

Standards Committee – 17 September 2020

Minutes of the meeting of the **Standards Committee** held on **17 September 2020** when there were present:-

Chairman: Cllr Mrs J E McPherson
Vice-Chairman: Cllr Mrs J R Lumley

Cllr Mrs T L Carter
Cllr Mrs J R Gooding
Cllr M J Lucas-Gill

Cllr C M Stanley
Cllr M J Steptoe

INDEPENDENT PERSONS

Mr P Scott
Mr S Shadbolt

PARISH MEMBERS

Cllr Mrs M Cohen
Cllr Mrs D A Constable

VISITING MEMBER

Cllr D S Efde
Cllr Mrs C M Mason
Cllr Mrs C E Roe
Cllr D J Sperring
Cllr I H Ward
Cllr S E Wootton

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr C M Stanley and Mrs L Walker.

SUBSTITUTES

Cllr S A Wilson - for the Green Group
Cllr J E Newport - for Cllr C M Stanley

OFFICERS PRESENT

A Law - Assistant Director, Legal & Democratic
S Worthington - Principal Democratic & Corporate Services Officer
L Morris - Democratic Services Officer

140 MINUTES

The Minutes of the meeting held on 11 December 2019 were approved and would be signed by the Chairman in due course.

It was noted that Council had resolved in December 2019 that the composition of the Member Training Working Group should be determined by

the Standards Committee for this municipal year.

An observation was made by a Member that it had been a particular strength in previous years that the Member Training Working Group had been composed of a Member from each political group, thus avoiding political bias.

It was emphasised that the Committee could determine the size and composition of the Working Group.

As a result of a number of Members volunteering to participate in the Working Group a Motion was moved that the membership of the Working Group should be composed of Cllrs Mrs J R Gooding, Mrs J R Lumley, Mrs J E McPherson, C M Stanley, M J Steptoe, S A Wilson and Mr S Shadbolt (Independent Person).

(7 voted for the Motion, 0 voted against and 0 abstained)

(Note: Cllr J E Newport requested that his vote in favour of the Motion be recorded in the Minutes)

Resolved

That the Standards Working Group be composed of Cllrs Mrs J R Gooding, Mrs J R Lumley, Mrs J E McPherson, C M Stanley, M J Steptoe, S A Wilson and Mr S Shadbolt (Independent Person). (ADLD)

141 LOCAL INVESTIGATIONS AND DETERMINATIONS – OCTOBER 2019 TO MARCH 2020 AND APRIL 2020 TO SEPTEMBER 2020

The Assistant Director, Legal & Democratic advised that due to the pandemic, there were two sets of summaries as the Standards Committee was cancelled in March.

A Member questioned if there would still be sanctions against a former Councillor for sharing private and confidential material and was advised that if the person in question was no longer a Councillor, the matter would not be pursued. Members posed supplementary questions around whether this would be considered a criminal offence and if former Councillors would be required to return private and confidential information and were advised that the information usually dealt with by the Council does not fall under the Official Secrets Act or National Security and therefore the only offence committed would be a civil one. The Assistant Director, Legal & Democratic confirmed that former Councillors would be expected to return any private and confidential documents, along with any other belongings issued by the Council.

In response to a Member question highlighting a case where an apology was to be given, and asking if this was monitored, officers advised that in cases involving Parish Councillors, RDC liaised with the Clerk of the Parish Council. It was further emphasised that, although the Councillor could not be forced to

apologise, the decision would be published on the Parish Council website and it would be clear that the Councillor had breached the Code of Conduct and had been asked to apologise. In response to a further Member question as to whether, if the Parish Councillor refused to give an apology, they could be asked to attend training, officers confirmed that there were a number of sanctions that could be recommended for implementation, but the Monitoring Officer was unable to enforce this.

In response to a Member question relating to the possibility of former Councillors releasing commercially sensitive information relating to Council contracts to competitors following their departure from the Council, the Assistant Director, Legal & Democratic stressed that the Council would not protect former Members and legal action could be taken against them.

The Assistant Director, Legal and Democratic advised Members that the Local Government Association had drafted a new model Code of Conduct that had been open to consultation to Members and officers. The consultation had now closed and the Council was awaiting the results of this.

Responding to a Member question relating to page 6.6 of the report on a serious breach in which a Member had released private and confidential information which implied that the sole action was a requirement to attend Code of Conduct training, the Assistant Director, Legal & Democratic advised that this particular case had been a matter of human error that had been rectified swiftly after the Member had been notified of the error and that the Member had also apologised for the error. In response to a supplementary question as to what the sanction would have been had the Member shared this information with intent the officer advised that such matters were dealt with on a case-by-case basis and investigations into each matter would determine what sanctions were taken.

Resolved

That the summary of complaints and determinations for the period October 2019 to March 2020 and April 2020 to September 2020 be noted. (ADLD)

142 REPORT OF THE STANDARDS WORKING GROUP

The Committee considered the report of the Standards Working Group in respect of Member training arrangements.

In response to a Member question as to potential repercussions in the event of non attendance by a Member at both appeals and licensing training sessions by the end of September in a Municipal Year, the Chairman of the Working Group stated that it was not a legal requirement for Members of the Committee to attend training sessions. She commented that she would suggest altering recommendation (2) and replacing 'must' with 'should' attend training sessions.

In response to a supplementary question as to whether Members would be

eligible to sit on the Committee if they had not attended appeals and licensing training, officers advised that although it was currently a Council requirement that Members undergo this training in order to participate in appeals and licensing hearings it was not a requirement to undergo this training in order to be a Member of the Licensing & Appeals Committee. The Assistant Director, Legal and Democratic stressed that she would not be able to provide assurances that untrained Members would be able to make robust decisions at hearings that would stand up to challenge in court.

The Chairman observed that recommendation (2) made reference to one to one training being offered as needed; however, this presented difficulties as there was not currently capacity within the Licensing Team for this to be carried out. The Chairman also expressed concern that recommendation 3 related to operational matters which should be dealt with as necessary by officers; the process currently worked well. She stated that she was not therefore able to support recommendation (3).

In response to a Member querying the lack of capacity for one to one training it was emphasised that the current Covid-19 situation was unprecedented, with changes in legislation; this has resulted in an increased workload for Licensing officers. Members were assured that training would be provided; however, this would not be delivered internally at the present time.

Concern was raised by a Member about recommendation (1). The Member made particular reference to the process for approving individual Member requests for ad hoc training courses. The Member emphasised that there had been cases when one of the Group Leaders had refused to support training requests without providing reasons for this. The point was made that it was not always possible to follow up with written or verbal feedback, so clarification was needed on this. The Member also endorsed previous comments from other Members in respect of the importance of there being trained Members on the Licensing & Appeals Committee and of leaving operational matters to officers.

The Chairman of the Committee drew attention to paragraph 2.1 of the report and proposed an amendment, that the suggested percentage of 25% be replaced with 'fewer than 10 Members'. The Chairman of the Working Group also proposed replacing 'consider' with 'take all steps to'.

The Chairman of the Working Group drew attention to the first recommendation to Council and stressed the importance of Members providing feedback given the costs of courses and suggested placing a time limit of 3 months upon this. The Chairman of the Working Group further suggested amending the policy from 'all Group Leaders' to 'a majority of Group Leaders.' Another Member also made the point that specific reasons should be given for approval or refusal of training requests, such as on the basis of the benefit to the Council.

The Chairman of the Working Group made the point that good reasons had to be given for making appeals and licensing training mandatory. She stressed

that it would be preferable for Members to be encouraged to attend and therefore suggested amending the wording of recommendation (2) to 'should attend at least one training session' rather than 'must'. She expressed the view that in the past some Members who had attended training had not subsequently had an opportunity to participate in a hearing. She also made the point that sourcing one to one appeals and licensing training for Members from external sources might be difficult, in practice.

The Chairman of the Committee suggested an edited recommendation offering additional training, if officer capacity permits or externally sourced, subject to relevance in respect of this Authority's licensing conditions. The Assistant Director advised against changing the wording from 'must' to 'should', as it was essential to have trained Members on the Committee in order to conduct licensing and appeals hearing in a timely fashion. Another Member expressed the view that appeals and licensing training should be mandatory, as was the case for, eg, the Development Committee.

The Chairman of the Working Group expressed her preference for a further recommendation that meetings of the Licensing and Appeals Committee to be held in the evenings so that working Members serving on the Committee could prioritise taking time off work for participating in daytime hearings rather than attending meetings of the Committee during week days.

In response to a point made by the Chairman of the Working Group that the suggested procedure appended to the report would ensure a fair process for Member participation in hearings, the Assistant Director emphasised that the current system was working well; time restrictions for some types of hearings would not align with the suggested changes to the procedure for scheduling hearings, which was operational and should therefore be managed by officers. The Chairman of the Working Group made the point that

she could not see any reason why Members could not aid officers in operational matters.

A vote was taken on the following amendments to Motions:-

- (1) The current arrangements for minimum attendance at training sessions (excluding planning, licensing and appeals training) be confirmed as follows: -

"That in respect of non-mandatory training, where two sessions of training are offered and fewer than 10 Members (including Parish/Town Council representatives) are booked to attend, officers should take all steps to amalgamate the two sessions and run just the session that has the greater number of Members booked to attend. Affected Members to be advised that only one session would run."

(7 voted for the amendment to the Motion, 1 voted against and 0 abstained)

- (2) That the current arrangements for funding attendance for individual Members of the Council at external training or conferences be confirmed, with the addition of the requirement for the Member to provide feedback (either written or verbal) within three months of attending to the rest of the Council, as follows:-

“That an amount of up to £1,500 be identified each year out of the Member training budget for individual Members to be able to request attendance at external conferences/training courses, the allocation of such training to be subject to the agreement of a majority of Group Leaders. The reason for refusal or acceptance would be on the basis of the benefit to this Council and financial considerations”.

(8 voted for the amendment to Motion, 0 voted against and 0 abstained)

- (3) That Licensing and Appeals Committee training be similar to that of Development Committee training. One course to be offered for licensing training (daytime and evening). One course to be offered for taxi appeals training (daytime and evening). A further course or one to one training on both subjects to be offered if officer capacity permits, or externally resourced if suitable. Details of further courses to be determined by the Chairman of the Standards Committee and the Chairman of the Working Group. Members of the Licensing & Appeals Committee should attend at least one training session – but are encouraged to attend both – each municipal year by the end of September in that municipal year.

(5 voted for the amendment to the Motion, 3 against and 0 abstained)

- (4) The suggested guidelines for the organisation of premises licensing hearings and taxi licensing hearings be as attached to the report.

(5 voted for the amendment to the Motion, 3 against and 0 abstained)

(Note, Cllr J E Newport requested that his vote for the amendment be recorded in the Minutes)

Resolved

- (1) That the current arrangements for minimum attendance at training sessions (excluding planning , licensing and appeals training) be confirmed, as follows: -

“That in respect of non-mandatory training, where two sessions of training are offered and fewer than 10 Members (including Parish/Town Council representatives) are booked to attend, officers should take all

steps to amalgamate the two sessions and run just the session that has the greater number of Members booked to attend. Affected Members to be advised that only one session would run.”

(7 voted for the Motion, 1 voted against and 0 abstained).

Recommended to Council

- (2) That the current arrangements for funding attendance for individual Members of the Council at external training or conferences be confirmed, with the addition of the requirement for the Member to provide feedback (either written or verbal) within three months of attending to the rest of the Council, as follows:-

“That an amount of up to £1,500 be identified each year out of the Member training budget for individual Members to be able to request attendance at external conferences/training courses, the allocation of such training to be subject to the agreement of a majority of Group Leaders. The reason for refusal or acceptance would be on the basis of the benefit to this Council and financial considerations”.

(8 voted for the Motion, 0 voted against and 0 abstained)

- (3) That Licensing and Appeals Committee training be similar to that of Development Committee training. One course to be offered for licensing training (daytime and evening). One course to be offered for taxi appeals training (daytime and evening). A further course or one to one training on both subjects to be offered if officer capacity permits or externally resourced, if suitable. Details of further courses to be determined by the Chairman of the Standards Committee and the Chairman of the Working Group. Members of the Licensing & Appeals Committee should attend at least one training session – but are encouraged to attend both – each municipal year by the end of September in that municipal year.

(5 voted for the Motion, 3 voted against and 0 abstained)

- (4) The suggested guidelines for the organisation of premises licensing hearings and taxi licensing hearings be as attached to this report.

(5 voted for the Motion, 3 voted against and 0 abstained)

(Note, Cllr J E Newport requested that his vote for the Motion be recorded in the Minutes)

The meeting closed at 9.32 pm.

Chairman

Date

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