

When telephoning, please ask for: Tracey Coop
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Email democraticservices@rushcliffe.gov.uk

Our reference:
Your reference:
Date: Friday, 17 January 2020



**Rushcliffe Community
Contact Centre**
Rectory Road
West Bridgford
Nottingham
NG2 6BU

To all Members of the Standards Committee

Dear Councillor

A Meeting of the Standards Committee will be held on Monday, 27 January 2020 at 7.00 pm in the Council Chamber Area B, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S Sull'.

Sanjit Sull
Monitoring Officer

AGENDA

1. Apologies for Absence
2. Minutes of the Meeting held on 23 September 2019 (Pages 1 - 4)
3. Declarations of Interest
4. Cases and Work Update (Pages 5 - 16)

The report of the Monitoring Officer is attached.

5. Councillor Attendance at Meetings (Pages 17 - 18)

Letter from Chief Executive regarding Councillor attendance at meetings is attached.

Membership

Chairman: Councillor S Bailey
Councillors: S Mallender, G Norbury, K White, A Wood, A Brennan, N Clarke, T Combella and L Howitt

In person
Monday to Friday
8.30am - 5pm
First Saturday of
each month
9am - 1pm

By telephone
Monday to Friday
8.30am - 5pm

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0115 981 9911

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West Bridgford
Nottingham
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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 at the far side of the plaza outside the main entrance to the building.

Toilets: are located to the rear of the building near the lift and stairs to the first floor.

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.

Recording at Meetings

The Openness of Local Government Bodies Regulations 2014 allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Rushcliffe Borough Council is committed to being open and transparent in its decision making. As such, the Council will undertake audio recording of meetings which are open to the public, except where it is resolved that the public be excluded, as the information being discussed is confidential or otherwise exempt.



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**MINUTES
OF THE MEETING OF THE
STANDARDS COMMITTEE
MONDAY, 23 SEPTEMBER 2019**

Held at 7.00 pm in the Committee Room 1, Rushcliffe Arena, Rugby Road, West
Bridgford

PRESENT:

Councillors S Bailey (Chairman), A Brennan, N Clarke, T Combellack,
S Mallender

ALSO IN ATTENDANCE:

K White (Independent Member) on a conference call

OFFICERS IN ATTENDANCE:

T Coop

Democratic Services Officer

S Sull

Monitoring Officer

APOLOGIES:

Councillors L Howitt

J Baggaley (Independent Person), S Nelken and A Wood

7 Minutes of the Meeting held on 1 July 2019

The Minutes of the meeting held on 1 July 2019 were approved as a true record and signed by the Chairman.

New Councillor's to Standards Committee questioned the procedural and administration functions of the Committee and in particular, how the independent members are selected.

The Monitoring Officer advised that the independent members of the Committee were selected as a mix of Parish Councillor's and Clerks and members of the public. There is also an Independent Person, who provides support to the Monitoring Officer on standards matters.

The Monitoring Officer explained that when a vacancy for an independent member arises and in the recent example where a Parish Clerk had resigned, the Monitoring Officer contacted the Town and Parish Council's and provided them with information of the vacancy and a job description for the role. The Monitoring Officer received six applications, from these six applications three applicants were invited for interview by the Monitoring Officer and the Section 151 Officer.

Kerry White advised that she applied for her position as an Independent Member of the Public in response to a job advertisement the Council had placed in the local newspaper.

8 **Declarations of Interest**

There were no declarations of interest reported.

9 **Cases and Work Update**

The Monitoring Officer provided a report that updated the Committee on complaints received. Since the implementation of the existing standards regime (from the 1 July 2012), there have been a total of 69 cases. Details of these cases have been periodically reported to the Committee. Since the Committee's last meeting on 1 July 2019 nine further complaints had been received regarding alleged breaches of the Councillor's Code of Conduct. Seven cases were reviewed by the Monitoring Officer and the complaints were rejected as not acceptable under the Code, one complaint was resolved locally and the other complaint is on hold pending internal determination of the issue by the Parish. All complaints have been considered by the Monitoring Officer giving due regard to the Councillor Complaint Procedure, and where appropriate the Independent Person has been consulted.

The Committee asked specific questions in relation to the number of standards complaints the Council had received and requested that more information be provided on the complainant, the nature of the complaints, whether the complaints were vexatious or was there a pattern or trend emerging? The Committee suggested that this information would be helpful in deciding whether specific training was required for Town and Parish Councillor's. Kerry White – Independent Member expressed that everyone has the right to complain and that care is needed if the Committee insisted on the names of complainants being recorded.

The Monitoring Officer agreed to provide more detailed information in respect of the nature of the complaint and advised the Committee that there were mechanisms in place to disregard vexatious complaints with guidance from the Independent Person. The Monitoring Officer advised the committee of the confidential nature of complaints and where they were rejected, the names of the subject members should not be referenced.

The Monitoring Officer suggested that the Committee could consider writing to Town and Parish Council's providing words of advice, or sign posting support if a trend in the nature of complaints is exposed.

Kerry White – Independent Member expressed her concerns with accessing the standards complaints procedure and online complaints form via the website, she explained that the Council's search engine did not pick up on obvious words that a member of the public may use when searching to complain.

The Monitoring Officer informed the Committee that most of the complaints she had received were being sent direct, although she was not aware of how the complainant had accessed the form.

The Committee suggested that a test is completed on the Council's search engine and improvements made to ensure public accessibility is improved.

Other Work

The Monitoring Officer informed the Committee that since its last meeting the Code of Conduct had been adopted by Council at its meeting in July 2019. The Monitoring Officer also advised Town and Parish Councils of the revision to the draft code of conduct, arrangements and Public Interest Test.

In addition, the Monitoring Officer reminded the Committee that at its meeting in July 2019, Council had also approved the adoption of the Best Practice Principals and that the Standards Committee is to consider the schedule in the appendix provided with the report. The Monitoring Officer asked the Committee to consider the suggested timescales for the adoption of the principals, adding that the Best Practice Principals could contribute to the Committees annual work programme.

The Chairman expressed that she was keen for the principals to be implemented by March 2020, adding that some of the principals were already being fulfilled. The Committee highlighted some issues in respect of the language expressed in some of the principals.

The Monitoring Officer explained that she would raise their concerns with her counterparts at other authorities and provide further information for the next meeting. The Monitoring Officer reminded the Committee however, that the principals had been adopted as worded.

The Monitoring Officer presented a revised Social Media Guide for the Committee to review and consider its adoption, adding that the guide is a fluid document and can be amended in line with new legislation or as and when social media trends develop and change.

The Chairman thanked the Monitoring Officer for the support she has provided to the Committee. In addition the Chairman expressed how encouraging it was to see that the Monitoring Officer is more accessible in supporting Town and Parish Council's in respect of the code and complaints procedure.

It was **RESOLVED** that:

- a) The Committee notes the report
- b) The Committee approve the Social Media Guidance
- c) The Committee agree a work programme to review the implementation of the Best Practice Principals

ACTION SHEET - Standards Committee 23 September 2019

Minute	Action	Officer
9	Members of the committee requested that improvements are made to the search engine in respect of access to the	Monitoring Officer - to check with IT and test the web complaints procedure

	standards complaint form on the website	
9	Members were concerned at the language used in some of the Best Practice Principals and asked if this could be altered to reflect Boroughs practice	Monitoring Officer – to check with her counterparts at other authorities what they were adopting

The meeting closed at 8.11 pm.

CHAIRMAN



Standards Committee

Monday, 27 January 2020

Cases and Work Update 2019 -2020

Report of the Monitoring Officer

1. Purpose of report

This report provides information on the number of complaints received since the Standards Committee on 23 September 2019. 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:

- a. the report be noted; and
- b. the Committee consider and agree a work programme to include a review of the implementation of the Best Practice Principles.

3. Reasons for Recommendation

To advise members of the Committee of complaints received by the Monitoring Officer and to demonstrate good governance.

4. Supporting Information

- 4.1 A summary of complaints received since the implementation of the existing Standards regime (June 2012) is set out in the table at Appendix A.
- 4.2 Since the implementation of the existing standards regime, there have been a total of 73 cases (to include cases mentioned herein). Details of these cases have been periodically reported to the Committee, with the last report in September 2019.
- 4.3 Since the date of the last meeting one complaint has been received.
- 4.4 The table at Appendix A indicates the date of the complaint, if it related to a Borough, Parish or Town Councillor, if the complaint was made by a member of the public, another Borough, Parish or Town Councillor and what action was taken to address the complaint.
- 4.5 During the year, the Monitoring Officer has been available to provide support to questions raised by individuals.

4.6 The Member Development Group continues to develop the Councillors' Training Programme, and the Monitoring Officer is available to support the Group.

4.7 At the meeting on 23 September 2019, the Committee considered the Best Practice Principles with the view to recommending a work programme for implementation. The Committee is referred to Appendix B which confirms those principles that have been adopted. The Committee is invited to consider a timescale in relation to those principles not yet adopted.

5. Risks and Uncertainties

5.1. None identified.

6. Implications

6.1. Financial Implications

There are no direct financial implications.

6.2. Legal Implications

There are no specific legal implications.

6.3. Equalities Implications

All complaints are considered with reference to the Council's Equality scheme.

6.4. Section 17 of the Crime and Disorder Act 1998 Implications

There are no Section 17 Implications.

7. Link to Corporate Priorities

Quality of Life	Delivery of an effective Standards regime supports the Council's priority of <i>'Maintaining and enhancing our residents' quality of life'</i>
Efficient Services	No link
Sustainable Growth	No link
The Environment	No link

8. Recommendation

It is RECOMMENDED that:

- a) the report be noted; and
- b) that the Committee consider and agree a work programme to include a review of the implementation of the Best Practice Principles.

For more information contact:	Sanjit Sull Monitoring Officer ssull@rushcliffe.gov.uk 0115 9148215
Background papers Available for Inspection:	None.
List of appendices (if any):	Appendix A - Code complaints Appendix B – Implementation timetable

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Appendix A

Update on cases from 26 November 2018

Case Ref	Date received	RBC/Parish Council	Complainant	Independent Person consulted	Decision and date
	02/10/2018	Keyworth Parish Council	Parish Councillor	Yes	Investigation report received, MO and IP reviewing resolution with Subject Member.
	25/10/2018	Borough Council and Bingham Town Council	Borough/Town Councillor	Yes	Complaint review, no formal action.
	23/10/2018	Gotham Parish Council	Members of the public (three complainants)	Yes	Complaint review, no action.
	05/11/2018	Borough Council and Bingham Town Council	Borough /Town Councillor/ County Councillor	Yes	Complaint review, no formal action.

Summary of new cases from report to committee 26 November 2018

Case Ref	Date received	RBC/Parish Council	Complainant	Independent Person consulted	Decision and date
	07/11/2018	RBC	Member of the Public	Yes	Complaint review, no action.
	15/11/2018	Borough Council and Bingham Town Council	Town Councillor	No	Complaint review, no action.
	14/11/2018	Bingham Town Council	Borough /Town Councillor	No	Complaint review, no action.

Case Ref	Date received	RBC/Parish Council	Complainant	Independent Person consulted	Decision and date
	03.12.2018	Wysall and Thorpe in the Glebe PC	Member of the public	Yes	Complaint review, no action.
	18.12.2018 (linked complaint received 13.11.18)	Bingham Town Council x 3	Member of the public	Yes	1 x Complaint: no action, 1x Complaint, local resolution (apology) 1x Complaint referred for formal investigation.
	21.01.2019	Newton PC	Parish Councillor	Yes	Complaint withdrawn

Summary of new cases from report to committee 12 March 2019

Case Ref	Date received	RBC/Parish Council	Complainant	Independent Person consulted	Decision and date
	25.03.2019	Borough Council and Bingham Town Council	Town Council Employee	Yes	Referred for formal investigation
	06.06.2019	Borough Council and Bingham Town Council	Member of the public	Yes	Initial assessment stage
	11.03.2019	Borough Council	Borough Councillor	No	Complaint not accepted under code

Summary of new cases from report to committee 1 July 2019

Case Ref	Date Received	RBC/Parish	Complainant	Independent Person Consulted	Decision and Date
	11.03.2019	Borough	Borough	No	Complaint not accepted

		Council	Council		under code
	25.03.2019	Borough Council and Bingham Town Council	Town Council Employee	Yes	Local resolution accepted
	06.06.2019	Borough Council and Bingham Town Council	Member of the public	Yes	Complaint not accepted under code
	20.06.2019	Cotgrave Parish Council	Member of public	Yes	Complaint not accepted under code
	23.06.2019	Borough Council and Bingham Town Council	Town Council Employee	Yes	Complaint not accepted under code
	01.07.2019	Tollerton Parish Council	Member of public	Yes	Complaint not accepted under code
	04.07.2019	Bradmore Parish Council	Member of public	Yes	Complaint not accepted under code
	15.07.2019	Borough Council and Bingham Town Council	Yes	Yes	On hold pending internal determination of issue giving rise to complaint
		Borough Council and Bingham Town Council	Town Councillor	Yes	Complaint not accepted under code

Case Ref	Date Received	RBC/Parish	Complainant	Nature of Complaint	Independent Person Consulted	Decision and Date
	18.11.2019	Sutton Bonnington Parish Council	Member of the public	Insufficient details provided	No	Further information requested from complainant. Further response received January 2020 currently under review by Monitoring Officer.

APPENDIX

Best Practice	Description	Achieved Date
Best Practice 1	Local Authority should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.	Complete July 2019
Best Practice 2	Councils should include provisions in their code of conduct requiring Councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by Councillors.	Complete July 2019
Best Practice 3	Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities	Complete July 2019 MO to put on regional agenda Raise with IP? Consider wider consultation
Best Practice 4	An authority's code should be readily accessible to both Councillors and the public, in a prominent position on a Councils website and available in Council premises.	Complete (under Council and Democracy tab on internet page)
Best Practice 5	Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV	Under review
Best Practice 6	Councils should publish a clear and straightforward public interest test against which allegations are filtered	Complete July 2019
Best Practice 7	Local authorities should have access to at least two Independent Persons	Under review
Best Practice 8	An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the	Process in place prior to adoption

	responsible officer is minded to dismiss as being without merit, vexatious, or trivial.	
Best Practice 9	Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.	Ongoing case by case basis
Best Practice 10	A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complains, and estimated timescales for investigations and outcomes.	Confirmed in arrangements (link to code).
Best Practice 11	Formal standards complains about the conduct of a Parish Councillor towards a Clerk should be made where possible by the chair or by the Parish Council as a whole. In exceptional circumstances the Clerk of the Parish may make the complaint.	Ongoing, case by case basis.
Best Practice 12	Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to Parish Councils within the remit of the principle authority. They should be provided with adequate training, corporate support and resources to undertake this work.	Ongoing
Best Practice 13	A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring	Ongoing, case by case basis.

APPENDIX B

	Officer from a different authority to undertake the investigation.	
Best Practice 14	Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and given a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.	Under consideration
Best Practice 15	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.	Regular group leader meetings take place

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When telephoning, please ask for : Kath Marriott
Telephone no : 0115 9148349
Email: kmariott@rushcliffe.gov.uk
Date: 20 January 2020



Rushcliffe
Borough Council

Dear Cllr Bailey,

Councillor Attendance

I am required in accordance with the Council's constitution to refer to the committee the failure of a councillor to attend any meeting during a period of three months. The committee's role is to consider whether a suspension of the payment of allowances under the councillors' allowance scheme should be made due to the nonattendance of a councillor at meetings within the period. In making this assessment the committee should consider the reasons for nonattendance. The committee having considered the relevant circumstances of nonattendance is able to approve the councillor's absence without affecting his/her allowance.

Councillors Beardsall and Murray have not attended a formal Council meeting for the period exceeding three months (last attendance at Council on 19 September 2019). I have discussed the nonattendance with both councillors and write to advise the committee of the reasons provided to me.

Councillor Beardsall has written to me requesting that his attendance from Council meetings be excused to 1 March 2020 due to personal family circumstances which he wishes to remain confidential. He has shared the reasons with me, and whilst it is a matter for consideration of the committee, I am satisfied that the reasons provided justify a continuation of the allowance.

Councillor Murray is currently undergoing treatment which has impacted on her ability to attend meetings. During the treatment, on good days she has attended events but has not attended formal council meetings. Having discussed the reasons with her, and whilst it is a matter for consideration of the committee, I am satisfied that the reasons provided justify a continuation of the allowance.

For reference and as a reminder, where a councillor is unable to attend any meeting of the authority for a period of 6 consecutive months following the date of their last attendance, they automatically cease to be a member of the authority, unless Council has resolved to approve a reason for an extended absence.

I would be grateful for the committee's consideration of the circumstances surrounding the nonattendance of these councillors in determining the ongoing payment of expenses, and I reiterate that I support the continuation of the payment in both cases.

Yours sincerely,

Kath Marriott
Chief Executive

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