

Standards Committee Minutes

Date: 20 March 2018

Time: 6.00 - 6.55 pm

PRESENT: Councillor C Etholen (in the Chair)

Councillor K Ahmed, Parish Councillor Mr A Cobden, Councillor A R Green, G Houalla, Councillor R Newman, Nolan and Councillor J A Savage, Councillor A D Collingwood and Councillor H L McCarthy

49 APOLOGIES FOR ABSENCE

Apologies for absence were received from M Clarke, D Carroll and Parish Councillor Mrs H Stearn (Hughenden Parish Council).

50 DECLARATIONS OF INTEREST

Parish Councillor Nolan declared at Item 9 of the agenda (Minute 57 below) that he was a member of Lane End Parish Council and was aware of the subject matter of the complaint reported in that item.

51 MINUTES OF PREVIOUS MEETING

RESOLVED: That the minutes of the meeting of the Standards Committee held on 9 January 2018 be confirmed as a true record and signed by the Chairman.

52 INTIMIDATION IN PUBLIC LIFE – REVIEW BY THE COMMITTEE ON STANDARDS IN PUBLIC LIFE

A report was submitted which requested that a review undertaken by the Committee on Standards in Public Life (CSPL) be noted. The review was available at the link on page 8 of the Agenda.

The report stated that the CSPL published its review on Intimidation in Public Life in December 2017 with its findings and recommendations set out within the review. The recommendations included a variety of provisions, summarised below:

- social media companies taking greater responsibility to remove illegal material appearing on their sites;
- political parties and their leaders exercising a greater duty of care towards candidates members and supporters and taking action to address unacceptable intimidation by demonstrating leadership in accordance with the Nolan Principles;

- the National Police Chiefs Council (NPCC) and Crown Prosecution Service (CPS) should produce accessible guidance for Parliamentary candidates giving clear advice on behaviour they may encounter which could be a criminal offence, and how to react to it;
- Government holding a consultation on a potential new electoral offence of intimidating candidates, and legislate to remove the requirement for local candidates to have their addresses published on ballot papers and for Returning Officers not to have to disclose the home addresses of those attending election counts;
- MPs to co-operate with the Police to address security threats;
- the NPCC to ensure local forces are properly trained to effectively investigate social media offences and work with the CPS to produce guidance on behaviour encountered in campaigning and identify criminal behaviour and act accordingly;
- for all in public life to uphold the highest standards of conduct, refraining from highly personalised attacks and reporting intimidatory behaviour;
- Press regulation bodies to have a code of conduct discouraging unacceptable language likely to incite intimidation and only use stories from journalists who subscribe to the same code; and
- for Council Monitoring Officers to highlight the circumstances in which the law allows certain sensitive information connected with Disclosable Pecuniary Interests to be withheld from publication.

It was noted that the Monitoring Officer had already actioned the final bullet point above by including an article in a recent edition of Members' Update.

The Monitoring Officer stated that the review had been driven by the CSPL's concern regarding intimidation in public life and the perceived threat to representative democracy in the UK. Members were requested to note the CSPL's interest in this issue nationally and that it would follow up progress on implementation of its recommendations.

In considering the report a Member disagreed with the recommendation seeking to change the law to address the issue of how candidate details were published. He felt that it was important for voters to be aware of addresses and to know if the candidates were also local residents. The Monitoring Officer indicated that the CSPL would be aware that a balance needed to be struck between democratic publicity and ensuring safety in public duties and life and that this recommendation was for Government to consider legislation, rather than an immediate change in the law.

RESOLVED: That the report be noted.

53 COMMITTEE ON STANDARDS IN PUBLIC LIFE - LOCAL GOVERNMENT ETHICAL STANDARDS STAKEHOLDER CONSULTATION

A report was submitted which asked Members to note that the Monitoring Officer in consultation with the Chairman of the Standards Committee would respond to the forthcoming consultation on Local Government Ethical Standards and that other stakeholders were invited to respond as well if they so wished.

The report stated that in January 2018 the Committee on Standards in Public Life (CSPL) published a stakeholder consultation on Local Government Ethical standards, with a response date of 18 May 2018. The range of consultation questions posed (attached at Appendix A of the report) related to such issues as the code of conduct for local Councillors, investigating and decisions on allegations, declaring interests and conflicts of interest, sanctions for Councillor misconduct, whistleblowing, improving standards, and intimidation of local councillors.

The meeting was informed that responses had been invited from local authorities, their Standards Committees, Monitoring Officers, parish and district councillors, Independent Persons and other stakeholders having an understanding and/or interest in local government.

A Member requested that the response to the consultation to be formulated by the Monitoring Officer in consultation with the Chairman of the Committee be circulated to the Standards Committee prior to being submitted. The Monitoring Officer confirmed that it would be.

RESOLVED: That

(i) the report be noted;

(ii) the final response to the consultation be circulated to the Committee prior to submission.

54 **PROTOCOL BETWEEN WYCOMBE DISTRICT COUNCIL AND THAMES VALLEY POLICE**

A report was considered which explained the proposed protocol between WDC and Thames Valley Police (TVP) to be applied to situations where a need may arise for referral of a complaint regarding a Councillor's conduct to the Police, because of a possible offence under the Localism Act 2011.

The draft protocol was attached as an appendix to the report and approval was sought. Monitoring Officers across Buckinghamshire had liaised with TVP and agreed the document in principle.

A Member enquired as to what would have happened if such an eventuality had arisen, in absence of the protocol and was informed that the action taken would have been in line with the proposed protocol.

Another Member expressed concern that the Protocol did not extend far enough, and that in its current form was too narrow and should address instances of all criminal offences, not just Disclosure of Pecuniary Interests.

The Monitoring Officer acknowledged the possibility of instances of other criminal activity arising and confirmed that a wider encompassing protocol would need to be formulated in consultation with the Police.

RESOLVED: That the draft protocol be approved.

55 INDEPENDENT PERSON APPOINTMENTS

A report was submitted which sought approval of further steps to recruit to the role of an Independent Person to serve on the Committee following the death of one of the Independent Persons, creating a vacancy which needed to be filled.

Members were informed that the vacancy had been advertised but regrettably no applications for the role had been received. Subsequently the Monitoring Officer had been in contact with colleagues across Buckinghamshire in an attempt to fill the role. Buckinghamshire County Council has also been currently undertaking a recruitment exercise for a single vacancy, with three candidates under consideration and an appointment imminent for the single vacancy. At least one BCC candidate has expressed interest in applying for the Wycombe role.

The Monitoring Officer also noted that whilst the term of office of the existing Independent Person was not time limited he had indicated his willingness to serve for the next 5 years. Once the vacancy had been recruited to, the Council recommendation would also include re-confirmation of his current appointment until May 2023.

It was confirmed that a further report would be presented to the June meeting of this Committee.

RESOLVED: That;

- (i) The report be noted;
- (ii) Further steps as set out in the report to recruit to the vacancy be approved.

56 ANNUAL REPORT OF STANDARDS COMMITTEE

The Annual Report of the Standards Committee 2017/18 was submitted for approval which was attached as an appendix to the report. Whilst full Council approval was not required, the report would be included within the minutes to be noted by Full Council in the usual way.

The Monitoring Officer informed the meeting that the proposed Annual Report had taken into account the format of the previous annual reports which had been submitted to Council prior to the standards regime being changed in 2012. Annual reports had been discontinued under the replacement provisions enacted by the Localism Act 2011. However, in October 2017 the Standards Committee had followed the recommendation of the Audit Committee that this practice be reinstated in accordance with CIPFA guidance.

Members debated the layout and format of the Standards complaints listed at page 34 of the agenda. One member asked whether it may be advisable to include a reference to the right to make a request under the Freedom of Information Act should the public wish to have more details on an individual complainant/complaint. The Monitoring Officer confirmed that this format was commensurate with that

adopted by most Standards Committees, striking a balance between publishing sufficient information about complaints whilst not divulging any confidential information. Including specific details about FOIA rights in this context could unrealistically raise public expectations that more information would be disclosable on request, when in fact based on the current law it may not be possible to publicly disclose more information about individual complaints. The Monitoring Officer therefore advised against this.

RESOLVED: That

- (i) the report be noted;
- (ii) The Annual Report of the Standards Committee to be approved.

57 QUARTERLY UPDATE ON STANDARDS COMPLAINTS

Parish Councillor Mr Nolan declared he was a Lane End Parish Councillor, and was aware of the complaint under consideration.

The quarterly update on standards complaints was considered. This provided an overview of complaints received regarding member conduct since January 2018.

The report stated that since the last report the only outstanding complaint which was then at stage 1 had now been completed as set out in the attached appendix to the report. It was also confirmed that another prospective complaint had been subsequently received, but that the complainant had been advised that as the complaint was substantially on the same issue it would not be taken forward for investigation. Therefore the matter was not pursued any further by the complainant and was not included in the list in the appendix.

At the present time there were no additional outstanding complaints.

RESOLVED: That the report be noted.

Chairman

The following officers were in attendance at the meeting:

Iram Malik - Democratic Services Officer
Julie Openshaw - District Solicitor