

STANDARDS COMMITTEE

14 July 2016 at 6.04 p.m.

Present: - Councillors English (Chairman), Dillon, Mrs Rapnik, Tyler, Dr Walsh and Wheal.

Independent Persons - Mr B Green, Mr J Thompson and Mrs K Vagg.

[Note: Independent Person, Mrs Vagg, was absent from the meeting during consideration of the matters contained within Minute 94 to Minute 103 (Part)].

94. WELCOME

The Chairman welcomed Members and Independent Persons and Officers to the meeting.

A special welcome was extended to Councillor Wheal as a new Member to the Committee.

95. APOLOGY FOR ABSENCE

An apology for absence had been received from Councillor Maconachie.

The Committee extended its best wishes to Councillor Maconachie for a speedy recovery.

96. DECLARATIONS OF INTEREST

The Monitoring Officer has advised Members of interim arrangements to follow when making declarations of interest. They have been advised that for the reasons explained below, they should make their declarations on the same basis as the former Code of Conduct using the descriptions of Personal and Prejudicial Interests.

Reasons

- The Council has adopted the Government’s example for a new local code of conduct, but new policies and procedures relating to the new local code are yet to be considered and adopted.
- Members have not yet been trained on the provisions on the new local code of conduct.

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- The definition of Pecuniary Interests is narrower than the definition of Prejudicial Interests, so by declaring a matter as a Prejudicial Interest, that will cover the requirement to declare a Pecuniary Interest in the same matter.

Where a member declares a “Prejudicial Interest”, this will, in the interests of clarity for the public, be recorded in the minutes as a Prejudicial and Pecuniary Interest.

There were no Declarations of Interest made.

97. MINUTES

The Minutes of the Committee meeting held on 30 November 2015 were approved by the Committee as a correct record and signed by the Chairman.

98. RESIGNATION OF AN INDEPENDENT PERSON OF THE COMMITTEE

The Chairman requested and the Committee agreed to the receiving of an urgent update following the resignation of one of its Independent Persons.

It was agreed that this matter needed to be brought to the Committee’s attention as the next meeting of the Committee was not scheduled to take place until October 2016.

The Chairman confirmed that he had received written notification from Mrs Kathy Vagg of her need to resign as an Independent Person of the Committee from September 2016 due to her relocating to Oxfordshire.

On behalf of the Committee, the Chairman wished to have recorded his thanks to Mrs Vagg for all of her hard work and commitment given to the work of the Committee over the last seven years. It was agreed that a formal letter of thanks would be sent on behalf of the Committee by the Monitoring Officer to Mrs Vagg.

The Chairman asked the Committee if it could take a view on whether it felt it necessary to commence a recruitment process to find a replacement Independent Person.

Discussion on this saw numerous reasons being presented as to why a recruitment process should commence as soon as possible. These were:

- The resignation of Mrs Vagg would only leave 3 Independent Persons to assist the Committee with Assessment Panel hearings which could be complex and lengthy;
- This would put undue pressure onto the remaining three Independent Persons
- The Monitoring Officer should be instructed to commence the recruitment of two Independent Persons to provide continuity of experience in the future
- Contact should be made with the following to assess if there might be interest:
 - Town and Parish Council Clerks
 - The Sussex Association of Local Councils
 - The Voluntary Sector such as the Citizens Advice Bureau and the Sussex Voluntary Action Group
 - Advertisement in the local press

The Committee then

RESOLVED - That

- (1) Mrs Kathy Vagg’s resignation as an Independent Person of this Committee be noted;
- (2) The Monitoring Officer writes to Mrs Vagg to thank her on behalf of the Committee for her contributions to the work of the Standards Committee and to wish her well for the future; and
- (3) Two Independent Person candidates on the Committee be sought using the ideas outlined in the above minute.

99. START TIMES

The Committee

RESOLVED

That its start times for meetings during 2016/2017 be 6.00 pm.

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100. ASSESSMENT PANEL DECISION CONCERNING ALLEGATION AGAINST A TOWN COUNCILLOR

The Committee received and noted an information report regarding a case dealt with by the Assessment Panel relating to Bognor Regis Town Councillor – James Brooks.

101. ASSESSMENT PANEL DECISION CONCERNING ALLEGATION AGAINST A TOWN COUNCILLOR

The Committee received and noted an information report regarding a case dealt with by the Assessment Panel relating to Bognor Regis Town Councillor – Jan Cosgrove.

102. ASSESSMENT PANEL DECISION CONCERNING ALLEGATION AGAINST A TOWN COUNCILLOR

The Committee received and noted an information report regarding a case dealt with by the Assessment Panel relating to Bognor Regis Town Councillor – Adam Cunard.

103. ASSESSMENT PANEL DECISION CONCERNING ALLEGATION AGAINST A TOWN COUNCILLOR

The Committee received and noted an information report regarding a case dealt with by the Assessment Panel relating to Bognor Regis Town Councillor – Jan Cosgrove.

104. ASSESSMENT PANEL DECISION CONCERNING ALLEGATION AGAINST A PARISH COUNCILLOR

The Committee received and noted an information report regarding a case dealt with by the Assessment Panel relating to Ferring Parish Councillor – Carole Robertson.

Having noted all of the Assessment Panel Decisions, Councillor Tyler wished to have placed on record his thanks, on behalf of the Committee, to Richard Orridge for the professional and efficient way in which he had assisted Members with the Assessment Panel meetings reported above. It was explained that Mr Orridge was employed by the Council to assist it in dealing with Assessment Panel and Licensing hearings.

105. LOCAL ASSESSMENT PROCEDURE – REVISION

The Committee received a report from the Head of Legal and Administration and Monitoring Officer which outlined that over a period of time it had become clear that the existing Local Assessment Procedure, setting out how the Council dealt with complaints against Councillors, was in need of a review.

This was because issues had arisen where a process for dealing with these had not been included in the current Local Assessment Procedure. The report therefore sought to address these issues and it aimed to provide new guidelines when dealing with such issues.

In addition, it was proposed that some of the initial assessments in the future be carried out by the Monitoring Officer, in consultation with an Independent Person.

The report set out a list of proposed changes and the Committee worked through each of these as follows:

- 2.1.1 - The Monitoring Officer to have an initial assessment role, consulting with an Independent Person where appropriate and dismissing complaints that did not qualify or were vexatious.

This was agreed by the Committee as this practice had already been adopted by many other local authorities and worked well whilst at the same time had streamlined what was a lengthy process.

- The complaints would be dealt with by the Monitoring Officer at the initial assessment stage and then reported to the next Standards Committee meeting.

This was agreed by the Committee subject to the following word changes – additions are shown in **bold**. “The complaints would be dealt with by the Monitoring Officer **in consultation with the Chairman and an Independent Person of the Committee** at the initial assessment stage and then reported to the next Standards Committee meeting.

- Any request to review an initial assessment decision would be referred to the Assessment Panel. (Reviews are currently dealt with at Standards Committee meetings.

In practice this should mean that the number of complaints currently referred to the Assessment Panel and the review at Standards Committee meetings should reduce.

This was not accepted by the Committee.

- 2.1.2 – A new Habitual/Vexatious Complaints Policy be introduced and then annexed to the revised Local Assessment Procedure.

This was agreed by the Committee. The Head of Legal and Administration/Monitoring Officer was asked why Councillors were no longer sent a copy of the Customers of Concern Register. She confirmed that a direction from the Information Commissioner’s Office (ICO) confirmed that this register could not be made available to Councillors in this way. This was of concern to Members in terms of their health and safety as it was more than likely that at some point when running a constituent surgery or dealing with casework a Councillor could be approached by an angry, stressed or upset constituent who may be known to the authority. To receive a copy of the Register would overcome this threat. It was agreed that the Head of Legal and Administration would investigate this and would report back her findings to Members.

- 2.1.3 – Initial assessment procedures often make reference to an immediate referral to the Director of Public Prosecutions in the case of possible offences.

If a complaint has been received where there has been a possible breach relating to a pecuniary interest, then the complaint to be dealt with as follows:

- The complaint to be considered initially by the Assessment Panel, and the Assessment Panel will reach a conclusion as to whether or not a Pecuniary Interest has arisen that has not been properly declared and/or a subsequent breach of the Local Code of Conduct has arisen.

- Where the Assessment Panel is not satisfied that there has been no breach, the complaint will be referred to the Director of Public Prosecutions, together with all the available information in the public domain that the Monitoring Officer and Assessment Panel are aware of.

This was agreed by the Committee.

- 2.1.4 – the current Local Assessment Procedure to be redrafted to include more details on procedure and investigations, and to review the current process for dealing with complaints. The redrafted Local Assessment Procedure to be brought back to the Standards Committee for consideration with final approval by Full Council.

This was agreed by the Committee.

The Committee then

RESOLVED – That

(1) the proposals set out as 2.1.1; 2.1.2 (as amended and with bullet point three deleted); 2.1.3 and 2.1.4 be supported; and

(2) The current Local Assessment Procedure be redrafted and brought back to the Standards Committee for consideration with final approval by Full Council.

106. EXEMPT INFORMATION

The Committee

RESOLVED

That under Section 100A (4) of the Local Government Act 1972, the public and accredited representatives of newspapers be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the item.

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107. REGISTER OF ASSESSMENTS OF COMPLAINTS AGAINST COUNCILLORS (Exempt – Paragraphs 1 and 7C – Information Relating to any Individual and the Deliberations of the Standards Committee.

The Committee received a report from the Head of Legal and Administration which provided Members with updated information to add to their Register of Assessments of Complaints against Councillors.

For the benefit of Councillor Wheal as a new Member to the Committee, the Head of Legal and Administration explained that this provided Members with a full record of complaints considered since January 2012.

(The meeting concluded at 7.05 pm)