

Standards Committee Minutes

Date: 10 October 2017

Time: 6.15 - 7.00 pm

PRESENT: Councillor M Clarke (in the Chair)

Councillors A R Green, S Saddique, J A Savage, A D Collingwood and H L McCarthy.

Independent Member: Mr M Pearce.

Parish Council Member: Mr A Cobden, Mr T Nolan and Mrs H Stearn.

28 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Etholen, Carroll and Newman.

Apologies for absence were also received from Mr Houalla (Independent Member).

The Vice Chairman, Councillor Clarke, chaired the meeting in the Chairman's absence.

The Acting Chairman thanked everyone for attending the meeting and welcomed the new clerk and the two new Parish Councillor Representatives to their first Standards Committee meeting. All attendees introduced themselves, primarily for the benefit of the new people present.

29 DECLARATIONS OF INTEREST

There were no declarations of interest.

30 MINUTES OF PREVIOUS MEETING

RESOLVED: That the minutes of the meeting held on 11 July 2017 be confirmed as a correct record and signed by the Acting Chairman.

31 SELECTION AND APPOINTMENT OF CO-OPTED MEMBERS OF STANDARDS COMMITTEE

A report was submitted which provided an overview of the selection and appointment of co-opted members on the Standards Committee.

It was reported that there were three co-opted member places (non-voting) on the Standards Committee; at present, only one place was filled, by Parish Cllr Andy Cobden. The Wycombe District Association of Local Councils (WDALC) had previously advanced candidate names to WDC for acceptance after undertaking a

screening process but on this occasion WDALC had been unable to do so. It was noted that following an approach direct to the Clerks, three candidates had applied for the two roles and after interview by the Monitoring Officer and Independent Persons two candidates, Parish Councillor Tim Nolan (Lane End Parish Council) and Parish Councillor Hilda Stearn (Hughenden Parish Council), were recommended to be co-opted onto the Committee.

RESOLVED: That Parish Councillor Tim Nolan (Lane End Parish Council) and Parish Councillor Hilda Stearn (Hughenden Parish Council) be co-opted onto the Standards Committee to fill the two existing vacancies for Parish/Town Council Co-opted members (non-voting).

The Acting Chairman congratulated both successful candidates on their appointments and informed them that the appropriate training would be made available to them in due course.

32 ADOPTION OF GUIDANCE ON USE OF SOCIAL MEDIA BY MEMBERS

A report was submitted which proposed additional written guidance for Members on the use of social media.

It was reported that the current Code of Conduct for Members had been adopted by the Council in July 2012 and reviewed and amended in 2015. Members were informed that in recent years, the general use of social media had become extremely popular and was used by people both in the personal lives and their professional or public capacity. It was noted that the use of social media had significant communication and community benefits if used properly and wisely, but also various risks and disadvantages if used unwisely or without a reasonable understanding of how it operated, or a lack of caution of the way it could be viewed and used by others.

It was noted that whilst training provided to Members on the Code of Conduct had included some broad guidance on the use of social media the guidance now required review and some more detailed written guidance, specific to Members' use of social media, would now be of assistance to Members. The proposed guidance, at Appendix 1, was based upon guidance recently issued by the London Borough of Newham to its elected members and appended to its own Code of Conduct. It was reported that by appending the guidance directly to the Member Code of Conduct, it would be easily available to Members and the public.

Members continued to be very much encouraged to seek specific advice from the Monitoring Officer, Deputy Monitoring Officer, or the Communications team where that was required.

Members were informed that ultimately it was for individual Members to judge whether, and the degree to which, they chose to use social media.

In response to a question it was noted that whilst the Council was unable to take legal action to protect individual Members against issues relating to social media

officers could, if necessary, provide advice and assistance to seek to get inappropriate social media posts removed.

The Acting Chairman added a few points:

- That he personally discouraged the use of social media as he felt it could lead to serious reactions if not used very cautiously.
- That Members should not put anything on social media that they would not be happy to find on the front page of a newspaper (national or local press).
- If dealing with a contentious issue to think very carefully and allow enough time to read and re-read before “pressing the confirmation button”.

It was suggested that in future the guidance on social media be included as part of standards training.

RECOMMENDED TO COUNCIL: That (subject to the first paragraph in the guidelines document being amended to read: “*The Council encourages Members’ use of new technology. This Guidance is intended to help you to use the social media in a way that avoids legal and reputational risk.*”) the Social Media Guidance for Members at Appendix 1 be adopted as an Appendix to the Member Code of Conduct within the Constitution.

33 ADOPTION OF GUIDANCE ON ACCEPTANCE FOR GIFTS AND HOSPITALITY

A report was submitted which provided additional guidance for Members and Officers around the circumstances in which gifts and hospitality might properly be accepted, and when they should be declined.

It was reported that the Code of Conduct for Members which had been adopted by the Council provided that if a gift or hospitality with a value of more than £50 was accepted, then there was an obligation to record this in a register. It was noted that in practice, this forms part of the information which was published as part of Members’ individual profiles within the modern.gov system, and viewable on the Council’s website.

Since 2012, training had been provided to Members on the Code of Conduct including guidance for compliance, as part of induction and ad hoc training. It was noted that so far there had been no specific written guidance on the area of gifts and hospitality, but as other councils across the country had this as part of their Codes, it would support good corporate governance principles for WDC to adopt similar guidance.

Members were informed that supplementary guidance was not obligatory and Members were able to form their own judgments based on the Member Code of Conduct itself, and their individual understanding of the legal requirements and public perception. However, as the Code of Conduct only currently dealt with the requirement to register gifts and hospitality valued at over £50, but did not deal with what considerations should be taken into account in deciding whether or not to accept a gift or hospitality when proffered, whatever its value, the guidance would support members in ensuring that their behaviour complied with the wider requirements of the Code.

A number of examples were given by Members of the Committee as to past gifts and hospitality received. The Acting Chairman stated that if in doubt Members should declare gifts and hospitality received.

In response to questions it was confirmed that the 9 points in Section 5 of the guidance were merely examples of when Members might properly accept gifts and hospitality, and not necessarily exhaustive. It was emphasised that in case of doubt, advice from the Monitoring Officer / Deputy Monitoring Officer should be sought.

It was agreed that an additional bullet point be added to Section 5 of the guidance to read "5.10 If in doubt you should contact the Monitoring Officer / Deputy Monitoring Officer." It was also suggested that Section 5 should read "For clarity, *and whilst not an exhaustive list*, you may accept gifts and hospitality in the following circumstances: 1)....."

RECOMMENDED TO COUNCIL: That *subject to an additional bullet point to be added to Section 5 of the guidance to read "5.10 If in doubt you should contact the Monitoring Officer / Deputy Monitoring Officer."* and that Section 5 should read "For clarity, *whilst not an exhaustive list*, you may accept gifts and hospitality in the following circumstances: 1)....." the Guidance at Appendix 1 be adopted as an Appendix to the Member Code of Conduct.

34 ANNUAL STANDARDS REPORT TO COUNCIL

A report was submitted which recommended that a new annual report be presented to Council setting out the Committee's work over the past year, to strengthen overall governance arrangements.

It was reported that the Accounts and Audit Regulations required preparation of an Annual Governance Statement, underpinned by a Local Code of Governance, setting out Wycombe District Council's corporate governance arrangements, and during the course of work carried out by the Audit Committee on 15 June 2017 to comply with these requirements, in accordance with CIPFA/SOLACE guidance (Delivering Good Governance in Local Government Framework 2016), the Council's Local Code of Governance had been approved.

Members were informed that an Action Plan had also been drawn up following a review of the Council's governance arrangements for 2016/7 which set out a number of areas for proposed improvement. One of the suggested areas was the introduction of an Annual Report from Standards Committee to full Council, to outline the work programme of the Standards Committee in the past year, including training provided, the number of member conduct complaint referrals and outcomes, and any outside assurance in relation to operational processes.

Members were informed that whilst these areas were already covered in the work which was carried out, and the minutes of each meeting were reported to full Council, Standards Committee had not so far prepared an annual report on its work. Doing so would mean that full Council would have the benefit of a composite annual overview of its work.

In response to a question it was confirmed that the annual report would be a public document.

RESOLVED: To approve, within Standards Committee's work programme, the provision of an annual report from Standards Committee to full Council, each Spring, setting out the work of the Committee during the past year.

35 QUARTERLY COMPLAINTS UPDATE

A report was submitted which provided an overview of recent complaint cases regarding Member conduct since July 2017.

It was reported that since the last meeting, at which time two completed complaints had been reported with two remaining partially progressed, four further new complaints had been submitted. Of the total of six, three had since been concluded and could be found in Appendix 1 of the agenda. Of the remaining three, responses had since been received and all were going on to Stage 2. Further progress would be reported at the next meeting.

In response to a question it was noted that there were no recurring themes to the complaints received.

Members were informed that when a complaint was handled at Stage 2 but did not proceed further, both parties receive a detailed decision notice which included an explanation of the process that had been followed. It was suggested that keeping a record of spurious / vexatious complaints could be looked at as part of the review that was about to take place.

It was noted that the continuing small number of complaints suggested that ethical standards continued to be respected by local Councillors.

RESOLVED: That the report be noted.

36 SUPPLEMENTARY ITEMS (IF ANY)

There were no supplementary items.

37 URGENT ITEMS (IF ANY)

There were no urgent items.

38 DATE OF NEXT MEETING

It was noted that the next meeting would take place on Tuesday 9 January 2018 (6.15pm in CR1).

Chairman

The following officers were in attendance at the meeting:

Tanya Brown - Democratic Services Officer
Julie Openshaw - District Solicitor