

# CONDUCT COMMITTEE

WEDNESDAY, 3 JULY 2019 - 10.00 AM



**PRESENT:** Councillor D Topgood (Chairman), Councillor S Wallwork (Vice-Chairman), Councillor Miss S Hoy, Councillor A Maul and Councillor D Patrick

**APOLOGIES:** Councillor M Cornwell, Councillor M Purser, C Hawden-Beal and Councillor A Donnelly

**OFFICERS IN ATTENDANCE:** Amy Brown (Deputy Monitoring Officer), Izzi Hurst (Member Services & Governance Officer) and Carol Pilson (Corporate Director and Monitoring Officer)

## **CND1/19 APPOINTMENT OF CHAIRMAN FOR THE MUNICIPAL YEAR.**

Izzi Hurst requested a nomination for Chairman of the Conduct Committee.

It was proposed by Councillor Mrs Wallwork, seconded by Councillor Miss Hoy and resolved that Councillor Topgood be elected Chairman of the Conduct Committee for the Municipal Year.

## **CND2/19 APPOINTMENT OF VICE CHAIRMAN FOR THE MUNICIPAL YEAR.**

It was proposed by Councillor Miss Hoy, seconded by Councillor Topgood and resolved that Councillor Mrs Wallwork be elected Vice-Chairman of the Conduct Committee for the Municipal Year.

## **CND3/19 REVISED CONDUCT PROCEDURE RULES, GUIDANCE & TEMPLATES**

Members considered the Revised Conduct Procedure Rules, Guidance and Templates report presented by Carol Pilson.

Members asked questions, made comments and received responses as follows;

1. Councillor Mrs Wallwork suggested an amendment to the draft report to allow involvement from the Chairman of the Conduct Committee, or in their absence the Vice-Chairman, earlier on in the complaint process. She added that other local authorities take this approach and it operates successfully.
2. Carol Pilson agreed to amend the draft report to include the Chairman or Vice-Chairman in the initial investigative stages of a conduct complaint.
3. Councillor Patrick asked for confirmation that the new procedure will allow for an 'uneven' number of members to form a Conduct Hearing Panel as this will remove the need for the Chairman to have a casting vote in the case of a split decision.
4. Councillor Miss Hoy agreed as it can put the Chairman of a Conduct Hearing in a difficult position when they have to exercise their right to a casting vote.
5. Carol Pilson confirmed that the report proposes that 3 members will form part of a Conduct Hearing Panel along with the Independent Person and the Town and Parish Representative. She reminded members that neither the Independent Person or Town and Parish Representative have voting rights therefore a Conduct Hearing Panel of 3 members will remove the requirement for the Chairman to exercise their right to the casting vote.
6. Councillor Topgood confirmed that he was happy with this approach.

7. Councillor Miss Hoy confirmed that she was happy with the report however reiterated that it needs to be amended to include the Chairman or Vice-Chairman earlier in the process.
8. Carol Pilson agreed to amend the report to reflect member's comments prior to it being circulated to District, Town and Parish Councillors for consultation.
9. Carol Pilson asked members to agree the length of consultation to District, Town and Parish Councillors. Councillor Topgood suggested a consultation period of 4 weeks would allow officers to incorporate consultee's comments prior to the report being reconsidered by members of the Conduct Committee.
10. Councillor Maul reminded members that the report is to be considered by Full Council on 18 September therefore the consultation period needs to accommodate this timescale.
11. Councillor Miss Hoy suggested that Appendix 3 of the report (page 18 of the agenda pack) should request that complainants specify which part of the Member's Code of Conduct has been breached, in their opinion.
12. Councillor Miss Hoy asked if wording could be added to discourage complainants of releasing details of their complaint to the Press or via Social Media prior to the complaint being considered as part of the Conduct Committee process.
13. Carol Pilson confirmed that page 21 of the agenda pack, includes wording to encourage complainants to specify which General Obligation contained within the Member's Code of Conduct has been breached however agreed to make this clearer.
14. Councillor Patrick highlighted that complainants may not be confident in identifying which part of the Member's Code of Conduct has been breached and may require guidance on this.
15. Carol Pilson confirmed that the proposed form will include an online link to the Member's Code of Conduct and complainants can request a paper copy of this, if necessary.
16. Councillor Maul agreed with Councillor Miss Hoy's comments in relation to complaints being released to the Press and via Social Media prior to the complaint being investigated. He reiterated that every effort must be made to prevent these complaints being discussed in a public forum prior to the conclusion of the Council's own Conduct Procedure.
17. Councillor Maul added that by releasing complaints publically, this can cause a pre-judgement of a member prior to the complaint even being investigated.
18. Councillor Miss Hoy highlighted that if a fellow member releases information to the Press this would be a breach of confidentiality.
19. Carol Pilson agreed to consider member's comments in relation to this.
20. Carol Pilson asked for confirmation that members wish to include the Chairman or Vice-Chairman as part of the initial investigation into a conduct complaint. Members agreed to this.
21. Councillor Miss Hoy highlighted that by including the Chairman in the initial investigation, this would provide a further value of opinion when considering complaints.
22. Councillor Patrick highlighted that the Council does not have in place a formal appeals procedure for conduct complaints. Carol Pilson confirmed that the only right to appeal a decision would be via the Local Government Ombudsman and they would only assess the procedural aspect of the complaint.
23. Councillor Miss Hoy highlighted that no other local authorities have an appeals procedure in place for conduct matters. She added that members are effectively judged by the electorate.
24. Councillor Miss Wallwork agreed and added that many complainants may never be satisfied with the decision made regarding their complaint.
25. Carol Pilson reminded members that there are provisions in the report for complainants to request an internal review of their complaint during the initial investigative stage.
26. Amy Brown explained that following a national review of Standards in Public Life, they have identified that there is currently no right for appeal. Whilst this may be considered in the future, it would require a legislative change by the Government and therefore cannot be included in the procedure currently.

**The Conduct Committee AGREED the draft report for consultation with District, Town and Parish Councillors, subject to the agreed amendments.**

#### **CND4/19    APPOINTMENT OF INDEPENDENT PERSON.**

Members considered the Appointment of Independent Person report presented by Carol Pilson.

Members asked questions, made comments and received responses as follows;

1. Councillor Topgood confirmed that he was part of the recruitment process for this appointment and is satisfied with the appointment of Stuart Webster as he was a very strong candidate.
2. Councillor Topgood explained that his priority during the recruitment process was to ensure candidates complied with the requirement for independence and were politically impartial. He explained that he has no concerns surrounding the appointment of Mr Webster and added that Mr Webster resides outside of Fenland which is beneficial for this role too.
3. Councillor Patrick supported the appointment and stated that he also believes it is beneficial that Mr Webster does not live in the district.
4. Carol Pilson agreed to include this information in the final report that will be considered by Full Council on 18 July 2019.

**The Conduct Committee AGREED to recommend to Council on 18 July 2019 to appoint Stuart Webster as the Council's Independent Person.**

#### **CND5/19    COMMITTEE OF STANDARDS IN PUBLIC LIFE RECOMMENDATIONS.**

Members considered the Committee of Standards in Public Life recommendations report presented by Amy Brown.

Members asked questions made comments and received responses as follows;

1. Councillor Miss Hoy highlighted that the report contains references to Peterborough City Council which is incorrect.
2. Councillor Miss Hoy stated that she thought the 'Best Practice' recommendations (page 47 of the agenda pack) are very useful however disagreed with the recommendations being reported, as a number of these recommendations are inappropriate for the Council and will require a legislative amendment before they can even be considered.
3. Amy Brown reminded members that the report is merely a summary of the findings of the 'Committee of Standards in Public Life' review.
4. Carol Pilson agreed and confirmed that the purpose of this item was to inform members of the findings of the report.
5. Councillor Hoy stated that the report suggests that the recommendations are to be implemented by the Council and the fact it is merely a summary of the larger report is not clear.
6. Councillor Topgood suggested the recommendations are displayed in a separate report. Carol Pilson agreed and added that the summary of recommendations can be removed entirely if members so wish.
7. Councillor Topgood agreed and added that the summary of recommendations is not recorded clearly as the report suggests that the Council is not performing adequately which is incorrect.
8. Councillor Maul stated that there is no merit in considering the recommendations until such a time necessary.
9. Members agreed to remove the recommendations from the report.
10. Carol Pilson confirmed that the recommendations from the report are merely recommendations to Government to make legislative changes.

**The Conduct Committee noted the recommendations contained within the Committee on Standards in Public Life report on Local Government Ethical Standards and considered its impact in determining the other items on the agenda.**

**CND6/19    FORWARD AGENDA PLAN.**

Members considered the Forward Agenda Plan.

Carol Pilson confirmed that an item regarding member's use of Social Media will be considered at a future meeting.

It was agreed that the meeting in October 2019 would be rearranged to take place in August/September 2019 to allow the findings of the consultation of the Revised Conduct Procedure Rules and Guidance to be reported back to members.

**CND7/19    ITEMS OF TOPICAL INTEREST.**

Carol Pilson informed members that there is currently a vacancy for a Town and Parish Representative on Conduct Committee. She confirmed that information would be circulated to Town and Parish Clerks in relation to this shortly.

Carol Pilson encouraged members to consider any agenda items they may wish to consider at future Conduct Committee meetings.

Councillor Topgood asked that consideration is given to Conduct Training for members at the next Conduct Committee meeting.

10.57 am

Chairman