

MINUTES
STANDARDS COMMITTEE MEETING
9 JUNE 2016

Present:

Councillors: Taylor (Chair)
Maddern
Tindall

Independent Co-Opted Representatives: John Ebdon, Brendan Henry

Also in Attendance: Rachel Keil, Independent Person

Officers:

Solicitor to the Council and Monitoring Officer, Mr. M. Brookes
Member Support Officer, Mrs. J. Barrett

The meeting began at 7:30pm

22 **MINUTES**

The Minutes of the meeting held on 10th March 2016 were confirmed by the Members present and were then signed by the Chairman.

The Chairman reminded everyone that at the last meeting there was a long Part II section which Cllr. Matthews had to retire from. The Chairman checked that everyone had seen the Part II Minutes and it was agreed that the Chairman could sign these off.

23 **APOLOGIES FOR ABSENCE**

Apologies received from Cllr. Anne Fisher and Cllr Wilkins (Tring Town Council Member)

24 **COMMITTEE WORK PLAN FOR 2016/17 AND STANDARDS UPDATE**

The Chairman reported that this is something that he had mentioned at the previous meeting, in that he wanted Standards Committee Responsibilities to be made known to the Members. It is crucial that all Members are aware of the Standards under which they work. Mark Brookes would give a short presentation on this subject.

The Chairman said we will then look at having some of the key matters on our meetings that will be relevant to Member's responsibilities. This will then highlight at

least this Committee knowing what we are going to be delivering in the Member Training Group. The Chairman also said that Mark Brookes would give an update on the Berkhamsted issue.

Mark Brookes explained that the thoughts behind this are that we have certain codes and protocols in place to govern Member and Employee codes. These codes have to be reviewed.

He said that you will see from the Work Plan, on the 15th September, I recommend that we look at the protocol for Member/Officer relations. We will explain everything in the codes and changes, and recommend that these codes will be formally approved

The Chairman said that we want to look at John and Brendan to bring their experience from outside to the Borough Council and Ron Tindall can assist as he is an expert on Employee Relations. This expertise can then be fed to the Solicitor to the Council to be included in the Work Plan, the operation of the protocol and standards.

Mark Brookes 8th December Plan, looking at the Planning Code Practice which can be controversial. This has not been updated for some time. This will go on to Planning Committee for approval and then later Council for adoption.

Ron Tindall commented on his experience whilst sitting on Development Control. He said this meeting is becoming more contentious, with more things being challenged. So that there is no question of impropriety, councillors should identify before the meeting any interest they may have. **Jan Maddern** agreed with these comments. **Jan Maddern** said that she had recently removed herself from a committee when certain items were on the Agenda, where she declared an interest.

Mark Brookes made the point that you are allowed to take part even if you have a view, but you must not go to the committee with a "closed mind". **Ron Tindall** said again that councillors should step aside when they have a deeper interest in the Agenda item being discussed.

The Chairman reminded everyone that when attending a meeting, you must not go in with predetermined views but with a predisposition to listen. At all times, you should behave professionally even if what has just been discussed you do not agree with. No storming out of a meeting etc.

Mark Brookes said that at the final meeting, there will be some formal training around this committee procedure and pick up any points of interest. He said we will role-play a few scenarios and we can amend as we go along.

The Chairman asked if anyone wanted to include any other items on the Agenda.

Ron Tindall asked if a printed copy (hard copy) of the Code of Conduct (which is 60-80 pages) could be made available. He said that he preferred to be able to read in print rather than electronically.

The Chairman explained that with the new digital system (paperless office) this would not be possible but that councillor would be more than welcome to run off his own copy at home.

Action required: MB

An open discussion took place about the short notice supplied on e:mails about Committee Meetings Dates and Agenda attachments. This should be given out 5 days before the meeting. A request was made if this could be looked at and possibly extended to 7 days. Recent notification was under 5 days not giving members time to evaluate. This request will be considered.

The Work Plan was agreed.

Berkhamsted Town Council's Response:

MB reported that we had received an email from the Town Clerk, as outlined in para 6, page 8 on the report. The summary informs us that relevant committees are going to look at Terms of Reference and take forward our recommendations. MB was happy with this based on what the Clerk had said. MB asked if members were happy to endorse this.

Action required: MB

The Chairman wanted to know if we should follow this up again. **Mark Brookes** would like the Clerk to come back and let us know when this has been signed off at the Town Council.

Code of Conduct for Members:

Mark Brookes said we are hoping to achieve a newly refreshed document about this subject for members. We wanted to draw member's attention to the key points. We are trying to highlight some of the key issues which are raised in complaints that come up before us.

The Chairman suggested that if the Committee Members had any questions they wish to raise with Mark as he is speaking, to do so.

Mark Brookes talked everyone through this document. In conclusion he said that the headings listed, on the Code of Conduct – Appendix 1, are key principles which you would expect for a public authority to follow.

During Mark's presentation, The Chairman asked if everyone knew what the Nolan Principles are and pointed out that these can be found at the back of Appendix 1, page 20.

This code applies to all Members of DBC Council, Parish and Town Councils. **Jan Maddern** asked if all the Parish and Town Councils have signed up to this and was informed most of them have.

Mark Brookes said that it is the Member's responsibility to comply with the code whilst officers can only advise, it is up to the Member whether they make a declaration at a meeting or what stance they are going to adopt at a committee meeting.

Jan Maddern talked about a situation that arose when she was present where she had to question the logic of what was happening in the Planning Meeting. Jan said that as a Member she would not like to question the professional ability of the Planning Team. Jan also questioned the ability for Members being able to challenge the opinions given by the Planning Officers.

A discussion then continued about Members and their private lives and how the code may affect their conduct when not working in their capacity as an elected member. It was agreed that this is a very grey area and one that Members should always be mindful of.

John Ebdon said that elected Members can bring the Council into disrepute by some of their private actions.

Brendan Henry talked about Social Media. He said your own views are not necessarily those of Dacorum Borough Council who you represent as a Councillor. This area does need further clarification as to whether you are signing off as Cllr.... Or just Mr./Mrs.....

Rachel Keil gave her opinion and said that she has found there are no hard and fast rules as it is all about guidance at the moment. Members should follow the guidance given by the Council for use of IT etc.

A discussion also took place about Facebook.

Action required: MB

Mark said the above matters will be listed as separate issues on the work plan and he would check to see if the current guidance needed updating.

A discussion took place about "general obligations" about treating others with respect – confidential information should be kept "confidential".

Another point raised is that you must not use your position to gain advantage to yourself or any other person(s) you are associated with, or use your position to cause disadvantage in the same way.

General Observations on decision making:

Licensing regulatory committees. It was felt that the general public are not always clear on the decision making and why the decisions were made.

Mark Brookes also talked about "Member's Interest". If you have a pecuniary interest this must be declared. It is a criminal offence if you do not make the disclosure and you could be fined up to £5000. **Mark** also talked about what else is included in that disclosure of interest, is, your spouse. Their interests are counted for this purpose as your "your interest".

Mark Brookes also said there is the concept of Personal Interest. This goes beyond just those interests which might include on the register; it also includes friends and family. If you have one of those interests you have to disclose that interest at meetings as well. He continued by saying there are certain exceptions where it is not a prejudicial interest which are set out in the document.

Prejudicial Interest in Scrutiny:

You cannot sit on a Scrutiny Committee if you are already sitting on a scrutiny body. If you have a prejudicial interest you cannot take part in the meeting at all.

Mark Brookes referring to the above said these are the main provisions of the Member's code. This is to refresh everybody what was in the code.

The Chairman said that we have chosen quite a lot of basic information in that introduction from Mark. He said that he hopes that this will go forward into the Code of Conduct for Members. The Chairman continued by saying there are a lot of issues for us to grasp if we are going to make sure that we feed the right information to Officers and Members.

Ron Tindall brought up Item 3.6 on page 38. Reference to dress code for Members. He would like the word "formally" to be replaced with the word "appropriately". He also asked if the dress code could be somewhat relaxed during the summer warm months.

The Chairman said that when attending The Council Meeting, we would expect people to dress with jackets ties etc. **Jan Maddern** made the point that women have to dress differently as well depending on the type of event they are attending, it isn't as simple for them to wear either a jacket or a suit as it is for men.

Action required: MB

Mark will look into this request.

The Chairman gave thanks to Mark Brookes for putting this presentation together.

The Chairman also said that before the next meeting, we will make sure that you have access to the relevant Policy and Procedure.

25 DATE OF NEXT MEETING

The next meeting will be held on Thursday 15th September 2016

26 EXCLUSION OF THE PUBLIC

To consider passing a resolution in the following terms:

That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1 as amended by the Local Government (Access to Information) (Variation) Order 2006

the public be excluded during the item in Part II of the Agenda for this meeting, because it is likely, in view of the nature of the business to be transacted, that if members of the public were present during that item there would be disclosure to them of exempt information relating to:

The Meeting ended at 8.45 pm