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Our reference:
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Date: 24 June 2015

To all Members of the Standards Committee

Dear Councillor

A meeting of the **Standards Committee** will be held on Thursday 2 July 2015 at **5.30** pm in the Council Chamber, Civic Centre, Pavilion Road, West Bridgford to consider the following items of business.

Yours sincerely



Executive Manager Operations and Corporate Governance

AGENDA

1. Apologies for Absence.
2. Declarations of Interest.
3. Notes of the Meeting held on Tuesday 9 December 2014 (pages 1 - 2).
4. Complaints Procedure and Hearings Process
The Monitoring Officer will give a short presentation.
5. Cases Update
The report of the Monitoring Officer is attached (pages 3 - 8).

Membership

Chairman: Councillor R A Adair
Councillors: K P Beardsall, R Hetherington, E J Lungley, S E Mallender and M W Suthers

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.



NOTES
OF THE MEETING OF THE
STANDARDS COMMITTEE
TUESDAY 9 DECEMBER 2014

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

PRESENT:

Councillors R A Adair (Chairman), G Davidson, J E Fearon, J E Greenwood, A MacInnes, B A Nicholls

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

ALSO IN ATTENDANCE:

J R Baggaley

OFFICERS PRESENT:

P Cox	Senior Solicitor
V Nightingale	Senior Member Support Officer
D Swaine	Executive Manager - Operations and Corporate Governance

APOLOGIES FOR ABSENCE:

There were no apologies for absence

4. **Declarations of Interest**

There were none declared.

5. **Notes of the Previous Meeting**

The notes of the meeting held on Wednesday 9 July 2014 were accepted as a true record.

6. **Annual Review – Cases and Training Update**

The Monitoring Officer presented a report which outlined the number of cases that had been received during 2013 and 2014. He reminded Members that a new code had been introduced in 2012 and that the independent members of the Committee had been revised. Council had reviewed the changes in September 2013 and approved the appointment of Mr Baggaley as the Independent Person. Since the new code had been introduced there had been 17 cases. The Committee was informed that quite often a judgement had to be made on whether it was a complaint against a councillor, there had actually been a breach of the code and if it should be referred to another authority, ie the County Council.

Five of the cases related to one parish council and only one case, which concerned the non-declaration of a pecuniary interest, had been referred to the Police. The Committee was informed that there was a Nottinghamshire protocol with the Police, which designated a specific police officer as a contact point. In respect of the case that had been referred to the Police the Committee was informed that no further action was taken. The Committee

felt that it had taken quite some time to finalise this complaint but accepted that the Police had to prioritise cases. However, it was felt that it was imperative that any delays were communicated to all parties to ensure that the Borough Council was seen to be progressing the complaint.

The Committee discussed the need to raise awareness of the importance of registering and declaring pecuniary interests, especially after the elections in May 2015. Officers stated that there would be a training session as part of the induction process for new Borough Councillors and that this could be included in the programme for Parish Forums. It was noted that parish clerks had a role in ensuring that parish councillors were aware of the code and its implications. The Committee noted that the Code of Conduct stated that Councillors should 'protect the public interest' but they felt that people also needed to consider and take into account how their actions would be perceived by the public.

In respect of training it was felt that it would be beneficial if officers investigated what other organisations, for example the National Association of Local Councils, offered. Also the Committee felt that there should be produced a clear written statement of the principles, which should include examples.

The Executive Manager - Operations and Corporate Governance stated that following the elections there should also be further training for the Standards Committee members and the Independent Person.

The meeting closed at 6.10 pm.

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

It is RECOMMENDED that the report be noted.

3. Details

- 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.
- 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. 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.
- 3.3. In relation to complaints received since the implementation of the existing standards regime (from the 1 July 2012), there have been a total of 23 cases. Details of these cases have been periodically reported to the Committee, with the last report in December 2014. Previous update reports were also considered by the Committee in July 2013 and July 2014. Under the previous standards regime update reports were also provided with a report being presented to the former Standards Committee in March 2012.
- 3.4. A summary of the 23 cases is set out in the table attached as **Appendix A**. Cases 01/13 to 06/14 were contained in the previous report to Committee considered in December 2014, with any additional cases arising from that date now added to the table. Each of these cases 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 8 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 or the Council's actions rather than the behaviour or conduct of a Councillor.

- 3.5. The table at **Appendix A** 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. Since the last report to the Committee a further 6 cases have been added to the table, with 5 of these cases relating to one Parish Council. All of the cases received since July 2012 have resulted in a 'no action' decision. However as previously reported to the Committee 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. Also case 02/13 was resolved locally by way of an apology.
- 3.7. 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. However five of the recent additional cases indicate a series of on-going issues within one Parish Council, however no formal action has been taken in relation to these complaints.
- 3.8. The table highlights that none of the cases received (except 05/13) have resulted in any formal investigations and over a three year period a total of 23 cases have been received. As **Appendix A** indicates one case did result in effective local resolution with an apology being provided. The appendix also shows that only two of the six further cases received since the last report to the Committee have been treated as complaints. Three of these six cases were not classed as a complaint due to their nature and in the other case no formal complaint was 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 have been delivered as part of the Councillor Induction Programme. This training formed part of the 'Your role in meetings and making decisions' sessions held on 20 May and 11 June. A total of 19 Councillors attended the event including 12 of the newly elected Councillors. Part of this training focused on the Code of Conduct, the expectations of public office and how the Councillor Complaints procedure works. It also focused on the rules regarding Disclosable Pecuniary Interests and when Councillors should consider withdrawing from decisions if they feel the public interest may be prejudiced.
- 4.2. Also as part of the Councillor Induction Programme three sessions were delivered to aid understanding of the Development Control process. These were held on 26 and 27 May and 3 June with a total of 31 Councillors attending, including 12 of those newly elected. Part of this training session related to the Councillor Code of Conduct particularly in relation to the Council's planning code and protocol, retaining an open mind and possible prejudicial interests beyond Disclosable Pecuniary Interests.

4.3. As of yet no session has been delivered for the Parish Councillors on the Code of Conduct and the Standards regime, although it was intended to deliver this at the Annual Parish Conference held in June. It was intended that 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. However as this session was not delivered as planned the Committee are asked to determine if it is appropriate for it to be delivered at a future parish event.

5. Implications

5.1. Finance

There are no direct financial implications.

5.2. Legal

There are no specific legal implications

5.3. Corporate Priorities

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

None

For more information contact:	Name Dan Swaine Job title Monitoring Officer 0115 914 8343 email dswaine @rushcliffe.gov.uk
Background papers Available for Inspection:	
List of appendices (if any):	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
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

Case Ref	Date received	RBC/Parish Council	Complainant	Independent Person consulted	Decision and date
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
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
07/15	24/03/15	Ruddington Parish Council	Parish Councillor	17/03/2015	No action 26/04/2015
08 /15	11/02/15	Ruddington Parish Council	Parish Councillor	17/03/2015	No action 26/04/2015
09/15	24/03/15	Ruddington Parish Council	Member of Public	-	No action No complaint submitted
10/15	13/04/15	Ruddington Parish Council	Parish Councillor	-	No action Not classed as a complaint
11/15	24/04/15 03/06/15	Gotham Parish Council	Member of public	-	No action No complaint submitted
12/15	15/05/15	Ruddington Parish Council	Member of public	-	No action Not classed as a complaint

* Note this comprised of two identical complaints

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