

STANDARDS COMMITTEE
WEDNESDAY, 15TH MARCH 2017

PRESENT - *Councillors: McGurk (in the Chair), Brookfield, Gunn, Akhtar P, Daniel Wild, Tassadaq Hussain and Paul Fletcher.*

ALSO IN ATTENDANCE - *David Fairclough, Asad Laher, Stewart Wright, Phil Llewellyn and Wendy Bridson.*

1. Welcome and Apologies

The Chair welcomed members to the meeting and received apologies from Councilors Lee, Mahmood, and Slater.

2. Minutes of the meeting held on 8th February 2017

The minutes of the meeting held on 8th February 2017 were submitted.

Clarification was sought on the definition of 'mandatory' attendance under Item 4 – Member Training Update, which David Fairclough explained would be further discussed under Item 5 on the Agenda.

RESOLVED- That the minutes of the meeting held on 8th February 2017 be approved as a correct record and signed by the Chair.

3. Declarations of Interest

There were no declarations of interest received.

4. Establishment of a Standards Hearing Panel

The Committee received a report of the Monitoring Officer seeking consideration of the establishment of a Standards Hearings Panel for the local hearing of complaints against Members.

The Committee received an update on the Council's local procedure and how it would be implemented. Discussions took place around the membership of the sub-committee which would comprise of at least one of the Independent Members of the Standards Committee along with three elected Members of the Standards Committee drawn from at least two different political parties.

Concerns were raised surrounding the Complainant receiving a copy of the agenda and papers along with the procedure to be followed at the Hearing, the Investigation Officer's final report and any responses received from the Subject Matter in advance of the Hearing. It was felt that a letter outlining the date of the Hearing would be sufficient enough, along with an update on the findings once

the Hearing had taken place. It was agreed that the Hearings Panel Procedure note be updated to reflect this.

The Committee discussed the role of the Independent Member on the Hearings Panel and whilst their views would be taken into consideration, they would be a non-voting Member and had no entitlement to vote. It was agreed that a first informal vote that would convey the views of the Independent Member, would take place and be recorded within the minutes, but that a formal and binding vote, without the Independent Member would follow. Furthermore, it was highlighted that the Independent Person's views must also be sought and taken into consideration before deliberations begun.

A question was asked around whether or not an Elected Parish Member or Town Councillor had voting rights if a Parish or Town Council matter was being discussed. Asad Laher agreed to look into this and would advise the Committee in due course.

It was suggested and agreed that item 1.3 on the Part 2 Hearings Panel: Procedure be amended to read that the Committee would nominate and agree who would Chair the Hearing each time.

It was also agreed that during deliberations of the Hearing, individual reasons and views be recorded but that the formal published decision would be a collective decision.

The Committee were then asked if they wished to see the final version of the report or whether they were happy for the Chair or Vice Chair to sign off. It was agreed that an updated version be emailed to the Committee asking for comments before then being signed off by the Chair.

RESOLVED-

- 1) That a Sub-Committee be established, constituted in accordance with the Council's Arrangements for dealing with complaints where Council Members had failed to comply with the Code ("the Arrangements"), to act as a Hearings Panel for the local hearing of complaints against Members;
- 2) That the Standards Committee delegates to the Hearings Panel the function to determine complaints, referred to it under the Arrangements; and
- 3) That the draft procedure for the Hearings Panel be approved, with the final version to be signed off by the Chair.

5. Member Training Update to the Standards Committee

Members were updated on the plans for the 2017/18 Member Training Programme.

Further to the Chairs of Committees and Group Leaders being consulted on the types of Member training and development that should be planned for 2017/18, and which ones should be considered Mandatory, the results from that engagement were reported at the meeting. The results only included those that replied within the timeframe but it was noted that Members would be invited to provide further views in advance of the programme being finalised and that the programme would come to the next meeting of the Standards Committee for approval.

The Monitoring Officer advised that he would differentiate between 'mandatory' and 'essential' training as necessary when drawing up the final programme.

RESOLVED-

- 1) That the Committee note the update report on the formulation of the member training programme for 2017/18.

6. Complaints Update to the Standards Committee

A report was submitted updating Members on complaints received regarding Members conduct under the Arrangements for dealing with complaints about the Code of Conduct for Members.

The Committee were updated that further to the last meeting in December two cases had now concluded with one case still ongoing, as highlighted in the report submitted.

In addition, four complaints had been received by the Monitoring Officer in December, in general e-mail form, however when the complainants were asked to submit their complaint in accordance with the procedure having been sent the prescribed complaints form to complete, they did not proceed with their complaints, therefore no formal complaints had been registered.

Furthermore, a complaint had been received in January 2017 which was currently the subject of initial assessment and it was anticipated that this would be resolved within a few days.

RESOLVED- That the Committee

- 1) Note the update report; and
- 2) Note that there are two complaints in progress at this time

7. Hearing Panel Arrangements – Complaint received re Councillor

A report was submitted which updated the Committee in relation to the complaint made against a Councillor for an alleged breach of the Code of Conduct, and to make the arrangements for a meeting of the Hearings Panel.

Councillor Michael Lee was nominated as Opposition Member of the Panel however due to Councillor Lee's absence, it was agreed that the Chair of the Standards Committee contact Councillor Lee outside of the Committee to discuss this and give him an opportunity to respond.

It was agreed that the following Members also be appointed to the Hearing Panel;

Councillor Vicky McGurk
Councillor Julie Gunn
Independent Member – Paul Fletcher
Independent Person – Stewart Wright

The Committee were asked to submit any comments on the procedure by the end of March as it was hoped that a date be set for the Hearings Panel to take place at the end of April or beginning of May.

The Committee were informed that in the event the Subject Member apologised and agreed to comply with the Code of Conduct and undertake further thorough training, that the Monitoring Officer would be authorized to cancel the hearing. The Monitoring Officer highlighted that the point of no return would be 14 days prior to the Hearing and after the final papers had been sent out.

Asad Laher confirmed that a substitute for Michael Lee would be acceptable, from within the Conservative Group, if either Michael Lee or Julie Slater were unable to attend.

RESOLVED- That the Committee

- 1) Note the Monitoring Officers action to refer the matter of the Complaint into the conduct of a Councillor to a Hearing Panel; and

- 2) Nominate the Members of the Standards Committee to form a Hearing Panel to consider the matter of the Complaint into the conduct of a subject Councillor as referenced in the report.
- 3) That in the event of a material change, the Monitoring Officer in consultation with the Committee, be authorized to cancel the hearing.

8. **Date of the Next Meeting**

RESOLVED- It was noted that the next meeting of the Committee would take place on Thursday 6th July 2017.

Signed.....

Chair of the meeting at which the Minutes were signed

Date.....