

STANDARDS COMMITTEE
Thursday, 14th January, 2016

Present:- Councillor Beck (in the Chair); Councillors Alam, Hughes, Pitchley and Taylor, along with Parish Councillors Bates, Rowley and Swann and also Ms. A. Dowdall, Mr. P. Edler, Ms. J. Porter and Mrs. C. Saltis.

Apologies for absence were received from Councillors Beaumont, Finnie and Fleming.

(THE CHAIR AUTHORISED CONSIDERATION OF THE FOLLOWING URGENT ITEM IN ORDER TO PROGRESS THE MATTER FOR FULL COUNCIL)

30. REQUEST FOR A DISPENSATION FROM THE REQUIREMENTS OF THE CODE OF CONDUCT

Consideration was given to the report circulated which detailed a request for a dispensation in respect of all affected members in relation to an anticipated motion to be discussed at the Council meeting on the 27th January, 2016.

The motion was in relation to the Trade Union Bill which was being considered by Parliament. There was the potential that members who were Trade Union members or those that had received financial support from Trade Unions would be required to declare the interest and not participate in the debate.

The circumstances on which the Standards Committee may grant a dispensation were outlined which must specify the period for which the dispensation had effect and must not exceed four years.

Having regard to the circumstances the Standards Committee were in agreement in granting a dispensation under Section 33 of the Localism Act.

Resolved:- (1) That the request for dispensation be approved.

(2) That the grounds on which the dispensation was approved related to the fact that without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the body transacting the business that it would impede the actual transaction of the business.

31. MINUTES OF THE PREVIOUS MEETING HELD ON 10TH SEPTEMBER, 2015

Consideration was given to the minutes of the meeting held on 10th September, 2015.

With regards to Minute No. 22 (Outcome of the Standards Hearing Panel) it was noted the Parish Council in question had considered the recommendations of the Standards Hearing Panel and had agreed to formal censure the Parish Councillor concerned, but had not upheld the recommendations in respect of removal from outside bodies or sub-committees.

Resolved:- That the minutes of the meeting held on 10th September, 2015 be approved as a correct record.

32. MINUTES OF THE STANDARDS COMMITTEE WORKING GROUPS HELD ON 1ST OCTOBER AND 19TH NOVEMBER, 2015

Consideration was given to the minutes of the Standards Committee Working Group on 1st October and 19th November, 2015.

The Chairman confirmed the final report was submitted to Council on the 9th December, 2015 and was approved. He wished to place on record his thanks and appreciation to all those involved in this good piece of work.

Resolved:- (1) That the contents of the minutes held on 1st October and 19th October, 2015 were noted.

(2) That all those involved with the work of the Standard Committee Working Group be thanked for their support and input.

33. UPDATE ON THE HANDLING OF COMPLAINTS OF POSSIBLE BREACHES OF THE CODE OF CONDUCT FOR MEMBERS

Consideration was given to the a report presented by Stuart Fletcher, Service Manager, which provided an update on the handling of complaints relating to breaches to the Code of Conduct and the subsequent steps taken, which included:-

- A complaint was received that a Borough Councillor had not followed appropriate procedures in a Council meeting, by not passing a resolution excluding press and public from the meeting. The complainant alleged that the member had thereby breached the Code of Conduct by bringing the officer of Councillor or the Council into disrepute.

Representations were received by the member in question and relevant documentary evidence was examined.

The views of the Independent Person were taken. He felt that on the balance of probabilities the appropriate resolution was passed. The Monitoring Officer considered these views and concurred with this conclusion and taking all of the circumstances of the complaint into account, decided that the complaint should not be investigated further. The complainant and member have been informed of this

decision.

- A complaint was received that a Parish Councillor made a derogatory comment that Standards Committee proceedings which he had been subject to were "a shambles" and a "kangaroo court".

The matter was referred to the Independent Person for his views who felt that there was little doubt that the words had been said, but that the Parish Councillor was acting in his personal capacity at the time and therefore the Code of Conduct was not invoked.

The Monitoring Officer concurred with this view and, therefore, the Complainant and Parish Councillor were written to informing them of this decision.

- A complaint was received from a member of the public that a Parish Councillor was rude and threatening to him in a Parish Council meeting. The views of the Independent Person were requested and after reviewing the relevant evidence, which included listening to a recording of the relevant Parish Council meeting, he concluded that there had been provocation of the Parish Councillor by the Complainant and that the remarks were made under duress.

As such the Independent Person felt that due to the circumstances of the case there should be no further investigation.

The Monitoring Officer concurred with this view and complainant and the Parish Councillor were written to informing them of this decision. The complainant had subsequently submitted further information in relation to this matter and asked that the issue be reviewed. Further the complainant had submitted a further complaint in relation to the same Parish Councillor and the Monitoring Officer was liaising with the complainant to try to fully establish the relevant issues in that matter. A further update on these matters would be provided at the next meeting.

- A complaint had been received that a Parish Councillor called a member of the public corrupt in the presence of a number of other Parish Councillors and members of the public.

The views of the relevant Parish Councillor have been sought, but none have been provided as yet. The details of the complaints have been forwarded to the Independent Person for his views as to whether further investigation of this matter is appropriate. A further update would be provided to the Committee at the next meeting.

- A complaint had been received that a Councillor made inappropriate comments on a social network.

The views of the member were obtained and he stated that his comments were an error of judgement and that he was prepared to apologise to the complainant.

A letter of apology was sent by the member to the complainant. The issues concerning the complaint were discussed by the Monitoring Officer with the relevant member and the importance of the principles stated within the Code of Conduct reiterated.

As such the Monitoring Officer considers this matter to be concluded and the relevant Member and complainant have been informed of this decision.

Discussion ensued on the nature of some of the complaints and comments passed on the contempt and little regard to the Code of Conduct by some, the offensive nature of some of the remarks, when it was deemed someone was acting as an elected representative, expectation and reasonableness of behaviour and the credibility of the recommendations by Standards Hearing Panels.

The Committee noted the actions taken by a Parish Council following recommendations by a Standards Hearing Panel and expressed some concerns about precedents being set. However, it was noted that should further complaints be received, each would be considered on individual merits and Standards Hearing Panels convened when deemed necessary.

Resolved:- (1) That the steps taken to resolve the complaints be noted.

(2) That the resolution of the complaints which have now been concluded be noted.

(During the course of this item Councillor Beck vacated the meeting and Councillor Hughes assumed the chair)

34. PROPOSED STANDARDS AND ETHICS COMMITTEE WORK PLAN 2016

Consideration was given to report presented by Stuart Fletcher, Service, Manager, which proposed the Work Plan for the Standards Committee for the year 2016.

In terms of the updates required it was suggested that the Training Plan be submitted for consideration at the September meeting rather than in March given the possibility of changes following the election in May, 2016.

It was also noted that general complaints were not included as part of the work plan as these were already considered elsewhere.

Resolved:- That the proposed Work Plan be approved, subject to any further amendments made by the Committee.

35. DATE AND TIME OF NEXT MEETING - THURSDAY, 10TH MARCH, 2016 AT 2.00 P.M.

Resolved:- That the next meeting of the Standards Committee take place on Thursday, 10th March, 2016 at 2.00 p.m.