct with suggested amendments and the proposed amendments to the Councils' existing arrangements for dealing with Standards matters.

The Independent Person (Ms Elliot) had been unable to attend the meeting, they were provided with the full suit of documents and asked for a written response. The Monitoring Officer read out the response to the Committee:

*"I can see that the changes outlined in the list of recommendations have been included in the revised Code of Conduct 2021. I note the extended definition of bullying and harassment in recommendation 1, and examples of the sort of behaviour involved, this makes it very clear. I also note the changes to recommendation 9, whereby after a decision is made on an allegation of misconduct following formal investigation, the notice should be published on the website with a brief statement of facts, the provisions of the code related to the allegations, the view of the Independent Person and reasoning of the decision maker, along with any sanctions. This seems a comprehensive overview of the situation.*

*I think it is sensible to take the new National Code and amend only where appropriate, given that it will continue to be reviewed on an annual basis taking into account the views of the public, community organisations and neighbouring authorities. “*

The Monitoring Officer summed up by informing the Committee that the LGA would review the Code annually and the City Council would respond accordingly.

In discussing the amended documents as appended to the report the Committee thanked the Monitoring Officer for his presentation and clear report. They agreed the changes to the Code of Conduct as set out in Section 3 of the report and supported the amendments that were detailed as tracked changes in the appendices.

The Monitoring Officer responded to Members questions clarifying the following:

- training would be provided to Members following adoption of the Code of Conduct by full Council;
- Parish Councils would be expected to adopt new Codes of Conduct and training would be provided by their Parish Clerk or CALC;
- the value of gifts and hospitality would be £25;
- Recommendations 2 and 18 of the Committee for Standards in Public Life were for the Government to undertake.

RESOLVED – 1) That the Standards Committee agreed the changes as detailed in paragraphs 3.3, 3.4, 3.5, 3.6 and 3.7 of report GD.27/21.

2) That the Standards Committee recommends to Council that it adopts the LGA Code of Conduct (as amended), the Arrangements for Dealing with Standards Matters and the Code of Conduct Guidance, as set out in report GD.27/21.

[The meeting ended at 10.37am]