

MINUTES

STANDARDS COMMITTEE
FRIDAY, 18 MAY 2012
2.30 PM



COMMITTEE MEMBERS PRESENT

Chairman	Mr. Chris Holtom CBE. - Independent Lay-Member
Vice-Chairman	Mr Fred Mann – Independent Member

Councillor Peter Connor - Barkston & Syston Parish Council
Councillor Alan Davidson - Earlesfield Ward
Councillor Vic Kerr - Loveden Ward
Councillor Philip Knowles - Bourne Town Council
Councillor David Nalson - Stamford St. John's
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
Legal and Democratic Services Manager (Investigating Officer) – John Armstrong
Principal Democracy Officer – Jo Toomey

1. MEMBERSHIP

Councillors Robert Rose (Thurlby Parish Council) and Nick Neilson (Market Deeping Town Council) were appointed as parish representatives with voting rights for the meeting.

2. APOLOGIES

Apologies for absence were received from Councillors Richard Dixon-Warren (Haconby and Stainfield Parish Council), Stephen Pearson (Long Bennington Parish Council), Irene Greenwood (Colsterworth and District Parish Council) and Harrish Bisnauthsing (South Kesteven District Council).

3. DECLARATIONS OF INTEREST

No declarations of interest were made.

4. MINUTES OF THE MEETING HELD ON 3 FEBRUARY 2012

The minutes of the meeting held on Friday 3 February 2012 were agreed as a correct record.

5. CONSIDERATION / HEARING OF COMPLAINT SCC / 21725

The Chairman introduced the consideration/hearing and explained the procedure that the Committee would follow in considering the complaint. Introductions were made. He asked members to confirm any declarations of interest and established the Committee was quorate.

The Councillor was present, however the complainant was not.

It was resolved that:

In accordance with Section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting because of the likelihood, in view of the nature of the business to be transacted, that if members of the public were present, there would be a disclosure to them of exempt information as defined in paragraph 10 of part 1 of Schedule 12A of the Act.

With the press and public excluded, the Monitoring Officer outlined the complaint and the findings of fact following the investigating officer's investigation. Members were advised that the allegations were investigated under the 2007 Members' Code of Conduct. It was confirmed that the respondent was a parish councillor at the time the complaint was made and was bound by the Code when acting in that capacity.

The complaint alleged that the Councillor breached paragraph 3 (1) and 3 (2) (b) and (c) by failing to treat others with respect and intimidation and bullying. The Committee had to determine whether the Councillor was acting in his capacity as a Councillor and whether his behaviour constituted a breach of the Code of Conduct.

The complaint related to an incident, which took place on 19 August 2011. The Councillor attended the home of the complainant where a discussion ensued relating to a request made by the Councillor that the complainant move her son's car.

The Councillor explained that there were a number of parking and traffic issues in the village. Accessibility problems were reported by drivers of timber lorries travelling through the village; these were caused by an incapacitated vehicle and roadworks. The location of the incapacitated vehicle prompted the request to move the car. The complainant had previously had an interaction with her neighbour, who had asked for the car to be moved. The complainant's son was also part of the interaction. The Councillor advised that he would contact the police about moving the car.

The Committee noted that the Councillor had been a member of the Parish Council for 32 years.

14:49 The Councillor and Investigating Officer left the meeting

Members considered the report of the Investigating Officer, together with comments made by the Councillor. Standards Committee members agreed with the Investigating Officer that the respondent had been acting in his official capacity and that there had not been a breach of the Members' Code of Conduct.

14:56 The Councillor and Investigating Officer returned to the meeting

The Chairman explained that the Committee had agreed with the findings of the Investigating Officer, finding the respondent had not breached the Members' Code of Conduct, and read the statement detailing the Committee's findings.

The SKDC Standards Committee has considered the complaint (SCC/21725) and concludes that there was no breach of the Code of Conduct by Councillor G Ward.

The Committee notes that the issue of parking on the road in the village of Woolsthorpe-by-Belvoir is long-standing and that the only solution is one of common sense applied in a spirit of public co-operation.

The Committee understands that the complainant had already had an upsetting altercation with a neighbour on the day of the incident. This circumstance did not favour Councillor Ward's intervention later and inadvertently he compounded the situation of the complainant by responding the way he did in trying to do his public duty in his capacity as a parish councillor. The Standards Committee thanked Councillor Ward for his long service and valuable voluntary contribution to the parish.

The Parish Councillor requested that the Standards Committee's statement be published in a local newspaper.

6. MEMBERS' CODE OF CONDUCT

Decision:-

To approve the recommendations as listed in report number LDS068.

The Head of Democratic and Legal Services presented report number LDS068 on the Members' Code of Conduct and arrangements for dealing with complaints. It included three examples of different draft codes of conduct produced by the Local Government Association, the Department for Communities and Local Government and Lincolnshire County Council.

The Engagement Policy Development Group would receive a report at its meeting

on Thursday 24 May 2012 together with recommendations made by the Standards Committee. The Committee's recommendations would be presented to full Council on 12 July 2012. Current arrangements were scheduled to cease on 30 June 2012.

Notable omissions from the Lincolnshire draft code related to equalities and treating others with respect. Committee members felt that duties relating to equality and diversity were sufficiently covered through legislation. However, as a large number of complaints considered previously by the Committee had been around treating other people with respect, the consensus was this should be included within any adopted Code of Conduct.

The Committee discussed the implications of future arrangements for parish councils. Guidance was awaited from the National and Lincolnshire Associations of Local Councils (NALC and LALC). Monitoring Officer advice would still be available for parish councils however they would need to adopt their own codes of conduct and complaint process. Parish representatives indicated that they had been satisfied with existing arrangements and expressed concern about capacity within parishes to manage and determine complaints. Further concerns were expressed about local residents' confidence in parish councils to resolve complaints locally.

It was suggested that an "appeal committee" could support the process; this committee could reflect the Member Panel used at Stage 3 of South Kesteven District Council's own complaints process. Members suggested that this panel could be used as a body of appeal for parish-level complaints.

Legislation required the appointment of at least one independent member by district councils. It was unclear whether legislation would provide opportunities for local authorities to use the independent person of a neighbouring authority if their own independent person was indisposed. Guidance on independent persons and transition arrangements was not available.

Guidance defining disclosable pecuniary interests was still awaited. Early indications pointed to any allegations of this nature being referred directly to the police.

The Committee supported the recommendations in report number LDS068 by the Head of Legal and Democratic Services, and made a series of further recommendations:

Recommendations:

- 1. That South Kesteven District Council adopts the Lincolnshire County Council draft Code of Conduct with the addition of a clause on treating others with respect.***
- 2. That the district council has no responsibility for complaints made against members of parish councils, however it retained a duty to***

provide advice.

3. *That the Council consider a backstop mechanism, for example an appeals panel that could also be made available in relation to complaints dealt with at parish level.*

7. APPLICATIONS FOR DISPENSATION BY THE STANDARDS COMMITTEE

None received.

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

No complaints or investigations outstanding.

9. CLOSE OF MEETING

The meeting was closed at 15:50.