

## **Standards Committee**

### **Minutes of the meeting held on Thursday, 13 June 2019**

#### **Present:**

Independent Co-opted Member: N Jackson – In the Chair  
Councillors Andrews, Evans, Kilpatrick, Lanchbury and A. Simcock  
Independent Co-opted Member: G Linnell

#### **Apologies:**

Ringway Parish Council: Councillor O'Donovan  
Independent Person: A Eastwood  
Independent Person: S Beswick

#### **ST/19/10. Minutes**

The minutes of the meeting held 21 March 2019 were submitted for approval. Mr Linnell requested that his apologies be recorded.

In regard to item ST/19/06 Member Development Strategy, a Member commented that he had recently attended a Member development training session and he reported that Member Development was working well.

#### **Decision**

To approve the minutes of the meeting held on 21 March 2019 as a correct record subject to the above amendment.

#### **ST/19/11. Review of the operation and efficacy of the Arrangements for dealing with complaints about Councillors and amendment to the Arrangements**

The Committee considered the report of the City Solicitor that outlined the operation and efficacy of the Arrangements for dealing with complaints about Councillors ('the Arrangements') as well as seeking the Committee's approval of an amendment to the Arrangements.

The report described that there were three specific stages in the Arrangements and outlined how these had operated in relation to new complaints received during the period 1 April 2018 – 31 March 2019, which fully completed stage one as well as complaints which were on-going as of 1 April 2018 and completed either the stage two or three phase during the same period.

The Committee noted that they had considered a report at their March 2019 meeting regarding the Review into Local Government Ethical Standards by the Committee for Standards in Public Life ('CSPL') and that in order to comply with the CSPL recommendation it was proposed that paragraph 8.1 of the Arrangements be

amended to state that any view of the Council's Independent Person must be recorded on future decision notices issued following a formal investigation.

### **Decisions**

1. To note the position with the operation and efficacy of the Arrangements.
2. To approve the proposed amendment to paragraph 8.1 of the Arrangements.

### **ST/19/12. Dispensations**

The Committee considered the report of the City Solicitor that provided information on the operation and efficacy of the process for granting dispensations. The report described the limited grounds prescribed within The Localism Act 2011 for the granting of a dispensation in those circumstances where a Member or co-opted member had a Disclosable Pecuniary Interest.

The report further described the operation and efficacy of the granting of dispensations, noting that it was the Monitoring Officer's opinion that the requests for dispensations that had been made had been sought in appropriate circumstances and that the level of requests for dispensations did not give rise to concern.

In response to Members' questions the Head of Governance reported that dispensations could also be granted in relation to a Member's Prejudicial Interest and would apply to meetings of Scrutiny Committees. A Member commented that a briefing note should be circulated to all Members and co-opted members of the Authority to remind them of the requirement to submit a written request for a dispensation to the City Solicitor.

The Head of Governance informed the Committee that the Monitoring Officer for each Authority was responsible for the granting of any dispensation and advised that for those Members appointed to Committees of the Greater Manchester Combined Authority a written application would need to be submitted to the Monitoring Officer for the Combined Authority.

### **Decisions**

1. To note the report.
2. To request that the Monitoring Officer circulate a briefing note to all Members and co-opted members of the Authority to remind them of the requirement to submit a written request for a dispensation to the City Solicitor.

### **ST/19/13. Review of Member/Officer Relations Protocol**

The Committee considered the report of the City Solicitor that provided an update following a review of the Member/Officer Relations Protocol. The report advised that the review of the Protocol had identified no significant areas of required revision,

accounting for both the Committee on Standards in Public Life (CSPL) recommendations and other feedback on the Protocol's relevance and operation.

The Committee noted that only a small number of amendments had been identified as necessary to the Member/Officer Relations Protocol to bring the document up to date with the CSPL recommendations and other feedback. The report informed the Committee that the language had been refreshed and clarified in some areas and a small number of substantive changes were also suggested and summarised within the report.

Members supported the amendments to the protocol, commenting that it was important to foster professional and courteous relationships between officers and Members. A Member commented that officers needed to be confident that complaints against Member behaviour were dealt with appropriately.

The Chair recommended that this protocol should be included as part of all new employee induction briefings. The Head of Governance reported that this was being discussed with HROD as part of a wider refresh of officer induction sessions.

The Chair further commented that in her experience the adoption of a Member/Officer Relations Protocol was a very useful tool to embed a positive culture within an organisation and could also assist with addressing informal complaints.

A Member enquired if a Member/Member Protocol existed. The Head of Governance indicated that there were existing procedures within Groups and through the Monitoring Officer via the Member Code of Conduct to address such issues when they arose, Members requested officers undertake an exercise to see if any other authorities had a Member/ Member protocol.

In response to a Member's question the Head of Governance advised that 'recorded information' in relation to Freedom of Information requests referred to anything that was written down, including hand written notes and emails for example. She further commented that clarification would be provided as to which Committee a report on Freedom of Information requests would be submitted and members of the Standards Committee would be advised of this.

A Member requested that the revised Member/Officer Relations Protocol be circulated to all Members.

## **Decisions**

1. To note and endorse the report and the suggested minor amendments recommended to the Member/Officer Relations Protocol.
2. To request Council to agree the amendments for inclusion within the Council's Constitution, when it next considers the full review of the Constitution.
3. To recommend that the amended Member/Officer Relations Protocol is circulated to all Members.

4. To recommend that the amended Member/Officer Relations Protocol is included in officer induction sessions
5. To recommend that the Head of Governance provide clarification as to which Committee would consider a report on Freedom of Information requests.

#### **ST/19/14. Planning Protocol**

The Committee considered the report of the City Solicitor that provided information on the operation and efficacy of the Planning Protocol. The report informed the Committee that mandatory training had taken place in May 2018, following the changes in the Planning and Highways Committee's membership after the local elections in May 2018, and a mid-year follow-up to that training was being planned, and a further training session, aimed principally at new Members appointed to the Planning and Highways Committee, but open to all Committee Members had taken place on the morning of the meeting held on 30 May 2019.

Members were also informed that since the last consideration of the Planning Protocol, a training session on Section 106 Planning Obligations and Viability had taken place at the end of November 2018 and that further relevant training sessions would be arranged.

The Committee were also informed that a note on the importance of the Protocol and its application to site visits was now part of every Planning and Highways Committee agenda.

The Committee was advised that it continued to be the view of officers that the Protocol was considered to be effective and there continued to be very few occasions when the Protocol had to be referred to, and there are had been no complaints that it had been breached.

The Committee noted that whilst officers considered that the Planning Protocol was effective, it was continually kept under review and officers were of the opinion that the provisions relating to discussions between Members and developers could be improved and clarified. The Committee noted the proposed amendment to the Planning Protocol section headed "Pre and post application discussions" was presented within the report.

Officers further provided a definition of what constituted a pre application meeting in terms of the planning process and commented that the wording of this paragraph would be reviewed and a definition of this type of meeting would be included for clarity within the Protocol following the comments raised by the Committee.

Members welcomed the proposed revision to the Planning Protocol and stated that this should be adopted as soon as practically possible. Officers confirmed a briefing note could be issued setting out the revisions pending a formal change to the Council's Constitution.

A Member enquired what would happen if a Member were to act as an agent on behalf of a planning matter. The Head of Planning advised the Committee that the Protocol was not designed to prevent a Member from discharging their role in representing their constituents or in their role as an opposition Member, but rather to address inappropriate use of their position to act as agents or influence planning applications. An indication was provided to the Committee of what an 'agent' and what a 'developer' was in terms of planning and the Head of Planning stated that if there were issues she would address these directly with the Member and where necessary involve the legal officers.

The Head of Planning further commented that the Protocol was very useful for officers to understand the role and remit of Councillors so that if necessary they could challenge any inappropriate attempts to influence a planning application.

A Member commented on the challenge experienced when attending consultation or drop in events and the perceptions of the capacity in which they were attending, i.e. as a local resident or Councillor, with another member commenting that they needed to be mindful of public perceptions at all times.

## **Decisions**

1. To note the position regarding the operation and efficacy of the Planning Protocol.
2. To endorse the proposed amendments to the Planning Protocol.
3. To recommend that a briefing note is prepared and circulated to all Members to advise of the amended Planning Protocol, pending any formal adoption into the Council's Constitution.
4. To recommend that officers review the wording of the proposed paragraph in the Protocol relating to pre application meetings and a definition of such meetings to be included.
5. To recommend that guidance be issued to all Members who attend planning related drop in events / consultations in their capacity as a resident compared to attending an event as a Councillor.
6. To recommend that guidance is issued to all Members on their responsibilities when making representations on planning applications that are not within the ward to which they are elected.

## **ST/19/15. Standards Committee Work Programme**

The Committee received the report of the Governance and Scrutiny Support Unit which allowed the Committee the opportunity to consider and revise its work programme for future meetings.

The Chair advised the Committee that the report listed for the October meeting entitled 'Whistleblowing Policy' may be removed from the Work Programme following clarification, through amendment of the Constitution, as which Committee had overall responsibility for the document as there was currently ambiguity would be considered by the Audit Committee and not the Standards Committee.

The Chair recommended that a report be included for consideration at the October 2019 meeting that outlined how the requirements of the Council's Member Code of Conduct is incorporated into the overall governance arrangements of organisations that the City Council has entered into Partnership Arrangements with, to demonstrate adequate assurance is in place.

The Chair recommended that the Annual Governance Statement be submitted for consideration at the March 2020 meeting and that a report on the recommendations from the Committee on Standards in Public Life be included as an item to be scheduled.

### **Decision**

To agree the Work Programme subject to the above amendments.