
**MINUTES OF THE STANDARDS COMMITTEE
HELD ON MONDAY 16 MARCH 2015 AT 10.04 A.M. IN THE COUNCIL CHAMBER,
COUNCIL OFFICES, THORPE ROAD, WEELEY**

Present: Councillors N Stock (Chairman), R Heaney (Vice-Chairman), J Hawkins, I Johnson, F Nicholls and J White

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

Also in Attendance: Reverend Doctor William Lock (Independent Remuneration Panel Member)

27. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies received but it was noted that Councillor P Honeywood was not in attendance.

28. MINUTES OF THE MEETINGS OF THE STANDARDS COMMITTEE HELD ON 26 JANUARY AND 2 FEBRUARY 2015

The minutes of the meetings of the Standards Committee, held on 26 January and 2 February 2015, were approved as correct records and signed by the Chairman.

29. DECLARATIONS OF INTEREST

There were no declarations of interest recorded at this time.

30. REVIEW OF INVESTIGATION AND HEARING PROCEDURES

There was submitted a report (A.1) by the Monitoring Officer which:

- (1) Reviewed the Investigation and Hearing Procedures and associated matters following the two recent Hearings conducted by the Committee;
- (2) Sought Members' input and consideration whether any amendments to those Procedures were required; and
- (3) Sought any further general feedback from the Committee.

The current Investigation Procedure (Annex E to the Complaints Procedure) and the current Hearings Procedure were before the Committee as, respectively, Appendices A and B to item A.1 of the Report of the Monitoring Officer.

The Committee was aware that, in January and February 2015, it had been convened to conduct two hearings; consider the outcome of investigations into two separate allegations involving District Councillors and decide whether the Members' Code of Conduct had been breached. During those hearings, feedback had been received from the Committee that the format of the second Investigator's report was preferable for Members and that this style should be adopted for future use. Members had felt generally that the procedures and the process had worked very well.

The Monitoring Officer reported that the Committee, District Councillors, one of the Complainants, the Independent Person and herself had all sought points of clarification during the process and it was considered appropriate to review those for inclusion within the Council's procedures. Those points were summarised as set out below and it was the

Monitoring Officer's recommendation that those amendments be incorporated into the Investigation Procedure (Annex E of the Complaints Procedure):

- *The investigation procedure and instructions to the external investigator did not currently impose a timeline and whilst there was no prejudice to the parties from the delay in concluding one of the investigations, the instructions should impose a timeline (to be determined for each case) in which to complete the investigation and to ensure that the Councillor, the Complainant and the Monitoring Officer were regularly updated as to progress.*
- *It was not explicit that during the evidence gathering stage, if any new evidence was provided to the investigator to which the Councillor had not been able to respond to, or comment on, this should be provided to the Councillor to do so. This would include any verbal/oral information.*
- *The Councillor who was the subject of the complaint should be interviewed last, during evidence gathering, to ensure that all the allegations and information obtained were formally put to them to respond to, this would include specifically asking the Councillor concerned to respond to the alleged breaches of the Code of Conduct.*
- *The investigation report should clearly identify who had been interviewed and who had supplied information, whether through documentation or verbally.*
- *At the report stage, a draft report should be sent to the Monitoring Officer at the same time as the complainant and subject Member in order to ensure that the Monitoring Officer was satisfied that all aspects of the complaint had been addressed.*
- *The hearing procedures refer to the matter being conducted in public however, the Monitoring Officer should highlight at the outset of the investigation to both the complainant and the subject Member, that during the investigation the content/evidence was kept confidential however, once a hearing was convened, the report and its content would be published and be made available for both the public and press.*

The Monitoring Officer also advised the Committee that, at a recent meeting she had held with the Independent Persons, the Independent Persons had suggested that, at a Hearing, the Chairman should highlight particular points that had arisen during the Committee's retirement once the Hearing resumed in public session. The Committee discussed this and agreed that, on balance, this was appropriate but stated that the Chairman should be guided by the Monitoring Officer in deciding the level of detail to be divulged.

The Committee discussed whether there were any other points which they wished to highlight, including whether the hearing procedure had been easy to follow. That discussion resulted in the following suggested changes to the Complaints Procedure:

- (1) That the Investigating Officer should make every effort to gather evidence from the Complainant and the Respondent by way of a face-to-face interview;
- (2) That there should be a three month timeline imposed for Investigations with appropriate deadlines imposed for each stage of the Investigation;
- (3) That, in response to concerns raised that the Media were prone to 'pre-judging' the outcome of the Hearing through headlines based on the contents of the Investigator's Report, those contents be treated as Exempt Information until the Hearing itself was commenced; and

- (4) That it be reinforced to Members that they should co-operate fully with the Investigation process as part of their compliance with the Members' Code of Conduct.

Members placed on record their appreciation at the way in which the first two Conduct Hearings had been chaired by Councillors White and Stock respectively.

It was accordingly **RESOLVED** that though the Complaints system had worked very well the Committee agreed that it would be appropriate to put forward to Council "fine tweaks" to the system and it was therefore:

RECOMMENDED TO COUNCIL, that

- (a) the Monitoring Officer's suggested changes to the Complaints Procedure, as detailed above, be approved and implemented together with those changes highlighted through Members' debate at the meeting and recorded above within this Minute 30; and
(b) the Monitoring Officer be authorised to amend the Complaints Procedure accordingly.

31. DISCUSSION TOPICS AND/OR UPDATES FROM THE MONITORING OFFICER

(1) Work of the Standards Committee since November 2013

The Committee discussed its work since November 2013, as set out below, and considered whether there were any matters that needed to be highlighted with regard to Members' Induction/Training following the District Council Elections on 7 May 2015:

"Work of the Standards Committee since November 2013

November 2013:

- *Consulted and commented on proposed new Standards Framework with a recommendation to Council, new Standards Committee formed once approved by Council.*

March 2014:

- *Outcome of complaint against Councillor Danny Mayzes*
- *Approved and adopted Hearing Procedures*
- *Independent Person Recruitment – recommendation to Council*

June 2014:

- *Six month review of conduct arrangements – recommendation to Council*
- *Agreeing a work programme*
- *Review of mandatory training requirements for Members*

September 2014

- *Town and Parish Councils Standards Sub-Committee conducted a hearing regarding Alresford Parish Councillor*
- *Agreed recording and reporting of mandatory training requirements*
- *Member and Officer Relations Protocol – recommendation to Council*
- *Feedback from Annual Standards Conference and TDC now in line with national good practice.*

December 2014:

- *Pre-election publicity guidance*
- *Members planning code/protocol – recommendation to Council*
- *Oral report from Independent Person workshop – John Wolton*
- *Consideration of Guidance document – Ethics in Practice: Promoting Ethical Conduct in Public Life*

January 2015:

- *Hearing to determine outcome of external investigation – failure to comply with the Members' Code of Conduct – Councillor Stephen Mayzes plus report back to Council*

February 2015:

- *Hearing to determine outcome of external investigation – failure to comply with the Members' Code of Conduct – Councillor Joy Broderick plus report back to Council*

March 2015:

- *Review of investigation and hearing procedures*
- *Report to Council*

Regular quarterly updates from the Monitoring Officer on complaints received and progress”

RESOLVED that the contents of the Committee's Work Programme since November 2013 be noted.

(2) Questions to Council

The Committee discussed Questions on Notice from Members at meetings of the Council.

The Chairman expressed his concerns that, based on recent events, Members, in putting Questions on Notice to Council or through their supplementary questions were running a serious risk of being defamatory, discriminatory and/or offensive. Councillor Johnson also raised the issue of the repetitious nature of some Questions at Council.

The Monitoring Officer stated that it was very difficult for her to intervene if a Question was submitted shortly before the usual Noon deadline on a Friday when the Council Agenda had to be published the following Monday. The Monitoring Officer further stated that she had been able to work with Members to make appropriate changes to their Questions when they had been submitted earlier. The Monitoring Officer also expressed that a small number of Councillors had raised concerns about her right to intervene, even though a question could potentially result in a Member falling foul of the Code of Conduct. It was important to be proactive to prevent a breach rather than react to an actual one. The Monitoring Officer would always seek to ensure a question could be asked but with the appropriate content.

Councillor Hawkins suggested that the Monitoring Officer should have the right to intervene if the question was likely to lead to a breach of the Members' Code of Conduct. He also suggested that the deadline for the submission of Questions be brought forward to Noon on the Thursday before the Council Agenda was published.

Having discussed the matter it was unanimously:

RECOMMENDED TO COUNCIL that:

- (a) Council Procedure Rule 10.5 (Scope of Questions) be amended to include a provision whereby the Monitoring Officer will reject a Question if in her judgement it is likely to lead to a breach of the Members' Code of Conduct; and
- (b) Council Procedure Rule 10.3 (Notice of Questions) paragraph (a) be amended to state that the Question should be submitted no later than midday **eight** working days before the day of the meeting.
- (3) Quarterly Update on Complaints etc.

The Monitoring Officer circulated to the Committee a written quarterly update, the contents of which, following discussion, was noted.

The meeting was declared closed at 11.16 a.m.

Chairman