

Ethics Committee

Meeting held on Wednesday, 18 November 2020 at 6.00 pm. This meeting was held remotely

MINUTES

Present: Councillor Clive Fraser (Chair);
Councillor Pat Clouder (Vice-Chair);
Councillors Jerry Fitzpatrick, Joy Prince, Mario Creatura and Simon Hoar
Independent Members Ashok Kumar and Anne Smith

PART A

22/20 Minutes of the Previous Meeting

The minutes of the meeting held on 12 February 2020 were agreed as an accurate record.

23/20 Disclosure of Interests

There were none.

24/20 Urgent Business (if any)

There were no items of urgent business.

25/20 Independent Member succession planning

The Monitoring Officer introduced the report which was an update in relation to succession planning for the recruitment and appointment independent persons. This report followed the committee previously delegating authority to her to commence the recruitment process to increase the pool of independent persons as there were currently only two.

It was noted that independent persons had a specific role identified in the Localism Act in relation to helping to promote high standards. As the Monitoring Officer it was her duty to make arrangements for those standards to be upheld. Should there be any allegations of misconduct then the independent person supported in both investigations and subsequent decision making.

There were further duties of an independent person in relation to disciplinary action in regard to statutory council officers; which the Monitoring Officer noted were key and were outlined within the Constitution; with at least two independent persons being involved in the process.

Members were advised that the report included the proposal to extend the pool of independent person to comprise of five people; including the two who were already appointed. It was noted that the role of the independent person was underpinned by recent guidance from the National Committee on Standards in Public Life. That guidance, which was included within the report, the Monitoring Officer noted recognised the important role of independent persons and suggested that their role be strengthened further.

Following the delegation from the Committee, the Monitoring Officer advised Members that she had begun the recruitment process and had list of interested persons, however the process had been delayed due to the pandemic. The recommendations contained within the report sought the appointment of two Members to form a Selection Panel with an independent person who would advise the Panel alongside the Monitoring Officer. It was recognised that the candidates had waited some time and so she stated she would like to begin shortlisting on 25 November 2020 with interviews scheduled to take place on 10 December 2020.

The Chair confirmed that to form the Selection Panel that two Members and an independent person would need to be appointed by the Committee and sought nominations.

The Vice Chair stated that she felt the Chair should sit on the Panel and that it should be a cross-party Panel. Furthermore, she nominated Anne Smith to be independent person.

The Chair received confirmation that Councillor Creatura would be a Member of the Panel on behalf of the Opposition.

Following queries from Members, the Monitoring Officer confirmed that the shortlisting was scheduled to take place between 10.30am and 11.30am on 25 November 2020 and interviews were provisionally scheduled to take place between 2pm and 5pm on 10 December 2020, but subject to Member's availability those times could be moved.

The Monitoring Officer informed Members that the Selection Panel would report their finding to the Committee ahead of a recommendation to Council.

RESOLVED: To appoint the following persons to sit on the Independent Member Selection Panel:

- Councillor Fraser, Chair
- Councillor Clouder
- Councillor Creatura
- Anne Smith, Independent Member
- Jacqueline Harris Baker, Monitoring Officer

26/20 Work Programme

Members queried whether the meeting scheduled on 5 May 2021 could be moved due to the Mayoral Elections taking place on the following day.

The Vice Chair raised Members training needs in light of the report from Grant Thornton; especially in relation to finance training for Members who sat on committees which dealt with finance reports. In response, the Chair stated that financial training was an item on the Report in the Public Interest (RIPI) Action Plan which was due to be debated the following day but agreed that it was matter for the Ethics Committee to consider going forward

Further questions were raised in relation to staff bullying and the review by Joe Montgomery on equality within the workplace. The Monitoring Officer confirmed that there were recommendations within the report by Joe Montgomery and committed to circulating the report to Members. In response to concerns regarding staff bullying, the Monitoring Officer stated there were procedures, such as conduct and disciplinary procedures in place alongside a Whistleblowing Policy which staff could access if there were issues of harassment and bullying in the workplace.

In light of the position of the council, Councillor Hoar requested a report be brought to a future meeting on member code of conduct in the lead up to the issuing of the RIPI and the issuing of a Section 114 Notice. It was stated that there was a need to not only review officer conduct but Member conduct also.

Councillor Hoar further suggested that the Whistleblowing Policy should be made widely available to support officers to raise concerns should they have any. In response, the Chair confirmed his support that the Whistleblowing Policy should be circulated and be made available to staff to utilise at any point in time.

In response to the suggestion of an investigation into member conduct, the Chair noted the Interim Chief Executive (Katherine Kerswell) had committed to an independent investigation into how the council had reached the position it was in. It was suggested that this investigation should take place in first instance and then the Ethics Committee follow it with an investigation to enable Members to fully understand how financial and governance situation came about.

Councillor Creatura requested that a copy of the report on the investigation be brought to the next meeting of the Committee for consideration. It was noted by the councillor that in light of the investigations and RIPI that the meetings of the Ethics Committee be reviewed to ensure the Committee was fulfilling its role in ensuring good governance and that models of behaviour were being adhered to.

The Monitoring Officer thanked Members for their comments and noted that it was right and proper for reflection to take place. It was recognised that there had been issues of conduct in general and the role of the Committee was to uphold the highest standards but noted that it was important that the Committee did not duplicate work taking place elsewhere but supplemented that work as such the Monitoring Officer suggested that an item be brought to

a future meeting which set out what the Committee could do to ensure that it supported the council's governance.

In addition, the Monitoring Officer suggested the Committee could look at the Members' Code of Conduct in light of the Local Government Association releasing an updated model code later that year to ensure the council's code was following best practice. Furthermore, it was suggested that the guidance from the Committee for Standards in Public Life could be considered at the meeting in February 2021.

The Chair concluded that going forward it was important that the Committee looked at the issues that had been raised and ensured there was an ethical boundary between Members and officer and address where there had been issues.

RESOLVED:

1. To note the Work Programme;
2. For the Monitoring Officer to circulate the Joe Montgomery report and recommendations to Committee Member;
3. That a report on Members' Code of Conduct be taken to the meeting in February 2021;
4. That a report on Committee for Standards in Public Life guidance be taken to the meeting in February 2021;
5. That the Whistleblowing Policy be made widely available to facilitate in supporting officers to raise concerns; and
6. That a report on the role of the Ethics Committee in light of ongoing investigations within the council be taken at the meeting in February 2021.

27/20 Dispensation Applications for Members

There were no applications received for Member dispensations and therefore this item was not required.

28/20 Exclusion of the Press and Public

This item was not required.

29/20 Dispensation Applications for Members

There were no applications received for Member dispensations and therefore this item was not required.

The meeting ended at 6.31 pm

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Signed:

Date: