

Standards Committee

25 January 2018

Present: Councillor C Johnson (Chair)
Councillors B Burdis, EN Darke, P Earley, Janet Hunter,
CB Pickard and M Rankin

SC16/01/18 Apologies for Absence

Apologies for absence were received on behalf of Ms S Gardner, Independent and Mr G Clark, Independent Person.

SC17/01/18 Appointment of Substitute Members

There were no substitute Members reported.

SC18/01/18 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

SC19/01/18 Minutes

Resolved that the minutes of the previous meeting held on 31 August 2017 be confirmed and signed by the Chair.

SC20/01/18 Action Plan and Work Programme 2017/18

A report was received from the Head of Law and Governance which advised the Committee of the action plan/work programme of the Standards Committee for the year up to 31 March 2018.

The Standards Committee was responsible for the Authority's statutory duty to promote and maintaining high standards of conduct by the Elected Mayor, Councillors and Co-opted Members.

This Action Plan was monitored by the Committee at each meeting and the progress of the identified actions set out in the report would be included in the Committee's Annual Report to Council at the end of the municipal year.

The Head of Law and Governance in presenting the report highlighted some matters of note with regard to the progress of the identified actions, including:

The development of a pocket guide to the Code of Conduct and the requirements in relation to interests which was produced and circulated to all Members.

Further promotion with all Members of the Authority's e-learning training to assist Members in the use of social media through e-learning.

A two day face-to-face training event held in October 2017 to assist those Members who used social media regularly. The event was hosted by North Tyneside Council and delivered by IODA. The training invitation to all Members was extended to Chairs' and Independent Persons of Standards Committees' from regional authorities.

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Approval of the Authority's Whistle-blowing Procedure for Members' Refresh.

The new Learning pool to advise individual Members on training attended and completed, including prompts to remind them of forthcoming/outstanding training was introduced. The new system would assist Members to understand what training they were required to do, what other training was available and what training they had completed.

Training for Independent Persons on their role, which would be arranged and hosted by the Authority in July 2018, following discussion at a regional meeting of Monitoring Officers' and the appointment of Independent Persons for the future. This to include invitations to relevant training for Members.

The ongoing programme of invited guests to share their views on ethical governance and ethical standards. The Chairs' of Regulation and Review and Licensing Committee attended in August 2017. The Elected Mayor and Chief Executive had confirmed their attendance at the next meeting of the Standards Committee due to be held on the 8 March 2018. Responses to invitations extended to Chairs' of Standards Committees from Durham, Gateshead and Hartlepool Councils' were awaited.

The extension of filming of meetings to include Planning Committee had been discussed in principal, subject to resource issues being addressed.

It was also noted that a report on the Ministerial Code, which dealt with a number of ethical governance issues published by the Cabinet Office and which might be of relevance to the Authority, would be submitted to the next meeting of the Standards Committee due to be held on 8 March 2018.

Resolved that progress of the identified actions for the year up to 31 March 2018 be noted.

SC21/01/18 Review by Committee of Standards in Public Life – Intimidation of Parliamentary Candidates

A report was received from the Head of Law and Governance regarding the Committee of Standards in Public Life's ("the Committee") recent review of intimidation of Parliamentary candidates and the broader implications for other holders of public office.

The Committee had been conducting a short review of the issues of intimidation experienced by Parliamentary candidates, "and the broader implications of this for other holders of public office".

The Committee published its report "Intimidation in Public Life: A Review by the Committee on Standards in Public Life" ("the report") on 13 December 2017. The report included recommendations to address the threats and intimidation experienced by Parliamentary candidates and others.

A full copy of the report was available at:

<https://www.gov.uk/government/publications/intimidation-in-public-life-a-review-by-the-committee-on-standards-in-public-life>

The report found that intimidation in public life "presented a threat to the very nature of Representative democracy in the UK. The report concluded that addressing this intimidatory, bullying and abusive culture was important.

It was important for:

- a) the diversity of our public life;
- b) the way in which the public can engage with representative democracy; and
- c) the freedom to discuss and debate issues and interests.

The Committee acknowledged that intimidation in public life was not new. However, it stated that “the scale and intensity” of that intimidation is “shaping public life in ways which are a serious issue”. The Committee therefore made recommendations for action to social media companies, political parties, the Government, the Police and prosecutors, as well as “all those in public life”. It took the view that intimidation “reflects broader issues with our public political culture” and stated that those in public life had to take responsibility for shaping that culture.

In carrying out its review, the Committee obtained evidence from a range of individuals and organisations including candidates, MPs, social media companies, local councillors, regulatory bodies, broadcasters and journalists, the Police and security authorities.

As indicated, the Committee made a range of recommendations. It stated that these “stand as a package”. The recommendations included the following:

- the Government should bring forward legislation to shift the liability of illegal content online towards social media companies.
- All social media companies must ensure they are able to make decisions quickly and consistently on the takedown of intimidatory online content.
- the Government should consult on the introduction of a new offence in electoral law of intimidating Parliamentary candidates and party campaigners.
- The political parties must work together to develop a joint code of conduct on intimidatory behaviour during election campaigns by December 2018. The code should be jointly enforced by the political parties.
- The National Police Chiefs Council should ensure that local police forces have sufficient training to enable them to effectively investigate offences committed through social media.
- Nobody in public life should engage in intimidatory behaviour, nor condone or tolerate it. All those in public life have a responsibility to challenge and report it wherever it occurs.
- Those in public life should seek to uphold high standards of conduct, adhering to the Seven Principles of Public Life, and help prevent a decline in public trust in political institutions through their own conduct.
- Those in public life must set and protect a tone in public discourse which is not dehumanising or derogatory, and which recognises the rights of others to participate in public life.

Chapter 4 of the report dealt with “Law, policing and prosecution” and included specific comments on local government:

- (a) The Committee received evidence that the requirement for candidates standing for election as local councillors to publish their home addresses on the ballot paper “had been a significant factor in enabling intimidatory behaviour, or would put them off from standing ... due to the risk of intimidation”. The report pointed out that Parliamentary candidates had to state their address on their nomination form, but could opt for only the constituency in which they lived to appear on the ballot paper.

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Based on evidence from “national political parties”, the Committee believed there was a consensus for removing the requirement that candidates standing as local councillors had their address published. The report stated: “Rather, as with Parliamentary candidates, candidates standing as local councillors should have the option to publish only the ward in which they live on the ballot paper.

Equally, the addresses of agents, sub-agents and election observers disclosed to the Returning Officer in order for them to attend an election count should not be disclosed to others.”

As a consequence, the Committee made the following recommendation:

“The Government should bring forward legislation to remove the requirement for candidates standing as local councillors to have their home addresses published on the ballot paper. Returning Officers should not disclose the home addresses of those attending an election count.”

- (b) The Committee also received evidence that “some local councillors were told to declare their home addresses as part of a declaration of pecuniary interests, but were not informed about the sensitive interests provisions in the Localism Act 2011...”
It therefore made the following recommendation:

“Local Authority Monitoring Officers should ensure that members required to declare pecuniary interests are aware of the sensitive interests provisions in the Localism Act 2011.”

The Head of Law and Governance explained that this report was for noting and that she would keep the Standards Committee informed of any progress in relation to the review.

Resolved that the report be noted.

SC22/01/18 Meeting Chairing Skills

A report was received from the Head of Law and Governance on the development of a generic bullet point list on Chairing Skills as agreed by the Standards Committee as a part of its 2017/18 work programme.

This report provided a bullet point list but also referenced the recently updated “A councillors workbook on chairing skills” published by the Local Government Association (LGA). The following bullet point list had been developed for a Chair to consider when chairing a meeting:

- to inform themselves as to the business and the objects of the meeting;
- to open the meeting and determine that the meeting is properly constituted and that a quorum is present;
- to request the declaration of interests and receive apologies for absence;
- to preserve order in the conduct of those present (including members of the public and the press) with reference to the relevant Rules of Procedure;
- to confine discussion within the scope of the meeting agenda and reasonable limits to time;
- to decide whether questions and proposed motions and amendments are in order;

- to decide points of order and other incidental questions that require a decision at the time with reference to the relevant Rules of Procedure;
- to ascertain the “sense” of the meeting by:
 - Putting relevant questions to the meeting;
 - Summarising the report recommendations including any amendments to the recommendations made in the meeting prior to taking a vote;
- If necessary and so minded, giving a casting vote;
- Declaring the result; and
- Causing a ballot or named vote to be taken if duly demanded
- to approve the draft of the minutes or other record of proceedings;
- to adjourn the meeting when circumstances justify or require that course; and
- to declare the meeting closed when its business has been completed.

In addition to the above the Chair should always take into account legal advice provided to them in relation to the conduct of the proceedings of the meeting.

The Local Government Association had recently published an updated “councillor’s workbook on chairing skills”. The workbook had been designed as a distance learning aid for councillors. It was intended to provide councillors with insight and assistance with the key skills which would help them to be effective in their role.

A full copy of the LGA workbook was available at:

https://www.local.gov.uk/sites/default/files/documents/11.61%20Chairing%20skills%20-%20a%20councillors%27%20workbook_1.pdf

The workbook could be used as a standalone learning aid or alongside other material such as e-learning modules or sessions which were provided by the Authority and could be accessed via the Learningpool, or, as a part of the Member Development Programme.

The workbook set out the key roles of a Chair and provided practical guidance on handling the mechanics of chairing a meeting. The workbook also provided an explanation of qualified privilege in the context of local authority meetings and the protection that was available from claims of defamation.

The bullet point list and the workbook provided an outline of the skills that a Chair of a meeting needed to use. These were welcomed and endorsed by the Committee for use as a part of the Member Development Programme.

During discussion, Members suggested an amendment to the bullet point list to include the summarising by the Chair of any verbal considerations at the meeting which resulted in additional recommendations not covered in the report, prior to taking a vote.

Resolved that the Standards Committee endorse the bullet point list as amended and the LGA workbook “A councillor’s workbook on chairing skills”, and be used in the development of chairing skills for Members of the Authority.