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14 February 2020

STANDARDS COMMITTEE

A meeting of the **Standards Committee** will be held on **Wednesday, 26th February, 2020** in the **Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX** at **10.00 am**

PHIL SHEARS
Managing Director

Membership:

Councillors Keeling (Chairman), Bullivant, Haines, Nuttall, Peart and L Petherick.

Non-Voting Members:

Barnicott, Dowding and Smith

Please Note: Filming is permitted during Committee meeting with the exception where there are confidential or exempt items, which may need to be considered in the absence of the press and public. By entering the Council Chamber you are consenting to being filmed.

A G E N D A

Part I

1. **Apologies for Absence**
2. **Minutes** (Pages 3 - 6)
To approve and sign the minutes of the meeting held on 25 July 2019.
3. **Declarations of Interest**

4. Public Questions (if any)

5. Appointment of Vice-Chairman

To elect a Vice-Chairman.

6. Standards Hearings

The Standards Committee responsibility is to conduct hearings and determine sanctions should a breach of the code of conduct be found.

To update Members on the hearing held on 25 July 2019 and receive feedback from Committee Members who attended that hearing.

7. Dispensation Requests

The Standards Committee role includes determination of dispensations not dealt with by the Monitoring Officer under delegated powers.

At the time of publication of the agenda none had been received.

8. Standards Training Programme for Members

The Standards Committee has the responsibility for ensuring that appropriate advice and training is provided to all councillors in respect of ethical governance and the Code of Conduct.

The Committee is asked to identify potential and suggest training options for the Council and parish / town councils in accordance with its duty to promote and maintain high standards of conduct.

9. Co-opted membership of Standards Committee

The Membership of the Standards Committee currently includes eight members of which two are Parish Members nominated by the Teignbridge Association of Local Councils. The Committee is requested to review the membership and make any recommendation to full Council.

10. Update on Pending Changes to Standards Legislation

(Pages 7 - 8)

Report attached.

If you would like this information in another format, please telephone 01626 361101 or e-mail info@teignbridge.gov.uk

STANDARDS COMMITTEE

25 JULY 2019

Present:

Councillors Keeling (Chairman), Haines and Peart,

Independent Members:

Mr Barnicott and Ms Smith

Members in Attendance:

Councillors Cox, MacGregor and Wrigley

Public Gallery

Councillor Bullivant

Also in attendance

The complainant, their carer and a friend

Officers in Attendance:

Karen Trickey, Solicitor to the Council and Monitoring Officer

Sarah Selway, Democratic Services Team Leader & Deputy Monitoring Officer

Paul Woodhead, Investigating Officer

8. APOLOGIES FOR ABSENCE

Apologises for absence were received from Councillor L Petherick.

9. MINUTES

The minutes of the meeting held on 5 April 2019 were confirmed as a correct record and signed by the Chairman.

10. DECLARATIONS OF INTEREST

None.

11. CONSIDERATION OF THE MATTER WITH OUT THE PRESS & PUBLIC PRESENT

The Chairman announced that the papers for this hearing had not been published to date, as there were grounds to deal with the matter in confidence because it concerned individuals and personal details. There was however a clear public interest regarding the conduct of councillors to be considered in public.

The Chairman asked if all people present, including the press, understood that the personal details of the complainant were not to be published then the matter could be dealt with in public session.

This was agreed by all present (including the complainant and the press).

12. **STANDARDS COMPLAINT**

The Chairman advised that it was the panel's role to determine whether there had been a breach of the code of conduct based upon the Investigating Officer's report and any representations today.

The Solicitor to the Council & Monitoring Officer set out the issues before the panel:-

- The need for the Committee to establish the facts
- Whether the Committee felt there had been a breach, including whether the code applied or not
- If there had been a breach to consider any sanctions as recommended in the Investigating Officer report.

The Investigating Officer presented his report and findings. He outlined the complaint which had been received on 15 August 2018, the allegations as detailed in the report, the relevant law and guidance. He brought the committees attention to the evidence and findings of facts and his conclusion.

In response to Member's questions, the Investigating Officer clarified that any breach in data protection regulations was not in the remit of this Committee and the only issue the Committee should consider was the Code of Conduct.

The Solicitor to the Council & Monitoring Officer advised that Members should consider the issues as alleged in the report.

Councillor Cox circulated to Committee Members:-

- Copy email - dated 23 August 2018 from Councillor Cox to the Interim Monitoring Officer stating that the papers belonging to complainant had been found
- Copy email – dated 28 August 2018 from the Interim Monitoring Officer to Councillor Cox in which he suggested that the found papers be returned directly to the complainant.

He then stated that on receipt of this email he then returned the papers to the complainant by recorded delivery with a letter as advised by the Interim Monitoring Officer.

Councillor Cox stated that no one apart from Homeless in Teignbridge Support (HITS) had access to the documents and that this was a charity based issue and he was not acting in his capacity as a councillor. He had been referred to the complainant by the CAB in his capacity as a HITS trustee. He bitterly regretted the misfiling of the documents, when they had been found he returned them as advised by the Interim Monitoring Officer and he had apologised to the complainant.

The carer of the complainant addressed the panel. She expressed disappointment that the Data Protection issue was not relevant, as the loss of the paper work had caused the complainant great anguish. It was important that all the relevant information was considered to ensure that the panel could come to a conclusion and that there were consequences when acting in a position of public office. The complainant had contacted the Citizens Advice Bureau (CAB) and they had suggested that she contact her local councillor, she subsequently contacted Councillor Cox.

Councillor Cox's representative, Councillor Macgregor asked the Investigating Officer what evidence there was that Councillor Cox was acting in his capacity as a Councillor. He commented that as the case had already been released to the press that the matter had been dealt with.

The Investigating Officer stated that the evidence was set out in the report and the video footage which established that Councillor Cox was acting in his capacity as a councillor. He clarified that there was a statement from HITS but not from the CAB.

The Independent Persons commented that it should be made clear in what capacity a person was acting and that on the balance of probability Councillor Cox was acting in his capacity as a councillor.

The Solicitor to the Council & Monitoring Officer advised that the Panel should consider if Councillor Cox had been acting as a councillor and then if there been a breach of the code of conduct.

The Panel adjourned to consider in what capacity Councillor Cox was acting and if he was acting as a councillor had there been a breach of the code of conduct.

The Panel findings were that Councillor Cox failed to clarify in what capacity he was (according to him) acting for the complainant when he was contacted by her for help. However the complainant was clear that she had contacted him as her local ward councillor. Consequently in line with the investigator's findings the Panel concluded that Councillor Cox was acting as councillor when dealing with the complainant.

The Panel adjourned to consider if any sanctions under the code of conduct should be imposed.

The Panel whilst recognising that Councillor Cox had apologised and the complaint has already been published in the press, the Panel:-

RESOLVED that sanction of public censure should be imposed and that in the future Councillor Cox should declare in what capacity he is acting and ensure that he acts in a more responsible manner when dealing with confidential paperwork entrusted into his care.

The meeting started at 1.30 pm and finished at 3.50 pm.

Chairman

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TEIGNBRIDGE DISTRICT COUNCIL
STANDARDS COMMITTEE

26 FEBRUARY 2020

Report Title	Update on Pending Changes to Standards Legislation
Purpose of Report	To provide an update on the pending changes proposed by central government to the powers available to local government standards committees.
Recommendation(s)	The Committee RESOLVES to note the report
Financial Implications	None
Legal Implications	As set out in the report
Risk Assessment	N/A
Climate Change Implications	N/A
Report Author	Christopher Morgan, Trainee Democratic Services Officer Email: christopher.morgan@teignbridge.gov.uk Karen Trickey, Solicitor to the Council

1. BACKGROUND

- 1.1 The Standards Committee (2015 – 2019) previously considered the recommendations to central government from the independent Committee for Standards in Public Life on 27 February 2019
<https://www.gov.uk/government/news/local-government-ethical-standards-committee-publishes-report>. Changes to the Council's Code were made partly in response to that report in March 2019.
- 1.2 Members may recall that one of the significant findings of the 'Standards in Public Life' report was that bullying and harassment of individual politicians and officers was on the rise (including from other politicians) and that it was recommended that standards committees be provided with greater sanctions to effectively punish wrongdoers. .

2. UPDATE

- 2.1 It is understood that further to the consideration by the Local Government Association (LGA) of the report, recommendations on changes to the law will be formally considered by the Secretary of State this year. It seems that emphasis is being given to the specific recommendations seeking increases in the sanctions available to standards committees to address serious offences. This would include powers to suspension for a year, clarity on the ability to ban guilty parties from accessing council buildings or from attending meetings and take away any community funding.

2.2 It is anticipated that amendments to the existing ethical framework legislation will be implemented by the end of the year. In the meantime, the following general points / themes appear in respect to the updates on the progress of the report and anticipated changes to the law:

- The LGA has already produced several reports to provide advice for councillors who feel harassed or unsafe. See <https://www.local.gov.uk/councillors-guide-handling-intimidation> .
- The LGA has launched the Civility in Public Life project. This involves the spread of the DebateNotHate hashtag on social media to encourage polite political discourse and refers to a review of a model code of conduct for all councils which will be considered at the LGA annual conference in July 2020 which accords with the 'Standards in Public Life' report which recommended the re-introduction of a national model code – see <https://www.local.gov.uk/our-support/guidance-and-resources/civility-public-life-and-review-model-code-conduct>
- Nationally councils do not make best use of their Independent Persons (the Committee might want to consider this as part of its consideration of hearings which may remove any possible perception of political bias when adjudicating on alleged breaches of the high standards of conduct expected of councillors).
- Standards for councillors and officers should be viewed as a two way street – *'you should give respect if you want to receive it'*.
- Whilst the changes anticipated to sanctions for breaches of the code of conduct may still be some months' away, polarisation and vitriolic politics at central as well as the local government level is a significant driver behind the government's support for the reforms.