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STANDARDS COMMITTEE

21 MARCH 2018

Present: Councillors Roberts (Chair), Sinden (Vice-Chair), Bacon and Clarke

Apologies for absence were noted for Councillor Dowling

7. DECLARATIONS OF INTEREST

None.

8. MINUTES OF THE PREVIOUS MEETING HELD ON 29 JUNE 2017

RESOLVED that the minutes from the last meeting held on 29 June 2017 be approved and signed by the Chair as a correct record of the meeting.

9. ANNUAL REPORT OF STANDARDS COMMITTEE

The Chief Legal Officer and Monitoring Officer firstly spoke through some of the procedures that seemed to be effective in the last year. In regards to the council objectives of transformation and continuous improvement, she stated that dates were already organised to train cohort of Standards Committee members after the elections in May. There were also plans to extend this training to Independent Persons. This is so that both parties can receive the support they need to fulfil their role on the Standards Committee.

She then reported on the activities of the Standards Committee for 2016/17. The Council's Standards Committee promotes and maintains high standards of behaviour by ensuring that all elected members comply with the Council's Code of Conduct. All elected members sign a declaration to say that they will comply with the Code of Conduct. The Code was adopted alongside the revised Standards arrangements in July 2012 under the provisions of the Localism Act 2011. This introduced delegation to the Monitoring Officer to make an initial decision on whether the complaint required investigation.

The elected members sitting on the Standards Committee in the last municipal year were Councillors Roberts (Chair), Sinden (Vice-Chair), Bacon, Clarke and B Dowling. The Committee is politically balanced although not required to be so by law.

The Localism Act 2011 requires the Council to appoint at least one Independent Person to assist with the standards process. Council previously recommended that two Independent Persons should be appointed in case of non-availability or a conflict of interest.

The Localism Act requires that the views of the Independent Person must always be sought on a complaint referred for investigation before the outcome of the complaint is

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determined. Members who are the subject of a complaint can also discuss the matter with the Independent Person, who will provide support to them. The Independent Person's view would also be sought in terms of any sanction imposed on a member found to be in breach of the member's Code of Conduct. It was further noted that the Independent Persons were required to discuss a matter in the case of disciplinary action involving one of the statutory roles, such as the Head of Paid Services, Monitoring Officer and Section 151 Officer.

At the Council meeting on 18th October 2017, John Baker and Amanda McIntyre were appointed as Independent Persons from 1st November 2017 to 31st October 2022.

In regards to complaints, in 2016 six complaints were received by the Monitoring Officer. Three went before the Assessment Sub-Committee and then the Standards Committee. The remaining three were dealt with under Monitoring Officers discretion.

The first complaint alleged a breach of the Code of Conduct by a member, and was referred by the Assessment Sub-Committee for investigation by the Monitoring Officer. Following consideration in public session of a report prepared by an independent investigating officer, the Committee found the member had been in breach of the Code, failing to treat others with respect and conducting himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute. The Committee decided that the matter should be addressed by a written apology from the member to those affected.

The second complaint alleged a breach of the Code of Conduct by a member and was referred by the Assessment Sub-Committee for investigation by the Monitoring Officer. Following consideration in public session of a report prepared by an independent investigating officer, the Committee found that the member had made a technical breach of the Code in failing to update their entry on her register of interests within 28 days of a change. The Committee decided that no further action should be taken.

The third complaint alleged a breach of the Code of Conduct by a member and was referred by the Assessment Sub-Committee for investigation by the Monitoring Officer. Following consideration in public session of a report prepared by an independent investigating officer, the Committee found that the member had been in breach of the Code in failing to treat others with respect. The Committee decided that the matter should be addressed by the member apologising to the person affected and would notify the Monitoring Officer once they gave that apology.

Three of the complaints received were considered under Monitoring Officer's discretion. The first of these related to a complaint regarding inappropriate use of Council equipment. The complaint lacked any substance and was politically motivated. The second complaint related to an allegation that a member had failed to declare an interest. The Monitoring Officer and Deputy Monitoring Officer consulted the Independent Persons and concluded there was no breach of the Code of Conduct. The third related to a complaint regarding a member's behaviour at a Council meeting and could not proceed due to a lack of evidence.

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Members asked whether the costs of time and resources investigating a case could be bypassed if an apology were received before an investigation was necessary. The reply was that it depended on the situation, and what action people wished to take.

A query was raised in regards to whether the Nolan Principles of Public Life could be re-explained in a detailed way for members in training.

Thanks were given to the Independent Persons for all their help and support throughout the year.

(The Chair declared the meeting closed at 5.00pm)

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