



**NOTES
OF THE MEETING OF THE
STANDARDS COMMITTEE
WEDNESDAY 28 NOVEMBER 2012**

Held at 5.30 pm in Committee Room 1, Civic Centre, Pavilion Road, West Bridgford

PRESENT:

Councillors R A Adair, G Davidson, J E Greenwood, A MacInnes,
Mrs M M Males, B A Nicholls

Independent Members: G Norbury, K White, W A Wood

ALSO IN ATTENDANCE:

H Salisbury Independent Person

OFFICERS PRESENT:

P Cox Senior Solicitor
V Nightingale Senior Member Support Officer
D Swaine Head of Corporate Services

APOLOGIES FOR ABSENCE:

There were no apologies for absence

1. Declarations of Interest

There were none declared.

2. Appointment of Chairman

Councillor Mrs Males nominated Councillor Adair as Chairman and Councillor MacInnes nominated Councillor Davidson. After both nominations being seconded and following a vote Councillor R A Adair was appointed as Chairman.

3. Introduction to the Independent Person

The Chairman welcomed Ms Salisbury to the meeting and asked her to inform the committee why she had applied for the position and summarised her experience.

Ms Salisbury explained that she had previously been a Monitoring Officer and had been a director of casework for the Standards Board for England. After that she had worked for a firm of solicitors advising on issues regarding Members. Ms Salisbury stated that she had applied for the position to help the Committee with the new regime using the benefit of her experience.

4. Councillor Complaints Procedure

The Head of Corporate Services presented a revised version of the Councillor Complaint Procedure. The document reflected the new Code of Conduct and

was more pragmatic and flexible. He highlighted the sanctions that could be administered and explained that the document had been written primarily from a complainant's perspective. It was acknowledged that the new code was less prescriptive, or regulated, than the previous code.. Following a question the Head of Corporate Services explained that the majority of the parishes had adopted the Council's code which was based on the Department for Communities and Local Government's guidelines, however, some parishes had used guidance from the National Association of Local Councils. Any parish complaint would have to be based on the Code adopted by that parish.

The Committee considered the Procedure and the amended text.

It was recognised that normally the name of the person making the complaint would be disclosed except in exceptional circumstance, ie where there was a possibility of intimidation. Members also felt it was appropriate for the Monitoring Officer to inform the subject of the complaint at the initial stage as it would be beneficial to ascertain all the information at the start of the process. The Head of Corporate Services stated that in some cases this could lead to the complaint being addressed.

When a complaint was brought against a parish councillor the Committee agreed that it was appropriate for the parish to be notified. Following a discussion it was felt that this should be the whole council and not just the clerk. It also agreed that it was not appropriate for the matter to be discussed by the parish council as this would not be the case if the subject person was a Borough Councillor. It was felt that the Monitoring Officer should be given the discretion to decide how much information to provide. The parish members of the Committee supported these decisions.

The Committee agreed:

- that the wording should be altered to emphasise that as many cases as possible would be dealt with informally;
- that if it was concluded that there was no evidence of failure that this was still a decision and as such would be subject to consultation with the Independent Person, and that the document should be amended to include this; and that the wording should be altered to give further clarification regarding the use of a local resolution rather than formal hearings in certain cases.

In respect of a finding of no evidence of failure the Head of Corporate Services stated that he would need to be satisfied on both the evidence submitted and any investigation that had been carried out. After consideration the Committee felt that the subject member might want to have the full report sent to the parish council to show that they had been vindicated. However, on reflection it was felt that the Monitoring Officer should notify the parish council of the decision only.

The Committee considered the amendments made to the section in respect of the Independent Person. It was felt that any contact with the Independent Person by the subject person should be controlled by the Monitoring Officer to ensure that the process is not abused. Ms Salisbury stated that as the

Independent Person she could be contacted by either side but would remain impartial. She stated that she would need to make available to the Monitoring Officer anything that was said to her as there should be transparency

Whilst considering the document it was suggested that

- a link to the website should be included in Section 2 “The Code of Conduct”
- a link to the complaints form on the Council’s website be included in Section 3 “Making a Complaint”
- the wording in Section 7.2 “Local Hearing” the legal jargon ‘issuing directions’ which related to how the meeting was conducted should be simplified for ease of understanding
- for consistency all references to he should read he/she
- all references to days should read working days to avoid confusion

Following a question, the Head of Corporate Services stated that any decision would be formally issued. However, the Council did not have any powers to enforce actions. The Head of Corporate Services stated that if the actions were not followed through this could lead to the public having no confidence in the authority involved.

It was AGREED that the Councillor Complaints Procedure be amended following the Committee’s consideration and referred to Council for adoption.

5. Future Dates

The Head of Corporate Services indicated that he felt that the Committee should meet again early in 2013. Items for the work programme should include a review of Code of Conduct and the Councillor Staff Protocol which had been introduced in 2007. Also the Committee should receive a report outlining any complaints received. The Committee could then consider if there were any trends which could be addressed, for example incorrect declarations of interest, which might lead to further training being suggested.

Following a discussion it was felt that the Committee should receive training on the new Code of Conduct, similar to that given to Members of the Council. This would ensure that all the members of the Committee, including the co-opted members, had a common understanding of their role.

The meeting closed at 6.25 pm.