

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**STANDARDS COMMITTEE**

Minutes from the Meeting of the Standards Committee held on Thursday, 27th October, 2022 at 2.00 pm in the Council Chamber, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT: Councillor B Ayres (Chair)
Councillors Mrs J Collingham, S Collop, G Hipperson, C Manning |(Vice-Chair),
S Nash and T Parish

Officers:

Alexa Baker, Monitoring Officer
Wendy Vincent, Democratic Services Officer

1 APOLOGIES

There were no apologies for absence.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 URGENT BUSINESS UNDER STANDING ORDER 7

There was no urgent business.

4 MEMBERS PRESENT PURSUANT TO STANDING ORDER 34

There were no Members present under Standing Order 34.

5 CHAIR'S CORRESPONDENCE

There was no Chair's correspondence.

6 REPORT FROM THE MONITORING OFFICER ON THE LOCAL GOVERNMENT ASSOCIATION'S MODEL CODE OF CONDUCT AND CONNECTED GUIDANCE

[Click here to view a recording of this item on You Tube](#)

The Monitoring Officer presented the report and explained that the purpose of the report was to place before Members the Local Government Association's ("LGA") Model Code of Conduct, plus

supporting guidance, for the Committee to consider adoption of the Code in whole or in part along with the connected guidance.

The Monitoring Officer explained that it was anticipated that the new Code of Conduct and guidance would be adopted by Full Council in April 2023 and be available for the Member's induction following the May 2023 elections.

The Monitoring Officer provided context to the report and commented that the Borough Council's Independent Person was also an Independent Person for a number of other local authorities include Tower of Hamlets and City of London and it was noted that the Borough Council a higher number of complaints than those other councils and highlighted that the Council needed to take stock of this and provided an overview of the role of the Standards Committee and Monitoring Officer to promote high standards of conduct.

The Committee was invited to consider the LGA Model Code of Conduct and guidance.

The Committee's attention was drawn to the key issues and options considered as set out in the report.

The Monitoring Officer explained that if the Council was to adopt the LGA Model Code of Conduct there were a number of provisions within the current Code which were worth maintaining.

Respect

Within the Council's current Code but was expanded in the LGA code and the model code gave a behaviour with commentary and was backed up by guidance which provided an understanding of what was expected by Councillors and also assisted the Monitoring Officer when assessing conduct – generally, the model code provided commentary, content and context around what was meant by that behaviour.

Disclosure of Interests

Complicated in terms of what was proposed in the Model Code and was moving away from what had previously been adopted by the Council. The new code was introducing different classes of interests. It was noted that the Council had always had pecuniary interests but there was work to be undertaken particularly around how Members dealt with other interests that weren't pecuniary interests as there was a lack of understanding on when to declare an interest. A training session would be scheduled when required.

The Monitoring Officer provided a summary of the key changes, a summary of which is set out below

Confidentiality

Included in the Member/Officer Protocol but not included in the Borough Council's current Code of Conduct and consideration to be given to including confidentiality in the new Code of Conduct.

Disrepute

Included in the Member/Officer Protocol but not included in the Borough Council's Code of Conduct. A number of councils had included this provision of bringing the Council into disrepute in its code of conduct and it might be worth looking at whether the Council wished to bring the concept into its Code of Conduct.

The Committee's attention was drawn to the general principles of councillor conduct set out on page 39 of the agenda. The LGA had set out the minimum standards of conduct expected but the statutory duty on the Borough Council was to promote the highest standards of conduct and highlighted that in terms of the Council's Code of Conduct requiring the minimum standards of conduct there was still scope for the Standards Committee and the Monitoring Officer to promote higher standards of conduct.

Councillor Nash commented on the unacceptable standards of the Council, LGO response time to resolve code of conduct complaints and outlined the reasons why he stood for election as a Borough Council and that the Council should address the issues. In response, the Chair, Councillor Ayres explained that the Council would look at the Code of Conduct to see how the issues raised could be addressed.

The Chair, Councillor Ayres commented that at the moment local authorities and parish councils had different Codes of Conduct and were singing from different song sheets and the common sense of using a standardised document with minor amendments to suit each body was the correct way to proceed.

The Chair invited the Monitoring Officer to outline the three areas of concern which are set out below:

- **Page 12: Bullet point 1 – Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including the use of the Authority's resources.** The Monitoring Officer explained that this had been used when assessing code of conduct complaints as it captured all the council's policies and protocols and the requirement for Members to comply but was not specifically included in the LGA Model Code of Conduct.
- **Page 11: Bullet point 5 – Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into**

consideration, remaining objective and making decisions on merit. The Monitoring explained that this was useful.

- **Page 41: 4.1 Confidentiality and access to information. As a Councillor 4.1.1 b. – delete** the words acquired by me which I believe, or ought to be aware, is of a confidential nature.
- **Page 42: 5 Disrepute** – The Monitoring Officer commented that this was a catch all clause if the behaviour had not been captured by another behaviour, and was this consequently really necessary but stressed there are examples of when this could come into play e.g. when a Councillor convicted of a criminal offence and there being nothing that could be done to remove them as a Councillor because of the sentence given but would bring the Council into disrepute. The clause was helpful but the Monitoring Officer raised concern that this could be used haphazardly for behaviour that was being used to shoehorn into a code of conduct complaint. Reference was also made to the work being undertaken by the LGA on Debate not Hate and Intimidation in Public Life and reputation of local government. Councillor Parish suggested that the wording be amended as follows: 5.1 for example, ... In my role I will not bring my local authority into disrepute by behaviour which is considered to be dishonest and deceitful. The Monitoring Officer explained that making the example the remit was a good idea which provided limits for the use of it. Councillor Parish suggested that when a member of the public makes a complaint, the Monitoring Officer to determine the merits of the complaint and identify the relevant section(s) of the code had been breached. The Monitoring Officer explained that this point could be included in the guidance notes/procedural process on how to make a code of conduct complaint.
- **Page 43: Interests** – The LGA Model Code introduced the concept of “other” registrable interests set out on page 50 which was not legislative but defined by the LGA. The Committee’s attention was drawn to page 93 which sets out a flow chart and invited the Committee to consider whether introducing the new concepts of new registrable interests was realistic. The Monitoring Officer commented that there was a need to have a user friendly flow chart for Councillors to understand when it was necessary to disclose/ not disclose an interest. It was noted that Norfolk County Council did not adopt this concept. The Monitoring Officer explained that North Norfolk District Council had adopted the flow chart on interests and was published with every agenda. The Committee was invited to consider If it wished to include the “other” registrable interests with or without amendments outlined by the Monitoring Officer.

The Monitoring Officer responded to questions and comments in relation to:

- Borough Council’s current Code of Conduct.
- Proposals in the LGA Model Code of Conduct.

- Role of the Standards Committee to promote higher standards of conduct within the Borough and Parish Councils.
- Comparison on the number of complaints received by the Council/other Councils/benchmarking.
- Not bringing the Council into disrepute.
- What the Standards Committee could do to improve behaviour.
- The Council adopting the LGA Model Code on Conduct in its entirety or parts of.
- Guidance on how to make a complaint to the Council and identify relevant section of the Code of Conduct/workstreams, etc and recruitment of the Council's in-house legal team.
- Rules for confidentiality.
- Management of policies within the Council.
- Flow Chart – Declaration Interests.
- Glossary to accompany documents.
- How and when to declare an interest.

The Monitoring Officer explained that she had questioned the following areas of the Code – disrepute, register of interests and confidentiality requirement, but that the LGA Model Code of Conduct was fit for purpose and had been consulted upon. It was highlighted that the Council did not have to adopt the LGA Model Code but it had been a considerable time since the Council had looked at its Code of Conduct and there were areas of the LGA code which should be considered.

Councillor Parish commented that he had read the Borough Council's current Code of Conduct and the LGA Model Code of Conduct and added that the LGA model was easy to understand and added that the Council could adopt the LGA Model, for example, with the caveat on other interests.

The Monitoring Officer advised that if the Standards Committee recommended that the Council's Code of Conduct was to remain as it was then this was entirely permissible. It was highlighted that not all Norfolk authorities had adopted the LGA Code but nationally more Councils had moved over to the LGA Model Code of Conduct.

[Guidance on Member Model Code of Conduct Complaints Handling \(page 95\)](#)

The Monitoring Officer invited the Committee to consider the document and explained that this document could be referred to in the new Code of Conduct by advising it was available to view on the Borough Council's website and inserting a link.

[Borough Council Guidance on Code of Conduct Complaint](#)

The Monitoring Officer referred to the above document explained how a complaint on the conduct of a Borough Councillor could be submitted

and explained that that reference could be made to the LGA Guidance on Member Model Code of Conduct Complaints Handling.

The Monitoring Officer advised that she could bring back a revised version to the Committee for consideration.

RESOLVED: 1) The Standards Committee considered and commented on the Local Government Association Model Code of Conduct and associated guidance. The Model Code to be amended as set out above and be presented to the next meeting.

2) The Monitoring Officer to:

- amend the declarations of interest flow chart as discussed above and to present a revised version to the next meeting for consideration.
- draft a glossary to be presented to the next meeting for consideration.
- Revise the Borough Council's guidance on how to make a Code of Conduct complaint, to include adding a reference to the LGA Guidance on Member Code of Conduct Complaints Handling.

7 **DATE OF NEXT MEETING**

The next meeting of the Standards Committee will be held on 30 November 2022 at 10 am in the Council Chamber, Town Hall, King's Lynn.

The meeting closed at 3.22 pm