

STANDARDS COMMITTEE

Minutes of a Meeting of the Standards Committee held on Friday, 22 April 2022 at 10.00 am at County Offices, Kendal

PRESENT:

County Councillors

Dr S Haraldsen
Mr C Hogg
Ms C McCarron-Holmes
Mr NH Marriner
Mr A McGuckin

Independent Members

Mr S Sim (Chair)

Also in Attendance:-

Ms C Parkinson - Chief Legal Officer
Ms L Morgan - Senior Lawyer - Legal and Democratic Services
Mr D Hamilton - Democratic Services Officer

25 APOLOGIES FOR ABSENCE

Apologies were received from Mrs G Koosar.

26 EXCLUSION OF PRESS AND PUBLIC

RESOLVED, that the press and public be not excluded from the meeting during consideration of any item on the agenda.

27 DECLARATIONS OF INTEREST

There were no disclosures of interest on this occasion.

28 MINUTES

RESOLVED, that the minutes of the meeting held on 25 January 2021 be agreed as a correct record and signed by the Chair.

29 UPDATE AND GUIDANCE ON CODE OF CONDUCT

Members received a report recommending some changes to the code of conduct adopted in November 2021 which reflected recent changes made by the Local

Government Association to their model code. The Council adopted a new members' code of conduct in November 2021 based on the new model code of conduct produced by the Local Government Association. The report also asked members to approve updated guidance to be issued to all members on the new code.

The Interim Monitoring Officer explained that the Local Government Association's model Code of Conduct been changed in updated versions, the most notable update provided guidance stating that unpaid directorships were to be treated in the same way as other registerable interests and not disclosable pecuniary interests. Under the code of conduct adopted in November 2021 they are treated as disclosable pecuniary interests.

Members of the Committee heard that under the Code of Conduct if a matter arose at a meeting which directly related to a Disclosable Pecuniary Interest then the member must not participate in any discussion or vote on the matter and must not remain in the room during the debate unless a dispensation had been granted.

A discussion took place regarding the extent of the impact the code as drafted would have because, as the Interim Monitoring Officer explained, councillors would need to disclose positions such as school governorships and directorships of voluntary organisations.

The Chair sought assurance that guidance would provide a detailed explanation to Councillors to ensure they know their responsibilities. The Interim Monitoring Officer agreed and explained that training would be provided for members of the new unitary authorities as part of their induction and could be provided for current members of the County Council.

Members were given assurance that continuity would be sought between the current code and the code of conduct for the new authorities.

RESOLVED,

- (1) the proposed changes to the code of conduct be approved and recommended to full Council for approval;
- (2) the form of guidance to be provided to members be approved.

30 CHANGES TO PROTOCOL FOR DEALING WITH COMPLAINTS ABOUT THE CONDUCT OF MEMBERS OF CUMBRIA COUNTY COUNCIL

The Interim Monitoring Officer presented a report that recommended some changes to the protocol for dealing with complaints about the conduct of County Council members which was approved by the Standards Committee at its last meeting held on 25 January 2021. It had been agreed that a review of the protocol would take place every four years to coincide with County Council elections but this did not prevent further reviews if necessary within that timescale.

Members noted that the LGA had produced some new guidance on the complaints handling process to sit alongside the new model code of conduct. A review had been carried out on whether any changes were required to the protocol, agreed in January 2021, to be consistent with this new guidance and the conclusion was that the protocol satisfied all the main criteria as noted in the LGA guidance. Members were informed that the review highlighted a few areas where the protocol diverged from the guidance and these were provided in detail within the report.

Members referred to specific exceptional circumstances which allowed for evidence to be received from an anonymous complainant. The Interim Monitoring Officer cited video evidence which clearly showed a breach of the Code of Conduct as an example.

RESOLVED, that the revised protocol be approved.

31 INTERIM MONITORING OFFICER COMPLAINTS UPDATE

The Interim Monitoring Officer presented a report on complaints about breaches of the Members' Code of Conduct received since its last meeting on 25 January 2021.

Members heard that in 2021, four matters were raised with the Monitoring Officer as potential complaints against Members, of which all had been completed.

One of the matters was not pursued after the potential complainant failed to return a completed complaint form.

One related to the conduct of a District Council member and the complainant was therefore directed to the Monitoring Officer of the relevant District.

One of the matters raised was resolved informally through discussions with the Member who was the subject of the complaint and the complainant. The complainant was satisfied with the response.

The final matter was investigated by the former Monitoring Officer, who concluded there was no breach and her findings were then reported to the Complainant.

To date in 2022, four potential complaints had been raised with the Interim Monitoring Officer as potential complaints against Members.

In respect of the first matter, it was investigated by the Interim Monitoring Officer, who concluded there was no breach and had since reported her findings to the Complainant.

The other three complaints all relate to the same matter. Two of the complainants had recently submitted a completed complaint form, and this was currently being investigated by the Interim Monitoring Officer.

The Interim Monitoring Officer stated she was pleased with the low volume of complaints.

RESOLVED, that the report be noted.

32 DATE OF NEXT MEETING

It was noted that the next meeting of the Committee was scheduled to take place on 28 June 2022.

The meeting ended at 10:35am