

MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON TUESDAY, 29TH JUNE, 2021, 7.00 - 8.25 PM

PRESENT: Councillor Felicia Opoku (Chair), Councillor Barbara Blake, Councillor Vincent Carroll, and Councillor Erdal Dogan.

1. FILMING AT MEETINGS

The Chair referred to the notice of filming at meetings and this information was noted.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Julia Ogiehor.

3. URGENT BUSINESS

There was no urgent business.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. MINUTES

RESOLVED

That the minutes of the Standards Committee meeting held on 2 March 2021 and the minutes of the Standards Assessment Sub-Committee meetings held on 2 March 2021, 11 March 2021, and 23 March 2021 be confirmed and signed as a correct record.

6. APPOINTMENT OF THE STANDARDS ASSESSMENT AND HEARING SUB-COMMITTEES

The Principal Committee Co-ordinator introduced the report which sought confirmation of the membership of the Standards Assessment and Hearing Sub-Committees.

RESOLVED

That, given the need for members' expertise and discretion, the membership of the Standards Assessment Sub-Committee and the Standards Hearing Sub-Committee be the same as the membership of the Standards Committee.

7. PROPOSED AMENDMENTS TO THE CONSTITUTION (RECRUITMENT OF STATUTORY OFFICERS)

Under s100B(4)(b) of the Local Government Act 1972, the Chair of the meeting was of the opinion that the item should be considered at the meeting as a matter of urgency by reason of special circumstances. These circumstances were so that the report submitted to the Staffing and Remuneration Committee, which provided background information on the agenda item, could be considered by the Standards Committee in a timely manner at the meeting on 29 June 2021.

The Democratic Services Manager introduced the report which took forward recommendations of the Staffing and Remuneration Committee to amend the Constitution to ensure that members remained responsible for taking steps for the appointment of the Monitoring Officer and to ensure the Monitoring Officer was correctly referred to within the Constitution. The reasons for were set out in Appendix 1 to the report, which was the report considered by the Staffing and Remuneration Committee on 16 March 2021.

It was explained that, following a change in the council officer structure, the position of Monitoring Officer now inadvertently fell outside of the recruitment process which was overseen by the Staffing and Remuneration Committee, as set out in Section K of the constitution. It was noted that members had requested an update to the constitution to require that all Directors, Assistant Directors, and statutory officers (including the Monitoring Officer) were appointed by the Staffing and Remuneration Committee.

The Chair noted that Article 3.02 of the constitution referred to European elections but that these would no longer be relevant following the United Kingdom's departure from the European Union. It was suggested that this reference should be removed; this was agreed by the Committee.

RESOLVED

1. To approve the additions to the constitution set out at Appendices 2 to 5 to the report.
2. To recommend that the reference to European elections in Article 3.02 of the constitution be removed as the United Kingdom would no longer have European elections following its departure from the European Union.
3. To recommend that these changes to the constitution were adopted by Full Council at its meeting on 19 July 2021.

8. PROPOSED AMENDMENTS TO THE CONSTITUTION (EXECUTIVE FUNCTIONS)

Under s100B(4)(b) of the Local Government Act 1972, the Chair of the meeting was of the opinion that the item should be considered at the meeting as a matter of urgency by reason of special circumstances. These circumstances were that the report was

included on the agenda and marked to follow to allow Cabinet Member comments on the changes proposed in the report. This needed to be considered by the Standards Committee on 29 June 2021 to allow the changes to be put forward to Full Council on 19 July 2021 and traffic management schemes to progress in a timely manner.

Mark Stevens, Assistant Director (Environment and Neighbourhoods) introduced the report which took forward minor deletions to Part Three, Section C Responsibility for functions: The Executive: The Leader, the Cabinet & Cabinet Bodies - Matters reserved to the Executive - namely - paragraph 2.1 – sub section on Highways – (a) Approval of traffic calming works where more than 10 objections have been received; and (c) Approval of any permanent traffic regulation order subject to valid objection and added this responsibility to the Officer Scheme of Delegation for Environment and Neighbourhoods.

It was explained that, during the annual cycle of reports for works, it was identified that the process set out in the constitution would inhibit the progress and delivery of schemes and included some inaccurate terminology. It was noted that, under the current process, a significant number of traffic orders were required to be considered by Cabinet; this included minor issues and proposals with very few objections. It was explained that the relevant Cabinet Members had been consulted and it was considered that the proposals were appropriate.

Under the proposed arrangements, any small schemes would be processed by officers, medium to large schemes would be determined in conjunction with the Cabinet Member, and any large schemes would be presented to Cabinet. It was noted that large schemes would include changes across wards, those with a significant number of objections, or Low Traffic Neighbourhoods (LTNs).

In response to questions from the Committee, it was confirmed that a full explanation of small, medium, and large, schemes was provided in paragraph 6.8 of the report. It was highlighted that small schemes would be costed below £100,000 and would be limited to one ward. It was noted that many local authorities delegated this type of decision to officers. It was also explained that the number of small, medium, or large schemes varied each year. It was noted that it might be possible to provide additional data on the numbers of schemes if required.

RESOLVED

1. To approve the deletions to the Constitution set out at Appendix 1 to the report.
2. To recommend that these changes to the Constitution are adopted by Full Council at its meeting on 19 July 2021.

9. REVIEW OF THE SOCIAL MEDIA POLICY

Under s100B(4)(b) of the Local Government Act 1972, the Chair of the meeting was of the opinion that the item should be considered at the meeting as a matter of urgency by reason of special circumstances. These circumstances were that the report was included on the agenda and marked to follow to allow further input from Legal

Services, IT colleagues, and Communications. Considering the report in June would allow the guidance to be used for training purposes and also distributed to members in good time.

The Democratic Services Manager introduced the report which responded to comments at Standards Committee in January and March 2021 and put forward updates to the existing guidance. It was proposed to reissue the guidance to support councillors who used social media. The Democratic Services Manager explained that the guidance from other local authorities and the Local Government Association had been considered and some changes were proposed to make the local guidance more accessible and practical. It was highlighted that the amendments included a frequently asked questions section and that the changes were marked within the report. It was added that political assistants, the Communications Team, and IT had been consulted on the proposals.

The Committee noted an addition to the Social Media Guidance which stated that councillors could be predisposed to a particular view but not to have gone so far as to have predetermined their position. Some members enquired whether this could also include predetermination in relation to a council position, rather than an individual position. The Monitoring Officer explained that predetermination only applied to decision makers but noted that the Guidance could advise councillors to avoid misleading the public or bringing the council into disrepute by suggesting that there would be particular outcomes for an impending decision. It was added that the Guidance could encourage councillors to seek advice from officers before committing to a position on social media in these circumstances.

It was enquired whether the Guidance should include a description of what mediums were considered to be social media; it was queried, for example, whether messaging apps should be expressly excluded from the Guidance as it was unlikely that people would be acting in their role as councillors in this instance. The Monitoring Officer explained that this might be dependent on the facts of the case and that it could be determined that someone was acting as a councillor through a messaging app. The Committee requested an explanation within the Guidance of what would be considered public interaction on social media.

RESOLVED

1. To agree the updated Social Media Guidance for Councillors (Appendix 1 to the report), subject to the inclusion of additional information relating to predetermination and a definition of public interaction on social media.
2. To note that the Guidance would be:
 - (i) Posted on the Members Portal on the Council's intranet;
 - (ii) Incorporated into the Members Toolkit for new councillors in May 2022; and
 - (iii) Used to provide training to councillors In May 2022.

10. UPDATE ON DEBT MANAGEMENT

Under s100B(4)(b) of the Local Government Act 1972, the Chair of the meeting was of the opinion that the item should be considered at the meeting as a matter of urgency by reason of special circumstances. These circumstances were that the report was included on the agenda and marked to follow to allow further information to be added by Finance colleagues. Considering the report in June would allow the Committee to meet the expectations set out in the work plan.

The Chair introduced the report which provided an update on debt management. It was explained that the Committee had previously supported a change in the policy for debt management which permitted a larger amount to be written off by officers. It was noted that the Committee had asked for an update on the number of debts that had been written off since the policy change. It was also noted that this information was regularly reported to Cabinet as part of the quarterly budget monitoring reports.

RESOLVED

To note the update on debt management.

11. COMMITTEE WORK PROGRAMME

The Chair noted that there had been some changes to election requirements which meant that councillors no longer had to display their home addresses. She noted that there had been increases in the cases of violence against councillors and enquired whether it would be possible to consider a similar arrangement for councillor declarations of interest. The Monitoring Officer explained that the rules for declarations of interest were set out in legislation but that she did have the discretion to consider whether a councillor had a sensitive interest. A sensitive interest would still be recorded and would still need to be declared but the detail of the interest would not be public. It was noted that the Committee would not be able to change how interests were declared but that it would be possible to present a paper explaining declarations of interest and providing advice on personal safety for councillors.

After the discussion, it was confirmed that the updated work programme was as follows (amendments in bold):

October 2021

1. Declarations of interest and personal safety for councillors.

Possible future items, to be confirmed

1. Changes to Scrutiny arrangements in the Constitution. It was noted that this would likely be considered by the Standards Committee in 2022.
2. Review of the Corporate Committee. It was noted that, during the review of the Regulatory Committee, it was considered that there was no demand to change the Corporate Committee at present. It was added that some minor proposed changes in relation to the audit and finance requirements for the Corporate Committee might be presented to the Standards Committee.

3. Review of the Health and Wellbeing Board Terms of Reference. It was noted that this issue had been delayed by the Covid-19 pandemic but might be readdressed shortly.

RESOLVED

To note the Committee work programme, subject to the above amendments.

12. NEW ITEMS OF URGENT BUSINESS

There were no new items of urgent business.

13. DATES OF FUTURE MEETINGS

It was noted that Standards Committee meetings were scheduled for:

5 October 2021
25 January 2022
28 February 2022

14. EXCLUSION OF THE PRESS AND PUBLIC

It was noted that items 15-17 contained exempt information as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); paras 1 & 2; namely information relating to any individual and information likely to reveal the identity of an individual.

RESOLVED

That the press and public be excluded from the meeting for consideration of items 15-17 as they contained exempt information as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); paras 1 & 2; namely information relating to any individual and information likely to reveal the identity of an individual.

15. STANDARDS COMPLAINT SC002/2021

The Committee considered the exempt information.

16. EXEMPT MINUTES

RESOLVED

That the exempt minutes of the Standards Assessment Sub-Committee from 2 March 2021, 11 March 2021, and 23 March 2021 be confirmed and signed as a correct record.

17. NEW ITEMS OF EXEMPT URGENT BUSINESS

There were no new items of exempt urgent business.

CHAIR: Councillor Felicia Opoku

Signed by Chair

Date