

At a meeting of the Standards Committee held in Council Chamber - Allerdale House, Workington on Tuesday 10 September 2019 at 2.00 pm

## **Members**

Councillor Owen Martin (Chair)  
Councillor John Crouch  
Councillor Will Wilkinson

Councillor Peter Gaston (Vice-Chair)  
Councillor Joan Ellis  
Councillor Lynda Williams

Apologies for absence were received from Councillor Malcolm Grainger, Councillor Peter Kendall and Councillor Andrew Semple

## **Staff Present**

L Jardine, S Sewell, E Thompson and L Tomlinson

## **Also Present**

Paul Burns

### **134. Declaration of interests**

10. Investigation.  
Councillor Owen Martin; Other Interest; had knowledge of the investigation
10. Investigation.  
Councillor Peter Gaston; Other Interest; knows the complainee

### **135. Questions**

None received.

### **136. Work Programme 2019/20**

The Monitoring Officer presented the draft work programme for Standards Committee, providing details of the items that make up the work programme for 2019/20.

Members noted the contents of the work programme.

### **137. Local Government Ethical Standards**

The Monitoring Officer provided members with an overview of the report from the Committee on Standards in Public Life from January 2019.

The report made several recommendations to local authorities, and listed best practices that should also be adopted. The Monitoring Officer put forward to members suggested amendments to the code of conduct in relation to bullying and harassment (best practices 1 and 2).

The Monitoring Officer then confirmed that Allerdale would adopt the best practices as recommended through the 2019/20 work programme.

Members noted the report and that the Monitoring Officer had considered the list of best practice recommendations, that they had discussed with Cumbrian Monitoring Officers and CALC potential revisions to the existing code of conduct and guidance to take account of the recommendations.

Members also agreed to recommend to Council changes to the Code of Conduct as set out in the report.

**138. Allerdale Borough Council's Code of Conduct and Arrangements for dealing with standards allegations under the Localism Act 2011**

The Monitoring Officer provided members with an overview on how the Council handles code of conduct complaints. The officer also explained how further advice and guidance is provided in the 'arrangements for dealing with standards allegations' and 'guidance on code of conduct' documents.

Members were advised that an independent review had been completed into the procedures that Allerdale have in place for handling complaints that may have breached the code of conduct. The review was carried out by Hoey Ainscough Associates Ltd, and as part of the review officers, parish clerks, parish councillors, and district councillors provided contributions. The review laid down four criteria for a successful standards process:

- a) It should enhance the reputation of the Council through demonstrating that there is a culture of high standards and that any lapse from high standards in individual cases will be dealt with fairly, effectively and efficiently.
- b) It should ensure that the process is transparent and accountable, so that the public can see that misconduct has been dealt with, and members are able to demonstrate, where appropriate, that their name has been fairly cleared.
- c) It should have independent rigour and be free from party political interference; and
- d) It should comply with any legal requirements and ensure that members have the right to a fair hearing.

The review found that Allerdale standards procedures are typical and operate with good practice.

The review however did make recommendations that have been made to streamline and improve the process making it more efficient and transparent whilst promoting standards within Allerdale.

The Monitoring Officer advised that the recommendations would be implemented through the work programme.

Members then considered the recommendations in relation to the Code of Conduct that

- 1. Failure to cooperate with a standards investigation should be added as a potential breach of the Code. (Para 95)**
- 2. The Council should consider whether the Code should say that members must have regard to the social media policy (Para 96)**
- 3. The interests' provisions in the Allerdale Code should be expanded to make it clear that members should not make decisions where matters relate to or clearly affect their family members or close associates. (Para 106)**
- 4. Any changes made to the Allerdale Code should be effectively communicated and explained to the parish council sector. (Para 107)**

The Monitoring Officer advised that the Cumbria Monitoring Officer Group considered that the interests provisions don't need expanded as they are covered by common law bias. The Monitoring Officer requested that Members consider whether they wish to include it and have a different code to the other Cumbrian authorities Members considered whether the interests provisions should be expanded as per the recommendation and instructed officers to clarify the Cumbrian authorities position and report back to the next meeting of the standards committee.

The Members then approved the recommendations as per the officer's report as follows:

- a) The members considered the review of Allerdale Borough Councils Procedures for Handling Complaints that Members have breached the Code of Conduct attached as Appendix 1
- b) The members noted the amendments to the Arrangements attached as Appendix 2
- c) The members, having considered the recommendations in relation to the Code of Conduct, agreed to re-consider the recommendations following comments from the Cumbrian Monitoring Officer Group.

### **139. Member/Officer Protocol**

The Monitoring Officer presented this item, providing an overview of the member/officer protocol. Members were advised that the protocol was a guide to good relationships between officers and members and it contains details on what is and is not expected of each other.

The Monitoring Officer then clarified the roles of the Head of Paid Service, Section 151 Officer and the Monitoring Officer.

Members noted the draft protocol for member/officer relations and recommended to the Council that the protocol is adopted.

#### **140. Update on Complaints**

The Deputy Monitoring Officer provided a verbal summary to members of the code of conduct complaints that have been received.

Members were advised that a lot of complaints had been received in relation to member comments and actions on social media, acknowledging however that this was not a local issue but a national theme within local government.

Members were informed that complaints have increased since the May 2019 election; this mainly has been due to the increased number of new members and their lack of knowledge and inexperience towards Council rules and procedures. To assist members several training sessions have been delivered on various topics, including social media, code of conduct and constitutional rules.

Members asked questions of the Monitoring Officers and debate ensued in relation to training and development and the selection of candidates within their respective groups.

Members noted the update on complaints.

#### **141. Update on Independent Person Recruitment**

The Monitoring Officer explained the role of the Independent Person and how they contribute to the standards procedure.

Following the review by Hoey Ainscough Associates it was recommended that Allerdale Borough Council appoints two Independent Persons.

The Monitoring Officer then recommended that Paul Burns was to stay as an Independent Person and that Tom Cook would be appointed as a second Independent Person.

Members agreed the recommendations which will be put to Council for approval.

#### **Councillor Owen Martin left the Meeting**

#### **142. Investigation**

##### **Councillor Gaston became Chair as Cllr Martin left the meeting.**

The Monitoring Officer provided members with the outcome of an investigation that had been carried out by an independent investigator.

Following interviews with all parties and witnesses, the investigator concluded that there was insufficient evidence to proceed further.

Members noted the report and the decision of the Monitoring Officer taken in consultation with the Independent Person that no further action be taken.

**The meeting closed at 3.20 pm**