

Minutes of:	STANDARDS COMMITTEE
Date of Meeting:	13 January 2021
Present:	Councillor T Pickstone (in the Chair) Councillors P Cropper, A Cummings, K Leach, M Hayes, T Rafiq, M Whitby and Y Wright
Public Attendance:	No members of the public were present at the meeting.

1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted by Councillor J Harris.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 MINUTES

It was agreed:

That the minutes of the meeting held on the 12th October 2021 be approved.

4 CODE OF CONDUCT

Janet Witkowski, Interim Council Solicitor and Monitoring Officer presented a draft updated Member Code of Conduct for discussion. At the July meeting of the Standards Committee Members considered a new draft national model code of conduct to be introduced and agreed responses to the consultation. That code has now been published and this report provides information regarding the new code and other codes and protocol within the remit of the Committee that require review.

The Interim Council Solicitor and Monitoring Officer in presenting the report referred Members to specific areas of code including:

- Purpose of the code of conduct
- General principles of the code
- Application of the code of conduct
- Minimum standards of conduct required
- Confidentiality and access to information
- Gifts and hospitality

In considering the report the following comments/issues were raised:

Members discussed the timeline for implementation and agreement of the Code, the Interim Council Solicitor and Monitoring Officer reported that it would be

useful to review a final draft at the next meeting of the Standards Committee and then brief Group Leaders in advance of consideration at Full Council.

Councillor Hayes referred to the section in the report in relation to the LGA undertaking this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on Local Government Ethical Standards. If the Government chooses to implement any of the recommendations, this could require a change to this Code. The Interim Council Solicitor and Monitoring Officer agreed to undertake to contact the LGA to seek further clarification in regards to this matter.

Members requested that in order to support the implementation of any new code of conduct Member training session be arranged by the Council's Monitoring Officer.

It was agreed, that

1. Note the contents of the report
2. Note that a further report with a version of the proposed Code for Bury will be brought to the next meeting, scheduled to take place on 11th March 2021 for comment and will include reference to the other ethical codes and protocols set out within recommendations 3 as appropriate
3. Agree that the following codes and protocols contained within the Constitution be reviewed during the remainder of the municipal year and any proposed new drafts submitted to the Committee for consideration and recommendation onto Council:
 - a. Employees Code of Conduct
 - b. Protocol on Member and Officer Relations
 - c. Monitoring Officer protocol
 - d. Probity in Planning Code of Conduct
 - e. Complaints against Members
 - f. Hearings Procedure

5 HEARINGS PANEL APPROVAL

Janet Witkowski, Interim Council Solicitor and Monitoring Officer presented a report providing details of the procedure for establishing two standards hearings panels. By way of context the Interim Council Solicitor and Monitoring Officer informed Elected Members that the role of the Council's Standards Committee includes promoting and maintaining high standards of conduct by Councillors as well as monitoring the operation of the Members Code of Conduct. The Committee can determine how to deal with complaints against elected members, investigation reports compiled on behalf of the Monitoring Officer and establish hearing panels where necessary.

The Interim Council Solicitor and Monitoring Officer's report requested that the Committee approve, in line with the Council's Arrangements for dealing with complaints that Council members have breached the Code, the arrangement of two hearing panels and delegate authority to receive the investigation reports, determine if the elected members concerned have breached the Code of Conduct

and if having found breaches, permits it to take a decision as to how the members are dealt with.

In considering the report the following comments/issues were raised:

The interim Council Solicitor and Monitoring Officer reported that the procedural arrangements were agreed unanimously at Council in 2012. Cllr Whitby suggested that following the proposed Hearings, Elected Members involved provide feedback to the Standards Committee as to whether the process is fit for purpose.

Members discussed the role of the Independent Person. The Interim Monitoring Officer reported that following a thorough recruitment process in 2016 the Council were only able to recruit to one Independent Person, the recruitment process is due to commence again in February 2021. The Council where appropriate will approach a neighbouring authority and use their Independent Person.

Members discussed the process. The Interim Council Solicitor and Monitoring Officer reported that the initial assessment of a complaint is undertaken with the Monitoring Officer and the Independent Person and that if an investigation is required that a person outside the authority will be instructed and in doing so, produce a report. The make up of the hearings panel is politically balanced and the Monitoring Officer will ensure that the Panel is fair and the proposed Chair is briefed in advance of the meeting. The Hearings Panel will receive the Investigators report, can also receive representations from the complainant and subject member and witnesses may attend. The Hearings must adhere to principles of natural justice and any sanctions must be lawful.

It was agreed, that

1. The report be noted
2. Approve the setting up of two sub-committees by way of hearings panels in line with the Council's Arrangements for dealing with complaints attached at Appendix 1
3. Approve the attached Hearings Procedure at Appendix 2 as the process to be followed by the said panels
4. Delegate to the said panels power to determine whether the elected members in question have breached the Member Code of Conduct
5. Delegate to the said panels the power to determine how the elected member is dealt with, such actions to include;
 - i. Publish its findings in respect of the Subject Member's conduct;
 - ii. Recommend to Council that the Member be censured;
 - iii. Recommend to the Subject Member's group leader (or in the case of ungrouped members recommend to Council) that he/she be removed from any or all committees or sub committees of the Council;
 - iv. Recommend to the Leader of the Council that the Subject Member be removed from the Executive, or removed from their portfolio responsibilities;
 - v. Instruct the Monitoring Officer to arrange training for the Member;
 - vi. Recommend to Council that the Subject Member be removed from all outside appointments to which they have been appointed or nominated by the Council;

- vii. Withdraw facilities provided to the Subject Member by the Council such as a computer, website and/or e-mail and internet access;
or
- viii. Place such restrictions on the Subject Member's access to staff, buildings or parts of buildings which may be reasonable in the circumstances.

COUNCILLOR T PICKSTONE

Chair

(Note: The meeting started at 6.00 pm and ended at 6.45 pm)