

Standards Committee Minutes

The minutes of the Standards Committee meeting of Wyre Borough Council held on Thursday, 10 November 2016 at the Civic Centre, Poulton-le-Fylde.

Standards Committee members present:

Councillors I Amos, M Anderton (Vice-Chairman), B Birch (Chairman) and Moon.

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

Also present: Barry Parsonage (Independent Person) and a representative of the press.

Apologies for absence: Councillor R Duffy and Michael Vincent, and Helen Kay (Independent Person) and Mary Grimshaw (Senior Solicitor and Deputy Monitoring Officer).

7 Declarations of Interest

None.

8 Minutes

RESOLVED that the Minutes of the meeting of the Committee held on 16 June 2016 be confirmed as a correct record.

9 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:

Complaint Ref: 2015/07(ii)

As previously reported to the Standards Committee, mediation had taken place on a related complaint involving the complainant. However, following that mediation process, an earlier case involving the same complainant and another member of the same Parish/Town Council now needed to be

resolved. The Monitoring Officer had requested a meeting with the complainant to allow any further issues to be understood and dealt with accordingly. That meeting had yet to take place.

Complaint Refs 2016/08 to 2016/17 inclusive

The Monitoring Officer said all these complaints related to one Parish/Town Council and were all connected in some way. Two of them were new complaints (2016/16 and 2016/17) which had been received since the last meeting of the Committee. However, in the main, these were also connected to the other complaints.

The Monitoring Officer said that at the last Standards meeting she had reported that a number of complaints had been received in succession from a number of members belonging to a particular town council and, for a number of reasons, it had been agreed that they would all be independently investigated by an outside person.

The investigation had resulted in two reports being produced. One of the reports dealt specifically with two complaints, refs: 2016/11 & 2016/12. The recommendation of the report in respect of both those complaints was that a breach of the code of conduct had occurred.

The second report grouped the remaining complaints listed in the schedule. In all these cases, no breach of the code of conduct had been found. However, the report had identified a number of issues within the town council, including poor behavioural issues and “tit for tat” complaints which had resulted in a dysfunctional organisation. The report was not at all complimentary and showed the Town Council in a bad light. She had met with one of the Independent Persons (Barry Parsonage) to review the findings of both reports and had agreed on a proposed course of action.

Firstly, with regard to the report on the complaints where no breaches had been found, she and the Independent Person had decided to meet with all members of the Town council. That meeting had been held on the 17 October in private. Those members that had either been the subject of a complaint or a complainant had been requested to attend, whilst the remaining members of the council had been given the option to attend, so as to not exclude them. In the end, all members of the Council had been present. It had been a very frank meeting. She had made clear at the start that she and Mr Parsonage would not

- discuss the report that had identified breaches, because a separate procedure needed to be followed for those complaints;
- discuss individual complaints;
- point the finger at any individual;
- be releasing the report where no breaches had been found because it would not be in the interest of the town council to do so and would not be helpful in trying to move forward.

She had pointed out that, where no breaches had been found, it was not common practice to release detailed information, but simply to inform the subject members and complainants of the outcome.

She had stressed that the aim of the meeting was to discuss what needed to happen to get the council working together in a more productive way for the good of the community it served.

She had also made clear that the investigation had been conducted at a financial cost to Wyre. One of the recommendations of the report had been that external advice be sought to help resolve problems identified but, she had informed the town council of the view of the Standards Committee that, in view of the costs already incurred, it was not prepared to accept that Wyre Council should bear the additional cost of any remedy to help resolve those problems.

The reaction at the meeting had been mixed. A number of councillors could see that what was being suggested was needed and made sense, but it had been apparent that view was not shared by all.

There had been some fall-out following the meeting, which suggested that some of the Councillors did not see anything wrong with their behaviour, that they did not agree with the findings of the investigation and had no intention of changing.

She had also made it perfectly clear to members of the town/parish council, that whilst as Monitoring Officer she had an obligation to consider all complaints, if any further complaints which were found when undertaking the initial assessment process to be along the same lines as the ones recently dealt with, they would be ignored and multiple complaints would be considered to be vexatious.

The Monitoring Officer then referred to complaint Ref: 2016/16, which had been received since the last meeting of the Standards Committee. As indicated on the schedule printed with the agenda, there were four elements to the complaint.

Points 2 and 3 had been along similar lines to the other complaints, so she had asked the investigating officer to deal with those. At the initial assessment stage, points 1 and 4 had appeared to be of a more straightforward nature, so she had decided to deal with them internally, with the Independent Person. It had quickly been established that there had been no need to declare an interest and there had therefore been no breach of the code (point 1). However, in relation to point 4 (which should read as lying at a council meeting), an interview with the subject member had revealed a different account of what had taken place. Given the whole situation and the current breakdown of relationships, involving other members of the Council to ask for their account would have proved difficult. There had been members of the public present at the meeting in question, but it would have been unusual to involve the public unless they had made the complaint themselves. It had therefore been one word against another and she had concluded that there

was no evidence to conclude that there had been a breach of the code.

She said that the complainant had subsequently contacted her stating that they were not happy with the outcome and demanding that the members of the public present at the meeting be interviewed. She had been reluctant to do that but, in an attempt to put an end to the matter and by way of getting an independent witness, she had offered to get the temporary clerk to provide their account. The complainant had intimated that they would still not be satisfied with this solution. Nevertheless, she intended to proceed in that manner and, depending on the temporary clerk's account, would determine any next course of action.

Mrs Hadgraft then dealt with the first Investigation report, on complaints 2016/11 and 2016/12, where breaches of the code of conduct had been identified. She and the Independent Person (Barry Parsonage) had reviewed the report and accepted the findings. Under stage 3 of Wyre's procedure she had then sought an informal resolution. The investigation report had been circulated to both the complainants and subject members. The two subject members had also been sent a letter requesting that they accept that they had breached the code of conduct and to make an apology at the next Town Council meeting. Both subject members had also been advised that if they did not make the apology there was a possibility that they would be asked to attend a Standards Hearing. Since receiving the letters certain developments had taken place which strongly indicated that one and, possibly two, hearings would be necessary. In order to consider practical and procedural matters relating to those hearings, the Monitoring Officer advised that the Committee should consider moving into confidential session because it was likely that information relating to the identity of either the complainant or the subject members concerned would be revealed, prior to the Council's pre-hearing procedures, as set out in Part 5 of the Constitution, being completed.

RESOLVED:

1. The summary of current complaints submitted by the Monitoring Officer and her verbal report on each of the complaints referred to in public session of the meeting, be noted.
2. That the public and press be excluded from the meeting whilst the remainder of agenda item 4 was considered, because it was likely that during the discussion exempt information, as defined in category 1 (information relating to any individual) of Part 1 of Schedule 12(a) of the Local Government Act, 1972, as amended by the Local Government (Access to Information) Variation Order 2006, would be revealed and, also that the public interest in maintaining the exemptions outweighed the public interest in disclosing the information. (The member of the press present then left the meeting).
3. That a verbal report made in confidential session by the Monitoring Officer outlining the further process now to be followed on complaints 2016/11 and 2016/12 (but not revealing any details of the investigation report) and, the likelihood that two special meetings of the Standards

Committee would need to be convened to conduct a hearing on those complaints, be noted

4. That it be noted that, if hearings were convened, the procedures set out in Annex A and Annex B set out in Part 5.02 of the Council's Constitution would be followed.

10 Date of next Meeting

The Committee noted that its next scheduled meeting was due to be held at 6pm on Thursday 16 March 2017, but that it was likely that one or two special meetings were likely to be arranged before then.

The meeting started at 6.00 pm and finished at 7.05 pm.