

STANDARDS COMMITTEE

5 July 2017 at 6.00 p.m.

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

Independent Persons – Mr B Green, Mr Howdle and Mr J Thompson.

Councillors Chapman and Mrs Oakley were also present during the meeting.

67. 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.
- 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.

Standards Committee
05.07.17

68. MINUTES

The Minutes of the meeting held on 26 October 2016 were approved by the Committee as a correct record and signed by the Chairman.

69. START TIMES

The Committee

RESOLVED

That its start times for meetings during 2017/2018 be 6.00 pm.

70. REVIEW OF THE LOCAL ASSESSMENT PROCEDURE

The Committee received a report from the Group Head of Council Advice and Monitoring Officer which set out proposals for Members to consider in taking forward the review of the Local Assessment Procedure for complaints against Councillors under the Code of Conduct.

Members were reminded that back in July 2016, the Committee had agreed that a review of the Local Assessment Procedure was needed to address issues raised and lessons learnt from assessments undertaken and as the current Code of Conduct and Local Assessment Procedure had been in place since 2012. This review work had not been progressed by the former Monitoring Officer due to other work pressures. Now that a new Monitoring Officer was in place, it had been agreed with the Chairman that this review should now be taken forward.

The Committee had supported taking forward a number of changes to the existing Procedure [as set out in Appendix 1 to the report] with the key change being to introduce a two stage assessment process, as had been adopted by a number of other local authorities. The principles agreed for this two stage process had been:

Stage 1

The Monitoring Officer to have an initial assessment role dismissing complaints that did not qualify or were vexatious, in consultation with the Chairman of the Committee and an Independent Person. Any requests to reive the Monitoring Officer's decision to be referred to the Standards Committee.

Stage 2

Complaints that met the preliminary tests proceeding to Assessment Panel with the current Local Assessment Procedure to be redrafted.

The proposal now was to use the good practice from other authorities to develop a new procedure based on this two stage process. Two examples being put forward for the Committee to consider were from Chichester and Huntingdonshire District Councils. The Chichester examples had been based on the experiences of this Committee's Independent Person, Mr John Thompson, who was also an Independent Person for Chichester District Council. The Huntingdonshire template had been highlighted as a good example to use in reviewing this procedure and the Constitution.

Linked to this work, was a proposed review of the Code of Conduct in relation to how the Council identified disclosable pecuniary and other interests which would be discussed at the next agenda item.

The Committee, at this stage, was being asked to put forward its views on the examples provided and to give a steer to the new Monitoring Officer in terms of how a draft Procedure could be developed for consideration at the next meeting of the Committee in October 2017.

Councillors Chapman and Mrs Oakley had been invited to attend the meeting as the current Chairman and Vice-Chairman of the Audit & Governance Committee as this Committee and specifically requested to be updated on work progressing to resolve certain issues and especially a review of pecuniary and other interests.

The Group Head of Council Advice & Monitoring Officer advised the Committee that since proposing the use of Chichester and Huntingdonshire's Local Assessment Procedures as templates for developing a new procedure, she had attended a national workshop for Monitoring Officers which had identified further best practice that would be useful tools to apply to this review. The information presented had highlighted a number of valuable points that needed to be addressed in developing a new procedure. In particular, the setting of clear criteria for each stage of the process and the approach to hearings when a complaint proceeded to the assessment stage and so it was intended that the outcomes of the workshop would be discussed further with the Chairman and Vice-Chairman of the Committee to inform this review. With this in mind, the Group Head of Council Advice & Monitoring Officer proposed slightly amending Recommendation (2) of the report to remove the words "the examples of Chichester and Huntingdonshire District Council" and replace with "best practice".

The Committee then discussed elements of the examples provided from Chichester and Huntingdonshire's Procedures. The Committee liked the extract from Huntingdonshire's Constitution [Appendix 3] which set out a complaints procedure flowchart as this was easy to understand and contained latest best practice. The point was made that any revised procedure should be structured to ensure that complaints in the future would be dealt with quickly and should be both fair to the complainant and the Subject Member.

From this, discussion then took place on the proposed two stage assessment process. Questions were asked about Stage 1 of the process as the Chairman had raised concern at not being involved at this stage. The preliminary tests and criteria in place reassured Members that a complaint would only be taken to the assessment stage if it related to a code of conduct matter and having been initially assessed and consulted upon with an Independent Person. This would ensure that "tit for tat" complaints could be resolved informally without the need for a formal investigation. Such informal resolution might involve the Member accepting that his/her conduct was unacceptable and that an offer of an apology or some other action would resolve the issue. Any decisions taken to not proceed to a formal Local Assessment Panel hearing would be reported to the Committee in any case. It was hoped that a new procedure would reduce the number of assessments held and that any needing to proceed would be dealt with more quickly. All complaints would be assessed using the new criteria which would be agreed by the Committee later when a re-drafted review would be presented for approval.

Concern was expressed by Members that they no longer received a copy of the Customers of Concern Register. Despite the response given at the time this had first been raised back in July 2016, Members still had difficulty in understanding why this document could not be provided to them. Members were of the view that the absence of this information presented a real health and safety risk to them in running constituent surgeries or dealing with casework as a Councillor. The Group Head of Council Advice & Monitoring Officer confirmed that the register could not be provided under data protection rules but that she would work with the Information Management team and would take legal advice in taking this matter forward.

Following some further discussion, the Committee

RESOLVED – That

- (1) The current position on the review of the Local Assessment Procedure be noted;
- (2) The existing Local Assessment Procedure be re-drafted based on the examples of best practice, subject to any specific feedback recorded in the minutes of this meeting; and
- (3) A redrafted Procedure be presented to the next meeting on 5 October 2017.

71. REVIEW OF THE CODE OF CONDUCT

The Committee received a report from the Group Head of Council Advice & Monitoring Offer which sought Members' views on proposals to amend the Code of Conduct which had been in place since June 2012 and in terms of amending the Code so it identified disclosable pecuniary and other interests which had not been agreed at the time of adoption.

As a consequence, an interim Declarations of Interest process had been in place ever since. As this was an outstanding recommendation of the Audit & Governance Committee that this be resolved, it was proposed that this aspect of the Code now be reviewed. This would then link into the review of the Local Assessment Procedure discussed earlier.

The Committee was invited to express its views on the examples put forward from Huntingdonshire and Chichester District Councils and in doing so it was outlined that any change to the Code of Conduct would require the Parish Councils who adopted Arun's Code to review their own practices. What would take place first was Arun's review where it would determine any amendments to its Code. Offers of advice would then be extended to the Parishes with their reviews. An example of a local code adopted by Littlehampton Town Council had also been provided.

In discussing the report, the Committee supported the approach presented by the Group Head of Council Advice & Monitoring Officer in reviewing the Code of Conduct so that a concise definition of interests and when these should be declared could be provided.

Having discussed how the responsibility for data protection also sat with Members, the Committee

RESOLVED – That

- (1) The existing Code of Conduct be re-drafted to identify disclosable pecuniary and other interests, based on examples of best practice; and
- (2) A redrafted Code be presented to the next meeting on 5 October 2017.

(The meeting concluded at 6.40 pm)