



Civic Centre,
Arnot Hill Park,
Arnold,
Nottinghamshire,
NG5 6LU

Agenda

Standards Committee

Date: **Thursday 25 February 2016**

Time: **5.30 pm**

Place: **Committee Room**

For any further information please contact:

Helen Barrington

Director of Organisational Development and Democratic Services.

0115 901 3901

Standards Committee

Membership

Chair Councillor Emily Bailey

Vice-Chair Councillor Michael Payne

Councillor Alan Bexon
Councillor Andrew Ellwood
Councillor Colin Powell
John Bailey
Gordon Wallis
Patricia Woodfield

AGENDA

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MINUTES STANDARDS COMMITTEE

Thursday 27 August 2015

Councillor Emily Bailey (Chair)

Councillor Michael Payne
Councillor Alan Bexon
Councillor Andrew Ellwood

Councillor Colin Powell
Mr. G. Wallis

Independent Person: Mr. J. Baggaley

Officers in Attendance: F Whyley

8 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

None received.

9 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 29 SEPTEMBER 2015.

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

10 DECLARATION OF INTERESTS.

None.

11 RECRUITMENT OF CO-OPTED PARISH REPRESENTATIVES

Consideration was given to a report of the Council Solicitor and Monitoring Officer, which had been circulated prior to the meeting, regarding the co-option of parish representatives to fill the 2 vacant posts on the Standards Committee.

RESOLVED to:

1. Recommend to Council that Pat Woodfield, Councillor for Woodborough Parish Council and John Bailey, Councillor for Calverton Parish Council be co-opted on to the Standards Committee to fill the 2 vacant posts of co-opted parish representatives until the next annual meeting; and

2. Delegate authority to the interview panel to review the appointments prior to the next annual meeting and recommend to Council whether the co-option should continue.

12 CODE OF CONDUCT COMPLAINTS

Consideration was given to a report of the Council Solicitor and Monitoring Officer, which had been circulated prior to the meeting, informing members of the Standards Committee of complaints received between 1 February 2015 and 31 July 2015.

RESOLVED:

To note the report.

13 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 4.55 pm

Signed by Chair:
Date:



Report to Standards Committee

Subject: Review of Standards Regime

Date: 25 February 2016

Author: Director of Organisational Development and Democratic Services

1. Purpose of the Report

To seek approval to set up a series of working groups to review various aspects of the current standards regime.

2. Background

2.1 Members will recall that the Localism Act 2011 made fundamental changes to the system of regulation of standards of conduct for elected and co-opted Councillors. The Act repealed certain provisions of the Local Government Act 2000, which provided the basis for the previous statutory standards regime, abolished Standards for England and required the Council to introduce a new regime.

2.2 When introducing the new regime in 2012, Standards Committee set up a series of working groups to look at various aspects of the Act and report back to the Committee. The Standards Committee then made a number of recommendations to Council.

2.3 The Council met on 11 July 2012 and approved all the recommendations made by the Standards Committee. In particular, Council:

- a) agreed to set up a Standards Committee which is not politically balanced;
- b) agreed that the Standards Committee should consist of 2 representatives from each political group together with 3 co-opted non-voting Members (1 Independent and 2 Parish reps);
- c) agreed that Sub-Committees of the Standard Committee ("Hearing Panels") consisting of 1 representative from each political group and 1 co-opted non-voting Member would deal with decisions on allegations following an investigation;
- d) gave delegated power to the Council Solicitor and Monitoring Officer to constitute the membership of the Hearings Panels at any time;
- e) approved the remit of the Standards Committee and Hearing Panels;
- f) approved the Code of Conduct and arrangements for dealing with complaints;

- g) agreed that the Council should have an Independent Person and reserve candidate and approved the appointment of Mr J R Baggaley as Independent Person for a period of 5 years;
 - h) agreed that the Independent Person be paid a fixed fee retainer of £500 per year with a fee of £100 per allegation which is subject to an investigation;
 - i) appointed the Council Solicitor and Monitoring Officer as the proper officer for the receipt of a written request for a dispensation;
 - j) agreed the delegations approved by the Standards Committee for dealing with dispensations;
 - k) requested that the Council Solicitor and Monitoring Officer prepare and maintain a new Register of Members Interests to comply with the requirements of the Act and the Council's Code of Conduct; and
 - l) requested that the Council Solicitor and Monitoring Officer prepare and maintain new Register of Members' Interests for each Parish Council to comply with the Act and any Code of Conduct adopted by each Parish Council.
- 2.4 The regime approved in 2012 has continued unchanged and it is now prudent to review it to confirm that it remains fit for purpose.

3. Proposal

- 3.1 It is proposed that the following working groups are set up to review various aspects of the current regime and report back to Standards Committee. This worked well in 2012 therefore it is suggested that the same approach is taken for the review.

Working Group A – Standards Committee and Independent Persons(s)

Working Group B – Registration of Interests and Code of Conduct

Working Group C – Arrangements for dealing with complaints and Dispensations

4. Resource Implications

None.

5. Recommendation

It is recommended that the Committee agrees to set up a series of working groups to review various aspects of the current standards regime.

6. Appendices

None.



Report to Standards Committee

Subject: Register of Members' Interests – Borough and Parishes.

Date: 25 February 2016

Author: Director of Organisational Development and Democratic Services

1. Purpose of the Report

To inform members of the Committee of the current position with regard to the number of Register of Members' Interests forms received for Borough and Parish Councillors.

2. Background

- 2.1 As members of the Committee are aware, the Monitoring Officer is responsible for establishing and maintaining a register of interests of members and co-opted members of the authority. All members and co-opted members of the Borough Council and Parish Councils within the borough are required to complete a register of interests form so that their interests can be duly registered.
- 2.2 There are 41 Borough Councillors, all of whom have completed their register of interests forms. The forms, together with any amendments forms, are kept in a file by the Monitoring Officer and are available for inspection. The information contained within the forms is also published on the Council's website.
- 2.3 Currently there are 10 Parish Councils within the borough plus 1 parish meeting at Stoke Bardolph. Appendix 1 sets out the current position with regard to the forms received from Parish Councillors. Once received, acknowledgements are sent to the Parish Clerks for their records. The forms, together with any amendments forms, are kept in a file by the Monitoring Officer and are available for inspection. The information contained within the forms is also published on the Borough Council's website and a link is sent to the Parish Clerks, which they can publish on the Parish Council's own website if it has one.

3. Proposal

It is proposed that the Committee notes the report.

4. Resource Implications

None.

5. Recommendation

It is recommended that the Committee notes the report.

6. Appendices

Appendix 1 – Summary of the forms received from parish councils.

APPENDIX 1

Parish Council	No. of seats	Forms received	Forms outstanding	No. of vacancies	Forms received published on GBC website	Comments
Bestwood St Albans	9	9	0	0	Yes	
Burton Joyce	11	11	0	0	Yes	
Calverton	15	2	13*	0	Yes	*Clerk chased
Colwick	9	8	0	1	Yes	
Lambley	9	0	9*	0	N/A	*New Clerk chased
Linby	7	6	1*	0	Yes	*Clerk chased
Newstead	9	9	0	0	Yes	
Papplewick	7	6	1*	0	Yes	*Clerk chased
Ravenshead	11	11	0	0	Yes	
Stoke Bardolph	N/A	N/A	N/A	N/A	N/A	Parish meetings only – Register of Interest forms not required
Woodborough	10	8	2*	1	Yes	*Clerk chased

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Report to Standards Committee

Subject: Code of Conduct Complaints

Date: 25 February 2016

Author: Director of Organisational Development and Democratic Services

1. Purpose of the Report

To inform members of the Standards Committee of complaints received between 1 August 2015 and 31 January 2016.

2. Background

2.1 Members of the Standards Committee will recall that at the time of the last committee meeting, no complaints were pending.

2.2 Since 1 August 2015, the Monitoring Officer has not received three complaints alleging a breach of the Code of Conduct by Parish Councillors. A brief summary of the details of two of the complaints are attached at Appendix 1. There is one complaint pending.

3. Proposal

It is proposed that the Committee notes the report.

4. Resource Implications

None.

5. Recommendation

It is recommended that the Committee notes the report.

6. Appendices

Appendix 1 – Summary of the Code of Conduct complaints.

Reference: S589/15/02

Complaint

The complaint was made about a Parish Councillor by a member of the public. The complainant complains that:

At a parish meeting Councillor X:

(1) took it upon himself to start a debate on removing a standing item from the council agenda. The complainant believes that it is the chairman's role to start issues for conversation, then invite members to speak.

(2) abused his role by deciding to discuss something that was not on the agenda.

(3) showed lack of selflessness and objectivity by saying the following "I find it offensive to give a short silence to people I don't know". Thus the complainant finds him abusing his role as a councillor, being that a councillor represents the views of all parishoners, not just those who voted for him, and the complainant notes from doing research that a Councillor "should be informed of diverse views".

(4) showed a disregard to having accountability by calling for a vote on the above issue and went a step further by forcing the issue by starting to raise his hand as he called for the vote. The complainant believes it's the Clerk's role to call for a vote on any issues that require a vote.

Councillor X confirms that prior to the meeting he spoke to the Chairman and some of the other Parish Councillors and made it clear he intended to make a proposal for the removal of this item. He also spoke to the Clerk about removal of the item from future agendas. A recording of the meeting confirms that Councillor X did not make the statement as alleged and did not personally call for a vote.

After consultation with the Independent Person, the Monitoring Officer has decided to take no further action in relation to the complaint on the basis that:

- It is not a breach of the Code of Conduct for Councillor X to introduce the debate.
- Whilst it would have been more appropriate to deal with this matter under a specific item on the agenda, the matter was raised under a related agenda item. Councillor X therefore did not start a debate on a matter unrelated to the item on the agenda.
- Councillor X did not say what was alleged. The words he used do not meet the threshold to demonstrate a lack of selflessness and objectivity.

- The proposal was formally seconded and voted upon. Councillor X did not call for a vote on the matter personally. The Chairman put the matter to a formal vote. The proposal was carried by the Council.
- There was no financial benefit to Councillor X, his family or friends in making this proposal.

Reference: S589/15/04

The complaint was made about a Parish Councillor by the Clerk to the Parish Council. The complainant complains that Councillor Y:

(1) is only interested in the needs of his neighbourhood in the parish and not the whole community. Items raised by residents are not treated appropriately and impartially as in the stopping of the traditional one minute's silence. Noticeboard repairs have been ignored as he is only interested in purchasing 3 new boards for his area.

(2) changed the complainant's contract into salary payment in arrears without discussing this at a council meeting and the complainant was not told at any point.

(3) provided the complainant with a new contract of employment on behalf of the Parish Council but this had not been discussed and agreed by the full Parish Council.

(4) pretended to be concerned when the complainant was off sick but kept asking for her personal log in details.

Councillor Y has provided various documentation in response to the complaint.

Councillor Y confirms that prior to the meeting he spoke to the Chairman and some of the other Parish Councillors and made it clear he intended to make a proposal for the removal of the one minute's silence item from the agenda. He also spoke to the Clerk about removal of the item from future agendas.

The documentation show that three other councillors were leading on the noticeboards review. The minutes of the Parish Council meetings show that noticeboards are discussed regularly and at the meeting on 1 September 2015 the clerk reported some needed repair.

Councillor Y explains that in relation to pay, he was not aware that previous payments had been made in advance; this did not become apparent until the salary cheque was produced at the Council meeting on 1 September.

The minutes of the meeting of the Parish Council held on 2 June 2015 confirm that the Council agreed that certain councillors should go through the details and agree the contract with the Clerk. The documentation provided shows Councillor Y consulted all the Parish Councillors on the content of the draft contract and job description.

Cllr Y does not accept he kept asking for the complainant's log in details. He did request log in details when the complainant was signed off work in order to allow Parish Council business to continue. He made it clear that as her employer, the Parish Council could not allow her to continue to work whilst she was covered by a medical certificate.

After consultation with the Independent Person, the Monitoring Officer has decided to take no further action in relation to the complaint on the basis that:

- It is not a breach of the Code of Conduct for Councillor Y to introduce the debate on not automatically including the short silent item on future agendas. The proposal was formally seconded and agreed by the Parish Council.
- The minutes show that Cllr Y said “the village represents a minority within the parish two wards and that he finds it disrespectful that there are no enquiries made into the remainder of the parish”, which demonstrates that he is considering the whole of the parish.
- Noticeboard provision and repairs are a matter for the Parish Council as a collective and not Cllr Y individually. There are no comments attributed to Cllr Y which support the allegation that repairs have been ignored as he is only interested in purchasing 3 new boards for his area.
- The element of the complaint relating to pay is essentially a personnel matter between the complainant and the Parish Council as a whole and does not meet the threshold for bringing his office into disrepute.
- If a Councillor acts outside of his authority, there is a potential that this could bring them or their office into disrepute. However, Cllr Y was not acting outside his authority when he provided the complainant with a new contract of employment, it was reasonable for him to conclude that he had delegated authority to progress this matter. This does not meet the threshold for bringing his office into disrepute.
- Nothing in the tone of his correspondence to the complainant indicates that Cllr Y was pretending to be concerned about the complainant. Cllr Y's behaviour towards the complainant does not meet the threshold of being unfair, unreasonable or demeaning.