
STANDARDS COMMITTEE25 JUNE 2014

Present:- Councillors N Stock (Chairman), D Casey, I Johnson, F Nicholls, P Sambridge and J White.

Also Present:- Mr J Wolton (Independent Person).

In Attendance:- Monitoring Officer (Lisa Hastings) and Senior Democratic Services Officer (Ian Ford).

(10.00 a.m. - 11.10 a.m.)

1.. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received on behalf of Councillor J Hawkins, with Councillor D Casey substituting and Councillor R Heaney, with Councillor P Sambridge substituting.

2. MINUTES OF THE LAST MEETING OF THE STANDARDS COMMITTEE

The minutes of the last meeting of the Standards Committee, held on 18 March 2014, were approved as a correct record and signed by the Chairman.

3. DECLARATIONS OF INTEREST

There were no declarations of interest recorded at this time.

4. SIX MONTH REVIEW OF CONDUCT ARRANGEMENTS

There was submitted a report (A.1) by the Monitoring Officer, which reported the outcome of the Monitoring Officer's review requested by the former Conduct Committee and Council in November 2013, when the proposals for the new standards arrangements had been approved. The Committee was also requested to provide its comments based on the initial six months' operation of the new standards arrangements in order that a joint report could be presented to Council in September 2014.

It was reported that, during the first six months, the Council had received 14 actual complaints, which had been dealt with, as set out in Appendix A to the report. Although it had not been necessary to hold a hearing there had been considerable activity in this area with a range of outcomes. It was noted there had been an additional 11 instances where contact had been made with the Monitoring Officer and the Code of Conduct route had either not been pursued or it had been inappropriate to do so. It was also reported that feedback had been received from Councillors (District and Parish), that they did not feel it was appropriate to be notified or to respond unless a complaint form was received. However, the Monitoring Officer considered that by acting in an open and transparent manner, by notifying a Member once correspondence was received about them, a simple explanation or resolution of the complaint could then result. During discussion, Members suggested that the Councillor concerned should be informed that a letter of complaint had been received and that the contents would be made available to them on request.

The Committee was aware that under Section 3.3 of the Complaints Procedure, individuals were requested to complete the Council's Complaints Form. However, there had been a couple of occasions where that had not been done and the Monitoring Officer now considered that this could be mandatory together with the requirement to identify the

relevant paragraph of the Code of Conduct, which was alleged to have been breached. Such information had been sought by the Monitoring Officer and in a couple of instances had not been provided, which had resulted in the Monitoring Officer deciding not to take further action. This had then been informally challenged. During discussion Members suggested that this should be mandatory or at the discretion of the Monitoring Officer and it was important to retain a degree of flexibility within the procedure. The Monitoring Officer confirmed that discretion could be exercised if the original format of the complaint identified the relevant information and therefore the completion of the form would not be necessary. If the complainant did not however, provide the relevant information it was difficult for the Monitoring Officer to make the appropriate decision on the next step.

Further to the decision taken under resolution 3 to minute 10 (Outcome of the complaint against Councillor Danny Mayzes) of the last meeting of the Committee the Monitoring Officer proposed and the Committee agreed that under Section 7.1.1 of the Complaints Procedure (Informal Resolution) the following should be included:

- “If the Member concerned accepts that their conduct was unacceptable and offers an apology and so long as the complainant does not object, the apology will be read out by the Councillor at the next Council meeting.”

The Monitoring Officer further proposed and the Committee agreed that, due to the level of complaints received and her involvement to try and ensure that appropriate and proportionate action was taken with each complaint, the timescale under Section 3.5(a) and (b) of the Complaints Procedure be extended to 10 working days, which would match the Council’s standard timescale for responding to correspondence. The Monitoring Officer also stated that it would be an appropriate and an effective use of resources to utilise the administrative support within the legal services team to acknowledge complaints and to request information from Councillors for her to then consider and make decisions accordingly. That support could also be used to respond to queries on the complaints procedure.

The Monitoring Officer was pleased to report that, after receiving a Decision Notice confirming that she had decided to take no further action in respect of a particular complaint, the complainant had then proceeded with the matter to the Local Government Ombudsman, who had been satisfied that the Council had robust procedures in place to deal with complaints against Councillors, and that those procedures had been properly followed. This was an external endorsement of the Council’s improved conduct arrangements.

Members were advised that whilst the Monitoring Officer had worked proactively to avoid referring complaints for investigations in accordance with the agreed procedure, it had been necessary to instruct an external independent investigation on three occasions in the six month period. It was acknowledged that there was a cost to undertaking such investigations for which there was currently no specific budget allocated. This situation would be reviewed as part of the Budget setting process for 2015/2016.

The Chairman reported that written comments on this report had been received from Councillor Hawkins in which he indicated that, in his opinion, the complaint form should be completed and that he supported the proposed changes to Section 7.1.1 and the extension to the timescales. Councillor Hawkins had also stated that the new arrangements had worked well and did not require any significant changes; that the Committee’s meetings had been chaired well; the Officers had served the Council well and that the new approach had contributed positively to the good governance of the Council. Councillor Hawkins had, however, advocated a further training course on the Code of Conduct especially for those Members who had not been able to make the previous session.

Accordingly, after discussion, it was RESOLVED that the suggested changes to the

Complaints Procedure proposed by the Monitoring Officer, together with the changes put forward by the Committee at the meeting, be included in the joint report to be submitted to the meeting of the full Council to be held on 9 September 2014.

5. DISCUSSION ITEMS

(1) How to monitor mandatory training requirements for Members

The Monitoring Officer suggested that this Committee was best placed to monitor mandatory training requirements for Members by way of a periodic report that would focus on matters including which Members had attended arranged training sessions, whether Members had remained throughout and that their understanding of the session's contents had been tested through a simple workshop environment looking at case examples, at the end. This was the format, which had been followed for Planning Committee training and had worked well. The Monitoring Officer stressed to the Committee that the Council was in a transitional period on this at the moment as Council had only just approved the rules requiring mandatory training. After discussion, the Committee endorsed that suggestion.

Members raised issues for consideration that included:

- The potential difficulty for smaller political groups on the Council to find available named substitutes on those Committees that required them and there was no provision for exceptional circumstances;
- Substitute Members at Planning Committee deciding planning applications that had been deferred from a previous meeting when they had not attended the site visit for that application;
- Agreeing with the new requirement that Council Procedure Rule 37.1 stated, inter alia, that any Member or Substitute Member who did not attend the site visit would not be eligible to take part at the meeting at which the application to which the site visit related was to be considered. However, did this mean in practical terms that the named substitutes for Planning Committee must be invited to attend all site visits; and
- That the use of electronic devices during Council or Committee etc. meetings by Members should solely be to access documents relevant to that meeting as to do otherwise could result in an adverse public perception and be seen as plain 'bad manners'.

The Monitoring Officer undertook to take those comments forward either through the appropriate training sessions for Members.

(2) Future work programme for the Committee

The Committee had before it a suggested future work programme to enable it to best comply with its terms of reference and accordingly it was RESOLVED that items at future meetings of the Committee include:

29 September 2014

- Update on mandatory training
- Planning Probity Code
- Member/Officer Protocol
- Quarterly Complaints update

17 December 2014

- Monitoring Officer's report on the outcome of the Annual Standards Conference
- Protocol with Essex Police on dealing with breaches of Disclosable Pecuniary Interests (if ready)
- Quarterly Complaints update

18 March 2015

- Annual report on declarations of interest (meetings, gifts and hospitality etc.)
- Quarterly Complaints update

In addition to considering the work programme, the Committee discussed other 'behaviours', which could fall under the remit of the Committee's terms of reference. One particular item that caused the Committee concern being, the need for Members to dress in a presentable and appropriate way for the occasion at hand, especially when representing the Council at external functions. The Monitoring Officer undertook to take those comments forward by advisory notes to Group Leaders.

6. INDEPENDENT PERSON RECRUITMENT

There was submitted a report (A.3) by the Monitoring Officer, which sought to enable the Committee to comment on the proposed Independent Person Recruitment Pack and to approve the membership and delegations of the Interview Panel for recommending to Council the appointment of the successful candidates.

Accordingly, it was RESOLVED that:

1. The Independent Person Recruitment Pack, prepared by the Monitoring Officer, and as set out at Appendix 1 to the report, be endorsed, subject to the following amendments:

(a) That, at bullet-point two, under "Who is eligible" to "The Independent Person: Specification" section of the Person Recruitment Pack, the words "...or has been within the past 5 years," be added after "Is" at line 1; and

(b) That, in both bullet-points under "Who is eligible" to "The Independent Person: Specification" section of the Person Recruitment Pack, the words "...or someone who has stood for office in the past 5 years" be added after the words "voting rights" in each case.

2. The membership of the Interview Panel comprise of the Monitoring Officer, the Deputy Monitoring Officer and the following three Members:

Councillor P Honeywood
Councillor J Hawkins
Councillor I Johnson

3. Any other Member of the Standards Committee be permitted to act as substitute in the even that any of the three appointed Members were unable to attend the Interview Panel; and

4. Authority be delegated to the Interview Panel to make recommendations to Annual Council on 6 May 2014 regarding the appointment of the Independent Persons, including term of office and extending an existing appointment, if appropriate to do so, and any related matters.

7. VERBAL GENERAL UPDATE FROM THE MONITORING OFFICER

The Monitoring Officer spoke on (a) a matrix showing progress in relation to complaints against Members received and (b) the Council's Press Procedure – Complaints Against Members (both tabled at the meeting), which were noted.

8. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

9. EXCLUSION OF PRESS AND PUBLIC

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 9 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act.

Chairman