

South Somerset District Council

Draft Minutes of a meeting of the **Standards Committee** held in the **Main Committee Room, Brympton Way on Tuesday 9 February 2016.**

(2.15 pm - 3.25 pm)

Present:

Members: Councillor Anna Groskop (Chairman)

District Councillors: Neil Bloomfield, Gye Dibben, Val Keitch, Paul Maxwell and Angie Singleton (from 2.20pm)

Parish Representatives: None present at the meeting.

Independent Persons: Christopher Borland and Peter Forrester (from 2.25pm)

Officers

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| Ian Clarke | Director (Support Services) |
| Angela Cox | Democratic Services Manager |
| Becky Sanders | Democratic Services Officer |

1. Minutes (Agenda Item 1)

The Democratic Services Manager on behalf of Councillor Godfrey Townrow (Parish Council representative) who was absent, noted he had queried if the Member / Officer Protocol as mentioned in minute 5 had been circulated. She clarified due to an oversight that this had not happened, but would be actioned in the near future.

The minutes of the meeting held on 14 October 2014 were approved as a correct record and signed by the Chairman.

2. Apologies for absence (Agenda Item 2)

An apology for absence was received from Councillor Godfrey Townrow (Parish Council representative).

3. Declarations of Interest (Agenda Item 3)

There were no declarations of interest.

4. Public question time (Agenda Item 4)

Mr K Robbins, addressed members and raised a number of historical, and in his opinion, ongoing issues regarding Tatworth and Forton Parish Council. He provided a little more detail to the situation and asked that a way forward to try and resolve the perceived problems be suggested. Due to the way previous complaints about parish councillors had been dealt with he had little confidence in the complaints process, and hence been reluctant to submit a formal complaint.

In response to comments made, the Assistant Director (Legal and Corporate Services) noted he was not aware of any outstanding complaints, and that challenges regarding the treatment of old complaints could have been made to the Ombudsman. He commented that if there was any unanswered correspondence relating to complaints about the parish he would welcome a copy to have the opportunity to respond. It was noted that SSDC had no powers to interfere in the process of the parish council and was only able to deal with complaints about councillors in relation to the Code of Conduct.

The Chairman commented that when councillors were elected, they were elected to make decisions, some of which may not be liked or supported by the electorate. She explained the limitations of the Standards Committee and felt many of the issues that had been referred to were administrative. It was noted that officers would send the appropriate complaints form, guidance and procedure notes to Mr Robbins.

5. Review of Complaints Process (Agenda Item 5)

The Assistant Director (Legal and Corporate Services) presented the report as detailed in the agenda, and noted the sanctions available were not significant and complainants were often looking for a sanction which was not available, such as disqualification. He highlighted the proposed changes to the process and guidance notes including:

- To stress the Code only applies when a councillor acting in an official capacity.
- Explanation of the stages to a complaint, and only in exceptional circumstances will there be a formal investigations.
- Outcomes following investigation.

During a short discussion, the Assistant Director clarified points of detail as requested by members. It was suggested, and agreed, that two minor refinements be made to the guidance notes:

- The paragraph about the document being available in another language etc should be moved to the front of the document.
- Reference to a Panel occurs for the first time under the paragraph heading 'Hearing Stage', and reference should be made to it in relevant prior paragraphs/stages.

Members were content to recommend to Council that the revised arrangements, subject to the suggested refinements being made, be adopted as soon as possible.

RESOLVED: It was resolved that:

1. The guidance notes be amended as follows:
 - The paragraph about the document being available in another language etc be moved to the front of the document.
 - Reference to a Panel occurs for the first time under the paragraph heading 'Hearing Stage', and reference should be made to it in relevant prior paragraphs/stages.
2. Standards Committee recommend to Council that the revised complaints process (for dealing with complaints about councillors) be adopted as soon as possible to replace those currently in force.

(Voting: Unanimous in favour)

6. Disclosable Pecuniary Interests (DPI) - Protocol with Police (Agenda Item 6)

The Assistant Director (Legal and Corporate Services) introduced the report which asked members to consider a protocol with the Police setting out the process to be followed, roles and responsibilities for dealing with complaints which suggest a member may be in breach of the legislation relating to Disclosable Pecuniary Interests (DPI).

It was noted the protocol proposed would provide a consistent approach across the county. He also advised that as the revised complaints process had been agreed at the previous agenda item, a slight amendment was required to the wording of the penultimate bullet point on the last page of the protocol, and a revised document was circulated with the suggested wording.

In response to comments raised during discussion, the Assistant Director clarified that:

- A record of complaints was kept on file
- Police would only deal with Monitoring Officers regarding DPI complaints.

Members were content to agree the Police Protocol, subject to the penultimate bullet point being amended as circulated at the meeting.

RESOLVED: That the Standards Committee agreed the Police Protocol (Appendix 1 to the report), with immediate effect and to notify the Avon & Somerset Constabulary accordingly, subject to the penultimate paragraph being amended to read:

- If the CPS decides not to proceed with a prosecution then the Monitoring Officer will decide whether it is appropriate to offer advice, guidance or training to the member concerned. It is accepted that the CPS require a higher standard of proof (beyond reasonable doubt) for a criminal prosecution and therefore whilst a criminal offence may not have been committed, there still may be sufficient evidence that a breach of the Code of Conduct has occurred. However the Monitoring Officer will take into consideration the fact that a Police investigation has taken place and the outcome from it in determining whether it is appropriate and proportionate to now consider whether some follow-up action would be more appropriate e.g. advice, guidance or training.

(Voting: Unanimous)

7. Parish and Town Councils - Update on the Number of Register of Interests Forms Received (Agenda Item 7)

The Assistant Director (Legal and Corporate Services) introduced the report as detailed in the agenda which updated members about the number of Register of Interests forms returned from town and parish councils. He reminded members that each parish could now adopt their own Code of Conduct and Register of Interests forms, and so there was no longer a standardised format. All forms were checked before being scanned and placed on the SSDC website, and due to the resources required to do this, it was hoped to refine the process in the future.

Members were pleased to note the report.

RESOLVED: That the report be noted.

8. Members Register of Interests (Agenda Item 8)

The Assistant Director (Legal and Corporate Services) introduced the report which asked members to consider revisions to the members Register of Interests forms. He noted that based on the experiences, as mentioned at agenda item 7, the proposal was to revise the form to provide more explanation as to the information required. It was hoped by providing more clarity that the number of queries or lack of information would be reduced. He highlighted the changes and noted the explanatory text would also be promoted to our town and parish councils.

Members were content to approve the changes to the proposed revised SSDC Members register of Interests form.

RESOLVED: That the proposed revised SSDC Members Register of Interests form (Appendix A to the report), be approved and promoted to all town and parish councils.

9. Update on matters of interest (Agenda Item 9)

The Assistant Director (Legal and Corporate Services) provided the Committee with updates on:

- Frictions within some parishes
 - often personality differences
 - no confidence in the Chairman
- Parish and Town Councils need to check their insurance cover - in particular that it covers councillors when out and about conducting parish/town council business. A note would be sent to clerks.

RESOLVED: That the verbal updates provided by the Assistant Director (Legal and Corporate Services) be noted.

10. Committee Work Programme and Future Meetings (Agenda Item 10)

The Assistant Director (Legal and Corporate Services) reminded members that if there were other matters they would like discussed at a future meeting to make contact with one of the officers.

RESOLVED:

1. That the Work Programme be agreed and noted.
2. That the future meeting arrangements be noted.

11. Exclusion of Press and Public (Agenda Item 11)

RESOLVED: That the following item be considered in Closed Session by virtue of the Local Government Act 1972, Schedule 12A under Paragraph 1: Information relating to any individual.

12. Complaints Received by the Monitoring Officer - Update (Confidential) (Agenda Item 12)

The Assistant Director in his role as Monitoring Officer introduced the report, noting that he had received three complaints under the Code of Conduct from September 2014 to mid-January 2016. He clarified that the councillors concerned were aware that the complaints were reported to the Standards Committee in confidential session as part of the complaints process.

There being no further discussion, members were content to note the report.

RESOLVED: That the report be noted.

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Chairman