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STANDARDS COMMITTEE

31 January 2019 at 6.00 p.m.

Present: - Councillors English (Chairman), Dillon (Vice-Chairman), Blampied, Mrs Bower, Edwards, Mrs Rapnik, Dr Walsh and Wensley.

Independent Persons – Mr B Green and Mr J Thompson.

[Note: The following Councillors were absent during consideration of the matters contained in the following Minutes – Councillor Mrs Rapnik- Minute 383 to Minute 386 [Part]; and Councillor Mrs Bower – Minute 390].

383. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillor Wheal.

384. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

385. MINUTES

The Minutes of the meeting held on 21 June 2018 were approved by the Committee as a correct record and signed by the Chairman.

386. ASSESSMENT PANEL DECISION – ALLEGATION AGAINST A BOGNOR REGIS TOWN COUNCILLOR

The Committee received a report from the Group Head of Council Advice & Monitoring Officer advising Members of the outcome of the Assessment Panel's investigation into allegations received against Councillor Damien Enticott, a Bognor Regis Town Councillor.

The Committee was reminded that in this case, three separate complaints had been received against the Councillor which had been investigated by the Assessment Panel on 17 October 2018. The findings of the Panel had been attached to the report as Appendices A, B and C. No review of the decision had been requested by either the Subject Member or the Complainant by the expiry date of the review period. The decision notices had been published on 26 November 2018.

In finding the Subject Member in breach of the Code of Conduct, the Panel determined that its decision notices should be published for the maximum period of 12 months. In line with Paragraph 6.8 of the Local Assessment Procedure, the Panel wished to ask the Committee to carry out a further review of its findings to determine whether the publication of the decisions reached should be for a longer timeframe in view of the nature of the complaints received and breaches found.

A discussion took place with some Members of the Committee stating that the maximum timeframe of 12 months publicising the Assessment Panel's decision was adequate. However, other Members felt that in view of the severity of the complaints, in this instance the publication period should be extended beyond the maximum 12 months. Although both arguments were felt to be justified, the Committee agreed that unless it had a rating system built into its Local Assessment Procedure, it would be impossible to determine a suitable publication length, beyond the maximum period of 12 months and so this made it difficult to apply a longer term retrospectively.

The Group Head of Council Advice & Monitoring Officer confirmed that the Police Protocol had been actioned for this case. At this time, the Council had not been advised of the outcome of the Police's investigation.

Following some further discussion, the Committee

RESOLVED – That

- (1) the decisions of the Assessment Panel be noted; and
- (2) the outcome of the Committee's review of the publication period be confirmed as the maximum period of 12 months from 26 November 2018.

387. REVIEW OF THE LOCAL ASSESSMENT PROCEDURE

The Group Head of Council Advice & Monitoring Officer reminded the Committee that a revised Local Assessment Procedure had been adopted by Full Council on 8 November 2017 and that it had been agreed that a review would be undertaken following a year of that Procedure's operation.

The Committee received a report reviewing how the Procedure had worked in practice and it proposed some minor amendments for the Committee to consider for clarity purposes and to increase transparency of the process for dealing with Code of Conduct complaints. The Committee's views were also sought on any other changes that it felt should be put forward and proposed.

The Group Head of Council Advice & Monitoring Officer outlined that the procedure had worked well and had met the aims that the Committee had wanted in introducing a two staged review process in terms of practical use and application.

Taking into account comments received, there were six sections where change was being proposed, as set out below:

Paragraph 4

There were three additions proposed:

- (i) Whilst the flow chart at Appendix 3 confirms that this stage will be completed within 28 working days, it is suggested that an additional paragraph be added to confirm this timescale for clarity. This new paragraph (4.2) also confirmed the timescale for acknowledging any complaint received.
- (ii) In practice, the Monitoring Officer has been consulting with an Independent Person before using her discretion not to proceed with a complaint under one of the sub-paragraphs in paragraph 4.3. This was so that some independence could be seen to all parties from any decision taken. It was therefore proposed that this practice be formalised.
- (iii) This stage had no right of review and for clarity it was suggested that an additional paragraph be added to confirm this and that the Monitoring Officer's decision would be reported to the Standards Committee for information.

The Committee agreed to these changes.

Paragraph 5

Clarity was being proposed in:

- (i) A new paragraph 5.5 to confirm that the investigation would be completed within 28 working days (as explained in Appendix 3), unless the Monitoring Officer advised within that timeframe that more time was needed by the Investigating Officer to conduct their review.

- (ii) This stage also had no right of review and for clarity it was suggested that an additional paragraph be added to confirm this and that the Monitoring Officer's decision would be reported to the Standards Committee for information.

The Committee agreed to these changes.

Paragraph 6

To reflect the practice introduced, it was proposed that:

- (i) The third, fourth and final bullet points in paragraph 6.6 be amended to state that the report would be issued when the decision notice was published as well as in a report to the Standards Committee, so Members and the relevant Town/Parish Council were made aware as soon as the final decision notice was issued to all parties.

The Committee agreed to these changes.

Paragraph 8

To reflect the practice introduced, it was proposed that:

- (i) An additional paragraph 8.6 be added to confirm that if no review was requested by either the Complainant or Subject Member, both would be advised in writing that the decision had been confirmed and how the decision would be published.

The Committee agreed to these changes.

Paragraph 9

Clarity was being proposed in:

- (i) Paragraph 9.1 to confirm that the Chairman of the Assessment Panel would not always be the Chairman of the Standards Committee, except when the Chairman was in attendance, and that the decision notice would initially be sent to the Complainant and Subject Member only for review.
- (ii) Paragraph 9.2 to confirm that the decision notice would be published once the review period had passed and to clarify the publication arrangements.

The Committee agreed to these changes.

Appendix 3 – Procedure Flowchart

It was proposed that a further timescale be introduced for those complaints dealt with under a Stage 1 investigation. As currently, the initial investigation needed to be completed within 28 working days. However, as confirmed in paragraph 5.5, there was then a 14 day period for consultation with both the Complainant and Subject Member before the Investigation Officer's report would be presented to the Independent Person for review. For clarification, it was suggested that the flowchart confirmed this and that the Monitoring Officer may request an extension of time if required. This extension being to allow for those few occasions where the complaint was complex or the investigation required interviews with multiple witnesses.

The Committee agree to these changes.

Finally, the Group Head of Council Advice & Monitoring Officer highlighted a further three issues where the Committee's views were sought. These are as set out below:

1. Would Members of the Standards Committee wish to be circulated the decision letter issued by the Monitoring Officer for complaints that did not proceed to further investigation or for these to continue to only be referenced in the monitoring report presented to each meeting? *The Monitoring Officer and Chairman's view was that the former approach would help the Committee to be aware of any complaint dealt with in this way as soon as it has been resolved in case any question was raised with them prior to their next meeting and provide them with the full details.*
2. If the complaint did not go any further than Stage One (as paragraph 5.8 of the report confirmed), would Members wish for the Investigating Officer's report to be published to the Council's website and presented to the next Standards Committee for information or for these to continue to only be referenced in the monitoring report presented to each meeting? *The Monitoring Officer, Chairman and Independent Persons were all of the view that for transparency reasons the decision notice should be published as otherwise the Complainant and Subject Member needed to be asked to keep this confidential.*

3. Should the Complainant's name be published in the decision notice as the Procedure was silent on this? *Paragraph 2.4 of the Procedure confirmed that the Subject Member would usually be told who had complained about them. However, it was silent on whether the Complainant's name would be published in the decision notice. The Monitoring Officer had not been publishing this in the absence of a clear direction. The Monitoring Officer, Chairman and Independent Persons were all of the view that the Complainant's name should be included in the decision notice in the interests of fairness to all parties, unless they had been granted anonymity.*

The Committee agreed that the points above be introduced and applied to the appropriate paragraphs of the Assessment Procedure.

The Committee

RECOMMEND TO FULL COUNCIL – That

- (1) the Local Assessment Procedure be amended to reflect the changes shown in Appendix A to the report and as highlighted at the meeting;
- (2) a copy of the amended Local Assessment Procedure be sent to all Town and Parish Councils; and
- (3) a review of the Procedure be undertaken following a further two years of operation, or sooner if required, and reported back to the Standards Committee.

388. RECRUITMENT OF INDEPENDENT PERSONS TO THE STANDARDS COMMITTEE

The Committee received a report from the Group Head of Council Advice & Monitoring Officer which was asking the Committee for its views on the approach to be taken to recruiting additional Independent Persons to the Standards Committee as requested at the last meeting of the Committee on 21 June 2018.

The Group Head of Council Advice & Monitoring Officer explained that it had not been possible to commence a recruitment process until now due to an unprecedented increase in workload. This was because there had been a significant number of complex complaints made against Councillors under the Code of Conduct between July to November 2018.

Despite this, the consequential workload had provided an opportunity to test out all stages of the Local Assessment Procedure and had involved the Independent Persons in the majority of the complaints received. It was reported that the work had been evenly distributed between the two Independent Persons and both had been able to respond in a timely manner to the Monitoring Officer.

The two Independent Persons, Mr Green and Mr Thompson, had been consulted on whether they felt that the workload from the recent cases had been too onerous and whether they had any views on the appointment of additional Independent Persons.

The view of the Monitoring Officer was that two Independent Persons was sufficient but at the same time, the Committee needed to bear in mind how much work was involved in managing and assessing complaints. On an average, 5-6 complaints were received over a year, however since July 2018, 22 complaints had been received to date.

The two Independent Persons were then invited to provide their views. They confirmed that the workload for them had not been too onerous, however, they felt that it would be sensible for consistency and training purposes to appoint one further Independent Person to cover for any unforeseen absences such as holiday or illness.

Following a brief discussion, the Committee agreed that a recruitment exercise should be pursued to appoint one further Independent Person. The Group Head of Council Advice & Monitoring Officer proposed that a similar approach be taken to recruitment to that adopted by the Audit & Governance Committee in July 2018 in appointing new members to the Independent Remuneration Panel which conducted reviews of the Council's Members' Allowances Scheme. Having explained the stages to the approach used, it was confirmed that a new Independent Remuneration Panel had been successfully appointed through advertising in the business community and on the Council's website.

The Committee

RESOLVED – That

(1) the option for recruiting one additional Independent Person to the Standards Committee, as set out in the report, be endorsed with authority being given to the Group Head of Council Advice & Monitoring Officer, in consultation with the Chairman of the Committee, to agree the application pack and advertisement; and

(2) the Group Head of Council Advice & Monitoring Officer, in consultation with the Chairman of the Committee, be given authority to appoint two Members of the Committee and an Independent Person to sit on the Interview Panel.

389. 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 and Part 5 of Schedule 12A of the Act by virtue of the paragraph specified against the item.

390. REGISTER OF ASSESSMENTS OF COMPLAINTS AGAINST COUNCILLORS (Exempt – Paragraph 1 – Information Relating to Any Individual)

(Prior to the commencement of the discussion on this item, Councillor Mrs Bower declared a Personal Interest in some of the complaints contained within this report as her husband was the Subject Member. Councillor Mrs Bower confirmed that she would therefore leave the meeting for this item.)

The Committee received and noted a report from the Group Head of Council Advice & Monitoring Officer which updated Members on the complaints against Councillors received over the past two years.

(The meeting concluded at 6.42 pm)