

FULL COUNCIL

14 FEBRUARY 2023

Present:

Councillors Austen, Bradford, Bullivant, Clarence (Vice-Chair), Colclough, Connett, D Cox, Daws, Dewhirst, Foden, Goodman-Bradbury, Gribble, Haines, Hayes, G Hook, J Hook, Jeffery, Jenks, Keeling, MacGregor, Mullone, Nutley, Nuttall (Chair), Parker, Patch, Peart, L Petherick, Purser, Rollason, Russell, Swain, Taylor and Wrigley

Apologies:

Councillors H Cox, Eden, Evans, Hocking, Jeffries, Kerswell, Morgan, J Petherick, Phipps, Thorne and Tume

Officers in Attendance:

Trish Corns, Democratic Services Officer
Martin Flitcroft, Chief Finance Officer & Head of Corporate Services
Christopher Morgan, Trainee Democratic Services Officer
Amanda Pujol, Head of Community Services and Improvement
Sarah Selway, Democratic Services Team Leader & Deputy Monitoring Officer
Paul Woodhead, Head of Legal Services & Monitoring Officer to the Council

12. DECLARATIONS OF INTEREST

Cllr Patch declared an interest in respect of the matter under consideration at this meeting he stated he would stay in the meeting room during the debate.

It was proposed by the Chair and seconded by Cllr Swain that Cllr Patch be no further heard on this matter. This was put to the vote and carried.

A recorded vote was asked for by at least five Members under Procedure Rule 4.13.5.

Recorded vote under Procedure Rule 4.13.5

*For: Cllrs Austen, Bullivant, Colclough, Connett, D Cox, Dewhirst, Foden, Goodman-Bradbury, Haines, Hayes, G Hook, J Hook, Jeffery, Keeling, Nutley, Parker, Peart, Purser, Rollason, Russell, Swain, Taylor, Wrigley, Nuttall and Clarence
(25 members)*

*Against: Cllrs Bradford, Daws, MacGregor and Mullone
(4 members)*

*Abstention: Cllrs Gribble, Jenks and L Petherick
(3 members)*

*Note Voted: Cllr Patch
(1 member)*

*Absent: Cllrs H Cox, Eden, Evans, Hocking, Jeffries, Kerswell, Morgan, Orme, Khan, J Petherick, Phipps, Thorne and Tume.
(13 members)*

Cllr Daws declared an interest as the Ombudsman report had been brought about as a result of a complaint that the Council had brought with regards to himself. He stated that he would take part in the meeting.

**13. REPORT BY THE LOCAL GOVERNMENT AND SOCIAL CARE
OMBUDSMAN REFERENCE NUMBER: 21 004 645**

The Leader proposed to delete recommendations 1-3 of the Report and insert the following recommendations that:-

The Council notes and accepts without reservation the content and recommendations of the Ombudsman Report, and agrees:

1. The Council apologises to Cllr Daws noting and accepting the apology presented by the Leader on 19 January and renewed at today's meeting.
2. To rescind & remove the Decision Notice dated 22 July 2020, replacing it with a statement stating the Notice has been withdrawn following an investigation and a provide a link to the Ombudsman Report.
3. That the Managing Director, on behalf of the Council, apologises to Cllr Daws within 7 working days.
4. That the Managing Director apologises to Council for the matters identified by the Ombudsman in the Public Interest Report.
5. That the Council refers its former Solicitor & Monitoring Officer and the Ombudsman Report to the Solicitors Regulation Authority for consideration.
6. A robust programme of training on Standards and the complaints process is provided jointly for all councillors and the Senior Management Team within 3 months of the new Council being established this May.
7. A report is published within 4 weeks in the Members' Newsletter and on the Council website setting out how procedures for receiving and processing Standards Complaints have been updated to comply with the recommendations of the Ombudsman Report.

8. Any further procedural changes to put into effect the Ombudsman Recommendations are conducted under the oversight of the Procedures Committee.
9. Council also believes the Ombudsman Service's interpretation of the Localism Act may have an impact all other local authorities and is, therefore, a matter of wider local government interest. The Council's Head of Legal Services writes to the Secretary of State and the Local Government Association seeking further clarity with regard to:
 - a. Whether the Ombudsman has effectively created a new Appeal Process and suggested process changes above that required by legislation.
 - b. The role of the Ombudsman Service which has, previous to Cllr Daws complaint and subsequently, declined to consider councillors complaints about Standards.
 - c. The interpretation of the Localism Act, the Nolan Principles and the inter-relationship with the Human Rights Act
 - d. The duty of Councils to protect employees from bullying, harassment and intimidation.
10. The Council issues a News Release to inform the public of the actions agreed at this meeting.

This was seconded the Executive Member for Recycling, Household Waste and Environmental Health.

Cllr Daws proposed an amendment that:-

- (1) Cllr Mullone is given the same apology as Cllr Daws and:-
- (2) Other Standards procedures since 2018 be deemed as unsafe.

This was seconded by Cllr MacGregor, put to the vote and lost.

A recorded vote was asked for by at least five Members under Procedure Rule 4.13.5.

*For: Cllrs D Cox, Daws and MacGregor.
(3 members)*

*Against: Cllrs Austen, Bullivant, Colclough, Connett, Dewhirst, Foden, Goodman-Bradbury, Gribble, Haines, Hayes, G Hook, J Hook, Jeffery, Keeling, Nutley, Parker, Peart, L Petherick, Purser, Rollason, Russell, Swain, Wrigley, Nuttall and Clarence.
(25 members)*

*Abstention: Cllrs Bradford, Jenks and Taylor
(3 members)*

*Not Voted: Cllrs Mullone and Patch.
(2 members)*

*Absent: Cllrs H Cox, Eden, Evans, Hocking, Jeffries, Kerswell, Morgan, Orme, Khan, J Petherick, Phipps, Thorne and Tume.
(13 members)*

The substantive motion as amended was put to the vote and carried.

RESOLVED that:-

The Council notes and accepts without reservation the content and recommendations of the Ombudsman Report, and agrees:

1. The Council apologises to Cllr Daws noting and accepting the apology presented by the Leader on 19 January and renewed at today's meeting.
2. To rescind & remove the Decision Notice dated 22 July 2020, replacing it with a statement stating the Notice has been withdrawn following an investigation and a provide a link to the Ombudsman Report.
3. That the Managing Director, on behalf of the Council, apologises to Cllr Daws within 7 working days.
4. That the Managing Director apologises to Council for the matters identified by the Ombudsman in the Public Interest Report.
5. That the Council refers its former Solicitor & Monitoring Officer and the Ombudsman Report to the Solicitors Regulation Authority for consideration.
6. A robust programme of training on Standards and the complaints process is provided jointly for all councillors and the Senior Management Team within 3 months of the new Council being established this May.
7. A report is published within 4 weeks in the Members' Newsletter and on the Council website setting out how procedures for receiving and processing Standards Complaints have been updated to comply with the recommendations of the Ombudsman Report.
8. Any further procedural changes to put into effect the Ombudsman Recommendations are conducted under the oversight of the Procedures Committee.
9. Council also believes the Ombudsman Service's interpretation of the Localism Act may have an impact all other local authorities and is, therefore, a matter of wider local government interest. The Council's Head of Legal Services writes to the Secretary of State and the Local Government Association seeking further clarity with regard to:

- a. Whether the Ombudsman has effectively created a new Appeal Process and suggested process changes above that required by legislation.
 - b. The role of the Ombudsman Service which has, previous to Cllr Daws complaint and subsequently, declined to consider councillors complaints about Standards.
 - c. The interpretation of the Localism Act, the Nolan Principles and the inter-relationship with the Human Rights Act
 - d. The duty of Councils to protect employees from bullying, harassment and intimidation.
10. The Council issues a News Release to inform the public of the actions agreed at this meeting.

A recorded vote was asked for by at least five Members under Procedure Rule 4.13.5.

*For: Cllrs Austen, Bullivant, Colclough, Connett, D Cox, Dewhurst, Foden, Goodman-Bradbury, Gribble, Haines, Hayes, G Hook, J Hook, Jeffery, Keeling, Nutley, Parker, Peart, L Petherick, Purser, Rollason, Russell, Swain, Taylor, Wrigley, Nuttall and Clarence.
(27 members)*

Against: NIL

*Abstention: Cllrs Bradford, Daws, Jenks and MacGregor
(4 members)*

*Note Voted: Cllrs Mullone and Patch
(2 members)*

*Absent: Cllrs H Cox, Eden, Evans, Hocking, Jeffries, Kerswell, Morgan, Orme, Khan, J Petherick, Phipps, Thorne and Tume.
(13 members)*

The meeting started at 10.00 am and finished at 11.24 am.

Chair