

Public Document Pack

Democratic Services



STANDARDS AND CONSTITUTION COMMITTEE

Wednesday 25 January 2023 at 7.30 pm

Place: Council Chamber, Epsom Town Hall

Link for public online access to this meeting:

<https://attendee.gotowebinar.com/register/1748511988746578007>

Webinar ID: 241-107-451

Telephone (listen-only): 020 3713 5022, Telephone Access code: 142-323-374

The members listed below are summoned to attend the Standards and Constitution Committee meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillor Liz Frost (Chair)
Councillor Hannah Dalton (Vice-Chair)
Councillor Kate Chinn
Councillor Monica Coleman

Councillor Luke Giles
Councillor Christine Howells
Councillor Eber Kington
Councillor David Reeve

Yours sincerely

Interim Chief Executive

For further information, please contact Democratic Services, democraticservices@epsom-ewell.gov.uk or tel: 01372 732000

EMERGENCY EVACUATION PROCEDURE

No emergency drill is planned to take place during the meeting. If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions.

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move to the assembly point at Dullshot Green and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.

Public information

Please note that this meeting will be held at the Town Hall, Epsom and will be available to observe live on the internet

This meeting will be open to the press and public to attend as an observer using free GoToWebinar software, or by telephone.

A link to the online address for this meeting is provided on the first page of this agenda and on the Council's website. A telephone connection number is also provided on the front page of this agenda as a way to observe the meeting, and will relay the full audio from the meeting as an alternative to online connection. A limited number of seats will also be available in the public gallery at the Town Hall. For further information please contact Democratic Services, email: democraticservices@epsom-ewell.gov.uk, telephone: 01372 732000.

Information about the terms of reference and membership of this Committee are available on the [Council's website](#). The website also provides copies of agendas, reports and minutes.

Agendas, reports and minutes for this Committee are also available on the free Modern.Gov app for iPad, Android and Windows devices. For further information on how to access information regarding this Committee, please email us at Democraticservices@epsom-ewell.gov.uk.

Exclusion of the Press and the Public

There are no matters scheduled to be discussed at this meeting that would appear to disclose confidential or exempt information under the provisions Schedule 12A of the Local Government (Access to Information) Act 1985. Should any such matters arise during the course of discussion of the below items or should the Chairman agree to discuss any other such matters on the grounds of urgency, the Committee will wish to resolve to exclude the press and public by virtue of the private nature of the business to be transacted.

Questions from the Public

Questions from the public are not permitted at meetings of the Standards and Constitution Committee. [Part 4 of the Council's Constitution](#) sets out which Committees are able to receive public questions, and the procedure for doing so.

AGENDA

1. DECLARATIONS OF INTEREST

Members are asked to declare the existence and nature of any Disclosable Pecuniary Interests in respect of any item of business to be considered at the meeting.

2. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 8)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Committee held on 22 February 2022 (attached) and to authorise the Chairman to sign them.

3. COUNCILLORS' CODE OF CONDUCT (Pages 9 - 12)

The purpose of this report is to set out the approach to be taken to reviewing the current Councillors' code of conduct as part of the work of the Constitution Working Group.

4. COUNCIL CONSTITUTION (To Follow)

This page is intentionally left blank

Minutes of the Meeting of the STANDARDS COMMITTEE held at the Council Chamber, Epsom Town Hall on 22 February 2022

PRESENT -

Councillor Liz Frost (Chairman); Councillor Alex Coley (Vice-Chair); Councillors Kate Chinn, Hannah Dalton, Previn Jagutpal and David Reeve

In Attendance: Councillor Christine Howells (virtually)

Absent: Councillor Eber Kington

Officers present: Gillian McTaggart (Head of Corporate Assurance) and Tim Richardson (Democratic Services Manager)

5 DECLARATIONS OF INTEREST

No declarations of interest were made in relation to Items of business to be discussed at the meeting.

6 MINUTES OF THE PREVIOUS MEETING

The Minutes of the previous Meeting of the Standards Committee held on 16 June 2021 were agreed as a true record and the Committee authorised the Chairman to sign them.

7 REVIEW OF CODE OF CONDUCT COMPLAINTS

The Committee received a report providing an update on complaints made under the Code of Conduct for Members from 1/1/2021 to 1/01/2022 and the steps taken to promote and maintain high standards of conduct by Members.

The following matters were considered:

- a) **Vexatious complaints.** Members noted the difficulty in managing vexatious complaints, as identified in paragraph 2.8 of the report, and requested further information on how this could be approached. The possibility of introducing a protocol on the management of vexatious complaints was raised. It was noted that the Monitoring Officer would be requested to provide an explanation of the issues around vexatious complaints and the protections available to Members following the meeting.

- b) **Code of conduct training.** Following a question from a Member of the Committee it was noted that the Local Government Association's (LGA) model Councillor Code of Conduct would be presented to a future meeting of the Committee for consideration. Training on the Council's existing Code of Conduct was included in the Member Development and Induction Programme and refreshed training would be provided if the Council adopted the Model Code of Conduct.
- c) **Civility in public life.** A member of the Committee expressed the view that the Council should provide a statement of its expectations of civility in public life, which would make clear the action which the Council would pursue in response to vexatious complaints against Councillors.
- d) **Visibility of Code of Conduct on Council's website.** The Committee noted that the location of the Code of Conduct and related information on the Council's website would be reviewed once the Committee had considered the LGA's model Councillor Code of Conduct.
- e) **Personal safety.** The Committee discussed matters relating to personal safety and lone working of Councillors. It was noted that these would be considered for inclusion in the work plan of the Committee.

Following consideration, the Committee unanimously resolved to:

- (1) **Note there have been no complaints between 1 January 2021 to the 1 January 2022;**
- (2) **Note there was one self-referral under the Code of Conduct between 1 January 2021 and 1 January 2022; which did not lead to an investigation.**
- (3) **Agreed that they had considered the actions to be taken to promote and maintain high standards of conduct by Members and ensure complaints are managed properly.**

8 COMMITTEE WORK PLAN 2021 - 2022

The Committee received a report presenting the updated work plan for 2021-2022.

The following matters were considered:

- a) **Planning Code of Practice.** It was noted that officers would review the work previously undertaken on the Planning Code of Practice and identify a date for its consideration by the Committee in consultation with the Chair.
- b) **External Support.** A member of the Committee asked whether the Council was continuing to work with the Local Government Association and Centre for Governance and Scrutiny on the review of the Constitution. It was noted that an update would be circulated following the meeting.

Following consideration, the Committee unanimously resolved to:

- (1) Note and agree the ongoing work plan for 2021- 2022 as outlined in Appendix 1 to the report.**

The meeting began at 7.30 pm and ended at 7.56 pm

COUNCILLOR LIZ FROST (CHAIRMAN)

This page is intentionally left blank

COUNCILLORS' CODE OF CONDUCT

Head of Service:	Olwen Brown, Monitoring Officer
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	N/A
Appendices (attached):	None

Summary

The purpose of this report is to set out the approach to be taken to reviewing the current Councillors' code of conduct as part of the work of the Constitution Working Group.

Recommendation (s)

The Committee is asked to:

Recommend to Full Council:

- (1) that the existing code of conduct is retained at this time and;
- (2) that the Standards and Constitution Committee be asked to review the Councillors' code of conduct in the coming Municipal year and make recommendations on whether to adopt the LGA code of conduct, keep the existing code of conduct or produce a new amended version.

1 Reason for Recommendation

- 1.1 The Constitution Working Group has been reviewing the entire constitution of the Council during the past year. An important part of the Constitution is the Councillors' code of conduct.
- 1.2 During this time debate has taken place about how best to review the existing code of conduct. ¹ Many councils choose to adopt the Local Government Association's (LGA) "Model Councillor Code of Conduct."² The publication of the 'model code' arose via a recommendation from the Committee on Standards in Public Life, namely that the "[LGA] should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government."³

- 1.3 The Council has a number of options about how best to approach this work as follows:
- Option A: to adopt the LGA Model Councillor Code of Conduct
 - Option B: to retain the existing 'Member's Code of Conduct'.
 - Option C: to retain the existing 'Member's Code of Conduct', but review it in light of the Model Code of conduct and produce a bespoke code
- 1.4 The Constitution Working Group has not had time to progress this work. It is therefore recommended that the existing code of conduct is retained for the present as part of the constitution, and that in the new municipal year the work set out under options A-C above is picked up by the Standards and Constitution committee with a recommendation being brought to Full council in 2023/24 for approval.

2 Background

- 2.1 The background to this is set out above

3 Risk Assessment

Legal or other duties

3.1 Equality Impact Assessment

- 3.1.1 The LGA model code was reviewed as part of the Constitution Working Group's Equality Impact Assessment and was found to be sufficient. Yet by comparison, if Option B were to be chosen, it would be recommended that the council's current code be reviewed from an equalities perspective as there are less relevant references contained within it than the LGA code.

3.2 Crime & Disorder

- 3.2.1 None for the purposes of this report.

3.3 Safeguarding

- 3.3.1 None.

3.4 Dependencies

- 3.4.1 None.

3.5 Other

- 3.5.1 None.

4 Financial Implications

4.1 **Section 151 Officer's comments:** None arising from the contents of this report.

5 Legal Implications

5.1 **Legal Officer's comments:** None arising from the contents of this report

6 Policies, Plans & Partnerships

6.1 **Council's Key Priorities:** The following Key Priorities are engaged: Effective Council.

6.2 **Service Plans:** The matter is included within the current Service Delivery Plan.

6.3 **Climate & Environmental Impact of recommendations:** Not applicable.

6.4 **Sustainability Policy & Community Safety Implications:** Not applicable.

6.5 **Partnerships:** No direct partnerships, however Appendix 1 was created and published by the Local Government Association.

7 Background papers

¹ Epsom and Ewell Borough Council (2019) *Code of Conduct for Members*. Online available: <https://democracy.epsom-ewell.gov.uk/documents/s23992/Part%205%20-%20Codes%20and%20Protocols%2020042019%20Constitution%20of%20Epsom%20and%20Ewell%20Borough%20Council.pdf> [last accessed 10/01/2023].

² Local Government Association (2020) *Local Government Association Model Councillor Code of Conduct 2020*. Online available: <https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020> [last accessed 11/01/2023]; Local Government Association (2021) *Guidance on Local Government Association Model Councillor Code of Conduct*. Online available: <https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct> [last accessed 11/01/2023].

³ HM Government (2019) *Local government ethical standards: report*, Committee on Standards in Public Life. Online available: <https://www.gov.uk/government/publications/local-government-ethical-standards-report> [last accessed 11/01/2023], p. 14.

This page is intentionally left blank