

STANDARDS COMMITTEE
31st March, 2016

Present:- Councillor Beck (in the Chair); Councillors Beaumont, Finnie, McNeely and Taylor along with Parish Councillor Rowley and also Ms. A. Dowdall, Mr. P. Edler and Mrs. C. Saltis (Independent Members) and Mr. D. Roper-Newman (Independent Person).

Apologies for absence were received from Councillors Fleming, Hughes and Pitchley, Parish Councillors Bates and Swann, Mrs. J. Porter and Mr. P. Beavers.

36. MINUTES OF THE PREVIOUS MEETING HELD ON 4TH DECEMBER, 2015 AND 14TH JANUARY, 2016

Consideration was given to the minutes of the meetings held on 4th December, 2015 and 14th January, 2016.

With regards to Minute No. 27 (Final Report) and numbered area No. 3, Councillor McNeely suggested that the agenda documentation for the Standards Committee be circulated to Members as early as possible.

It was also suggested that a reason for the Chairman vacating the Chair during the course of Minute No. 33 (Update on the Handling of Complaints) be included. This was confirmed as a dental appointment.

Clarification was also sought on Minute No. 33 about when and when not a Borough Councillor or a Parish Council was acting in a personal capacity.

Resolved:- That the minutes of the meetings held on 4th December, 2015 and 14th January, 2016 be approved as a correct record, subject to inclusion of David Roper-Newman, Independent Person, in the list of attendees for the meeting on the 14th January, 2016 and the reason for why the Chairman left the meeting during consideration of Minute No. 33.

37. UPDATE REPORT AND TRANSITION TO NEW STANDARDS ARRANGEMENTS

The Chairman welcomed Jon Ashton and Nicholas Fisher from the Online Team to showcase the proposed new Standards and Ethics Committee area on the website and a demonstration on the suggested content was provided.

The Committee were asked to consider the "Making a Complaint" area and whether or they wished to consider making this simpler for the complainant or whether the detailed map about Parishes was confusing as it required a complainant to identify where they lived. It was noted that not all the borough was parished and not all parishes had signed up to the Council's model Code of Conduct or had their complaints dealt with by the Council.

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Discussion ensued about the need for a filtering process if all complaints went through one area and the expectations of a complainant that their complaint was being dealt with once submitted and by whom. This was not the only means that a member of the public could make a complaint as they could continue to contact the Monitoring Officer by telephone or by letter.

The Committee suggested that further discussion take place with Legal Services on the proposals and for the website to be included as an item on the June meeting agenda.

The Chairman thanked Jon Ashton and Nicholas Fisher for their attendance.

Stuart Fletcher, Service Manager, outlined the progress in implementing the recommendations made to refresh the Standards Committee, the items on the Standards Committee Work Plan and the transition to the new Standards and Ethics Committee which included:-

- Change of name.
- Changes to the Constitution from May, 2016.
- The terms of reference.
- Code of Conduct.
- Member/Officer Protocol.
- Procedure for investigating complaints.
- Whistleblowing Policy.
- Procedures in respect of Members' interests.
- Annual Report.
- Comprehensive training programme.
- Promotion of the work of the Committee and raising its profile.

The Chairman advised that due to the need for the new regime to become embedded a greater frequency of meetings may be required. This could mean an additional meeting being scheduled during July, 2016.

Resolved:- (1) That the implementation of the new arrangements be noted.

(2) That a further demonstration of the website take place at the June, 2016 meeting.

(3) That consideration be given to convening a further meeting of the Standards and Ethics Committee during July, 2016.

38. 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 had been received that information allegedly provided in confidence to a member of a Parish Council was discussed at a meeting of the Parish Council. The views of the Parish Councillor have been received and the matter referred to the Independent Person for his views. A further update would be provided to the next meeting of the Committee.
- A complaint has been received that a Borough Councillor made an inappropriate comment to an officer in relation to the issuing of a parking ticket. The views of the Councillor have been sought, but not yet received. A further update would be provided to the next meeting.
- As an update from the last meeting 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, which was concurred by the Monitoring Officer. The complainant and the Parish Councillor were written to informing them of this decision. The complainant subsequently submitted further information in relation to this matter and asked that the issue be reviewed. This matter was currently under review by the new Monitoring Officer.

- 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. This matter had been referred to the new Monitoring Officer for consideration and a further update would be provided to the Committee at the next meeting.

- A complaint had been received that a Parish Councillor was offensive to a member of the public. The previous Monitoring Officer did not investigate this matter, but was informed that the matter had

been dealt with by the Police through a process of restorative justice. As such the previous Monitoring Officer considered the matter to be resolved between the parties and that there was no requirement for a standards investigation to take place.

The previous Monitoring Officer wrote to the complainant and the Parish Councillor to that effect. The Parish Councillor had since contacted the current Monitoring Officer and stated that he was not acting in his civic capacity at time of the incident. The Monitoring Officer advised the Parish Councillor that as far as the Standards Committee was concerned the matter was concluded and the letter to him will be kept on file, should anything of a similar nature happen in the future. The matter was, therefore, considered to be concluded as far as the Standards Committee was concerned.

The Committee drew attention to the Nolan Principles which were the basis of the ethical standards expected of public office holders first set out by Lord Nolan in 1995 and precedence set by case law which found the former London Mayor Ken Livingstone had not been in breach of the Code and held that the Mayor had not brought his office into disrepute.

The Committee were informed that immediately following the election in May dedicated sessions, as part of Member induction, would be held specially around ethical standards and the code of conduct.

The Committee also welcomed the suggestion that the report on complaints include a date in brackets of when the complaint was received as this would serve as an aide memoire for the Committee when matters were referred to subsequent meetings.

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.

(3) That details of the date a complaint was received be included in all future reports.

39. DATE AND TIME OF NEXT MEETING

Resolved:- That the next meeting of the Standards and Ethics Committee take place on Thursday, 9th June, 2016 at 2.00 p.m.