



Standards Committee Agenda

Wyre Borough Council
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**Standards Committee meeting on Thursday, 16 March 2017 at 6.00 pm
in the Civic Centre, Poulton-le-Fylde**

- 1. Apologies for Absence**
- 2. Declarations of Interest**

Members will declare any pecuniary or significant other interests they have in relation to the items on this agenda.

- 3. Minutes** (Pages 1 - 10)

Confirmation of the Minutes of the meetings of the Committee held on 10 November 2016 and 7 February 2017.

- 4. Current Complaints: Summary** (Pages 11 - 14)

Schedule prepared by the Monitoring Officer.

The Monitoring Officer will report verbally on the latest position with regard to the complaints listed and any issues arising from them.

- 5. Date of Next Meeting**

The next meeting of the Committee is scheduled for 6.00pm on Thursday 15 June, 2017.

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Standards Committee

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

Councillors 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).

STA.07 Declarations of Interest

None.

STA.07 Minutes

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

STA.08 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.

STA 09 **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 6pm and finished at 7.05pm.

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Standards Committee

Minutes of the meeting of the Standards Committee of Wyre Borough Council held on 7 February 2017 at the Civic Centre, Poulton-le-Fylde.

Councillors present: Councillors I Amos, M Anderton, B Birch (Chairman), R Duffy, Moon and Michael Vincent.

Officers present to advise the Committee: Mary Grimshaw (Senior Solicitor and Deputy Monitoring Officer) and Peter Foulsham (Scrutiny Officer).

Also present: Mike Dudfield (Investigating Officer), Helen Kay (Independent Person), Roy Saunders (Democratic Services and Scrutiny Manager), five members of the public and two members of the press.

STA.10 Exclusion of public and press

In the absence of the Subject Member, Councillor Patricia Greenhough, the committee wished to discuss whether to adjourn the matter to another date or to proceed in her absence.

The committee passed the following resolution:

“That the public and press be excluded from the meeting whilst this matter is being considered, because it refers to 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 and, that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

The meeting continued in private session and considered issues related to the additional documents that were “Not for Publication” because they contained “exempt information” as defined in Schedule 12(a) of the Local Government Act 1972.

STA.11 Absence of Subject Member

The meeting re-convened in public session.

The Chairman, Councillor B Birch, said that having considered all the

relevant information the committee had decided to go ahead with the hearing in the absence of Councillor Patricia Greenhough. Taking into account all the evidence, the committee considered that it would be preferable for all concerned in the matter to continue the hearing in her absence to enable the matter to be brought to a speedy conclusion.

STA.12 Declarations of interest

Councillor Moon declared an Other Significant Interest in item 3 on the agenda as he was a Wyre Councillor for Preesall Ward. However, Councillor Moon said that this would not prejudice his judgement and he continued to play a full part in the meeting.

STA.13 Code of Conduct: alleged breach by Councillor Patricia Greenhough, Preesall Town Council

The Investigating Officer, Mike Dudfield, presented his report and findings, copies of which had previously been circulated to the Committee.

The Democratic Services and Scrutiny Manager also referred to the contents of an email sent to him by the Subject Member on 3 February 2017 setting out her comments on the investigation report. The email was “not for publication” because it contained personal information about individuals, but copies were circulated to and were read by members of the Committee.

Mr Dudfield gave a detailed chronological account of events, referring to the contents of his report, and drew the following conclusions:

- i. At the meeting of 9 May 2016 Councillor Patricia Greenhough was acting in her official capacity as a councillor so it was covered by the Code of Conduct.
- ii. It was likely that the allegations made by Councillor Patricia Greenhough regarding a closed Santander bank account and the transfer of funds were based on an over-heard conversation that had been mis-heard.
- iii. There were many inconsistencies in the evidence provided by Councillor Patricia Greenhough.
- iv. There had been no Santander bank account in the name of Preesall Town Council; there was no primary evidence.
- v. Local Authority councillors were responsible to their communities. Any councillor believing that £2,000 had gone missing had a responsibility to take some action by referring the matter to the Council, or to the External Auditor or to the police.
- vi. The allegation by Councillor Vivien Taylor that Councillor Patricia

Greenhough's address to Preesall Town Council on 9 May 2016 included incorrect statements and had brought the Town Council into disrepute was not proven as 'disrepute' related to the position of the councillor or the Town Council in the community and these comments were made in private session.

- vii. Councillor Patricia Greenhough had breached paragraph 1 bullet point 8 of the Town Council's Code of Conduct by not promoting and supporting high standards of conduct in the manner in which she pursued her arguments concerning the existence of the Santander account and surrounding issues, therefore improperly impugning the integrity and professionalism of the former Clerk.

Members of the committee asked Mr Dudfield several questions by way of clarification.

The committee retired with the Deputy Monitoring Officer, the Independent Person and the Scrutiny Officer to consider, in private session, all the information that had been presented to them. They then returned to publicly announce the Committee's decision, as follows:

RESOLVED that

- (i) The Standards Committee, having considered all the evidence presented, accept the Investigating Officer's findings and conclude that Councillor Patricia Greenhough, by improperly impugning the integrity and professionalism of the former Clerk to Preesall Town Council, Miss Jan Finch, at the meeting of Preesall Town Council on 9 May 2016, did breach paragraph 1 bullet point 8 of Preesall Town Council's Code of Conduct by not promoting and supporting high standards of conduct, by the manner in which she pursued the argument concerning the existence of the Santander account and surrounding issues.
- (ii) The Standards Committee is only able to make recommendations to Preesall Town Council. The Standards Committee asks that Preesall Town Council note the findings of the Committee and that the breach be publicly recorded in the minutes of a meeting of the Town Council. The Standards Committee finds no evidence of any wrongdoing by Miss Jan Finch.

The meeting started at 6pm and finished at 7.41pm.

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SUMMARY OF CURRENT COMPLAINTS 16 MARCH 2017

The following alleged breaches of the Code of Conduct are currently being dealt with under the Council's complaints process or have been concluded since the meeting of the Standards Committee held on 10 November 2016.

Ref No	Complainant	Subject Member	Category of Complaint	Progress/Outcome
2015/07(ii)	A Parish/Town Councillor	A Parish/Town Councillor	Inappropriate comments and behaviour at Council meetings, in e-mails and to the press.	Monitoring Officer arranged to meet with complainant to seek a resolution. Now superseded by complaint ref 2016/18 (see below)
2016/04	Head of Contact Centre, Wyre BC	A Wyre BC Councillor	Possible inaccurate submission of a benefit claim.	Legal advice received that the subject member was not acting in their capacity as a Councillor when the alleged offence took place. Still not yet known what action, if any, the Department for Work and Pensions is going to take.
2016/05	Head of Contact Centre Wyre BC	A Wyre Councillor	A Council Tax/Rates issue	An investigation carried out by another agency has now concluded that there is insufficient evidence to prove Councillor misconduct and, on that basis, the matter has been closed.

Ref No	Complainant	Subject Member	Category of Complaint	Progress/Outcome
2016/11(a)	A member of the public (former Parish/Town Clerk)	A Parish/Town Councillor	Offence and damage to reputation caused by unfounded allegations and inappropriate comments and behaviours.	<p>An investigation carried out by an external person concluded that the subject member had breached the Code of Conduct.</p> <p>A Standards Committee Hearing held on 7 February 2017 found that the subject member had breached the Code of Conduct and agreed to ask that its decision be reported publically to Preesall Town Council. (The minutes of the meeting held on 7 February are submitted under agenda item 3)</p>
2016/11(b)	A member of the public (former Parish/Town Clerk)	A Parish/Town Councillor	Offence and damage to reputation caused by unfounded allegations and inappropriate comments and behaviours.	<p>An investigation carried out by an external person concluded that the subject member had breached the Code of Conduct.</p> <p>The subject Members has subsequently resigned as a Town Councillor. He has also apologised publically to the Town Council “for the trouble he has caused by his efforts to clear his name”, but not to the complainant</p> <p>The Monitoring Officer will provide a verbal update at the meeting.</p>
2016/12	A Parish/Town Councillor	A Parish/Town Councillor (Same subject member as in ref: 2016/11(a))	Making incorrect statements, bringing the Council in to disrepute.	Linked to complaint ref 2016/11(a). The Standards Committee at its hearing on 7 February 2017 also concluded that the subject Member had breached the Code of Conduct on this complaint. See minutes submitted under agenda item 3.

Ref No	Complainant	Subject Member	Category of Complaint	Progress/Outcome
2016/17	A Parish/Town Councillor (subject member in ref: 2016/12)	A Parish/Town Councillor (complainant in ref: 2016/12)	“Bringing the Council in to disrepute”. Incorrect procedures followed and inappropriate behaviours at TC meetings.	Linked to complaint 2016/12 and other current complaints involving Preesall TC. No further action to be taken.
2016/18	A Parish/Town Councillor Supersedes complaint Ref 2015/07(ii)	A Parish/Town Councillor		Monitoring Officer and an Independent Person met with the complainant who submitted various documents to support her complaint. Further information awaited from the complainant.
2016/19	A member of the public	A Wyre BC Councillor	Failure to follow correct procedures at a meeting of the Planning Committee.	Initial tests considered by Monitoring officer and an Independent Person. Following investigation by the Monitoring Officer it was concluded that there was no evidence of a Breach of the Code and that no further action would be taken.
2017/01	4 Wyre BC Councillors	A Wyre BC Councillor	Making incorrect statements with regard to scrutiny meetings and failing to correct them when given the opportunity to do so. “Disrespect for the Council’s Corporate Values. Failure to comply with the principles - selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Failure to maintain the highest standards of conduct and ethics.”	Initial assessment carried out by the Monitoring Officer and an Independent person. Monitoring Officer and Independent Person to meet with the complainant.

Ref No	Complainant	Subject Member	Category of Complaint	Progress/Outcome
2017/02	A Wyre officer	A Wyre Councillor	Inappropriate behaviour at a Planning Committee meeting.	Monitoring Officer and an Independent Person met with the Subject Member who agreed to undertake training.

Updated 7/3/17

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