

Standards Committee

Monday 26 October, 2020 at 6.00 p.m.

Virtual Meeting via Microsoft Teams

Held in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulation 2020; and conducted according to the Council's Standing Orders for Remote Meetings and those set out in the Council's Constitution.

Present

Councillor Rasab (Chair)
Councillor Underhill (Vice Chair)
Councillor Andrew
Councillor Bashir
Councillor Burley
Councillor Samra
Councillor C. Statham
Councillor M. Statham

Independent Person Present

Mr A. Green

Officers Present

Mr. Anthony Cox	-	Director of Governance
Vicki Buckley	-	Head of Finance
Helen Dudson	-	Lead Assurance Officer (LGSCO Link Officer)
Vanessa Holding	-	Assurance Link Officer (Consultation & Intelligence)
Bev Mycock	-	Democratic Services Officer

At this point in the meeting, the Chair opened the meeting by welcoming everyone and explaining the rule of procedure and legal content in which the meeting was being held. He also directed members of the public viewing the meeting to the papers, which could be found on the Council's Committee Management Information System (CMIS) webpage.

Members and officers in attendance confirmed they could both see and hear the proceedings.

01/20 Apologies

Apologies had been received from Councillor Bott.

02/20 Substitutions

There were no substitutions

03/20 **Minutes**

The Committee considered the minutes as circulated and Councillor Burley **moved** and they were duly **seconded** by Councillor Samra.

The Chairman put the recommendation to the vote by way of a roll call of Committee Members. The Chairman abstained from voting as he had not been present at that meeting

Resolved

That the minutes of the meeting held on 23 September, 2019, copies having been previously circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record, subject to the following amendment:-

- Paragraph 27/19 on page 5 of the report, penultimate paragraph before the recommendation should have read 'Following the abolishment of the Standards Board for England, there have been very few reported cases.'

In relation to page 5 of the minutes, the Director of Governance advised that he would ascertain whether a formal response had been forwarded to Members following the last meeting in relation to training records, the inconsistencies and whether all Members had completed the 12 hours minimum training requirements. If a formal response had not be provided, he would include the information on an agenda item for the next scheduled meeting.

04/20 **Declarations of Interest**

There were no declarations of interest.

05/20 **Local Government (Access to Information) Act, 1985 (as amended)**

There were no items for consideration in private session.

06/20 **Role of Standards Committee**

The Director of Governance gave a verbal update on the role of the Standards Committee. He referred to the remit of the Standards Committee as contained within Section 3.2 of the Council's Constitution and he expanded upon a number of the remits as follows:-

- *To advise the Council on the adoption or revision of the Members Code of Conduct.* The Director of Governance advised the Committee that the Local Government Association (LGA) had produced a model Code of Conduct for the potential adaption by all Councils in order to provide greater consistency

among Councils. He referred to a link to the LGA Code of Conduct, previously provided to Committee Members. The Model Code would be discussed at a Council Forum run by the LGA on 22 October 2020 and subsequently submitted to the LGA Board on 3rd December, 2020 for final approval. The Director of Governance advised Committee that he proposed to bring a report to the next Committee for consideration as to whether or not Walsall would adopt the changes to its own Code of Conduct to reflect the national initiative by the LGA.

- *Monitor the operation of the Members Code of Conduct.*
The Director of Governance referred to the annual report in relation to the volume of cases referred to Walsall Council and the outcome of those cases. He proposed that Standards Committee continued to receive the item to ensure the Code of Conduct was working as effectively as possible. It would enable the Committee to reflect on potential complaint trends coming forward and whether Members required further advice to ensure the Code was observed.
- *Advising and training Councillors, voting co-opted members (and Church and parent governor representatives) on matters relating to the Members Code of Conduct.* An important function of the Committee was to ensure Members were receiving the right development and information to enable them to fulfil their roles as effectively as possible. The Director of Governance advised Committee that further information would be brought to the next meeting to consider the training currently offered.
- *Dealing with Members misconduct falling outside breaches of the Code of Conduct, for example, breaches of protocols.* The Committee was responsible for hearing cases in relation to alleged breaches of the Code of Conduct. In carrying out that role, the Hearing Committee would be required to consider the appropriate course of action should it be found that a Member had breached the Code of Conduct. The Director of Governance advised that to date, there had been no alleged breaches under the Code of Conduct, only local items.
- *Whistleblowing Policy.* The Director of Governance stated that he would provide Committee with the timetable for the review of Council policies at the next meeting.
- *Overview of the conduct element of reports from external auditors.*
Should an external audit raise a Member's conduct, the issue should come to Standards Committee for review.

The Director of Governance made reference to the Local Government & Social Care Ombudsman Annual report to be considered next on the agenda. He advised the Committee that he had the remit to carry out an assessment of any complaint received against an elected Member. The complainant would be advised of the outcome of their complaint and should they not agree with the

outcome made, the complainant had the option to refer their complaint to the Ombudsman.

There then followed a period of questioning by Committee Members to the Director of Governance, which included:-

- Was the Employee Code of Conduct at a sufficient level to enable the differentiation between all employees' levels of responsibility? The Director of Governance advised that the Employee Code of Conduct was applicable to all employees and provided the general standard all Walsall Council employees must comply with. The only difference would be in relation to how a breach of the Code may be dealt with in relation to Senior Officers as opposed to junior officers, of which some actions were prescribed by statute.
- Was the current Code of Conduct robust enough to cover the digital age standard? The Director of Governance stated that he was satisfied that the general provisions of the Code of Conduct were sufficient. He added the Council had been pro-active in terms of digital awareness training courses and that both he and a member of the Communications team had delivered training in relation to digital awareness and social media behaviour. The Committee was reminded that there was a social media guidance protocol contained within the Constitution and that it was important that the protocol be kept under review.
- What advice to give to Members in relation to 'acting in the capacity of'? The Director of Governance stated that Members must always make it clear whether they are acting in their capacity of a Councillor or not, particularly when using social media. It would be advisable that all Members attend social media training and take into consideration the social media guidance.
- Had the LGA's proposed Model Standards Code been adopted by any authority at that time and would it be brought back to a meeting before February, 2021? The Director of Governance stated that the Code would not be published by the LGA until 3rd December and that he would forward a copy of the Code to Committee Members for comment. A report would then be brought back to the next meeting. The timeline would enable an amended Code to be taken to Annual Council in the natural way.
- When had the Employees Code of Conduct and the Members Code of Conduct last been reviewed? The Director of Governance advised that the elected Members Code of Conduct had been reviewed a couple of years ago. In relation to the Employees Code of Conduct, he would advise Committee when the last review of the Employees Code of Conduct had taken place. He added that he would provide details in relation to the future revision dates at next meeting. All policies were reviewed when the policy or law demanded a change and therefore it was important to look at the Code of Conduct in line with LGA's work.

- What did 'acting in impartiality' allude to in the context of the Code of Conduct? The Director of Governance stated that it would be the expectation that any advice provided was not based on political leanings or favours. It was important that Members were confident that any information they received would be provided on an impartial basis and in the best interest of the Council. This was covered within the Employee Code of Conduct. Some Officers were excluded from the clause and a list of restricted posts was maintained by Head of HR. He added that he would bring a more detailed report to the next Committee.

A discussion ensued in relation to complaints received against Members and a query was raised as to when the last case against a Member had been taken to the Standards Committee. The Director of Governance advised that following the introduction of the new Standards regime, no cases had been heard by the Standards Committee. The local authority would endeavour to ensure that a resolution was reached to everyone's satisfaction at an early stage of proceedings. A Member emphasised the importance of elected Members upholding the highest standards and that they must be seen to be accountable for their own actions and that it was imperative that the general public should feel assured that the complaints process was carried out vigorously.

Resolved

That the update be noted.

07/20 Local Government & Social Care Ombudsman – Annual Review 2019/20

The Head of Finance introduced the report. She explained the purpose of the report was to provide Members of the Committee with details relating to the role of the Local Government & Social Care Ombudsman (LGSCO), and to provide information on the number and range of complaints referred to by the Ombudsman to the Council during the financial year 2019/20. It also included the submission of the Ombudsman's annual letter for 2019/20 at appendix 1, for Committee's consideration.

The Head of Finance reported that there had been 65 complaints received by the LGSCO relating to Walsall Council in 2019/20 (52 complaints received in 2018/19) of which the Ombudsman decided or determined 61 complaints related to Walsall Council. She added that 18 of the complaints had been subject to detailed investigation of which 6 had been dismissed and 12 had been upheld. The Assurance Officer referred Members to pages 4 to 8 of the report, which summarised the 12 cases that had been upheld. She further advised Members that all Ombudsman decisions were available onto view on the LGO website for 3 months unless circumstances were so unique that a complainant could be recognised.

The Head of Finance then drew Members attention to the table on page 15 of the report, which provided a comparison of the number of complaints and enquiries received by the LGO for all neighbouring authorities. She reported that Walsall

was on a par with neighbouring authorities when respective populations were taken into consideration.

Members considered the report and a comments and queries were raised, which included:-

- Could Members be assured that staff receive the Ombudsman findings and steps are taken to ensure the issues do not re-occur. The Head of Finance advised that Ombudsman investigations and findings are provided to the respective service areas and that relevant training is provided if required. The Assurance Officer added that where fault was found and actions issued, these were then shared back to the service areas. In relation to statutory complaints, there was a requirement to provide annual reports and those too would be shared with the respective Directorate. Further work around complaints is to be carried out through the Proud Programme.
- What does 'did not cause injustice' mean? The Assurance Officer advised that the terminology used had changed and had previously referred to maladministration.

In response to a request for a breakdown of local figures, the Assurance Officer advised that she would provide Committee Members with a briefing note in relation to the local figures on the statutory side. She added that the Ombudsman would deal with the majority of complaints without the need to refer them back to the local authority unless further investigation was required.

Resolved

That Committee noted the report.

08/20 Recent Case Review in Respect of a Standards Issue

The report of the Director of Governance was submitted

(see annexed)

The Director of Governance introduced the report. The report provided information regarding recent matters involving code of conduct matters to assist Councillors with learning around conduct matters.

A query was raised with regard the ability of local Councils to temporarily suspend Councillors. The Director of Governance advised that there were only limited ways in which an elected Member could be dealt with and that a suspension could not be imposed without a change to the primary legislation.

The Director of Governance referred to paragraph 1.5 of the report, which alluded to virtual committee meetings and he highlighted a number of issues that had occurred within other authorities around the country. The Director of Governance commended Walsall's elected Members on how they had mastered and embraced the new technology and managed virtual meetings which was a testament to them having attended training sessions. He emphasised the importance of maintaining standards and continuing to treat all meetings with the same respect.

A discussion ensued in relation to the importance of elected Members maintaining a good public perception, which was particularly prevalent in the current digital age with meetings more accessible to the public via live streaming.

In response to whether an additional Standards Committee would be required before the meeting scheduled for 22nd November, 2020, the Director of Governance advised that he would be happy to meet with the Chair to discuss a work schedule outside of the meeting. Should Members have any items that they wished to include within the work schedule that were within the remit of the Standards Committee, then the items to be forward to the Democratic Services Officer or to himself.

Resolved

That Committee noted the report.

There being no further business, the meeting ended at 7.20pm

Chair

Date

