



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

Agenda

Standards Committee

Date: **Thursday 29 May 2014**

Time: **4.30 pm**

Place: **Committee Room**

For any further information please contact:

Helen Barrington

Council Solicitor and Monitoring Officer

0115 901 3901

Standards Committee

Membership

Chair Councillor Peter Barnes

Vice-Chair Councillor John Boot

Councillor Tony Gillam
Councillor Paul Hughes
Councillor Michael Payne
Councillor Suzanne Prew-Smith
Mr. D. Evans
Mr. G. Parkinson
Mr. G. Wallis

AGENDA

Page

- | | | |
|----------|--|----------------|
| 1 | Apologies for Absence. | |
| 2 | To approve, as a correct record, the minutes of the meeting held on 16 December 2013. | 1 - 2 |
| 3 | Declaration of Interests. | |
| 4 | Code of Conduct Complaints | 3 - 6 |
| | Report of Council Solicitor and Monitoring Officer | |
| 5 | Appointment of Reserve Independent Person | 7 - 10 |
| | Report of Council Solicitor and Monitoring Officer | |
| 6 | Gifts and Hospitality 2013/14 | 11 - 12 |
| | Report of the Council Solicitor and Monitoring Officer | |
| 7 | Any other item which the Chair considers urgent. | |

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MINUTES STANDARDS COMMITTEE

Monday 16 December 2013

Councillor Peter Barnes (Chair)

In attendance:	Councillor John Boot	Councillor Gordon Tunnicliffe
	Councillor Paul Hughes	Mr. D. Evans
	Councillor Michael Payne	Mr. G. Parkinson
	Councillor Suzanne Prew-Smith	Mr. G. Wallis

Officers in Attendance: H Barrington

9 APOLOGIES FOR ABSENCE.

None.

10 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 13 JUNE 2013.

RESOLVED:

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

11 DECLARATION OF INTERESTS.

None.

**12 OPENNESS AND TRANSPARENCY ON PERSONAL INTERESTS:
A GUIDE FOR COUNCILLORS – UPDATED SEPTEMBER 2013**

The Council Solicitor and Monitoring Officer presented a report, which had been circulated prior to the meeting, informing members of the Standards Committee that the Department of Communities and Local Government (DCLG) has issued a further updated Guide for Councillor on Openness and Transparency on Personal Interests.

RESOLVED:

To note the contents of the updated guide.

13 CODE OF CONDUCT COMPLAINTS

The Council Solicitor and Monitoring Officer presented a report, which had been circulated prior to the meeting, informing members of the

Standards Committee of complaints received under the new standards regime between June 2013 and 31 October 2013.

RESOLVED:

To note the contents of the report.

14 REVIEW OF THE CODE OF CONDUCT

The Council Solicitor and Monitoring Officer presented a report, which had been circulated prior to the meeting, seeking the views of the Committee about whether the Code of Conduct should be amended to reflect the new descriptions of the Seven Principles of Public Life.

RESOLVED:

That the Code of Conduct should not be amended at this time.

15 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 5.05 pm

Signed by Chair:
Date:



Report to Standards Committee

Subject: Code of Conduct Complaints

Date: 29 May 2014

Author: Council Solicitor and Monitoring Officer

1. Purpose of the Report

To inform members of the Standards Committee of complaints received under the new standards regime between 1 November 2013 and 31 April 2014.

2. Background

- 2.1 As members of the Standards Committee are aware the Council approved a new Code of Conduct and arrangements for dealing with allegations of a breach of the Code of Conduct in July 2012.
- 2.2 Since 1 November 2013, the Monitoring Officer has received one complaint alleging a breach of the Code of Conduct by a Borough Councillor. A summary of the details of the complaint are attached at Appendix 1. There are no complaints 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 complaint.

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Appendix 1

Summary of Complaint received

Reference: S589/14/01

The complaint was made about a borough councillor, by a member of the public.

The complainant complains that:

Before a Planning Committee meeting started Councillor X came and greeted (with handshakes and hugs) the neighbours to the complainant's property who were opposing the complainant's planning application. It appeared that they were all good friends.

Councillor X was the lead Councillor to oppose the plan, throughout the session the Councillor kept looking over to the neighbours making gestures of winking and thumbs up, clearly showing that the Councillor favoured their friends and influenced the decision made.

After consultation with the Independent Person, the Monitoring Officer has decided to take no further action in relation to the complaint.

The fact that Councillor X had greeted a number of parties including neighbours does not amount to a "disclosable interest". There is no evidence that Councillor X had any "interest" to declare and from the information available to me the Monitoring Officer believes that to be correct. Nothing in the complaint shows that Councillor X did not address the planning issues during the debate.

In these circumstances, this is more about a matter of perception rather than evidence of failure to comply with any Code of Conduct.

The complaint is not pursued further but the Monitoring Officer intends to issue some revised guidance to all Councillors reminding them about the rules relating to predetermination and also not giving the appearance of bias.

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Report to Standards Committee

Subject: Appointment of Reserve Independent Person

Date: 29 May 2014

Author: Council Solicitor and Monitoring Officer

1. Purpose of the Report

To update the Committee on the current position regarding the recruitment of the reserve Independent Person.

2. Background

2.1 As members of the Standards Committee are aware the Council approved a new Code of Conduct and arrangements for dealing with allegations of a breach of the Code of Conduct in July 2012. The Localism Act requires that the Council's "arrangements" for dealing with allegations include provision for the appointment of at least one independent person whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate. The arrangements approved by the Council include such provision.

2.2 The Independent Person(s) –

- must be consulted by the authority before it makes a finding on an allegation that it has decided to investigate;
- may be consulted by the authority in respect of a standards complaint at any other stage; and
- may be consulted by a member or co-opted member of the Borough Council or of a Parish Council against whom a complaint has been made.

When introducing the new standards regime, it was felt that this may cause an issue of conflict, as it would be inappropriate for an Independent Person who has been consulted by the member against whom the complaint has been made, and who might as a result be regarded as prejudiced on the matter, to be involved in the determination of that complaint. There may also be circumstances when the Independent

Person is unavailable to act, for example due to holiday or illness. These situations could still exist.

- 2.3 The Act requires the Council to appoint at least one Independent Person, but provides that each Independent Person must be consulted before any decision is taken on a complaint which has been investigated. Accordingly, the Council decided there was little advantage in appointing more than one Independent Person, provided that a reserve candidate is retained and can be activated at short notice in the event that the Independent Person is no longer able to discharge the function.
- 2.4 In terms of workload, the level of complaints received by the Council historically had not been at such a level that would require a number of Independent Persons to be appointed to share the burden. Council therefore agreed to appoint 1 Independent Person with 1 reserve candidate. Mr J R Baggaley was appointed as the Independent Person and the reserve position was set up and allocated a fixed fee retainer of £250 per year with a fee of £100 per allegation which is subject to an investigation dealt with.
- 2.5 Given the lack of complaints, the Standards Committee was asked on 13 June 2013 to consider whether the position of reserve Independent Person should be held vacant for the time being or a recruitment exercise commenced as soon as possible. The Committee decided that the recruitment of the reserve independent person should be pursued and the possibility of using an Independent Person appointed by a neighbouring authority explored. Other local authorities were duly contacted, but no interest was forthcoming.
- 2.6 Since this time, the position has been re-advertised on the Council's website and the Monitoring Officer has written to partner organisations sharing Arnot Hill Park to encourage them to bring the vacancy to the attention of their staff. It was hoped that this would provide an opportunity for one of our partners to get involved in the workings of the Council and strengthen relationships. Unfortunately no response has been received from those partner organisations and no applications received from the general public.

3. Proposal

It is proposed that the Committee notes the report and gives views on whether the recruitment of the reserve Independent Person should be pursued further or whether the position should be left vacant for the time being

4. Resource Implications

None.

5. Recommendation

It is recommended that the Committee notes the report and gives views on whether the recruitment of the reserve Independent Person should be pursued further or whether the position should be left vacant for the time being.

6. Appendices

None.

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Report to Standards Committee

Subject: Gifts and Hospitality 2013/14

Date: 29 May 2014

Author: Council Solicitor and Monitoring Officer

1. Purpose of the Report

To inform members of the Standards Committee of gifts and hospitality received between 1 April 2013 and 31 March 2014.

2. Background

- 2.1 As members of the Standards Committee are aware the Council has a Gifts and Hospitality Code of Practice for Members and Officers to enable Members and Officers to decide on the circumstances and the manner in which gifts and hospitality may be accepted. Historically, each council department held its own register of gifts and hospitality in which details of gifts and hospitality offered were registered. However, since 2012 the register has been held centrally in an electronic folder.
- 2.2 The register of gifts and hospitality for Members is also now held in the electronic folder and is updated on the Monitoring Officer's behalf by Members' Services. Members have been reminded recently that they must ensure that it is kept up to date by notifying Members' Services of any gifts and hospitality in excess of £25.00 offered.
- 2.3 Across the Council officers, 42 offers of gifts or hospitality were accepted and 2 were refused. Most common gifts were boxes of chocolates or bottles of wine. In the main the boxes of chocolates were shared amongst the team and bottles of wine donated to the Mayor's Charity. There were 7 instances of hospitality offered – consisting of working lunches, evening meal at a conference event, tickets to Patchings Art Festival and tickets for an ice hockey game.
- 2.4 The elected Members recorded 5 offers of gifts or hospitality. The gifts consisted of a carved plaque and bottles of wine. The hospitality comprised free tickets to Patchings Art Festival, which were refused.
- 2.5 Members of the Standards Committee may recall that previously Officers

were reminded that the reason for acceptance of gifts should be that the gift is of low value and shared amongst staff. The reason for this is that “value” of the gift is the primary consideration in determining whether it is appropriate to accept a gift. The Code of Practice provides that all gifts should be refused unless they are modest gifts of a promotional character or small gifts of low value. The Monitoring Officer has noticed that this is not being followed in all cases, therefore guidance has been re-issued to Officers to remind them of the requirements of the Code of Practice and the circumstances in which gifts may be accepted.

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

None.