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**Our reference:**  
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**Date:** 20 June 2016

To all Members of the Standards Committee

Dear Councillor

A meeting of the **Standards Committee** will be held on Monday 27 June 2016 at 5.30 pm in the Committee Room 1, Civic Centre, Pavilion Road, West Bridgford to consider the following items of business.

Yours sincerely



Deputy Monitoring Officer

## **AGENDA**

1. Apologies for Absence.
2. Declarations of Interest.
3. Notes of the Meeting held on Thursday 2 July 2015 (pages 1 - 3).
4. Cases Update

The report of the Monitoring Officer is attached (pages 4 – 11).

### Membership

Chairman: Councillor R A Adair,  
Councillors: K P Beardsall, M Buckle, E J Lungley, F A Purdue-Horan,  
S E Mallender

G Norbury (Appointed), K White (Appointed), W A Wood (Appointed)

## 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  
THURSDAY 2 JULY 2015**

Held at 5.30 pm in the Council Chamber, Civic Centre, Pavilion Road, West Bridgford

**PRESENT:**

Councillors R A Adair (Chairman), K P Beardsall, R Hetherington, E J Lungley, S E Mallender, M W Suthers

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

**OFFICERS PRESENT:**

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

**APOLOGIES FOR ABSENCE:**

Independent Person: J R Baggaley

1. **Declarations of Interest**

There were none declared.

2. **Notes of the Previous Meeting**

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

3. **Complaints Procedure and Hearings Process**

The Executive Manager - Operations and Corporate Governance gave a presentation outlining the Councillor complaints procedure and ethical standards. He stated that the standards regime had been revised in 2012 and that the Council had adopted a new Code in June 2012, which had been reviewed in September 2013. The Council had agreed to retain the Standards Committee with a membership of six Councillors and 3 co-optees - 2 parish representatives and 1 individual person. As a requirement of the Localism Act local authorities needed to appoint an Independent Person to assist the Monitoring Officer when considering complaints; it was noted that the Council had appointed Mr J Baggaley in December 2013.

With regards to the Committee's terms of reference these were

- Promoting and maintaining high standards of conduct by Councillors
- Assisting Councillors & to observe the Code of Conduct;
- Advising the Council on the adoption or revision of the Code of Conduct;
- Monitoring the operation of the Member's Code of Conduct;
- Advising, training or arranging to train Councillors and on matters relating to the Members' Code of Conduct;

- Dealing with complaints about Councillors in accordance with the published Members' Complaints Procedure approved under section 28(6) of the Localism Act 2011;  
The exercise of the above in relation to Members of parish and town councils
- granting dispensations to Councillors and co-opted Members from requirements relating to disclosable pecuniary interests;
- considering any referral by the Chief Executive relating to the failure of a member to attend any meeting during a period of three months

For clarification the Executive Manager - Operations and Corporate Governance stated that the Committee could grant a dispensation if it was felt that the meeting would not occur as there would be too many people declaring an interest, providing that this was in the public interest. He also said that the Committee could not stop a Member's allowance as a sanction.

Members were informed that the Localism Act 2011 had introduced a new standards regime for local government based on the seven Nolan principles. The new Code, which had been adopted by Council in June 2012, took a light touch approach and appeared to be balanced. However although the Council's scheme was not too prescriptive the Council had taken it wider than the guidance given by the Department for Communities and Local Government so that Members should declare an interest if it was felt that the interest would be deemed prejudicial by a member of the public. Following a question the Executive Manager - Operations and Corporate Governance stated that interests were required to be registered within 28 days of taking up office.

In respect of complaints the Committee were informed that, for it be accepted, there had to be a breach of the code and that this needed to be evidenced. The Executive Manager - Operations and Corporate Governance explained the complaints process including the timeframe for investigations and who could carry these out, sanctions and possible outcomes. The Committee was informed that quite often a judgement had to be made on whether it was a complaint against a Councillor, if there had actually been a breach of the code and if it should be referred to another authority, ie the County Council or parish council.

Following a question the Executive Manager - Operations and Corporate Governance explained that sometimes a delay in the proceedings could be needed for gathering facts/evidence.

#### 4. **Cases Update**

The Monitoring Officer presented a report which outlined the number of cases that had been received since the implementation of the new regime in 2012. There had been 23 cases in total with 6 being received since the last meeting, however 5 of these related to one parish council. It was noted that 8 cases were not classed as a complaint about a Councillor rather more of a dissatisfaction with Council services. Members felt that often, at a parish level, people were unaware of the requirement of office and could be seen as breaching the code unwittingly. It was stated that a knowledgeable chairman or clerk could be beneficial in raising people's understanding. Also it was acknowledged that the public did not appreciate what a parish council could or

could not do. The Executive Manager - Operations and Corporate Governance stated that training sessions regarding the Code, and how this could be interpreted by members of the public, could be held for parish councillors in the larger villages. It was agreed that an initial event should be held in Ruddington.

The Committee felt that the use of social media should be included in the training as there was often a fine balance between private and public life.

With regard to training the Executive Manager - Operations and Corporate Governance stated that 12 of the new Councillors had attended the Induction session entitled "Your Role in Meetings and Making Decisions" which had explained the Council's Code of Conduct, the expectations of being in public office and the Councillor complaints process. As part of the Councillor Induction Programme sessions on understanding the Development Control process were held on three occasions.

In conclusion the Chairman stated that the Committee met twice a year to discuss issues and training opportunities.

The meeting closed at 6.45 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 34 cases. Details of these cases have been periodically reported to the Committee, with the last report in July 2015. Previous update reports were also considered by the Committee in July 2013, July 2014 and December 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 34 cases is set out in the table attached as **Appendix A**. Cases 01/13 to 12/15 were contained in the previous report to Committee considered in July 2015, 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 7 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 11 cases have been added to the table, with 6 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. The table highlights that none of the cases received (except 05/13) have resulted in any formal investigations and over a four year period a total of 34 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 four of the 11 further cases received since the last report to the Committee have been treated as complaints. Four of these seven cases were not classed as a complaint due to their nature and in the other cases no formal complaint was submitted following a discussion with the Monitoring Officer.

#### **4. Training**

- 4.1. Unfortunately, due to the changes in personnel associated with the Monitoring Officer role no formal training has been provided since the last report. It is however, acknowledged that it would be beneficial for the Monitoring Officer to visit a number of parish councils, particularly where there is a relatively high number of "new" councillors, to raise awareness around the Councillor Code of Conduct and complaints procedures.
- 4.2. Last year the Borough experienced increased activity in the development industry and higher number of applications being submitted to the Borough Council and it was therefore felt to be appropriate to remind members, via a letter (October 2015) regarding the planning application process and the importance of observing the Code of Conduct and Planning Code within Part 4 of the Council's Constitution.

#### **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

<b>For more information contact:</b>	Name Philip Horsfield Job title Monitoring Officer 0115 914 8332 email phorsfield@rushcliffe.gov.uk
<b>Background papers Available for Inspection:</b>	
<b>List of appendices (if any):</b>	Summary of Cases



Appendix A

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

Case Ref	Date received	RBC/Parish Council	Complainant	Independent Person consulted	Decision and date
13/15	5/07/15	Gotham Parish Council	Member of the Public	19/08/15	No action 7/09/15
14/15A	22/07/15	RBC/Bingham Town Council	Member of the Public	-	No complaint submitted
14/15	23/07/15	RBC/Bingham Town Council	Member of the Public	13/08/15	No action 7/09/15
15/15	04/08/15	Bingham Town Council	Member of the public		No complaint submitted
16/15	25/09/15	Ruddington Parish Council	Member of the public	-	No action  No complaint submitted  2/10/15
17/15	7/10/15	RBC/Bingham Town Council	Member of the public	-	No action  No complaint submitted
18/15	8/03/15	Stanford on Soar Parish Council	Member of the Public	-	No action  No complaint submitted
19/15	8/03/15	Cotgrave Town Council	Parish Councillor	-	No action  No complaint submitted
1/16	11/4/16	Bingham Town Council	Parish Councillor	-	No action  No complaint submitted
2/16	19/4/16	RBC	Member of the public		No action  Disclosed no breach of the code  6/05/16
3/16	11/04/16 additional information 15/04/16	Bingham Town Council	Parish Councillor	05/05/16	No action  Proposed training session offered for parish councillors  9/05/16

\* Note this comprised of two identical complaints

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