

## **STANDARDS**

### **WEDNESDAY, 13 DECEMBER 2017**

Present:

Councillors Prowse (Chairman), Dennis (Vice-Chairman), Ford, Keeling and TALC representative Cllr Dowding

Members Attendance:

Councillor G Hook

Apologies:

Councillors Bromell and TALC representative Swain

Officers in Attendance:

Neil Aggett, Democratic Services Manager & Monitoring Officer

#### **241. MINUTES OF THE COMMITTEE**

The Minutes of the meeting held on 3 November were confirmed as a correct record and signed by the Chairman.

#### **242. REVIEW OF COMMITTEE PROCESSES, DELEGATIONS AND OPTIONS FOR THE CODE OF CONDUCT**

Further to the Council and Standards Committee meetings on 3 November 2017, the Monitoring Officer commenced the review process for the Committee's processes, delegations and options for the Code of Conduct, by reminding Members of the background to the adoption of the current code of conduct, the discussions at Council, and the processes adopted, and referred to the following reports and minutes:

- Minutes of Standards Committee 19 June 2012
- Report to the Standards Committee 19 June 2012
- Report to Council 29 June 2012
- Council Decision Minute 59/6/12
- Adopted process for handling code of conduct complaints
- The Council's Code of Conduct

The Coalition Government considered the process for dealing with complaints under the regime at the time, too centralised. Consequently the system was amended with the Localism Act 2012 and the devolution of complaint handling to Local Authorities.

The Monitoring Officer advised that all complaints were investigated and resolved. Confidentiality in the matter prevails until it is resolved. Should an investigation conclude that the person being complained about has breached the code of conduct, and this is accepted by the person being complained about, the complaint is resolved, and the conclusion is no longer confidential.

Should the investigation conclude that the code of conduct has not been breached the complaint and investigation remain confidential.

Should an investigation conclude a breach of the code of conduct, and which is not accepted by the person being complained about, the issue will remain confidential while a Hearing is undertaken.

Should the Hearing process conclude the code has been breached the decision would then be in the public domain. At no time is an investigation in the public domain if it is concluded that a breach of code has not occurred.

The Monitoring Officer has delegated powers to deal with complaints in accordance with the Council's adopted complaints procedure until the Hearing stage.

A resume of complaints received over the past few years is: 6 cases in 2012, none in 2013; 2 cases in 2014; 5 cases in 2015 with 1 local resolution; 2 cases in 2016; 8 cases in 2017 with 3 cases referred for investigation, one of which concluded a breach of the code, which was accepted by the person being complained about.

Consideration was also given to the Committee's current role and function, as set out in Article 11 of the Council's Constitution as follows:

- (a) to promote and maintain high standards of conduct by Councillors and co-opted members;
- (b) to advise the Council on the adoption or revision of the Members' Code of Conduct;
- (c) to advise or train Councillors and co-opted members on matters relating to the Members' Code of Conduct;
- (d) to deal with the local filtering of complaints and dispensation requests (where these are not dealt with by the Monitoring Officer under delegated powers);
- (e) to conduct local hearings and determination of sanctions should a breach of the code of conduct be found;
- (f) overview of internal and external audit;
- (g) overview of the whistle blowing policy;
- (h) overview of complaints handling and Ombudsman investigations;
- (i) oversight of the constitution; and
- (j) the exercise of (c) above in relation to the Parish Councils wholly or mainly in its area and (d) and (e) in relation to complaints about the members of those Parish Councils.

It was noted that: (f) and (g) above fell within the auspices of the Audit Scrutiny Committee; and (i) fell within the auspices of the Council. In relation to (h) it was considered that a regular update and progress report this function should be within the auspices of the Overview and Scrutiny Committee, with regular progress and update reports.

#### Resolved

- (a) A summary of the issues to discuss further are:
- Appendix A Interests - whether the local requirement should continue for a District Councillor to leave the room of the meeting having declared an Appendix A interest.
  - Complaints for formal Investigation – a longer timescale than the current 14 days for notification to be given to the complainant and the person being complained about, as to whether a complaint merits formal investigation.
  - Voting rights for TALC Members /Independent Co-opted Committee Member.
  - Should political balance continue to apply to the Committee.
  - Monitoring Officer – should the Monitoring Officer be a Solicitor, and the role be provided by the legal department.
  - Local Resolutions – how long should a local resolution committee report remain on the Council's website.
  - Consultation with Parish/Town Council's regarding the Code of Conduct.
- (b) A progress report on the Committee's review be presented to Council.

#### Recommended

- (c) That it be recommended to the Council that Article 11 of the Council's Constitution be amended so that the Committee's role and function is as follows:
- (i) To promote and maintain high standards of conduct by Councillors and co-opted members.
  - (ii) To advise the Council on the adoption or revision of the Members' Code of Conduct.
  - (iii) To advise or train Councillors and co-opted members on matters relating to the Members' Code of Conduct.
  - (iv) To deal with the local filtering of complaints and dispensation requests (where these are not dealt with by the Monitoring Officer under delegated powers).
  - (v) To conduct local hearings and determination of sanctions should a breach of the code of conduct be found.
  - (vi) The exercise of (iii) above in relation to the Parish Councils wholly or mainly in its area and (iv) and (v) in relation to complaints about the members of those Parish Councils.

**243. APPOINTMENT OF INDEPENDENT PERSON AND COMMITTEE CO-OPTED INDEPENDENT PERSON**

Further to Council Minute 201/11/17, the Committee received an update on the recruitment process for the appointment of an Independent Person and a committee co-opted Independent Person. The recruitment packs were being prepared and would be available for candidates, following advertisement of the positions. The Committee's recommendation for appointments following formal interviews would be referred to Council for approval.

**244. LOCAL COMPLAINT RESOLUTIONS**

The report circulated with the agenda was noted regarding the decision and action taken regarding a local resolution following a breach of the code by Cllr George Gribble.

CLLR ROSALIND PROWSE  
Chairman