



Rushcliffe
Borough Council

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Our reference:
Your reference:
7Date: Friday, 18 September 2020

To all Members of the Standards Committee

Dear Councillor

A Meeting of the Standards Committee will be held virtually on Monday, 28 September 2020 at 7.00 pm to consider the following items of business.

Yours sincerely

Sanjit Sull
Monitoring Officer

AGENDA

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

Membership

Chairman: Councillor S Bailey
Councillors: A Brennan, N Clarke, T Combellack, B Gray, R Mallender, Nelken, K White and A Wood

Meeting Room Guidance

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

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Opening hours:
**Monday, Tuesday and
Thursday**
8.30am - 5pm
Wednesday
9.30am - 5pm
Friday
8.30am - 4.30pm

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Rushcliffe Borough
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Rushcliffe Arena
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**MINUTES
OF THE MEETING OF THE
STANDARDS COMMITTEE
MONDAY, 27 JANUARY 2020**

Held at 7.00 pm in the Council Chamber Area B, Rushcliffe Arena, Rugby Road,
West Bridgford

PRESENT:

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

ALSO IN ATTENDANCE:

S Nelkin and K White (Independent Member)
J Baggaley (Independent Person for Standards Matters)

OFFICERS IN ATTENDANCE:

T Coop Democratic Services Officer
S Sull Monitoring Officer

APOLOGIES:

A Wood (Independent Member)

10 Declarations of Interest

There were no declarations of interest reported.

11 Minutes of the Meeting held on 23 September 2019

The Minutes of the meeting held on 23 September 2019 were approved as a true record and signed by the Chairman.

Actions and Responses – Standards Committee on 23 September 2019

Minute No.	Action	Response
9	Members of the Committee requested that improvements are made to the search engine in respect of access to the standards complaint form on the website.	The Monitoring Officer advised that a test was completed on the Councils website and a test form was submitted and received in the Monitoring Officers emails. A test was also completed by Kerry White (Independent Member) using an external search engine. It was confirmed that the form was accessible.
9	Members were also concerned at the language used in some	The Monitoring Officer advised that the Council had approved

	the Best Practice Principles and asked if this could be altered to reflect the Borough practice.	the adoption of the Best Practice Principles at its meeting in July 2019. The Committee were advised that the principles could form part of the Committees work programme should they wish to make any alterations. However the advise from the CSPL was that they be adopted wholesale.
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12 **Cases and Work Update**

Cases Update

The Monitoring Officer provided a report that updated the Committee on complaints received since the implementation of the existing Standards regime. Since the Committees last meeting on 23 September 2019 one complaint has been received regarding an alleged breach of the Councillors’ Code of Conduct. The Monitoring Officer advised that this complaint is currently on hold pending further information. The complainant has responded to the Monitoring Officers request for more information and the complaint is being reviewed by the Monitoring Officer. The Independent Person has not been consulted at this stage in the investigation.

The Committee asked specific questions in relation to the reporting of complaints to Standards Committee and requested that more information on the nature of a complaint be provided for the Committee to consider, adding that this information would help the Committee to decide whether specific training was required for Councillors’. The Committee suggested that going forward the Monitoring Officer provides information on the nature of complaints from May 2019 onwards. The Monitoring Officer confirmed that a column had been added to the complaints table ‘nature of complaint’ so that this information was available in her report and going forward.

John Baggaley – Independent Person strongly advised that care is needed if the committee is insisting on naming the subject member, as this could be seen as pre-determination should the case go to a Standards Hearing.

The Monitoring Officer agreed to provide information in respect of the nature of retrospective complaints from the start of the Municipal year, May 2019.

Best Practice Principles

The Committee were asked to consider the Best Practice Principles with a view to recommending a Work Programme for their implementation. The Monitoring Officer provided a table as an appendix to the report, which confirmed the principles already adopted by the Council and those principles not yet adopted. In addition, the Monitoring Officer highlighted the principles that were currently under review, and explained she was liaising with her counterparts at neighbouring authorities. The Monitoring Officer advised that the Committee on Standards in Public Life (CSPL), will review implementation of the principles by authorities by March 2020.

It was **RESOLVED** that:

- a) The report be noted.
- b) The Committee agreed the implementation work programme of the Best Practice Principles.

13 **Councillor Attendance at Meetings**

A letter from the Chief Executive, addressed to the Standards Committee Chairman, was presented for the Committee to consider whether the suspension of the payment of allowances under the Councillors' Allowance scheme should be made for nonattendance of a Councillors at meetings.

The letter referred to Councillor Beardsall and Councillor Murray who have not attended a formal Council meeting for a period of three months. The Chief Executive has been informed of their reasons for nonattendance and in the case of Councillor Beardsall this is to remain private and confidential.

The Committee accepted the reasons for Councillor Murray's non-attendance and agreed that her allowances under the Councillors' Allowance Scheme should continue to be paid.

The Committee considered that the reasons for Councillor Beardsall's nonattendance was not explained to allow them to determine the reasonableness of continuation of his allowance. The Committee were mindful of transparency and scrutiny of decisions they make.

It was **RESOLVED** that:

- a) The Committee approved the continuation of allowances under the Councillors' Allowance scheme for Councillor Murray.
- b) The Committee refused the continuation of allowances under the Councillors' Allowance scheme for Councillor Beardsall.

The meeting closed at 8.04 pm.

CHAIRMAN

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Standards Committee

Monday, 28 September 2020

Cases and Work Update 2020-2021

Report of the Monitoring Officer

1. Purpose of Report

1.1. This report provides information on the number of complaints received since the Standards Committee meeting 27 January 2020. 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 Standards Committee:

- a) note the report and
- b) note the implementation of the best practice principles.

3. Details

- 3.1 A summary of complaints from November 2018 are set out in the table at Appendix 1.
- 3.2 Since implementation of the existing standards regime there have been a total of 90 cases (to include cases mentioned herein). Details of these cases have been periodically reported to the Committee, with the last report in January 2020.
- 3.3 Since the date of the last meeting 17 complaints have been received.
- 3.4 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, the nature of the complaint and what action was taken to address the complaint. Reference numbers have been added to the table as requested by Councillors.
- 3.5 Where the complaints were not accepted under the code, the details have not been included as to do so would be misleading and could be seen to misrepresent the nature of complaints received. Further, the committee's role in subcommittee hearings may be compromised as a result of consideration of complaints not accepted. In particular where further complaints are made and accepted, it could be argued that consideration of previously not accepted complaints impacts negatively on Councillors' impartiality.

4 Other Work

- 4.1 During the year, the Monitoring Officer has been available to provide support on questions raised by individuals. page 5

- 4.2 The Member Development Group continues to develop the Member training programme, the Monitoring Officer is available to support the group.
- 4.3 At the January 2020 meeting, 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 provides an update on adoption of the principles. The committee will note that save for Best Practice 7, “Local authorities should have access to at least two Independent Persons” the Principles are yet to be adopted across the region therefore formal arrangements are unlikely to be in place for some time. The principles have therefore been adopted as far as the Council is able to do so.
- 4.4 Following collation of comments from Councillors on the Local Government Association proposed draft code of conduct the Monitoring Officer agreed the Council’s response with the Chair and submitted the Councils response. Councillors are thanked for their responses.

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 Efficient Services Sustainable Growth The Environment	Delivery of an effective Standards regime supports the Council’s priority of <i>‘Maintaining and enhancing our residents’ quality of life’</i>
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8. Recommendation

It is recommended that the Committee:

- a) note the report and
- b) note 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

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	N/A	Yes
	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	Nature of Complaint	Independent Person Consulted	Decision and Date
	25.03.2019	Borough Council and Bingham Town Council	Town Council Employee		Yes	Local resolution accepted
	20.06.2019	Cotgrave Parish Council	Member of public	N/A	Yes	Complaint not accepted under code
	23.06.2019	Borough Council and Bingham Town Council	Town Council Employee	N/A	Yes	Complaint not accepted under code
	01.07.2019	Tollerton Parish Council	Member of public	N/A	Yes	Complaint not accepted under code
	04.07.2019	Bradmore Parish Council	Member of public	N/A	Yes	Complaint not accepted under code
	15.07.2019	Borough Council and Bingham Town Council	Town Councillor	Confidential procedural matters	Yes	On hold pending internal determination of issue giving rise to complaint
	04.07.2019	Borough Council and Bingham Town Council	Town Councillor	N/A	Yes	Complaint not accepted under code
	18.11.2019	Sutton Bonington Parish Council	Member of the public	N/A	No	Complaint not accepted under code

Summary of new cases from report to Committee 27 January 2020

Case Ref	Date Received	RBC/Parish	Complainant	Nature of Complaint	Independent Person Consulted	Decision
600	09.01.2020	Bingham Town Council	Member of the public	Meeting procedures	Yes	Complaint not accepted under the code
601	03.06.2020	Bingham Town Council	Member of the public	Meeting procedures	Yes	Complaint not accepted under the code
603	09.06.2020	Bingham Town Council	Member of the public	Meeting procedures	Yes	Complaint not accepted under the code
605	03.06.2020	Bingham Town Council	Member of the public	Meeting procedures	Yes	Complaint not accepted under the code
614	18.06.2020	Orston Parish Council	Member of the public	Inappropriate use of social media	Yes	Subject member resigned therefore complaint not proceeded with
615	17.06.2020	Bingham Town Council	Member of the public	Meeting procedures	Yes	Complaint not accepted under the code
616	18.06.2020	Orston Parish Council	Member of the public	Inappropriate use of social media	Yes	Subject member resigned therefore complaint not proceeded with
621	18.06.2020	Bingham Town Council	Member of the public	Meeting procedures	Yes	Complaint not accepted under the code
625	18.06.2020	Bingham Town Council	Member of the public	Meeting procedures	Yes	Complaint not accepted under the code
628	08.06.2020	Rushcliffe Borough Councillor	Member of the public	Councillor comment on planning application	No	Complaint not accepted under the code
633	24.06.2020	Bingham Town Council	Town Councillor	Meeting procedures	Yes	Complaint not accepted under the code
637	29.06.2020	Bingham Town Council	Member of the public	Meeting procedures	No (given nature of	Complaint not accepted under the code

					complaint independent persons views sought previously)	
664	28.07.2020	Bingham Town Council	Member of the public	Meeting procedures	No (given nature of complaint independent persons views sought previously)	Complaint not accepted under the code
665	31.07.2020	Bingham Town Council	Member of the public	Meeting procedures	No (given nature of complaint independent persons views sought previously)	Complaint not accepted under the code
666	05.08.2020	Bingham Town Council	Member of the public	Meeting procedures	No (given nature of complaint independent persons views sought previously)	Complaint not accepted under the code
670		Rushcliffe Borough Councillor	Member of the public	Planning Application		Complaint under review

APPENDIX B

Best Practice Principles

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.	Completed 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.	Completed July 2019
Best Practice 3	Principle authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities	Review completed July 2019 Principle to be included as agenda item on regional Monitoring Officer meetings Views of Parish councils are sought when a review is review undertaken
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.	Completed (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	Completed November 2019
Best Practice 6	Councils should publish a clear and straightforward public interest test against which allegations are filtered	Completed July 2019
Best Practice 7	Local authorities should have access to at least two Independent Persons	Principle under discussion at regional Monitoring Officer meetings however Rushcliffe and Gedling BC are the only two authorities that have adopted the principles therefore formal arrangements are unlikely to be in place for some time.
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	Process in place prior to adoption therefore no action required

	comment on allegations which the 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 – consider as being completed.
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 complaints, and estimated timescales for investigations and outcomes.	Confirmed in arrangements (link to code).
Best Practice 11	Formal standards complaints 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- consider as being completed.
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 - consider as being completed.
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 Officer from a different authority to undertake the investigation.	Ongoing, case by case basis.
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	Completed.

	authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.	
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 therefore completed.

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