

**MINUTES OF A MEETING OF THE
STANDARDS COMMITTEE
HELD ON 29 JULY 2015 FROM 8.00 PM TO 9.15 PM**

Committee Members Present

Councillors: Rob Stanton (Chairman), Chris Bowring, Roger Loader, Roy Mantel, Ken Miall, Malcolm Richards and Beth Rowland

Officers Present

Kevin Jacob, Principal Democratic Services Officer
Andrew Moulton, Monitoring Officer
Mary Severin, Deputy Monitoring Officer

1. APOLOGIES

An apology for absence was submitted from Councillor Pauline Helliar-Symons.

2. MINUTES OF PREVIOUS MEETING

The minutes of the meeting of the Committee held on 2 April 2015 were confirmed as a correct record and signed by the Chairman.

3. DECLARATION OF INTEREST

There were no declarations of interest.

4. PUBLIC QUESTION TIME

There were no public questions.

5. MEMBER QUESTION TIME

There were no Member questions.

6. PARISH / TOWN COUNCIL QUESTION TIME

There were no Parish/Town questions.

7. UPDATE ON COMPLAINTS AND FEEDBACK

The Committee consider a report set out on Agenda pages 9 to 11 which gave an outline of the activity and results of the Councillor Complaints process since the last meeting.

Andrew Moulton, Monitoring Officer highlighted that in accordance with the agreed procedure he had taken a decision of no further action in respect of four complaints and one parish complaint had been determined at a full Standards Committee Hearings Sub-Committee. In the case determined at a hearing, the finding had been that the Councillor had breached the Code of Conduct of their parish council in three areas.

In looking at the complaints received and any trends or areas of further development for Councillors he referred to the growing use of social media by Councillors to engage with the public. Whilst social media represented a useful tool and an opportunity to Councillors there were also potential dangers and issues that Councillors needed to be aware of.

In addition it was proposed to undertake some further work on the issue of Councillor bullying with the objective of providing some local guidance to Councillors on the issue. Andrew Moulton commented that there were different genuinely held views around bullying

and what constituted bullying and an agreed local view or understanding would be helpful in the consideration of future complaints.

Finally, the Committee was informed that the Council's adopted processes for the consideration of complaints had recently been considered by the Local Government Ombudsman, (LGO) following a complaint from a member of the public who had been dissatisfied with the Council's response with regard to a complaint they had lodged. The LGO had found that the Council had followed its adopted processes correctly and it was useful to know that processes were considered to be adequate.

In discussing the item, the Chairman and various members of the Committee strongly supported the development of guidance on the use of social media by Councillors as it was felt that this was area where the immediacy of social media to a large potential audience was of particular impact. It was also felt that further guidance around bullying and what constituted bullying in practical terms would be welcome.

In respect of the complaints considered since April, Roy Mantel commented that as the Chairman of Twyford Parish Council he had some concern over the length of time it had taken to determine the complaint that had required a full hearing. Andrew Moulton and Kevin Jacob acknowledged this and explained why it had not been possible to determine it in a shorter period. It was recognised that all parties involved in any complaint wished to know the outcome as soon as possible.

RESOLVED:

- 1) That the report be noted;
- 2) That Officers be requested to draw up guidance to Members on the use of social media and bullying.

8. REVISED PROCESS FOR THE CONSIDERATION OF CODE OF CONDUCT COMPLAINTS

The Committee considered a report on Agenda pages 13 to 23 which set out a suggested revised process for the consideration of Code of Conduct complaints by the Borough Council in respect of complaints against Borough and Town/Parish Councillors.

Mary Severin, Deputy Monitoring Officer explained the key proposed changes to the process which had been developed in light of the experience gained in handling Code of Conduct complaints since 2012 and changes in best practice generally. The Committee was reminded that it had previously considered the proposed changes at its meeting in April. The proposed changes had been broadly endorsed at that time, but Members of the Committee had asked Officers to investigate the potential of including within the process an appeals mechanism for Councillors unhappy with the findings of a hearing.

The Committee was informed after looking into the issue of an appeals mechanism more closely the advice from Officers was that one not be included within the complaints process for the reasons set out on pages 14 and 15 of the report. In particular, it was felt that that the provision of an appeals mechanism would be contrary to the Government's intent of a 'light touch' in reforming the Code of Conduct regime, that the possible sanctions which could be imposed by a Hearings Sub-Committee were not of such severity to justify an appeal, that the majority of local authorities and unitary authorities did not operate such a provision and that it was felt that an appeals process would unnecessarily elongate the complaints process to the detriment of all parties.

The Chairman commented that the issue of whether an appeals mechanism should be put in place had in part arisen from a local case where the Councillor concerned had been unhappy with the outcome. However, he was satisfied with the advice that it should not be incorporated into the process. This was supported by the other members of the Committee.

The Committee then discussed the detail of each page of the proposed revised process. A number of points were discussed and it was decided to amend Paragraph 9.1.15.3 m) on Agenda page 21 to read *'The Panel will then determine the complaint on the balance of probabilities test. If the Panel determine that there has been a failure to follow the Code the Chairman Panel shall seek advice from the Monitoring Officer as to what action they believe should be taken against the Subject Member.'*

RESOLVED: That the revised Councillor Code of Conduct complaints process at para 9.1.13 to 9.1.16 of the Constitution be recommended to the Constitution Review Working Group for adoption by the Council subject to the amendment of paragraph 9.1.15 m).

9. UPDATE TO THE MEMBER OFFICER PROTOCOL

The Committee considered a revised Member/Officer Protocol as set out on Agenda pages 25 to 42.

Andrew Moulton introduced the covering report and revised Protocol to the Committee and reminded members that the majority of the proposed document had been endorsed by the Committee in October 2014. Following that meeting further feedback had been received from the Council's Officer Corporate Leadership Team and incorporated within the document in Appendices 5 and 6.

The basic working assumption had been to produce a steamed lined basic protocol with a number of supporting appendices attached.

Members of the Committee endorsed the draft protocol with the following minor amendments:

- Paragraph 9.3.8 1st paragraph, third line on Agenda page 29 – *'More serious complaints may involve alleged breaches of the Member Code of Conduct and the process for the consideration of Member Code of Conduct complaints is as set out in Chapter 9.1.13 of the Constitution initiated.'*
- Paragraph 9.3.8 2nd paragraph, fifth line on Agenda page 29 – *'Nothing in this process negates the right of Officers to make a Code of Conduct complaint directly to the Monitoring Officer if they wish'*
- Minor typographical and grammar corrections.

RESOLVED: That subject to the minor amendments made at the meeting the revised Member/Officer Protocol be endorsed by the Committee for onwards submission to the Constitution Review Working Group and Council for final approval.