

Standards Committee Minutes

The minutes of the Standards Committee meeting of Wyre Borough Council held on Thursday, 16 June 2016 at the CivicCentre, Poulton-le-Fylde.

Standards Committee members present:

Councillors I Amos, M Anderton (Vice-Chairman), R Duffy, Moon and Michael Vincent.

Officers present: Liesl Hadgraft (Monitoring Officer and Head of Business Support) and Roy Saunders (Democratic Services and Scrutiny Manager).

Also present: Helen Kay and Barry Parsonage (Independent Persons) and Councillor R Amos. Councillor R Hewitt (Fleetwood Town Council) was also present. No other members of the public were present.

Apologies for absence: Councillor B Birch (Chairman) and Mary Grimshaw (Senior Solicitor and Deputy Monitoring Officer).

1 Election of Chairman for 2016/17

Councillor Barry Birch was elected as Chairman of the Committee for the 2016/17 municipal year.

2 Election of Vice-Chairman for 2016/17

Councillor Marge Anderton was elected as Vice-Chairman of the Committee for the 2016/17 municipal year.

In the absence of Cllr B Birch, she chaired the remainder of the meeting.

3 Declarations of Interest

None.

4 Minutes

RESOLVED that the Minutes of the meeting of the Committee held on 17 March 2016 be confirmed as a correct record.

Current Complaints Summary

The Monitoring Officer submitted a report on complaints of alleged breaches of the Council's Code of Conduct which were currently being processed or had been completed since the last report to the Standards Committee. Ms Hadgraft said that brief details of each of the complaints were included in the schedule attached as an Appendix to the report. She provided further information to the Committee at the meeting, as follows:

Schedule items 1-4. Complaint Refs: 201507(i), 2015/07(ii), 2016/02 and 2016/03.

These complaints had all been previously reported to the Committee and were on-going cases. The previous Monitoring Officer had determined that an independent mediator would be appointed to seek a resolution on complaint Ref: 2016/03. This mediation had very recently taken place and, she was happy to report that she had been advised by the company carrying out the mediation that it appeared to have been successful, with both the parties involved signing up to a written agreement.

At the last Standards Committee meeting a question had been raised with regards to the payment for this service and whether the costs of the mediation should be met by Wyre Council or passed onto the appropriate parish/town council. She had sought a legal opinion on this matter and had been advised that, whilst Wyre could ask the parish/town council concerned to pay or make a contribution to the cost, it would not be possible to enforce payment. Ms Hadgraft agreed, in response to questions, to send information on the costs of the mediation process to members of the Committee.

Schedule item 5. Complaint Ref: 2016/04

The previous Monitoring Officer had reported to the last Standards Committee meeting that legal advice had been received that the member who was the subject of this complaint had not been acting in their capacity as a Councillor when the alleged offence had taken place and, the Code of Conduct did not therefore apply. From a council perspective, nothing further would be done with this complaint.

Schedule item 6. Complaint Ref: 2016/05

There was not much further to report on this complaint at the current time. The matter was still being investigated by another agency and, until that investigation was concluded, the Council would not be able to establish if a breach of the Code of Conduct had taken place. Clearly, this was a very delicate matter, and would need to be handled accordingly.

Schedule item 7. Complaint Ref: 2016/06

This case has been considered under the first stage of the complaints process and it had been concluded that no breach of the Code of Conduct had taken place. Therefore, no further action would be taken. The complainant, when advised of this outcome on 10 May 2016, had said that he would take the case and the Monitoring Officer's response to the press, but she was not aware that this has taken place.

Schedule item 8. Complaint Ref: 2016/07

The Monitoring Officer said that this case was linked to an earlier complaint which she had not been involved in. She and one of the Independent Persons (Barry Parsonage) had therefore met with the complainant to fully understand the nature of the complaint. The outcome, following these discussions, had been that no further action would be taken. Some of the issues that were raised had been around procedural matters and there was an understanding that these were already under review. The complainant had replied to her response with further questions and a response to these would be made in due course.

Schedule items 9-16. Complaint Refs: 2016/08 -2016/15 (8 cases)

Complaint Refs: 2016/08 – 2016/15 – a total of 8 cases - all related to the same parish/town council and were all connected in some way. Part of the process when establishing whether a breach of the code has taken place requires the Monitoring Officer and at least one of the Independent Persons to undertake an initial assessment test with the information that has been provided. This process had commenced and the first 3 of these cases (Refs: 2016/08, 2016/09 and 2016/10) had been assessed. It had been agreed at that stage that insufficient information had been provided and that additional questions would need to be asked to complete the assessment properly.

Ms Hadgraft said that it was important to add at this stage that the nature of the complaints were accusatory, with a number of allegations being made creating an emotive situation. In addition to the complaint forms submitted a number of contacts had been made by the complainants to both her and the Democratic Services and Scrutiny Manager, Roy Saunders, via phone, email and in person at the Civic Centre.

Whilst waiting for the additional information requested about the first three complaints, a fourth complaint had been received (Ref 2016/11). This was from the then Clerk of the Parish concerned, who was also an ex-employee of Wyre who both she and Barry Parsonage had worked closely with.

She said she would not have had a concern about carrying out the investigation objectively and had no doubt that Barry Parsonage would also have been able to be completely impartial. However, she did have some concerns, given the content of the complaints, that if she had decided to carry out the investigations herself, her ability to be objective would have been brought into question, particularly by those who did not agree with her

decision and, ultimately, that this would not help to resolve matters. She had met with both Independent Persons to discuss the predicament and it was agreed that the best course of action would be to get the cases investigated independently.

After that decision had been made, a further four complaints had been received, all in a similar vein. This made a total of eight current complaints and there was a possibility that this would increase.

A meeting had taken place earlier in the day with an external independent investigator and they had been provided with a brief to investigate all the cases in relation to this parish/town council. The investigator would report back to her in the first instance and she would then meet again with Independent Person(s) to consider what action to take. She would then update the Standards Committee at its next meeting or, if necessary convene a special meeting.

Members of the Committee endorsed the Monitoring Officer's decision to appoint an independent investigator in these circumstances. Ms Hadgraft said, in response to further questions, to send information on the costs to members of the Committee.

RESOLVED that the report be noted.

6 Date of next Meeting

The Committee noted that its next scheduled meeting was due to be held at 6pm on Thursday 10 November 2016.

The meeting started at 6.00 pm and finished at 6.40 pm.