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**Date:**

12 July 2017



To all Members of the Standards Committee

Dear Councillor

A meeting of the **Standards Committee** will be held on Thursday 20 July 2017 at 5.30pm in the Council Chamber, Rushcliffe Arena, Rugby 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 Monday 27 June 2016 (pages 1 - 2).
4. Cases Update 2016/17

The report of the Monitoring Officer is attached (pages 3 - 9).

5. Code of Conduct Review

There will be a presentation by the Monitoring Officer

### Membership

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

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

Rushcliffe Community  
Contact Centre

Rectory Road  
West Bridgford  
Nottingham  
NG2 6BU

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#### Email:

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@rushcliffe.gov.uk

[www.rushcliffe.gov.uk](http://www.rushcliffe.gov.uk)

#### Postal address

Rushcliffe Borough  
Council  
Rushcliffe Arena  
Rugby Road  
West Bridgford  
Nottingham  
NG2 7YG



<b>Meeting Room Guidance</b>
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## **NOTES OF THE MEETING OF THE STANDARDS COMMITTEE MONDAY 27 JUNE 2016**

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

### **PRESENT:**

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

Independent Members: G Norbury, W A Wood

### **OFFICERS PRESENT:**

P Horsfield	Monitoring Officer
A Poole	Constitutional Services Team Leader

### **APOLOGIES FOR ABSENCE:**

Independent Member: K White

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 Thursday 2 July 2015 were accepted as a true record.

The Monitoring Officer updated Members on the action included on page 3 regarding the provision of training sessions for Parish Councillors regarding the Code of Conduct. He informed Members that he had arranged to speak at the next Town and Parish Conference, which was scheduled for 5 October 2016.

#### **3. 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. He explained that, of the relatively few complaints received since the last meeting, all had been considered and there was no evidence to support a breach of the code.

He informed Members that most complaints resulted from dissatisfaction with Parish Council services, and the Borough Council and the Standards Committee were unable to address these.

Regarding the complaint received about Bingham Town Council, the Monitoring Officer explained to Members that he had consulted the independent person and they both agreed that there was not a breach of code.

However, they wanted to ensure that the process to make a complaint was fully understood by all members of Parish Councils. Members agreed that there was a lack of understanding of the Code, at a Parish level, rather than a breach of the Code.

Members asked whether the Town or Parish Council could expect feedback from the Monitoring Officer following a complaint. Members were informed that the Monitoring Officer would attend a Town or Parish meeting to provide feedback and engage with all Parish Members.

At 5.38 pm Councillor Mallender joined the meeting.

Members stated that they were concerned about the level of confusion in place at a Parish level regarding the Code. The Monitoring Officer responded that the Code of Conduct was for Councillors and it was for the Standards Committee to agree those standards and decide what was appropriate. He asked that, where Members were concerned about a dispute, that they contact the Monitoring Office immediately to explore mediation opportunities so as to reach a positive conclusion. He informed Members that he had responsibility for the investigation of complaints and would, in all cases, seek an informal resolution of this issue to avoid official procedure.

Regarding the training at the Town and Parish Conference on 5 October 2016, Members were concerned that this would be held during the day and, as this could exclude some Members who worked, they asked for a similar session to be held in the evening. The Monitoring Officer encouraged informal resolution of complaints within at the Parish level, to help avoid a complaint being submitted formally and so the training would be beneficial to them. Members agreed to evaluate the session delivered at the Town and Parish Conference on 5 October 2016, and then to agree the way forward, at their next meeting.

**ACTION: The next meeting to be arranged for after 5 October 2016**

Members asked whether, as Borough Councillors, they could attend. This was agreed.

Members noted the content of the report.

The meeting closed at 5.55pm.

## **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 June 2016.
- 3.4. During the period covered by this report the Monitoring Officer role was initially being covered by Broxtowe Borough Council under a joint arrangement. This was paused in late 2016 and the Monitoring Officer role was then provided through a secondment arrangement with Nottingham City Council. This ended recently but has been replaced with a direct part-time, interim, appointment by the Borough Council, intended to give continuity for the service within a context of a pending restructure.

- 3.5. Cases 01/13 to 3/16 were contained in the previous report to Committee considered in June 2016. The new cases received since the last report are set out in the table attached as **Appendix A**. 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.
- 3.6. 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.
- 3.7. Since the last report to the Committee a further 11 cases have been received, with 6 of these cases relating to one Parish Council. The table highlights that none of the cases received have resulted in any formal investigations.
- 3.8. 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 and review of the Code**

- 4.1. During the year the Monitoring Officer has been available to provide support to questions raised by individuals. He has also, at the request of a number of parish councils, attended parish council meetings to observe and provide advice. Recently the Monitoring Officer gave a presentation on standards to the Annual Town and Parish Council conference. As part of the presentation the Monitoring Officer offered to arrange further meetings with Parish and Town Councillors. Feedback received at and after the conference suggests that training on Disclosable Pecuniary interests and dispensations and Neighbourhood Plans may be welcomed, as would training for clerks and chairmen of parish and town councils, with a view to achieving greater consistency and quality.
- 4.2. A councillor led task and finish group is currently reviewing the Council's Constitution. As part of this work the Councillors' Code of Conduct will be considered and this committee and the Independent Person will need to be engaged with this. If the review results in any significant changes to the Borough Council's Code, it is recognised that Parish and Town Councils may also wish to adopt the revised Code. If this is the case then the Monitoring Officer would ensure that the implementation of the revised code would be supported by appropriate communications and training.

#### **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>	Nigel Carter Deputy Monitoring Officer 0115 914 8340 ncarter@rushcliffe.gov.uk
<b>Background papers Available for Inspection:</b>	
<b>List of appendices (if any):</b>	<b>Appendix A - Summary of Cases 2016-17</b>

## Appendix A

### Summary of new cases from July 2016

Case Ref	Date received	RBC/Parish Council	Complainant	Independent Person consulted	Decision and date
4/16	26/5/16	Bingham Town Council	Member of public	-	No action No complaint submitted
5/16	22/6/16	Gotham Parish Council	Parish Councillor	-	No action No complaint submitted
6/16	7/7/16	Bingham Town Council	Parish Councillor	-	No action No complaint submitted
7/16	Reference number not used				
8/16	Reference number not used				
9/16	12/8/16	Bingham Town Council	Parish Councillor	Yes	No investigation but “ other action “ offered to the town Council generally 13/07/17
10/16 14/16	25/9/16	Keyworth Parish Council	Member of public	Yes	Referred to Police as potential NDPI Complaint rejected, with the exception of a requirement to remedy non-disclosure of DPI 18/4/17



Case Ref	Date received	RBC/Parish Council	Complainant	Independent Person consulted	Decision and date
11/16	22/9/16	Ruddington Parish Council	Parish Councillor	Yes	No action, but Monitoring officer held a session with the Parish Council on standards issues and reinforced advice on councillors' interests and public speaking 05/07/17
12/16	24/9/16	Keyworth Parish council	Member of public	Yes	Referred to Police as potential NDPI  Complaint rejected, with the exception of a requirement to remedy non-disclosure of DPI  18/4/17
13/6	24/9/16	Keyworth Parish council	Member of public	Yes	Referred to Police as potential NDPI  Complaint rejected, with the exception of a requirement to remedy non-disclosure of DPI  18/4/17
14/16					See 10/16
15/16	25/9/16	Keyworth Parish council	Member of public	Yes	Referred to Police as potential NDPI  Complaint rejected, with the exception of a requirement to remedy non-disclosure of DPI  18/4/17
16/16	29/9/16	RBC	Member of public	Yes	Complaint rejected  16/11/16

Case Ref	Date received	RBC/Parish Council	Complainant	Independent Person consulted	Decision and date
17/16	25/9/16	Keyworth Parish council	Member of public	Yes	Referred to Police as potential NDPI  Complaint rejected, with the exception of a requirement to remedy non-disclosure of DPI  18/4/17
17a/16	28/9/16	Gotham Parish Council	Parish Councillor	Yes	Not pursued as subject councillors resigned
18/16	5/10/16	Keyworth Parish council	Member of public	Yes	Referred to Police as potential NDPI  Complaint rejected, with the exception of a requirement to remedy non-disclosure of DPI  18/4/17
19/16	11/10/16	Keyworth Parish council	Parish Councillor		Complaint rejected as did not relate to breach in code  4/11/16
20/16	16/11/16	Keyworth Parish council	Member of public	Yes	Referred to Police as potential NDPI  Complaint rejected, with exception of a requirement to remedy non-disclosure of DPI  18/4/17
21/16	21/12/16	Bingham Town Council	Member of public	Yes	Complaint not investigated but “ other action “ being offered to the Town Council generally  13/07/17

Case Ref	Date received	RBC/Parish Council	Complainant	Independent Person consulted	Decision and date
22/16	4/1/17	Keyworth Parish council	Member of public	Yes	Referred to Police as potential NDPI  Complaint rejected, with the exception of a requirement to remedy non-disclosure of DPI  18/4/17
1/17	23/1/17	Bingham Town Council	Town Councillor	Yes	Complaint rejected following initial appraisal  02/17