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**Our reference:**  
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**Date:** 4 December 2014

To all Members of the Standards Committee

Dear Councillor

A meeting of the **Standards Committee** will be held on Tuesday 9 December 2014 at **5.30 pm** in the Council Chamber, Civic Centre, Pavilion Road, West Bridgford to consider the following items of business.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'J. Adair', is written over a light blue rectangular background.

Executive Manager Operations and Corporate Governance

## **AGENDA**

1. Apologies for Absence
2. Declarations of Interest
3. Notes of the Meeting held on Wednesday 9 July 2014 (pages 1 - 2).
4. Annual Review - Cases and Training Update

The report of the Monitoring Officer is attached (pages 3 - 8).

### Membership

Chairman: Councillor R A Adair  
Councillors G Davidson, J E Fearon, J E Greenwood, A MacInnes and  
B A Nicholls

Co-opted Members: G Norbury, K White and W A Wood

Independent Person: J Baggaley

## Meeting Room Guidance

**Fire Alarm Evacuation:** in the event of an alarm sounding please evacuate the building using the nearest fire exit, normally through the Council Chamber. You should assemble in the Nottingham Forest car park adjacent to the main gates.

**Toilets** are located opposite Committee Room 2.

**Mobile Phones:** For the benefit of others please ensure that your mobile phone is switched off whilst you are in the meeting.

**Microphones:** When you are invited to speak please press the button on your microphone, a red light will appear on the stem. Please ensure that you switch this off after you have spoken.

## **Report of the Monitoring Officer**

### **1. Summary**

- 1.1. This report provides information on the number of complaints received since the implementation of the new standards regime from July 2012. It also aims to help in identifying areas where training or education may assist Councillors' understanding of the regime's requirements.

### **2. Recommendation**

- 2.1. It is RECOMMENDED that:
- a. the report be noted; and
  - b. the Committee notes the proposals for training for Councillors following the 2015 elections.

### **3. Details**

#### **Complaints received since 1 July 2012**

- 3.1. As previously reported to the Committee in June 2012 Council agreed a Councillor Code of Conduct in line with provisions within the Localism Act 2011. It also agreed to retain a Standards Committee. Council requested that the Code and the Committee's role and terms of reference be reviewed after a year. At its meeting on 25 July 2013 the Standards Committee undertook this review and its report and recommendations were presented to Council in September 2013. The Committee's report also highlighted that the Independent Person role was vacant following the recent resignation of the previous appointed person.
- 3.2. At its meeting in September 2013 Council upheld the Standards Committee's recommendations with no changes being made to the Committee's composition or terms of reference. Council did agree a minor change to the Code of Conduct to reflect recent guidance issued by Government in relation to Trade Union membership.
- 3.3. At its meeting in December 2013 Council agreed the appointment of John Baggaley as the Council's Independent Person for standards as required by the Localism Act. At the Standards Committee's request Mr Baggaley is invited to attend its meetings in order that he is aware of its role and work.
- 3.4. In relation to complaints received since the implementation of the existing standards regime (from the 1 July 2012), there have been a total of 17 cases.

Each of these have been dealt with by the Monitoring Officer giving due regard to the published Councillor Complaints Procedure. Where appropriate the Independent Person has been consulted, however in 5 cases the matter was not classed as a complaint about a Councillor due to the particular circumstances, for example it related to dissatisfaction with Council services rather than the behaviour or conduct of a Councillor.

- 3.5. Brief details of these 17 complaints are set out in the table at **Appendix A** of the report which indicates the date of complaint, if it related to a Borough, Parish or Town Councillor, if the complaint was made by another Borough, Parish or Town Councillor and what action was taken to address the complaint.
- 3.6. It will be seen that all cases except one have resulted in a 'no action' decision. One case (05/13) was referred to the police, in line with the agreed protocol, as it related to an alleged failure to declare a pecuniary interest. This case resulted in no formal police action. As previously highlighted to the Committee the table indicates that a number of complaints in the previous year related to one particular Parish Council which reflected on-going disputes. It appears these issues have now been resolved with no further reoccurrence of serial complaints being made in quick succession.
- 3.7. The table highlights that none of the cases received have resulted in any formal investigations and over a two year period a total of 17 cases have been received, with five relating to one particular parish council. As **Appendix A** indicates one case did result in effective local resolution with an apology being provided.
- 3.8. Case 05/13 that related to an alleged failure to declare a pecuniary interest ran from May 2013 until February 2014. No formal police action was taken upon conclusion of the investigation but it did evidence the importance of Parish Councillors understanding the requirements of the Standards regime. However as this complaint formed part of a series of apparent 'tit for tat' parish level complaints, and it is the only one of its nature over a two year period it is not felt this is an area where further training or guidance is needed.
- 3.9. Since the last report to the Committee, there have been a further five cases as reflected in the table at **Appendix A**. Additionally case 01/14 has been resolved with no action being taken. **Appendix A** shows that only one of these further five cases (03/14) was treated as a complaint. In the other instances the cases were not classed as a complaint due to their nature, or because they did not relate to a Borough or Parish Councillor, or no formal complaint was actually submitted following a discussion with the Monitoring Officer.

#### **4. Training**

- 4.1. Two training sessions to assist Borough Councillors' understanding of the new standards regime were held in September 2012. 21 Borough Councillors attended these sessions. A session was also delivered at the Parish Forum held in July 2012 outlining the requirements of the new regime in order to assist and inform Parish Councils. Additionally at its meeting in January 2014 the Standards Committee was provided with a presentation aimed at enhancing practical understanding of the Code and the Standards regime.

- 4.2. In line with previous induction programmes following local elections it is intended to run training on the standards regime for all Borough Councillors following May 2015. This session will be based around the previous 'being in public office session' offered as part of the previous induction programme, but updated to reflect the revised Code of Conduct and standards regime.
- 4.3. It is also intended to deliver a session for Parish Councillors at a future Parish Forum after the 2015 elections. Again this session would focus on the provisions within the Code, how the complaints procedure works and what it can be used for and also what the Code cannot resolve. This session will also cover how local resolution often presents the most practical way forward when trying to resolve complaints. Comments on the content for either of these proposed sessions is welcomed from the Committee.
- 4.4. In terms of the additional training to the Standards Committee members, particularly in relation to what may constitute a breach of the Code is being investigated by officers, with a view to providing a session between now and the start of the new municipal year. Again comments on the content for this session from the Committee are welcomed.

## 5. Implications

### 5.1. Finance

5.1.1. There are no direct financial implications.

### 5.2. Legal

5.2.1. There are no specific legal implications

### 5.3. Corporate Priorities

5.3.1. Delivery of an effective Standards regime supports the Council's priority of *'Maintaining and enhancing our residents' quality of life –Our residents'*

### 5.4. Other Implications

5.4.1. None

<b>For more information contact:</b>	Name Dan Swaine Job title Monitoring Officer 0115 914 8343 email <a href="mailto:dswaine@rushcliffe.gov.uk">dswaine @rushcliffe.gov.uk</a>
<b>Background papers Available for Inspection:</b>	
<b>List of appendices (if any):</b>	Summary of Cases

## Summary of Cases

Case Ref	Date received	RBC/Parish Council	Complainant	Independent Person consulted	Decision and date
01/13	5/02/2013	Holme Pierrepont and Gamston Parish Council (no subject member identified)	Two Parish Councillors*	5/02/13	No action 22/02/13
02/13	15/02/13	Gotham Parish Council	Spouse of Parish Councillor	22/02/13	Local resolution (apology) 25/03/2013
03/13	4/04/13	Holme Pierrepont and Gamston Parish Council	Parish and Borough Councillor	6/04/13	No action 9/05/13
04/13	4/04/13	Holme Pierrepont and Gamston Parish Council	Parish Councillor	6/04/13	No action 9/05/13
05/13	9/05/13	Holme Pierrepont and Gamston Parish Council	Parish Councillor	9/05/13	Police referral Closed 13/02/14
06/13*	10/05/13	RBC and Holme Pierrepont and Gamston Parish Council	Two Parish Councillors	15/05/13	No action 17/06/13
07/13**	20/05/13	Cropwell Bishop	Member of public	-	No action 20/05/13 Not classed as a complaint

Case Ref	Date received	RBC/Parish Council	Complainant	Independent Person consulted	Decision and date
08/13	6/06/13	RBC	Member of Public	12/06/13	No action
09/13	27/06/13	RBC	Member of public	-	No action 29/07/13  Not classed as a complaint
10/13	10/10/13	RBC and Keyworth Parish Council	Member of Public	-	No action 25/10/13  Not classed as a complaint
11/13	15/10/13	RBC and Keyworth Parish Council	Member of Public	-	No action 25/10/13  Not classed as a complaint
01/14	23/06/14	RBC	Member of public	27/06/14	No action 19/07/14
02/14	28/07/14	RBC	Member of Public	-	No action 10/08/14  Not classed as a complaint
03/14	04/09/14	Bingham Town Council	Member of public	06/11/14	No action 01/12/14
04/14	10/11/14	Ruddington Parish Council	Parish Councillor	-	No action  No complaint submitted

Case Ref	Date received	RBC/Parish Council	Complainant	Independent Person consulted	Decision and date
05/14	19/11/14	RBC /. County Councillor	Member of Public	-	No action  Related to County Councillor function / role
06/14	19/11/14	RBC and Colston Basset Parish Council	Member of Public	- -	No action  No complaint submitted

\* Note this comprised of two identical complaints

\*\* Note Complainant decided to raise issue directly with subject member