



**MINUTES of
JOINT STANDARDS COMMITTEE
22 FEBRUARY 2021**

PRESENT

Chairman	Councillor M G Bassenger
Vice-Chairman	Councillor Mrs J L Fleming
Councillors	R G Boyce MBE, A L Hull and C Mayes
Parish Councillors	Councillor P Stilts
Substitute Councillor(s)	Councillors Miss A M Beale, M S Heard and N G F Shaughnessy

267. CHAIRMAN'S NOTICES

The Chairman welcomed everyone to the remote meeting, held under new regulations which came into effect on 4 April 2020 in response to the COVID-19 pandemic. He took Members through some general housekeeping issues, together with the etiquette for the meeting. Finally, he asked Officers and Councillors in attendance to introduce themselves.

This was followed by a roll call of Committee Members present.

268. APOLOGIES FOR ABSENCE AND SUBSTITUTION NOTICE

Apologies for absence were received from Councillors S P Nunn, R H Siddall and Mrs M E Thompson.

In accordance with notice duly given it was noted that Councillor M S Heard was attending as a substitute for Councillor Nunn, Councillor N G F Shaughnessy as a substitute for Councillor Siddall and Councillor Miss A M Beale as a substitute for Councillor Mrs Thompson.

269. MINUTES OF THE LAST MEETING

RESOLVED (by assent) that the Minutes of the meeting of the Committee held on 26 January 2021 be approved and confirmed.

270. DISCLOSURE OF INTEREST

Councillor C Mayes declared a non-pecuniary interest in Agenda Item 7 - Complaint Against Councillor - Next Step (1) advising she had, as an observer, attended the North Western Area Planning Committee as she did for many other meetings.

Councillor Mrs J Stilts declared a non-pecuniary interest in Agenda Item 7 - Complaint Against Councillor - Next Step (1) as she knew the Member involved. The Chairman commented that all knew both Members in question.

Councillor R G Boyce advised that on the advice of the Monitoring Officer he would declare a personal interest in Agenda Item 8 – Complaint Against Councillor – Next Step (2) as he had a complaint against that Councillor so would not speak or vote on this item of business. In respect of Agenda Item 7 – Complaint Against Councillor – Next Step (1) Councillor Boyce advised that he had given evidence against that Councillor; however thought he was able to speak although would not vote on this item of business.

Councillor N G F Shaughnessy declared a non-pecuniary interest in Agenda Item 7 – Complaint Against Councillor – Next Step (1) as she had viewed a video of the related Area Planning Committee meeting.

271. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRMAN OF THE COMMITTEE DECIDES ARE URGENT

The Chairman reported that in accordance with Section 100B(4) of the Local Government Act 1972 he had agreed to allow the Lead Legal Specialist and Monitoring Officer to raise an urgent item of business seeking a dispensation for Councillor S P Nunn at the forthcoming extraordinary meeting of the Council. This matter was brought forward for urgent consideration as a decision was required before the extraordinary Council meeting on 23 February 2021. This was duly noted.

272. URGENT BUSINESS - DISPENSATION

The Lead Legal Specialist and Monitoring Officer gave a verbal report, advising that he had received a request from Councillor S P Nunn asking that consideration be given to granting him a dispensation. Members were informed that Section 33 of the Localism Act 2011 gave powers to Local Authorities to grant a dispensation to a Member or Members where there might be a disclosable pecuniary interest, other pecuniary interest or non-pecuniary interest to debate or vote on a matter despite their particular interest.

The Council's budget meeting was due to take place the following day (23 February 2021) and the Lead Legal Specialist and Monitoring Officer advised that Councillor Nunn had a specific interest in one small aspect of one of the reports due for consideration. Due to the way that it was expected the reports would be voted on at the Council's budget meeting the Officer explained that it would be more expeditious if Councillor Nunn and any other Member that had such an interest could participate in the budget by declaring a particular pecuniary interest but not stopped from debating or voting. The Lead Legal Specialist and Monitoring Officer provided some suggested wording for Members to consider if they were mindful to agree the dispensation.

In response to a Point of Order raised by Councillor R G Boyce, the Lead Legal Specialist and Monitoring Officer advised that this matter was an urgent item of business as it had only been identified two days ago and having spoken with the S151 Officer it was felt expeditious and easier for Members if the dispensation was granted. He further explained that the nature of this dispensation under Section 33 often came up at short notice and if Members were in agreement with Councillor Boyce dispensation could be granted for only one year or just for one meeting.

A debate ensued. In response to a question regarding the urgency of the item, the Lead Legal Specialist and Monitoring Officer provided Members with further information regarding this. The Officer further reported that information had been brought to him, not from the administration, and in his professional opinion following discussion with the Section 151 Officer they both agreed that use of Section 33 was entirely appropriate in these circumstances.

Councillor C Mayes proposed that in light of the Monitoring Officer's advice the Committee grant a dispensation for all Members, for the period of the budget meeting on 22 February 2021 and then the matter be brought back to the Committee at the earliest opportunity for further discussion. This was duly seconded.

In response to a query the Lead Legal Specialist and Monitoring Officer clarified that this dispensation would relate to all Members as there could be others in a similar situation to Councillor Nunn that he was not aware of. Following this clarification, Councillor Mayes amended her proposal, that the dispensation should cover all Members for the purposes of the forthcoming Council meeting on 22 February 2021. This amendment was duly seconded.

In accordance with Procedure Rule No. 13 (3) Councillor C Mayes requested a recorded vote. This was duly seconded.

For the recommendation:

Councillors M G Bassenger, Miss A M Beale, Mrs J L Fleming, MS Heard, A L Hull, C Mayes and N G F Shaughnessy.

Against the recommendation:

Councillor R G Boyce.

Abstention:

None.

RESOLVED that under Section 33 of the Localism Act 2011 a dispensation be granted to all Members for the purpose of the budget meeting of the Council on 22 February 2021 and a further report on this dispensation be brought back for consideration at its earliest opportunity to a future meeting of the Joint Standards Committee.

273. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED (by assent) that under Section 100A (4) of the Local Government Act 1972 the 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 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

274. COMPLAINT AGAINST COUNCILLOR - NEXT STEP (1)

The Committee considered the report of the Monitoring Officer presenting a Code of Conduct complaint against a Councillor and seeking Members' consideration of the next step.

The report set out details of the complaint received, a copy which was attached as Appendix 1 to the report along with a response from the respective Councillor (attached at Appendix 2).

In response to a Point of Order raised by Councillor M S Heard, the Senior Specialist: Legal provided the Committee with details regarding the complaint and outlined the three staged decision process.

The Independent Person addressed the Committee outlining the reasoning for investigation, he also provided further details regarding the complaint and his view that there should be an investigation.

A debate ensued. Councillors stated that predetermination was a high threshold and that Councillors could have a view prior to a hearing, this was very different to predetermination. Councillors stated that how a Councillor votes should not be a matter for the Committee to consider.

Councillor M S Heard disagreed with the Independent Person and provided detail regarding this view. He then proposed that there be no further action taken in respect of this complaint. This proposal was duly seconded.

Further debate ensued. In accordance with Procedure Rule No. 13 (3) Councillor A L Hull requested a recorded vote. This was duly seconded.

For the recommendation:

Councillors M G Bassenger, Mrs J L Fleming, M S Heard, A L Hull, C Mayes and N G F Shaughnessy.

Against the recommendation:

Councillor Miss A M Beale.

Abstention:

None.

In accordance with his earlier declaration, it was noted that Councillor R G Boyce was not voting on this item of business.

Councillor M G Bassenger proposed that recommendation (ii) as set out in the report be agreed. There was some discussion as to whether this should be a decision of the Council rather than the Committee. A number of Members were not supportive of this change. Councillor Bassenger amended his proposal that the report be presented to the Council for decision. This amendment was duly seconded and agreed by assent.

RESOLVED

- (i) That no further action be taken in respect of the complaint referred to in the report;
- (ii) That a report be presented to the Council to consider amending the complaints procedure in Article 7 of the Constitution to remove the word “internal” (as detailed below):

MO / IP decide to put straight to **investigation** (~~internal~~) and then Stage II **Hearing**.

275. COMPLAINT AGAINST COUNCILLOR - NEXT STEP (2)

The Committee considered the report of the Monitoring Officer presenting a Code of Conduct complaint against a Councillor and seeking Members’ consideration of the next step.

The report set out details of the complaint received, a copy which was attached as Appendix 1 to the report.

The Senior Specialist: Legal presented the report and the matter for consideration. Following this the Independent Person addressed the Committee outlining his view in relation to this complaint.

In response to a question, the Senior Specialist: Legal explained that the Code of Conduct applied to a person when acting in their role as a Councillor. She provided some further guidance in relation to social media and explained the process that an investigator would go through when investigating a complaint. In respect of the complaint the Senior Specialist: Legal advised that it was her view that the Councillor in question was acting as a Councillor at the time of the incident.

Councillor M S Heard proposed that this matter be referred to an external agency for investigation. This was duly seconded.

In accordance with Procedure Rule No. 13 (3) Councillor Mrs J L Fleming requested a recorded vote. This was duly seconded.

Councillor C Mayes sought an amendment to the proposal that this complaint be consolidated with other complaints relating to the Councillor. Councillor Heard amended his proposal accordingly. The Chairman then put the proposal to the Committee and the voting was as follows:

For the recommendation:

Councillors Miss A M Beale, Mrs J L Fleming, M S Heard, A L Hull and N G F Shaughnessy.

Against the recommendation:

None

Abstention:

Councillors M G Bassenger, R G Boyce and C Mayes.

RESOLVED that the complaint regarding the Councillor identified in the related report be investigated externally and consolidated with other complaints relating to this Councillor.

There being no further items of business the Chairman closed the meeting at 3.36 pm.

M G BASSENGER
CHAIRMAN