

STANDARDS COMMITTEE held at COMMITTEE ROOM - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, ESSEX CB11 4ER, on MONDAY, 16 MARCH 2020 at 5.00 pm

Present: Councillor N Reeve (Chair)
Councillors S Barker, N Gregory, V Isham, A Khan and E Oliver

Officers in attendance: B Ferguson (Democratic Services Manager) and S Pugh (Assistant Director - Governance and Legal)

Independent Persons: Mrs G Butcher-Doulton, Mr D Pearl and Mrs C Wellingbrook-Doswell

Public Speakers: Mr R Couchman and Ms S Gill

ST11 PUBLIC SPEAKING

Mr Couchman and Ms Gill both spoke on the Standards Hearing that had been held on 21 January 2020. Summaries of their statements have been appended to these minutes.

ST12 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies were received from Councillors Asker, Foley and Light.

ST13 MINUTES OF PREVIOUS MEETINGS

The minutes of the previous meetings held on 17 June 2019 and 21 January 2020 were approved.

ST14 REVIEW OF STANDARDS PANEL HEARING ON 21 JANUARY 2020

The Chair brought Item 7 forward in proceedings for the benefit of those present. He said the discussion would be focused on the process of the Hearing, not the particulars of the case.

Members discussed the process of the Standards Hearing held on 21 January. The issue of whether the Hearing should have been held in public was raised and there was agreement that it was normal practice to have such hearings held in private due to the confidential information that was involved in such cases. There was a need to strengthen the procedures around these hearings, particularly in regard to the information included on the published agenda pack. In future, the agenda papers would stipulate the rules and make it clear that such hearings were to be held in private.

In terms of what went well, there was agreement that Councillor Barker had been an effective Chair of the Panel in difficult circumstances, ensuring that due process was followed and that all present had an opportunity to speak. The rigorous questioning from Panel Members and the robust but respectful nature of the debate also received praise.

The Assistant Director – Legal and Governance said an issue with the Standards process as a whole was that a hearing would not solve any underlying problems at the heart of a conflict. By their nature, such hearings were difficult and the outcome would rarely please all sides.

The Chair summarised that in his view the hearing had been fair and due process had been followed. Going forward, a lesson to be learnt was to ensure that the information published with the agenda papers was clear and left the public in no doubt as to the rules regarding engagement with such private meetings. He added that investigating officers' reports also required clarity.

ST15

COMMITTEE ON STANDARDS IN PUBLIC LIFE: LOCAL GOVERNMENT ETHICAL STANDARDS REPORT

The Assistant Director – Governance and Legal presented the report on Standards in public life. The report made a number of recommendations and identified best practice to improve ethical standards in local government. He informed Members that this was the third time the report had been brought to Committee and, whilst there were some failings, the guidance on offer was good. For instance, it gave clear examples of what type of behaviour constituted a breach of the code of conduct, such as bullying. As well as highlighting the procedure for sanctioning members and the right of appeal, the report also highlighted the need to embed good conduct into the culture of an organisation. It was acknowledged that this would be a difficult task in respect to the 54 parish and town councils across the district, although an example was raised to the Committee's attention whereby a conflict at parish level had been resolved by communicating with the parties involved before escalating to a formal hearing.

Councillor Barker said that Essex County Council had a Conflict of Interest policy.

The Assistant Director – Governance and Legal asked if he could have sight of this document.

The issue of indemnity for the Independent Persons of the Standards Committee was raised. The Chair said such indemnity would be pursued. He also asked that the Code of Conduct be brought back to a future meeting for the Committee's attention.

In response to a Member question, the Assistant Director Governance and Legal said the inconsistencies of practice and conduct at parish level would be addressed by training sessions, although it was once again acknowledged how difficult this would be across the 54 parishes with only three independent persons to deliver. The prospect of coordinating such training with the Uttlesford

Association of Local Councils was proposed and it was agreed that the body should be invited to address the Standards Committee in the future.

In response to a Member question regarding the parish clerk qualification bursary, it was agreed that encouraging parish clerks to develop their skills and enhance their knowledge was another area which could assist in spreading good practice across the district. Information regarding such bursaries would be sent again to parish clerks to ascertain interest.

The Chair said it would be sensible to wait for the Local Government Association's code of conduct to be published before modifying the council's own code. It was agreed that a report would be made available at the next meeting regarding the definition of bullying.

ST16 COMMITTEE ON STANDARDS IN PUBLIC LIFE: ARTIFICIAL INTELLIGENCE REPORT

The Assistant Director – Governance and Legal said the spectre of Artificial Intelligence (AI) had ethical ramifications and it was important to be mindful of the Nolan Principles in light of technological development.

Members discussed the report and there was general agreement that the issue was complex; what even constituted AI? Concerns were raised regarding machine led bias and the reliance on technology that was widely not understood, although it was acknowledged that many of these issues would need to be tackled at Government level.

The Chair said he would talk to Councillor de Vries on the subject of AI, the Topic Lead for IT, along with Councillor Khan and would report back at a future meeting.

ST17 COMMITTEE ON STANDARDS IN PUBLIC LIFE: INTIMIDATION IN PUBLIC LIFE: LETTER TO POLITICAL PARTIES ON ELECTION PLEDGE

The Assistant Director – Governance and Legal said this report had been brought for information. He asked Members to promote a culture of kindness at the Council and to constructively “pull-up” fellow Members if they felt their conduct was not of the required standard.

ST18 MEMBER TRAINING FOR 2020/21

The Assistant Director – Governance and Legal said he had been looking at the training programme for 2020/21 and asked committee members whether all councillors should be encouraged to attend, or if it should training should be reserved for committee members only.

Mrs Butcher-Doulton said it would be more cost effective if the Independent Persons carried out the training.

The Chair said it was important that expert legal advice was also present, in light of the Assistant Director's – Governance and Legal imminent departure. He also asked that training on both the Code of Conduct and Panel Hearings were delivered in the upcoming year.

The Chair, Committee Members and Independent Persons present thanked the Assistant Director – Governance and Legal for his expertise, professionalism and kind manner when dealing with all matters relating to Standards in the preceding years. They wished him all the best in his retirement.

The Chair closed the meeting at 6.45pm.

SUMMARIES OF PUBLIC STATEMENTS:

Mr Couchman said he wanted the full account of the Hearing held in January to be published as it was the only way to move past the longstanding conflict that had enveloped the parish. He said a Clavering parish newsletter had been circulated which incorrectly stated the number of cases held against him. He also felt the process had been unfair and said he believed witnesses had been in collusion. He asked why such Hearings were not transparent and open to the public in line with other council meetings.

Ms Gill said the aforementioned newsletter had reported nothing more than a link to the Standards Hearing. She said the parish had made efforts to improve best practice and Code of Conduct training had been provided by the Monitoring Officer. Furthermore, this issue had been ongoing for years and expert legal advice had always been sought by the parish council. She said the Hearing had to remain private due to the personal and confidential information involved, and the privacy of other stakeholders, such as the former parish clerk, had a right to be protected.