

Unrestricted Document Pack

APOLOGIES Committee Services
Tel. 01621 875745

Council Chamber 01621 859677

CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

PLEASE NOTE MEETING TIME

05 January 2017

Dear Councillor

You are summoned to attend the special meeting of the;

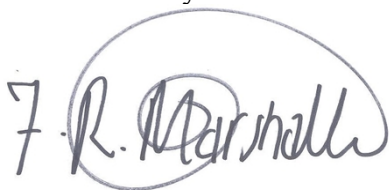
JOINT STANDARDS COMMITTEE

on **FRIDAY 13 JANUARY 2017** at **2.00 pm**.

in the Council Chamber. Maldon District Council Offices, Princes Road, Maldon.

A copy of the agenda is attached.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'F. R. Marshall', enclosed within a hand-drawn oval.

Chief Executive

COMMITTEE MEMBERSHIP

CHAIRMAN

Councillor Mrs M E Thompson

VICE-CHAIRMAN

Councillor Rev. A E J Shrimpton

COUNCILLORS

Mrs B F Acevedo
R G Boyce MBE, CC
M R Pearlman

PARISH COUNCILLORS

Councillor B Ledger
Councillor S Nunn

THIS PAGE IS INTENTIONALLY BLANK



AGENDA
JOINT STANDARDS COMMITTEE (SPECIAL MEETING)

FRIDAY 13 JANUARY 2017

1. Chairman's notices (please see overleaf)

2. Apologies for Absence

3. **Minutes of the last meeting** (Pages 5 - 8)

To confirm the Minutes of the special meeting of the Committee held on 9 December 2016 (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6-8 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

5. **Review of Constitution affecting the Joint Standards Committee** (Pages 9 - 12)

To consider the report of the Monitoring Officer (copy enclosed).

6. Any other items of business that the Chairman of the Committee decides are urgent

7. **Exclusion of the Public and Press**

To resolve that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

8. **Allegation of Misconduct** (Pages 13 - 60)

To consider the report of the Monitoring Officer, (copy enclosed).

NOTICES

Sound Recording of Meeting

Please note that the Council will be recording any part of this meeting held in open session for subsequent publication on the Council's website. At the start of the meeting an announcement will be made about the sound recording. Members of the public attending the meeting with a view to speaking are deemed to be giving permission to be included in the recording.

Fire

In event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

Health and Safety

Please be advised of the different levels of flooring within the Council Chamber. There are steps behind the main horseshoe as well as to the side of the room.

Closed-Circuit Television (CCTV)

Meetings held in the Council Chamber are monitored and recorded by CCTV.



**MINUTES of
JOINT STANDARDS COMMITTEE
9 DECEMBER 2016**

PRESENT

Chairman	Councillor Mrs M E Thompson
Vice-Chairman	Councillor Rev. A E J Shrimpton
Councillors	Mrs B F Acevedo and M R Pearlman
Parish Councillors	Councillor S Nunn
Substitute Members	Councillor H M Bass

802. CHAIRMAN'S NOTICES

The Chairman drew attention to the list of notices published on the back of the agenda.

803. APOLOGIES FOR ABSENCE AND SUBSTITUTION NOTICE

Apologies for absence were received from Councillors R G Boyce MBE, CC and B Ledger. In accordance with notice duly given Councillor H M Bass was substituting for Councillor Boyce.

804. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the meeting of the Committee held on 25 February 2016 be received.

Councillor S Nunn firstly questioned the arrangements for electing the Chairman of this Committee. Upon advice from the Committee Services Manager Councillor Nunn said he would be interested to see the Council's constitutional arrangements in relation to this and expressed the view that the Committee should be operating along independent lines and that it ought to be possible for any member of the Committee to be elected Chairman.

Minute 947 – Minutes of Meeting 18 December 2015

Councillor S Nunn then referred to the above Minute and the information provided to the Committee in private session as to the outcome of conduct complaint ref. 5/2015. He expressed the view that in instances such as this that same information should be

supplied to any member of the Committee not present. The Committee Services Manager undertook to update Councillor Nunn on the complaint in question.

RESOLVED

- (ii) that the Minutes of the meeting of the Committee held on 25 February 2015 be confirmed.

805. DISCLOSURE OF INTEREST

There were none.

806. APPOINTMENT OF INDEPENDENT PERSON(S)

The Committee considered the report of the Monitoring Officer on the outcome of the recent advertisement/recruitment process for the appointment of Independent Person(s) under the Localism Act 2011.

On 7 February 2013 the Council resolved to confirm the appointment of Mr Norman Victor Hodson as Independent Person to the Joint Standards Committee, and also the appointment of Mr Steven Ronald Anthony and Mr Jonathan Swan as reserve Independent Persons to the Joint Standards Committee (Minute No. 818 refers).

Subsequent decisions of the Council resulted in the terms of office of the Independent Person(s) being clarified and then extended eventually to 8 February 2017.

The Joint Standards Committee, under delegation from the Council, authorised the Monitoring Officer to proceed with the necessary arrangements for the recruitment of a new Independent Person and two reserve Independent Persons. The positions were advertised in the local press and via the Council's website during October 2016. Other than confirmation from the existing Independent Person (Mr N Hodson) and one of the reserve Independent Persons (Mr S R Anthony) as to their willingness to be appointed for a further term (on the basis of the previous applications submitted) no new expressions of interest were received. It is therefore open to the Council to consider re-appointing the two Independent Persons for a further term (maximum of four years).

The report summarised the role of the Independent Person in relation to the work of the Committee and the operation of the Councillor Conduct Complaints process.

RECOMMENDED that the Council reappoints the current Independent Person (Mr N Hodson) and reserve Independent Person (Mr S R Anthony) for a further period of four years.

807. AT THE REQUEST OF THE CHAIRMAN TO CONSIDER RELEVANT TRAINING / BRIEFING REQUIREMENTS FOR MEMBERS OF THE COMMITTEE

The Chairman sought the views of members of the Committee on possible areas for briefing and training. It was generally agreed that the role and format of the Committee and the procedural and legal aspects of the operation of the conduct complaints process would be useful topics,

808. OTHER BUSINESS

A reference was made to the point made earlier in the meeting by Councillor S Nunn and it was agreed that there should be an arrangement that enabled any Member not present at a meeting to be updated with information provided at that meeting.

Members then continued the discussion on training/briefing requirements and Mr N Hodson, Independent Person, who was present at the meeting, was invited to offer comment. He gave an outline of his role and the number of complaints with which he had been involved. He expressed the view that it might be helpful if the Committee had greater awareness of the number and nature of complaints. He also referred to the fact that on occasions complaints were raised by Officers against Members and that in the absence of an informal meeting very often the opportunity for early resolution was lost.

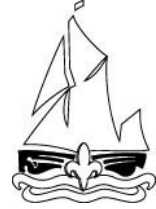
Members asked that these points be borne in mind as part of any further briefing/training.

There being no further items of business the Chairman closed the meeting at 2.20 pm

MRS M E THOMPSON
CHAIRMAN

(a)
(b)

This page is intentionally left blank



REPORT of MONITORING OFFICER

**to
JOINT STANDARDS COMMITTEE (SPECIAL MEETING)
13 JANUARY 2017**

REVIEW OF CONSTITUTION AFFECTING THE JOINT STANDARDS COMMITTEE

1. PURPOSE OF THE REPORT

- 1.1 To consider, with a view to recommending to the Council possible revisions to the constitutional arrangements affecting the Joint Standards Committee.

2. RECOMMENDATION

The Committee considers the scope for revising its constitutional arrangements as explored in paragraphs 3.6, 3.7 and 3.8 of this report and agrees to recommend to the Council on its conclusions.

3. SUMMARY OF KEY ISSUES

- 3.1 In the light of comments made by Councillor S Nunn at and following the last meeting of the Committee it is considered that there is scope for looking at certain aspects of the Council's constitutional arrangements so far as they affect the set-up of this Committee.
- 3.2 The Joint Standards Committee was set up as a committee of the Council to meet the obligations of the then new Localism Act 2010. It was for local authorities largely to determine their own arrangements subject to their making provision for the investigation of allegations and for the notification of decisions on such investigation.
- 3.3 The constitution of the Committee is set out at the head of its terms of reference and general remit, which is attached at **APPENDIX 1**. In particular –
- 7) The Chairman of the Committee shall be a Maldon District Councillor appointed at the Annual Meeting of the Council.
 - 8) There will be one Vice-Chairman who shall be a Maldon District Councillor and shall be elected by the Committee.
- 3.4 The above provisions tie in with the Council's constitutional arrangements for the appointment of Committees and for special meetings of the appointed Committees to be held within the confines of the statutory annual meeting of the Council to elect Chairmen and Vice-Chairmen.

- 3.5 Examination of this process highlights an irregularity due to the fact that when the special meeting of the Committee is convened the two Local Council representatives who have been co-opted as full voting members of the Committee are not present. Even though the constitution provides for the Chairman and Vice-Chairman to be a District Council Member, there is no reason why the two Local Council representatives should not be party to that business.
- 3.6 The one obvious alternative course of action would be for the Joint Standards Committee to be excluded from the arrangements undertaken at the statutory annual meeting of the Council. The Committee would then be free to elect its Chairman and Vice-Chairman at its first meeting. In theory this would leave the Committee without a Chairman up to that point, but in practice the existing Chairman could remain in post, subject to remaining a member of the Council and the Committee and preside at that first meeting (other than in an election year). This could be written into any revised arrangements.
- 3.7 This also raises the question whether it is appropriate to restrict Chairmanship/Vice-Chairmanship of the Committee to members of the Council. The name Joint Standards Committee means that although it is a committee set up under the auspices of the District Council it covers standards issues and conduct complaints not only for the District Council but also for Parish and Town Councils. As full voting members of the committee there would seem to be no obvious reason why either of the Local Council representatives could not be elected Chairman or Vice-Chairman. The one difficulty this might present is where the Committee is reporting or recommending to the Council, another member of the Committee being a District Councillor (preferably as Vice-Chairman) would have to speak to the recommendation at the Council meeting if so required.
- 3.8 In a wider context, it is clear that there is little work for the Committee to do. This for the most part is due to how the Councillor Conduct Complaints Process works in practice. Following the previous abolition of the Standards Board for England and the coming into effect of the new regime under the Localism Act, it was always envisaged that the new arrangements would be very much 'lighter touch'. The Committee may have views on this when it looks in greater detail at how the process works. A number of Councils have moved in a direction that sees Audit feature as a key governance tool, and therefore a rise in prominence of Audit Committees as all-embracing governance committees which include 'Standards'.

4. IMPACT ON CORPORATE GOALS

- 4.1 The review and updating of the corporate governance arrangements of the Council underpins the decision making processes of the Council, is in part a matter of compliance with the law and is also linked to high level outcomes associated with the corporate goal of delivering good quality, cost effective and valued services in a transparent way.

5. IMPLICATIONS

- (i) **Impact on Customers** – It is right and proper that the Council is able openly to explain, through well-presented and user-friendly constitutional

documentation, the way in which it is set up and operates, and how it conducts its business. It is important that the Council's procedures are seen as open and transparent.

- (ii) **Impact on Equalities** – None identified.
- (iii) **Impact on Risk** – None identified.
- (iv) **Impact on Resources (financial)** – None identified.
- (v) **Impact on Resources (human)** – None identified.
- (vi) **Impact on the Environment** – None identified.

Background Papers: None.

Enquiries to: Stuart Jennings, Committee Services Manager (Tel: 01621 875745).

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank