



**MINUTES of
JOINT STANDARDS COMMITTEE
23 FEBRUARY 2017**

PRESENT

Chairman	Councillor Mrs M E Thompson
Vice-Chairman	Councillor Rev. A E J Shrimpton
Councillors	Mrs B F Acevedo, R G Boyce MBE, CC and M R Pearlman
Parish / Town Councillors	Councillors J Anderson and S Nunn
In attendance	Councillors Miss M R Lewis

1015. CHAIRMAN'S NOTICES

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

1016. APOLOGIES FOR ABSENCE

An apology for absence was received from Mr N Hodson, the Independent Person, who was away. The Chairman then welcomed Councillor J Anderson of Southminster Parish Council who had been nominated by the Essex Association of Local Councils to be one of the two Parish/Town Council representatives on the Committee.

1017. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the special meeting of the Committee held on 13 January 2017 be received.

Councillor R G Boyce referred to Minute 867 – Resumption of Meeting, and the further consideration of the Allegation of Misconduct matter begun in Minute 865, and in particular to resolution (i) and the paragraph preceding it. He said that the reference to the words “but that it be noted that the actions of the complaint be regarded as having reflected bad judgement.” had not been part of his proposition at the time on which a vote was taken and decision reached. It was accepted however that the words had been said during the course of the meeting. This was supported by his seconder at the time, Councillor Mrs B F Acevedo.

There then followed discussion on this point and also whether the decision reached by the Committee had included these words. It was noted that the Committee Services Manager had recorded a spoken reference to this in conjunction with the proposition and recalled having read this back to the Committee prior to a vote being taken. There had been no move to delete or disregard this wording at the time. He then offered a possible revision to deal with the point raised. Further discussion ensued from which it was concluded that the reference to these words were not part of Councillor Boyce's proposition or the final decision and upon being put to the meeting by the Chairman and a vote taken this was agreed.

RESOLVED

- (ii) that subject to the amended wording of Minute 867 as shown below, the Minutes of the special meeting of the Committee held on 23 February 2017 be confirmed.

“It was then proposed by Councillor R G Boyce, and seconded by Councillor Mrs B F Acevedo, that on the basis that the Committee had neither seen nor heard anything that led it to conclude that a potential breach of the Code of Conduct may have occurred such as to warrant referral to investigation, that no further action be taken. Upon being put to the meeting and a vote taken the proposition was agreed.

RESOLVED

- (i) *That on the basis that the Committee had neither seen nor heard anything that led it to conclude that a potential breach of the Code of Conduct may have occurred no further action be taken. ”*

1018. DISCLOSURE OF INTEREST

There were none.

1019. CONSTITUTIONAL AND OPERATING ARRANGEMENTS FOR THE JOINT STANDARDS COMMITTEE

The Committee considered the report of the Monitoring Officer on possible revisions to its constitutional and operational arrangements.

A number of revisions had arisen from discussion at recent meetings and a training/briefing session for Members of the Committee, and these were shown at **APPENDIX 1** including consequential changes to the Conduct Complaints Process Flowchart Stage I. **APPENDIX 2** showed some proposed minor revisions to Stage II of the Flowchart.

Some discussion took place on the proposed 30 working days for the Monitoring Officer to conclude an initial assessment of a conduct complaint and what the status of the complaint would be if this was not achieved. It was noted that when the Committee last reviewed the Complaints Process it was clearly envisaged that the Monitoring

Officer would have the ability to proceed to investigation with the agreement of the Independent Person although this had not been reflected in the Stage I flowchart. It was generally agreed however that the 25 working days should be retained and in the event of exceptional circumstances preventing the normal process from occurring in that timeframe that the Monitoring Officer will consult with the Independent Person and the Chairman of the Committee with a view to a special meeting of the Committee being called. It was highlighted that the proposed revisions to the Stage I flowchart should mean such circumstances will be rare.

Particular reference was made to the proposed revision to the Committee's operating arrangements to bring it in line with the Investigating and Disciplinary Committee so far as the restricted circulation of papers and the attendance of non-Members of the Committee in relation to the conduct of private session business. It was recommended that if accepted Council and Committee Procedure Rule 20 be amended to exclude the Joint Standards Committee when dealing with private session business.

With the permission of the Chairman, the Leader of the Council spoke with regard to references in the flowchart to the Leader and the Political Group Leader. Arising from this it was agreed that the Stage I flowchart acknowledges that the Leader of the Council will be alerted to the existence of a conduct complaint relating to a District Councillor at an early stage in the process and kept generally advised of progress throughout.

It was also agreed that the two boxes in the final line of the Stage I flowchart should also refer specifically to Political Group Leader.

Arising from clarification of Members' concerns over what the initial assessment entailed, and the ability of the Monitoring Officer to proceed to investigation under Stage I of the process without referral to the Committee, it was further agreed that any such investigation should be carried out internally.

RECOMMENDED

- (i) that the Council agrees that the revisions to the constitutional and operating arrangements of the Joint Standards Committee as outlined in the report and clarified above, and shown as tracked in **APPENDICES 1 and 2** to these Minutes be adopted as part of the Council's constitutional documentation;
- (ii) that as a consequence of a revision included in (i) above, Council and Committee Procedure Rule 20 be amended to also exclude the Joint Standards Committee when conducting its business in private session.

1020. 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(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 and 2 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

1021. INVESTIGATION INTO ALLEGATION OF MISCONDUCT

The Committee considered the report of the Monitoring Officer on the outcome of an investigation into a complaint concerning the conduct of a District Councillor.

The Monitoring Officer took the Committee through the report, explaining the approach taken due to the personal circumstances of the Councillor in question, and the conclusion reached that there was either no evidence to support a potential breach of the Code of Conduct or that the allegation of a breach had not been properly made out.

Councillor S Nunn disclosed an interest due to his association with the Councillor complained of which did not affect his ability to participate in the matter. It was then proposed by Councillor Nunn that recommendation (i) be amended to reflect the fact that there was no corroborative evidence that the Councillor was not truthful in the action he took and therefore no potential breach of the Code of Conduct had occurred. This was seconded by Councillor Rev A E J Shrimpton and upon being put to the meeting there was an equality of votes. The Chairman then exercised her casting vote against the proposition which was then declared lost.

It was then proposed by Councillor R G Boyce and seconded by Councillor Mrs B F Acevedo that recommendation (i) as set out in the report be accepted, that recommendation (ii) be deleted, and that recommendation (iii) be revised by the deletion of the words "save for that identified in (ii) above" as inapplicable. This was put to the meeting and on a vote taken agreed by the Committee.

RESOLVED

- (i) That the Committee considers the outcome of the investigation into the substantive complaint and the Monitoring Officer's recommendation that a finding of no breach be found in respect of the substantive allegation of misconduct against the Councillor;
- (ii) That the Committee finds that the Councillor has not failed to comply with the Member Code of Conduct, as it was drafted at the time of the refusal to meet with the Monitoring Officer, and that no further action needs to be taken in respect of the matters.

1022. ALLEGATION OF MISCONDUCT

The Committee considered the report of the Monitoring Officer on the alleged failure of a District Councillor to comply with the Council's Code of Conduct through a refusal by the Councillor to meet with the Monitoring Officer. As a result, the Monitoring Officer had been unable to fulfil stage I of the complaints process.

The Monitoring Officer took the Committee through the report which detailed the considerable efforts made by the Deputy Monitoring Officer, in her absence, to meet with the Councillor in question, and in that connection referred to certain personal circumstances of the Councillor which may have affected the situation.

The Committee noted that this matter had occurred since the Council had revised the Code of Conduct to include complying with requests from the Monitoring Officer, so in that respect there was a clear breach of the Code which should be investigated.

There followed some discussion and some points of clarification on which the Monitoring Officer provided advice. Arising from this, and upon the proposition of Councillor M R Pearlman, seconded by Councillor S Nunn, it was

RESOLVED that the Monitoring Officer arranges for an investigation into both the apparent breach of the Code of Conduct through failure by the Councillor to comply with the request of the Monitoring Officer and also the alleged breach of the Code of Conduct being the substantive complaint, and for the outcome to be reported back to the Committee.

There being no further items of business the Chairman closed the meeting at 6.42 pm

MRS M E THOMPSON
CHAIRMAN