

DONCASTER METROPOLITAN BOROUGH COUNCIL

EXTRAORDINARY AUDIT COMMITTEE

WEDNESDAY, 17TH FEBRUARY, 2021

AN EXTRAORDINARY MEETING of the AUDIT COMMITTEE was held via MS TEAMS as a VIRTUAL MEETING on WEDNESDAY, 17TH FEBRUARY, 2021, at 2.00 p.m.

PRESENT:

Chair - Councillor Austen White

Vice-Chair - Councillor Richard A Jones

Councillors Charlie Hogarth, Tosh McDonald, David Nevett and Kathryn Smart (Co-opted Member).

Also in attendance:

Scott Fawcus - Assistant Director of Legal and Democratic Services and Monitoring Officer

Peter Jackson - Head of Internal Audit

Neil Concannon - Head of Service – Litigation and Regulatory and Deputy Monitoring Officer

73 TO CONSIDER THE EXTENT, IF ANY, TO WHICH THE PUBLIC AND PRESS ARE TO BE EXCLUDED FROM THE MEETING

There were no items on the agenda where the public and press were to be excluded.

74 DECLARATIONS OF INTEREST, IF ANY

There were no declarations made at the meeting.

75 ADOPTION OF A NEW MODEL CODE OF CONDUCT FOR MEMBERS

Scott Fawcus, Assistant Director of Legal and Democratic Services and Monitoring Officer, introduced a report which presented a new Model Code of Conduct for Members that had recently been launched by the Local Government Association (LGA) for Local Authorities to consider adopting in place of their current Codes.

In outlining the background, the Monitoring Officer explained that the production of an updated Model Code of Conduct had been a recommendation arising from a review of local government ethical standards by the Committee on Standards in Public Life in 2019. The aim of this was to address the apparent inconsistencies in Codes across England and to reflect the common expectations of the public regardless of geography or tier. The LGA had subsequently been tasked with creating an updated Model Code in consultation with representative bodies of councillors and officers of all tiers of local government. A final national Model Code had been issued in late December 2020 for Councils to consider, a copy of which was attached to the report at Appendix A, together with a copy of this Council's current Code at Appendix B.

In summarising the key changes in the new Model Code, the Monitoring Officer confirmed that the Code included a new section outlining general principles of Councillor Conduct, which was still based on upholding the Seven Principles of Public Life (aka the Nolan Principles). The new Code also provided greater clarity as to when the Code applied to a Councillor's actions, i.e. when acting as a Councillor, which included all forms of communication and interaction by Councillors, with a new specific reference to electronic and social media communication, posts, statements and comments. The Monitoring Officer also explained that the provisions in the new Code relating to declaring and registering interests widened the current requirements and was a return to the position which Members were adhering to prior to 2011. This comprised a new requirement for Members to declare all other interests in addition to Disclosable Pecuniary Interests, only speak if the public were allowed to speak, not participate in the discussion or vote and leave the room (subject to dispensation).

The Monitoring Officer also informed the Committee that, in light of comments received from Members, he intended to review the Council's Complaint Handling Procedure for Code of Conduct complaints and bring a report back to this Committee's first meeting in the new Municipal Year. He stated that he intended to make revisions to the Procedure which would clarify that the Code of Conduct process will only apply to formal complaints received on the Council's complaint form, and that vexatious complaints will not be considered.

In concluding, the Monitoring Officer confirmed the timeframe for adopting the new Code, with a suggested date of 7<sup>th</sup> May for implementation of the Code, which was the date at which the election results would be announced. Following the Code's approval, the Monitoring Officer explained that he intended to contact all Parish and Town Council Clerks in the Borough, encouraging them to also adopt the new Code for the purposes of consistency.

In response to a Member's query as to whether the Model Code needed to be more specific in referring to the different forms of online meetings being held, e.g. Zoom, MS Teams, the Monitoring Officer explained that clarification was currently being sought from the Government on its plans for extending the current regulations which allowed for local authority meetings to be held remotely, as this provision was due to end in May 2021. He felt, however, that the wording in the new Code was sufficient and that the term 'online meetings' covered all scenarios.

During further discussion, a Member stated that, while he was largely in favour of adopting the new Code and welcomed the Monitoring Officer's undertaking to review the Complaint Handling Procedure, he nevertheless felt that the revised Procedure should be agreed and in place prior to the new Code being adopted. In response, the Monitoring Officer explained that, with regard to the timeframe, he had not realised there was a meeting of this Committee in April, so he undertook to bring a revised Procedure to that meeting instead.

In reply, the Member re-iterated his view that it was wrong to ask Members to approve the new Model Code of Conduct before having a revised Complaint Handling Procedure in place. He stated that he agreed in principle with the new Code, but was concerned that the Committee was being asked to recommend the Code's adoption to Council before the necessary background procedures were agreed.

Other Members then spoke on the proposed new Code and acknowledged that it would be helpful to have a single national model to operate under to avoid confusion, particularly in instances where a Member was both a Borough and a Parish Councillor.

Kathryn Smart stated that, from her independent perspective, these seemed to be sensible provisions, but she stressed that training and awareness for Members would be key in implementing the new Code. She also felt it would be helpful if the Council published a clear definition of what constituted 'vexatious complaints'. However, Kathryn questioned the proposed requirement for complaints to be made using the Council's official complaints form, as she felt this could present accessibility issues and challenges and exclude certain individuals who struggled with form filling. In reply, the Monitoring Officer explained that the use of a complaint form provided a consistent approach and ensured that the relevant information was gathered. He added that the form was relatively short, and could be completed by hand rather than typed if this was easier. He also stressed that there was the facility for complainants to remain anonymous if they wished, subject to meeting the necessary criteria.

In response to a query concerning the impact of the new Code on declarations of gifts and hospitality and Registers of Interest, the Monitoring Officer advised that the requirements for declaring gifts and hospitality remained largely the same under the new Model Code, but he stressed that more interests would be captured by the new Code, and that as a result, Members would be required to register a greater number of these in future. The Monitoring Officer added that reminders were sent periodically to Members about keeping their Registers of Interest up-to-date.

The Chair then referred to the recommendations in the report and it was moved and seconded that this Committee agree to recommend to Full Council that the LGA's Model Code of Conduct be adopted. However, on being put to the vote, the Committee was split with 2 Members voting for, and 2 against. Consequently, the Chair sought guidance from the officers as to whether an alternative timeframe for the Code's implementation was available to allow time for the complaint handling procedure to be agreed by this Committee prior to the new Code being adopted by Council. In response, the Monitoring Officer suggested that the Complaint Handling Procedure could be brought to the April meeting for this Committee's endorsement, together with the report on the new Model Code, which would enable the Committee to recommend the Code of Conduct for adoption at the Council's AGM in May.

The Chair then moved that the timeframe as suggested by the Monitoring Officer for considering a revised Complaint Handling Procedure and further consideration of the new Model Code of Conduct be agreed. Upon being seconded and put to the vote, it was unanimously

RESOLVED that consideration of the new Model Code of Conduct be deferred until this Committee's next meeting on 29<sup>th</sup> April 2021, to allow the Committee to consider an additional report at that meeting on a revised Complaint Handling Procedure for Code of Conduct complaints.

CHAIR: \_\_\_\_\_

DATE: \_\_\_\_\_