

Minutes of the Meeting of the STANDARDS COMMITTEE held on 3 April 2019

PRESENT -

Councillor Mike Teasdale (Chairman); Councillors Michael Arthur MBE, Liz Frost, Eber Kington, David Reeve (Items 3 - 4 (1) s) only) and Guy Robbins

In Attendance: Councillor Martin Olney (Items 3 - 4 (1) j) only)

Absent: Councillor John Beckett, Councillor Alex Clarke and Councillor Robert Foote

Officers present: Amardip Healy (Chief Legal Officer) and Tim Richardson (Committee Administrator)

3 DECLARATIONS OF INTEREST

No declarations of interest were made by Councillors regarding items on the agenda.

4 REVISIONS TO PART 5 OF THE CONSTITUTION

The Committee received a report presenting proposed changes to Part 5 of the Council's Constitution. It was noted that this meeting of the Committee would focus primarily upon proposed amendments to the Members Code of Conduct. The Committee would be requested to consider a review of the Planning Protocol, and Codes of Conduct and Practice for Licensing and Gambling Hearings at a future meeting.

Following consideration, it was resolved:

- (1) That the Committee approved the changes to Part 5 of the Constitution as set out at Annex 1, subject to the following specific guidance:**
 - a) That the intended meaning of the word "Council" within the Code of Conduct was unclear in some instances. The Code should be revised to replace the word "Council" with the word "Authority" where appropriate.**
 - b) That references to "co-opted members" be removed from the Code, as the Council had not had any since the passing of the Localism Act 2011.**

- c) That paragraph 2.6 I. be amended to provide a summary of the protected characteristics set out by the Equality Act 2010, rather than list them separately.
- d) That the reference to paragraph “4.8 a)” within paragraph 3.10 d) be corrected to read “3.9 a)”.
- e) That the receipt of annual hospitality offered to Members of the Epsom and Walton Downs Conservators by Epsom Downs Racecourse be included within paragraph 5.2 of the Code, as an item which does not need to be disclosed.
- f) That the values “£50” and “£70” in paragraphs 5.1 and 5.2 e. be amended to read “£100”.
- g) That the font used in paragraph 3.26 was inconsistent with the rest of the document and should be standardised.
- h) That the first sentence of paragraph 3.24 be amended to read as follows: “Where a Member has been involved in campaigning in their political role on an issue which does not impact on their personal and/or professional life, they are not prohibited from participating in a decision in their political role as a Member of the Council.”
- i) That the wording of paragraph 3.25 be amended to read as follows: “When making a decision, Members must consider the matter before them, with an open mind and on the facts presented at the meeting at which the decision is to be taken.”
- j) That the wording “Party Group Leaders” in paragraph 6.5 be amended to “Party Leader or Group Chairman”, and that the wording also be amended to record that in the event of a complaint being made against a Party Leader or Group Chairman, that the Monitoring Officer may consult with another member as appropriate.
- k) That the wording of paragraph 6.7 be amended to read: “The Monitoring Officer will acknowledge receipt of a complaint within 10 working days of receiving it. The Subject Member will be advised that a complaint has been made, a copy of the complaint or a summary as appropriate will be provided, along with details of the complainant.”
- l) That the wording “The Monitoring Officer’s decision is final.” be added to paragraph 6.15.
- m) That the wording of paragraph 6.18 be amended to read: “The Monitoring Officer will conduct a “pre-hearing process”, requiring the Subject Member to give his/her written response to the Investigating Officer’s report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and may

issue directions as to the manner in which the hearing will be conducted.”

- n) That the sub-paragraph lettering for paragraph 6.22 was not consistent and required amendment.**
- o) That the following wording be deleted from paragraph 6.22:**
 - “a. publish any findings in respect of the Subject Member’s conduct;**
 - b. report the findings to the Standards Committee for information;”**
- p) That the wording of paragraph 6.25 be amended to read: “The Monitoring Officer will issue a decision notice, in consultation with the Chairman of the Sub Committee. The decision notice will be sent to the Complainant and the Subject Member. Thereafter, the decision notice or a summary of the decision will be available for public inspection and published in Members Update. The decision will be reported to the next convenient meeting of the Standards Committee for information.”**
- q) That the definition of the term “Nine Principles” in Appendix 1 to the Code be amended to list all Nine Principles.**
- r) That the term “Extra Principles” in Appendix 1 to the Code be removed from the Glossary.**
- s) That the definition of the term “Complainant” in Appendix 1 to the Code be amended to read “means the person who has made an allegation that a Member has failed to comply with the Member’s Code of Conduct”**

The Committee noted that Officers would circulate a revised copy of the document following the meeting, incorporating the amendments identified. The Chief Legal Officer informed the Committee that she welcomed Members’ comments on the document prior to its submission to the meeting of the Council on 30 April.

5 VOTE OF THANKS

The Committee expressed its thanks to the Chairman for his work on its behalf, noting the amendments and improvements to the Council’s Constitution which had been approved in the past 4 years.

The meeting began at 10.00 am and ended at 12.07 pm

COUNCILLOR MIKE TEASDALE (CHAIRMAN)