



**MINUTES of
JOINT STANDARDS COMMITTEE
19 OCTOBER 2017**

PRESENT

Chairman	Councillor Rev. A E J Shrimpton
Vice-Chairman	Councillor Mrs M E Thompson
Councillors	Mrs B F Acevedo, J Anderson, S Nunn, R P F Dewick and S J Savage

512. CHAIRMAN'S NOTICES

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

513. APOLOGIES FOR ABSENCE AND SUBSTITUTION NOTICE

An apology for absence was received from Councillor I E Dobson and M R Pearlman. In accordance with notice duly given Councillor R P F Dewick was substituting for Councillor Pearlman and Councillor S J Savage was substituting for Councillor Dobson.

514. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 1 June 2017 be approved and confirmed.

Councillor S J Savage stated that as he had not been present for the entirety of the last meeting he was not in a position to be able to agree to the confirmation of the Minutes and had therefore abstained from voting.

515. DISCLOSURE OF INTEREST

Councillor S J Nunn disclosed a non-pecuniary interest in agenda item 5 – Code of Conduct – Request for Dispensation, as he was acquainted with the Member the subject of the request. Councillors S J Savage and Mrs M E Thompson made similar disclosures.

516. COUNCILLOR CODE OF CONDUCT - REQUEST FOR DISPENSATION

The Committee considered the report of the Monitoring Officer on a request from Councillor M S Heard for a dispensation to enable him to participate in meetings

Overview and Scrutiny Committee acting as the Crime and Disorder Committee where he had a particular Disclosable Pecuniary Interest. A letter from Councillor Heard was appended to the report.

The Localism Act 2011 provided for the Council to grant dispensations in limited circumstances as set out in section 33(2) of the Act and which were examined in the report having regard to the nature of the request received. The report concluded that it was not appropriate to grant a dispensation, particularly given the wide nature of the request and the precedent that could be set, and therefore the request should be declined.

In the discussion that followed, Members acknowledged the danger in making an exception in this case and the implications for participation, in terms of perception of influence, where a Councillor had a Disclosable Pecuniary Interest. The view was however expressed that there was a fine line between the expertise a Councillor brought to debate on a particular matter and actual influence through participation.

RESOLVED that the Committee declines the request for a dispensation to be granted.

517. CONSTITUTIONAL AND OPERATING ARRANGEMENTS FOR THE JOINT STANDARDS COMMITTEE

The Committee considered the report of the Monitoring Officer seeking adoption of a written summary of the Conduct Complaints Process to replace the existing flowcharts. The propose summary was attached as Appendix 1 to the report.

It had been agreed at the last meeting that flowcharts had become complicated and were difficult to follow. It was common practice now for authorities to summarise the Process in published constitutional documentation. The proposed summary had been updated to include the further revisions agreed at the last meeting of the Council.

Arising from questions raised, it was agreed that the summary be revised to ensure that the point 1 of Stage 1 made it clear that potential complaints might only come from Officers. It was also agreed that an addition be made to point 4 of Stage 1 as to the ability for a Councillor the subject of a complaint to seek the views of the Independent Person at any stage of the process.

The Committee noted that arrangements were in hand to deliver Code of Conduct training in accordance with a recent decision of the Council.

Reference was made to an email Members and Officers had received that day from Councillor Miss M R Lewis as to certain further deficiencies she felt existed in the Conduct Complaints Process. Officer advised that this should be looked at by the Monitoring Officer and a response prepared in liaison with the Chairman of the Committee.

RECOMMENDED that the Council approves the Conduct Complaints Process Summary, at **APPENDIX 1** to these Minutes, and adopts it as part of the Council's constitutional documentation in place of the Complaints Process Flowcharts.

**518. SUMMARY OF COUNCILLOR CONDUCT COMPLAINTS AND QUERIES
2012 TO 2017**

The Committee received, for information, a summary document prepared by the Monitoring Officer showing the number and nature of conduct complaints received for the above period and how the complaints had been dealt with,

The Committee noted the position and welcomed this form of reporting for the future.

519. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves 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.

520. ALLEGATION OF MISCONDUCT

The Committee considered the report of the Monitoring Officer providing an update on matters relating to an allegation of misconduct against a District Councillor, further to that given to the last meeting.

The report outlined subsequent events where the Councillor in seeking to resolve the issue had offered an unreserved apology to the complainants, which had been accepted. In the circumstances, and in consultation with the Independent Person, the Monitoring Officer recommended that no further action be taken on this matter.

RESOLVED that in the light of the report now received, no further action be taken in this matter.

There being no further items of business the Chairman closed the meeting at 7.05 pm.

REV. A E J SHRIMPTON
CHAIRMAN

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CODE OF CONDUCT COMPLAINTS PROCESS – WRITTEN SUMMARY

Stage I

1. Complaints against District and Parish/Town Councillors may be made by Councillors, Council Officers/employees and members of the public. If a complaint has been made by an Officer of the District Council against a District Councillor it shall not normally be referred to the Monitoring Officer (MO) unless it has first been dealt with under the Member/Officer Relations Protocol.
2. Upon receipt of complaint, an initial assessment will be undertaken by the MO to establish the exact nature of the complaint and whether there is a potential breach of the Code of Conduct.
3. All complaints will be acknowledged and the Councillor complained of notified within five working days of receipt. The Leader of the Council will be notified of all complaints against District Councillors and generally kept advised.
4. The MO will seek further information as required from either the Councillor complained of or the complainant within 15 working days of receipt of the complaint. If the subject Councillor declines to co-operate with the MO without good reason, then the MO may move directly to consult with the Independent Person (IP) – this in itself could constitute a separate breach of the Code of Conduct. A Councillor who is the subject of a complaint may seek the views of the Independent Person at any stage of the process.
5. The MO will then consider the complaint in discussion with the IP and reach a conclusion as to the likelihood of a breach of the Code and a way forward. A conclusion will normally be reached within 25 working days of receipt of the complaint, and the respective parties notified. Options for conclusion at this stage are:
 - No further action
 - Refer to Political Group Leader for action (MO / IP to reconsider if no action taken)
 - Informal resolution
 - Refer to Police (if potential criminal issues involved)
 - MO / IP decide to put straight to **investigation** (internal) and then Stage II **Hearing**
 - Move to Stage II (with or without further discussion with parties to complaint)

Stage II

1. Refer to Joint Standards Committee (JSC) – two possible decisions/outcomes –
 - **Investigation** (and Group Leader informed)

- No further action (all parties including IP to be notified immediately and rationale / detailed reasoning to be provided within 10 working days of the decision)

2 **Investigation** outcomes –

- NO BREACH
 - No further action
 - Copy of report and findings to all parties including IP
 - Report to JSC for information
- BREACH
 - MO / IP consider and pursue possible **informal resolution**
 - **JSC Hearing** (which may also be convened to hear outcome of Stage I investigation by MO or a failure to achieve informal resolution under Stage II)

3 **Hearing** findings to be notified to all parties immediately and any rationale/detailed reasoning for decision to be provided within 10 working days of the hearing. Decision notice to be published on Council’s website as soon as is practicable after notification.