

STANDARDS COMMITTEE
12th June, 2014

Present:- Gosling (in the Chair); Councillors Pitchley, Sansome, Sims, Bates and Rowley and also Mr. P. Edler.

Apologies for absence were received from Councillor Godfrey, Middleton and Swann and I. Daines and Porter.

B1 MINUTES OF THE PREVIOUS MEETING

Resolved:- That the minutes of the previous meeting of the Standards Committee held on 13th March, 2014 be approved as a correct record.

B2 UPDATE FROM THE MONITORING OFFICER ON ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT

Consideration was given to the update presented by Jacqueline Collins, Monitoring Officer, which referred to the handling of complaints of breaches of the Code of Conduct and provided details on:-

1. A complaint that a Borough Councillor had failed to declare an interest in a matter of business at a meeting. The complainant had referred his complaint to the Ombudsman. The complainant was asked for details to substantiate his complaint on two occasions, but failed to do so. In the circumstances the Monitoring Officer wrote to the Ombudsman to confirm that, in the absence of any detail to substantiate the allegation, the matter would not proceed further.
2. A complaint that a Town Councillor had deliberately altered the order of an agenda in order to favour relatives. The matter was considered by the Monitoring Officer and advice from the Independent Person, was sought.

Upon consideration the Monitoring Officer was satisfied that the individuals who were alleged to be relatives of the Town Councillor were not related to him. In addition the action that the Town Councillor was alleged to have taken would not have constituted a breach of the Code of Conduct in any event. The Independent Person concurred with the Monitoring Officer and would not be considered further.

3. A complaint that members of one particular party on a Parish Council had committed misconduct in public office by entering into a contract that was not lawfully executed.

Upon consideration the Monitoring Officer formed the view that the unlawful actions alleged would have been the responsibility of the officers and advisers of the Parish Council. The alleged

transgressions would not be those of the Councillors themselves.

The matter was referred to the Independent Person, whose view was that there was no potential breach of the Code of Conduct and that the offence of misconduct in public office would be a matter to be investigated by the Police. In view of this the matter would not be referred for further consideration.

4. A complaint that a Parish Council had acted unfairly in relation to one of its members; that certain Parish Councillors had acted inappropriately; that there had been impropriety with regard to a transaction and that “resolute actions” needed to be taken by the Chief Executive and Monitoring Officer to prevent the parish becoming a “cauldron of dissent”.

The Monitoring Officer formed the opinion that these were not matters which could be considered under the Code of Conduct and informed the complainant accordingly.

Resolved:- That the report, the steps taken and its contents be noted.

B3 UPDATE FROM THE MONITORING OFFICER ON THE CONFIDENTIAL REPORTING CODE

Consideration was given to the update presented by Jacqueline Collins, Monitoring Officer, which provided an update on the contents of the Confidential Reporting Code and referrals for the year 2013/2014.

The Council's Confidential Reporting Code (commonly known as the Whistleblowing Procedure) was reviewed annually and was now presented as being fit for purpose.

The Code had also been reviewed in accordance with the British Standards PAS 1998:2008 Whistleblowing Arrangements Code of Practice, and found to be generally compliant. The area where the Council's Code deviated from the British Standard was that it did not provide access to a helpline for confidential enquiries. However, the Code did enable advice to be sought from the Chair of the Standards Committee, the Chief Executive, the Monitoring Officer and the Director of Human Resources. In addition, if the complainant was not satisfied with the actions taken by the Council the matter could be referred externally, to a number of bodies including KPMG, the Council's external auditors. These were considered to be appropriate safeguards which reflect the requirements of the British Standard.

One referral had been received under the Confidential Reporting Code which was dealt with by the Monitoring Officer. The allegation was of financial mismanagement at a school and was investigated by the Council's Internal Audit team. The allegations of fraudulent mismanagement were not substantiated.

The Committee asked a number of questions relating to the availability and access to the Confidential Reporting Code for staff, whether its revisions and availability should be publicised again, how anonymous complaints were dealt with, whether partner agencies were also covered by this or their own similar Codes and whether it was permissible to use evidence captured by images either overtly or covertly.

The Monitoring Officer confirmed she would take steps to publicise the Code via a Manager's Briefing and ensure that this was cascaded to staff and that investigate and report back to the next meeting on reporting procedures for partner agencies and whether or not images or C.C.T.V. could be used in evidence.

Resolved:- (1) That the report be received and the contents noted.

(2) That a Manager Briefing be circulated on the Confidential Reporting Code.

(3) That further information be presented to the next meeting of the Standards Committee on the confidential report procedures for partner agencies.

B4 REQUEST FOR A DISPENSATION FROM THE REQUIREMENTS OF THE CODE OF CONDUCT

Consideration was given to a report presented by Jacqueline Collins, Monitoring Officer, which detailed a request for a dispensation from Councillor Scholey of Maltby Town Council from the requirements of the Code of Conduct.

Councillor Scholey was currently on the committee of the Town Council which was overseeing bowling greens and who was also a member of Coronation Parks Retired Persons Bowling Club. This constituted a personal interest and disclosable upon Councillor Scholey's Register of Interests.

In these circumstances Councillor Scholey would have to declare his interest at any meeting considering issues connected with the Retired Persons Bowling Club and then proceed to consider whether that interest was of such significance as to warrant withdrawal from the meeting. A request had been received which asked the Committee to consider Councillor Scholey's request for a dispensation. The dispensation could be granted either on the basis that it was in the interests of persons living in the Council's area or that it was otherwise appropriate to grant such a dispensation.

The Committee considered the request and were of the opinion that Mr. Scholey's involvement in bowling green discussions could add value and on this basis were happy to grant his request.

Resolved:- That the request for a dispensation be granted.

B5 EXCLUSION OF THE PRESS AND PUBLIC

Resolved:- That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part I of Schedule 12A to the Local Government Act (as amended March, 2006) (information relates to an individual).

B6 CONFIDENTIAL UPDATE FROM THE MONITORING OFFICER

Consideration was given to a report presented by Jacqueline Collins, Monitoring Officer, which provided an update with regard to the progress of an investigation into an allegation of a breach of the Code of Conduct and to report upon the outcome of the appointment process for two new Independent Members.

The Monitoring Officer had now received the investigatory report regarding this incident and due to the Council's two Independent Persons having been involved in this case it was felt appropriate to seek the advice of a different Independent Person. A Sub-Committee would now be convened to consider the matter further.

Mr. P. Beavers, Independent Person, also gave an update on his current involvement, his engagement with the public and Parish Council and his commitment to working with all those involved over the coming few months.

The Committee noted the difficulties that this particular Parish Council had encountered, but wished to see the Parish Council work democratically together to serve the needs of its electorate.

The Monitoring Officer also outlined the recent recruitment process and the satisfaction of the Interviewing Panel that the two people who had submitted applications to become Independent Members met the criteria in the person specification. The Panel were now happy to forward to Council their recommendations to approve the two Independent Members of the Standards Committee.

(1) Resolved:- That the steps taken with regard to the investigation be noted.

(2) Recommended:- That Ms. Adele Dowdall and Mrs. Catherine Saltis be appointed as Independent Members to the Standards Committee.

B7 DATE AND TIME OF NEXT MEETING

Resolved:- That the next meeting of the Standards Committee take place on Thursday, 11th September, 2014 at 2.00 p.m.