

Standards Committee

4 March 2019

Standards Update



Report of Helen Lynch, Head of Legal and Democratic Services

Purpose of the Report

- 1 To inform Members of the 'national picture' on standards issues affecting Local Government.

Executive summary

- 2 This report is for information to update the Committee on national developments, consultations and cases which relate to the work of the Committee since the last meeting.

Recommendations

- 3 Standards Committee are recommended to:
 - (a) note the report and request that Officers monitor the progress of the matters referred to and keep the Committee updated; and
 - (b) consider any recommendations it wishes to make arising out of the content of the report.

Background

- 4 As agreed by the Committee in December 2017, as part of the annual work programme, this will be a standing agenda item with a quarterly update to the Committee.

Committee in Standards in Public Life: Consultation on Local Government Ethical Standards

- 5 On 30 January 2019, CSPL published their findings from the consultation. The report made 26 recommendations intended to improve local government ethical standards and improve public confidence in the arrangements. The findings and recommendations are detailed with a separate report presented for consideration by the Standards Committee.

Code of Conduct Complaints

- 6 Since the abolition of the Standards Board for England, national statistics and case reports are no longer collated. Therefore, any cases reported are taken from general research where councils publish details of their conduct hearings in public.

York City Council – Councillor A.

- 7 On 3 January 2019 the Joint Standards Committee Hearings Sub-Committee considered a complaint against a Member of City of York Council. The complaint related to the actions of Cllr A. in relation to the recruitment of a council officer.
- 8 The Panel considered the allegations which were as follows:
- (i) Cllr A used his position improperly to obtain an advantage for an administrative role by reason of his involvement in the recruitment process whilst having a personal interest.
 - (ii) Cllr A disclosed confidential information, specifically the paper applications for the administrative role.
 - (iii) Cllr A by failing to follow the Code in relation to the appointment of the administrative role, acted in a manner which could reasonably be regarded as bringing the Council or his position as a councillor into disrepute.
- 9 The Panel made findings on the allegations and the reasons given are set out respectively below:

- (i) Cllr A did not use his position as a Councillor improperly to obtain an advantage for an administrative role, by reason of his involvement in the process whilst having a personal interest. While the Panel were concerned about how Cllr A came to be involved in the appointment process, they were not satisfied that he had at that time a close association with the successful candidate.
- (ii) Cllr A did disclose confidential information, specifically about the applications for the administrative role. On the balance of probabilities the Panel, faced with two conflicting views, were not sufficiently satisfied that that application forms of candidates for the Executive Support Assistant post were physically taken to the pub on the evening of 26 June 2015. But all of those present at that meeting gave evidence that there was discussion about the qualities needed in the successful appointee. On the balance of probabilities, taking account of the evidence of all those who have indicated their presence at the meeting, the Panel were satisfied that information about candidates, at least about Persons B and H, were improperly shared at that meeting.
- (iii) Cllr A did not act in a manner which could reasonably be regarded as bringing the council, or his position as a councillor, into disrepute. The Panel do not consider that the breach in this case was such as could reasonably be regarded as bringing the council or Cllr A's position as councillor into disrepute.

10 The Panel after hearing representations regarding the sanctions, decided not to impose a sanction for the breach beyond publicising the decision.

East Riding of Yorkshire Council as main urban authority of Thwing and Octon Parish Council – Councillor C

11 It was alleged that Cllr C who was chairing a meeting of Thwing and Octon Parish Council on 12 February 2018, referred to the complainant as “a twittering old woman”.

12 An investigation was carried out by the Monitoring Officer which found that although the exact words are not agreed, witness accounts verified that words to this effect were directed at the complainant. The Monitoring Officer concluded that the complainant was justified in taking offence, there was an imbalance of power between the Councillor and the complainant and the words were said at a public meeting. It was noted that it was not of importance whether or not members of the public were in attendance at the meeting.

- 13 Cllr C made little comment on the findings except to imply that the issue was blown out of proportion and that he had said “withering like an old woman” which he felt for various reasons was much less offensive. The Monitoring Officer concluded that the effect of either phrase was the same and found that there was breach of East Riding’s Members’ Code of Conduct, as adopted by the Parish Council, namely treating others with respect and not conducting yourself in a manner that could reasonably be regarded as bringing your office or authority into disrepute.
- 14 The Standards Committee Hearing found that Cllr C had breached the Code of Conduct and recommended that the Parish Council censure Cllr C as a result.

Background papers

- None

Other useful documents

- <https://democracy.york.gov.uk/ieListDocuments.aspx?CId=692&MId=11321&Ver=>
- <https://www.eastriding.gov.uk/council/committees/standards-committee/standards-committee/>

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Appendix 1: Implications

Legal Implications

The Council has a duty under s. 27 of the Localism Act 2011 to promote and maintain high standards of conduct by its members and to adopt a code of conduct that is consistent with the Nolan Principles. Ensuring that the Standards Committee is kept up to date with national Standards issues is expected to facilitate compliance with this duty.

Finance

None

Consultation

None.

Equality and Diversity / Public Sector Equality Duty

None.

Human Rights

None.

Crime and Disorder

None.

Staffing

None.

Accommodation

None.

Risk

None.

Procurement

None.