

CONDUCT COMMITTEE

WEDNESDAY, 21 AUGUST 2019 - 2.00 PM



PRESENT: Councillor D Topgood (Chairman), Councillor S Wallwork (Vice-Chairman), Councillor A Maul, Councillor M Purser and S Webster

APOLOGIES: Councillor M Cornwell, Councillor D Patrick and C Hawden-Beal

OFFICERS IN ATTENDANCE: Izzi Hurst (Member Services & Governance Officer) and Carol Pilson (Corporate Director and Monitoring Officer)

CND8/19 PREVIOUS MINUTES.

The minutes of the meeting of 3 July 2019 were confirmed and signed.

COUNCILLOR TOPGOOD WELCOMED STUART WEBSTER TO CONDUCT COMMITTEE.

CND9/19 CO-OPTION OF TOWN AND PARISH COUNCIL REPRESENTATIVE.

Members considered the Co-option of Town and Parish Council Representative Report.

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

1. Councillor Mrs Wallwork agreed with the recommendation to co-opt Councillor John Maxwell to Conduct Committee. She stated that appointing a representative from a Parish Council, balances the representation on Conduct Committee between Fenland's towns and parishes.

The Conduct Committee AGREED to co-opt Councillor John Maxwell to the Conduct Committee.

CND10/19 REVISED CONDUCT PROCEDURE RULES, GUIDANCE & TEMPLATES

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

Carol Pilson drew members attention to feedback received as part of the consultation process (page 12 of the Agenda Pack). She informed members that their comments made at the previous meeting had been incorporated into the updated report.

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

1. Councillor Purser asked if the report is related to the Council's 3Cs process. Carol Pilson explained that the 3Cs process relates to general comments made to the Council and in relation to the Council itself. This report details the procedure of dealing with potential breaches of the Members Code of Conduct.
2. Members asked if Carol Pilson could provide an overview of the proposed procedure. Carol Pilson provided members with an overview of the revised procedure and highlighted the differences between this and the former process.

3. Councillor Maul asked if 7 working days is a suitable timescale for the Subject to provide a response to a complaint and asked if there is flexibility with this timescale (point 2.1.5 of the report). Carol Pilson confirmed that the timescale is reasonable however, where required, an extension of time can be granted to the Subject.
4. Councillor Maul asked if there were provisions in place in the event that the Independent Person, Chairman/Vice-Chairman of Conduct Committee and the Monitoring Officer disagree over the outcome of a complaint. Carol Pilson highlighted that whilst this would be an unlikely event, the Monitoring Officer has the ultimate decision.
5. Councillor Topgood highlighted that by having three individuals involved in the process, it is unlikely that a majority decision would not be made.
6. Councillor Mrs Wallwork asked for clarification on the Monitoring Officer's role in the previous process. Carol Pilson explained that previously the Monitoring Officer had been involved in an advisory capacity. The new procedure will allow quicker processing times of complaints whilst maintaining public transparency by publishing decision notices in relation to all complaints submitted.
7. Councillor Purser asked what type of complaints the Council receives in relation to members conduct. Carol Pilson explained that the Council receive and consider a wide variety of complaints made against members.
8. Councillor Maul praised the report and said the new procedure will reduce the processing time of complaints significantly.
9. Councillor Mrs Wallwork agreed and highlighted that whilst the Code of Conduct prevents members from publically making derogatory comments, it does not prevent members from voicing their opinions.
10. Carol Pilson explained that many other Local Authorities include only the Monitoring Officer and Independent Person in the preliminary consideration of complaints however; she understands that members are keen to have a political oversight of the process and the Chairman/ Vice-Chairman of the Conduct Committee will now be included in the preliminary stages.
11. Councillor Maul agreed and added that an impartial and unbiased approach must be taken when considering complaints against members.
12. Councillor Topgood supported the report and stated that it will streamline the complaint process and allow frivolous complaints to be settled fairly and quickly.
13. Councillor Topgood added that the procedure will allow the Council to be open and transparent with the complaints made against members whilst keeping all parties updated on the progress.
14. Councillor Topgood invited the Independent Person, Stuart Webster to comment and he thanked Carol Pilson for incorporating his comments into the final report.
15. Members congratulated and thanked Carol Pilson and Amy Brown for their hard work on this report.

Proposed by Councillor Purser, seconded by Councillor Mrs Wallwork and AGREED that the Conduct Committee recommend the Revised Conduct Procedure Rules, Guidance and Templates report to Full Council for adoption.

CND11/19 TRAINING.

Councillor Topgood asked members for suggestions in relation to training sessions they wish to be provided with.

1. Councillor Maul suggested that a training session could be arranged in relation to Members Code of Conduct. Whilst the policy is comprehensive, he thought it would be useful for members to attend a training session and share their experiences of the policy in a practical and open forum.
2. Councillor Topgood agreed and added that he had found the Member Induction days arranged by officers, very useful for new members. He added that he had recently attended

an external training session for new councillors and had been impressed with the training programme offered to members by the Council, in comparison with other Local Authorities training programmes.

3. Councillor Maul suggested Social Media training may also be useful to members. Carol Pilson confirmed that this could be arranged and informed members that there is an External Solicitor available to conduct the training session. He will be able to provide members with information in relation to case law and provide practical examples of case studies in relation to this subject from a national perspective. Members agreed to this.
4. Councillor Maul agreed that it would be useful to have an external solicitor advise members on experience of case law surrounding this topic.
5. Carol Pilson suggested that an invitation could be extended to Town & Parish members too. Members agreed.
6. Carol Pilson confirmed that at the next Conduct Committee meeting scheduled to take place in January 2020, members will be provided with guidance on Social Media use.
7. Councillor Mrs Wallwork supported Social Media training for members as members are responsible for maintaining a public persona whilst upholding their own values. She added that often members can be subject to difficult situations on Social Media platforms and it would be useful for advice to be provided on this matter.
8. Councillor Purser agreed with the suggestions provided and thought Social Media training would be valuable to new members.
9. Councillor Maul stated that Social Media training would be beneficial and provide assistance to members in relation to public engagement.
10. Councillor Mrs Wallwork added that Social Media is quite a 'grey-area' in relation to member engagement and by providing members with case law and studies, this would be very beneficial.
11. Councillor Donnelly agreed with members and highlighted that Conduct matters can be difficult to manage in local authorities as the outcomes are much more limited compared to other areas in the public sector.
12. Stuart Webster agreed with member's suggestions and asked that he is invited along to future training sessions.
13. Carol Pilson agreed to arrange the appropriate training sessions and asked members to consider whether it would be beneficial to arrange further training in relation to dispensations and members interests too.
14. Carol Pilson asked members to consider whether a 'mock' Conduct Hearing would be useful for a future date.

CND12/19 ITEMS OF TOPICAL INTEREST.

Carol Pilson confirmed that there are currently no outstanding conduct complaints.

Members proposed that forthcoming meetings of Conduct Committee were rearranged to take place at 4.00pm. Izzi Hurst agreed to liaise with those members not in today, to ensure that they are agreeable with the amendment to the time.

2.45 pm

Chairman