

MEETING OF THE STANDARDS COMMITTEE

FRIDAY, 1 JULY 2011 2.30 PM



PANEL MEMBERS PRESENT

Councillor Harrish Bisnauthsing
Councillor Peter Connor - Barkston &
Syston Parish Council
Councillor Alan Davidson
Councillor Vicky Dennis - Castle
Bytham Parish Council
Councillor Richard Dixon-Warren -
Claypole Parish Council
Mr. Chris Holtom CBE. - Independent
Lay-Member (Chairman)

Councillor Vic Kerr
Mr. Fred Mann - Independent Lay-
Member (Vice-Chairman)
Councillor David Nalson
Councillor Nick Neilson - Market
Deeping Town Council
Councillor Robert Prabucki - Claypole
Parish Council
Councillor Robert Rose - Thurlby Parish
Council

OFFICERS

Head of Legal and Democratic Services
(Lucy Youles)
Principal Democracy Officer (Jo
Toomey)

1. MEMBERSHIP

Councillors Robert Rose (Thurlby Parish Council) and Vicky Dennis (Castle Bytham Parish Council) were appointed as parish representatives with voting rights for this meeting.

2. APOLOGIES

Apologies for absence were received from Councillor Philip Knowles (Bourne Town Council), Stephen Pearson (Long Bennington Parish Council) and Irene Greenwood (Colsterworth and District Parish Council).

3. DECLARATIONS OF INTEREST

No declarations of interest were made.

4. MINUTES OF THE MEETING HELD ON FRIDAY 4 MARCH 2011

The minutes of the meeting held on Friday 4 March 2011.

5. INTRODUCTION TO THE STANDARDS COMMITTEE

The Chairman welcomed new members to the Committee. In so doing, he provided a summary of the culture, processes and format used by South Kesteven District Council's Standards Committee.

Committee culture

- At the heart of the Local Government Act 2000 was the idea of bringing more support and public confidence into local councils. Standards and the Code of Conduct were part of that, providing a framework through which councillors could operate.
- Standards arrangements were mandatory and issued from the top down. South Kesteven District Council's processes were developed to support the requirements of the legislation.
- Key to the Council's process was transparency, clarity and fairness for all involved parties.

Localism Bill

- The Committee was awaiting definitive information on provisions in the Localism Bill that would abolish the Code of Conduct and separate town and parish councils from district councils.
- In the past the Committee had considered possible courses of action following the abolition of the Standards regime.

Assessment process

- When a complaint against a councillor is received, an assessment sub-committee comprising three Standards Committee members (1 parish/town councillor, 1 district councillor and one independent member chairing - typically the vice-chairman) is called.
- No complaint can be dealt with at officer level without being seen by the assessment sub-committee unless it is clear the complaint did not refer to a current member, did not relate to a breach of the Code of Conduct or that person was not acting as a Member at the time of the alleged incident.
- The sub-committee is held in private and operates on a fairly informal basis.
- The complainant must complete a pro-forma, which is supplied to the sub-committee by the monitoring officer (or representative) together with relevant parts of the Code of Conduct and a matrix to help decide whether an investigation is required. This is circulated prior to the meeting.
- If the Monitoring Officer or her representative felt there was insufficient information for the sub-committee to make their decision, they would ask the complainant for additional information.
- On the day of the assessment, the sub-committee must use the evidence before them to determine what should happen with the complaint.

- The sub-committee could decide to proceed to investigation, adjourn to give a complainant the opportunity to submit further information or that the complaint did not warrant investigation.
- If the sub-committee decided a complaint did not warrant investigation, the complainant had the right of appeal with three different members of the Committee.
- The Monitoring Officer or her representative will attend the assessment sub-committee to provide legal advice.
- To help the sub-committee make their decision, the checklist that must be completed includes questions like if the allegations proved true, has the Code of Conduct been breached; would an investigation be a good use of resources and is it a tit-for-tat political situation.
- Hearings are held as soon after receipt of the complaint as possible, ideally within 20 days.
- As part of the complaint pro forma, the complainant must say whether they want the complaint and their identity to remain confidential. If they do, the sub-committee must determine whether this should be upheld based on the principles of fairness and natural justice.
- On receipt of a complaint and subject to no objection from the complainant, the subject of the complaint is advised that they are the subject of a complaint and what the complaint is.
- Before and during the assessment committee, the person being complained about is not informed of the meeting. They are informed only after the sub-committee has made a decision.
- Just because the assessment sub-committee determines that an investigation is warranted, it does not mean they have determined the outcome of that investigation.
- Investigations were carried out by the Council's legal team.

The hearing

- When completed, the investigation report is sent to members of the Standards Committee.
- The Committee would meet as a quorum and invite other Committee members (parish members without voting rights at that meeting) along to hear the case.
- The complainant and the subject of the complaint have the opportunity to talk and put forward their case. The key to the process was making the proceedings transparent.
- Everyone at the meeting would be introduced and the procedure explained in simple terms.
- If the Member about whom the complaint was made was not present, the Committee would need to decide whether the hearing should proceed – the Committee need to be clear the councillor has understood the process and is happy with the report.
- Any press and public are excluded for the first stage of consideration. The complainant and the member about whom the complaint was made are able to stay to ask and answer questions
- The investigator would highlight any differences in their report and

what the member says. If any new information was revealed by the member or anyone else present, the investigating officer would have the opportunity to comment in light of what had already been discovered.

- The Committee would consider the information and invite the Member and any other representatives to leave. The Committee would determine what it was going to do and call everybody back into the meeting.
- The committee can find the following:
 - Agree with the recommendations of the investigating officer that there was no breach of the code of conduct
 - Disagree with an investigating officer's findings of no breach and decide to adjourn for further investigation or proceed to a hearing
 - Agree with the recommendation of the investigating officer that there has been a failure to comply with the Code of Conduct, which the member admits.
 - Agree with the recommendation of an investigating officer that the code had been breached but the breach is not admitted by the Member, nor has any contrary evidence been presented and proceed to a hearing. If it determines the code has been breached, it will consider sanctions.
 - If the member does not admit the breach but provides additional information that was not raised originally the committee can adjourn for further investigation or proceed straight to a hearing.
- If the Committee finds that the code of conduct has been breached the legal officer would be invited to comment on the sanctions available and the member would be given the opportunity to respond. The committee would also be able to ask questions. Those present would be sent out while the committee consider what would form an appropriate sanction.
- The Committee would need to be mindful of the message being sent to the individual and the public. Any sanction would need to be proportionate.
- When an appropriate sanction has been agreed, the member would be called in. the breach and sanction would be explained together with their context. This information would be released in the decision notice, which is reported in the press.

Committee members discussed the hearing process and how decisions were formed on the balance of probability. Determinations concentrated on gathering the facts and testing those facts against the code of conduct to see whether there had been any breaches.

Members of the Committee were aware that the Localism Bill would abolish the Standards regime for local councils. District, town and parish councils would have the discretion to adopt their own codes of conduct or operate without any formal framework. Committee members expressed concern about not having a framework and how parish and town councils would manage. Concerns were also expressed as the Bill would remove the

requirement for independent members. Committee members felt that maintaining independence was important.

6. STANDARDS COMMITTEE - ANNUAL REPORT TO COUNCIL

The chairman explained that the Standards Committee submitted a report to the full Council on an annual basis. The report for 2010/11 would be considered on Thursday 7 July 2011. Historically the report had included statistics about the committee's work and emerging issues. 15 complaints had been received, 5 of which were progressed for investigation. The Chairman also proposed to speak to councillors about the Localism Bill and the impact it would have on the standards regime.

The district council had a duty to promote and maintain high standards of conduct, so there would be provision for the Council to adopt its own voluntary code of conduct. It was noted that there would be no legal provision for the sanctioning of Members found in breach of any local code of conduct.

Parish members at the meeting stated that it would be difficult for any issues to be addressed at parish level; trying to resolve complaints at that level could cause local frictions. Concerns were also expressed about the potential lack of consistency between parishes and resourcing to deal with any complaints. One option that had been discussed in the past was that the district council create a local framework and invite parishes to subscribe to that framework.

A member of the Committee read a section of a briefing note produced by the National Association of Local Councils, which advised parish and town councils not to adopt any form of voluntary code of conduct following the abolition of the Standards regime.

At the meeting on 7 July 2011, the Chairman would volunteer the Committee to look at possible options for Standards on behalf of the Council. Those proposals would be fed to the Engagement Policy Development Group for them to consider and make recommendations. It was proposed that a working group be created to formulate options for the council's consideration. Members of the Committee felt this approach would be appropriate.

7. APPLICATIONS FOR DISPENSATION BY THE STANDARDS COMMITTEE

No applications for dispensation had been received.

8. SITUATION REPORT - ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT

There were two outstanding assessments and one outstanding hearing. It was proposed an additional meeting be held in July to hear the outstanding case.

9. CLOSE OF MEETING

The meeting closed at 15:46.

Future meetings of the Committee as agreed at the Council meeting on 19 May 2011 were:

- Friday 2 September 2011, 2:30pm
- Friday 4 November 2011, 2:30pm
- Friday 6 January 2012, 2:30pm
- Friday 2 March 2012, 2:30pm