



Standards Committee Agenda

Wyre Borough Council
Date of Publication: 28 October 2015
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Standards Committee meeting on Thursday, 5 November 2015 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 - 4)

Confirmation of the Minutes of the meeting of the Committee held on 11 June 2015.

- 4. Independent Person: Recruitment** (Pages 5 - 8)

Report of the Monitoring Officer attached.

- 5. Current Complaints: Summary** (Pages 9 - 12)

A schedule, prepared by the Monitoring Officer, summarising current complaints of breaches of the Council's Code of Conduct, attached.

The Monitoring Officer will report on issues arising from the complaints listed.

- 6. Date of next Meeting**

The next scheduled meeting of the Committee is due to be held at 6pm on 17 March 2016.

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Standards Committee

Minutes of the meeting of the Standards Committee of Wyre Borough Council held on 11 June 2015 at the Civic Centre, Poulton-le-Fylde.

Councillors present: Councillors I Amos, M Anderton, B Birch (Chairman), Moon, Lees (Vice-Chairman) and Michael Vincent.

Officers present:

Michael Ryan (Corporate Director, People and Places & Monitoring Officer), Mary Grimshaw (Senior Solicitor and Deputy Monitoring Officer) and Roy Saunders (Democratic Services and Scrutiny Manager).

STA.1 **Chairman 2015/16**

Councillor B Birch was elected Chairman of the Committee for 2015/16.

STA.2 **Vice-Chairman 2015/16**

Councillor Lees was elected as Vice-Chairman of the Committee for 2015/16.

STA.3 **Apologies for Absence**

The Chairman (Councillor B Birch) said that he had received apologies from Councillors Moon and Michael Vincent stating that they would be arriving slightly late.

STA.4 **Declarations of Interest**

None

STA.5 **RESOLVED** that the Minutes of the meeting of the Committee held on 6 November 2014 be confirmed as a correct record, subject to the substitution of the words "should have" for the word "had" in the first line of the third paragraph of Minute STA.16 (Code of Conduct Complaint – Reference 2014/07)

Councillor M Anderton said, with reference to Minute STA.16, that the Committee had been informed on 6 November that Councillor Murphy had apologised to all the Councillors involved in the situation which had been

the subject of the complaint, but that had not been correct. He had not at that time apologised to all the Labour Councillors concerned, although she acknowledged that he had done so subsequently. She said that the facts should have been established and reported more clearly to the Committee.

Mr Ryan said in response to comments made by Councillor B Birch about minute STA.15 (Current Complaints: Summary). That he would arrange for the complaints procedure flowchart to be amended to refer to the Chairman of the Standards Committee being notified by the Monitoring Officer when complaints were received, as had been discussed at the meeting on 6 November 2015.

STA.6 Independent Persons: Recruitment

The Monitoring Officer submitted a report providing information on the arrangements being made to recruit independent persons to be involved in the process for dealing with Councillors Code of Conduct Complaints and also in disciplinary procedures for statutory officers.

Mr Ryan informed the Committee that further to the position described in paragraphs 5.1 and 5.2 of the report, no applications had been received in response to the advertising campaign. However, the discussions held with South Ribble District Council had led to the independent person appointed by that Council indicating that he would also be willing to act in a similar capacity for Wyre. Assuming the discussions were concluded successfully he would submit a report to the next Council meeting recommending that that the independent person at South Ribble also be appointed as the independent person for Wyre.

RESOLVED that the current position be noted and that the Monitoring Officer's intended course of action be supported.

STA.7 Current Complaints: Summary

The Monitoring Officer submitted a schedule summarising 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.

Mr Ryan said in response to questions, that the most recent complaint had been received shortly after the elections in May and involved various allegations relating, in the main, to election matters.

The Monitoring Officer said, in response to further questions, that he would send an updated summary to all Members of the Committee providing more information about the reasons for rejecting the complaints on which no further action was to be taken.

RESOLVED that the report be noted and the intention of the Monitoring Officer to provide further information to the Members of the Committee be welcomed.

STA.8 **Date of Next Meeting**

RESOLVED that the next meeting of the Committee be held at 6.00pm on Thursday 5 November 2015.

The meeting started at 6.00pm and finished at 6.30pm.

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Report of:	Meeting	Date	Item no.
The Monitoring Officer (Michael Ryan)	Standards Committee	5 November 2015	4

Independent Person: Recruitment
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1. Purpose of report

1.1 To inform the Committee of the proposed appointment of a second Independent Person to be involved in the processes for dealing with Councillors Code of Conduct complaints.

2. Outcomes

2.1 Effective ethical standards arrangements.

3. Recommendation

3.1 That the intention to recommend to the Council meeting on 3 December 2015 the appointment of Helen Kay as an Independent person to perform the roles set out in Appendix 1, be noted.

4. Background

4.1 A report was submitted to the Standards Committee on 11 June 2015 on arrangements being made at that time to appoint an Independent Person. The Independent Person's role is to consult with the Monitoring Officer and the Standards Committee on ethical standards issues and to consider any alleged breaches of the Code of Conduct by individual Borough, Town or Parish Councillors in the Wyre area, as required by the Localism Act 2011.

4.2 As explained in the previous report, following the implementation, from 11 May 2015, of the Local Government (Standing Orders) (England) (Amendment) Regulations 2015, the Council is required to invite any such Independent Person to also be involved in its disciplinary process for the three officers it is required by law to appoint, that is, the Head of the Paid Service, the Section 151 Officer (Chief Financial Officer) and the Monitoring Officer.

4.3 At the subsequent full Council meeting held on 25 June 2015 Barry Parsonage was appointed as an Independent Person to undertake the role set out in Appendix 1.

5. Key issues and proposals

- 5.1** The intention has always been to appoint two Independent Persons, when possible. Following an interview with the Monitoring Officer, the Deputy Monitoring Officer and the Democratic Services and Scrutiny Manager, Helen Kay, who has expressed a willingness to take on this role (having initially applied to join the Council's Independent Remuneration Panel as part of a recent recruitment process for that position) is considered to have the desired experience and competencies set out in the person specification in Appendix 1.

Financial and legal implications	
Finance	No fixed allowance is paid for undertaking the Independent Person role but, eligible travelling expenses will be reimbursed. It is anticipated that costs will be met from within existing budgets.
Legal	The proposals in this report will enable the Council to comply with the legal requirements referred to in paragraphs 4.1 and 4.2 of this report.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	x
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
data protection	x

report author	telephone no.	email	date
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List of background papers:		
name of document	date	where available for inspection
None	-	-

Appendix 1 Role Description and Person Specification

Role of the Independent Persons

The role of the Independent Persons will be:-

1. To assist the Council in promoting high standards of conduct by elected and co-opted members of Wyre Council and town and parish councillors within the Wyre area and, in particular, to uphold the Code of Conduct adopted by the Council.
2. To be consulted by the Monitoring Officer and/or the Standards Committee at any stage in the Council's complaints process, including, in particular:
 - to be available for consultation by the Monitoring Officer on whether or not to investigate a complaint or to seek an informal resolution of a complaint;
 - To be consulted by the Monitoring Officer and/or the Standards Committee on an investigation report on an alleged breach of the Code of Conduct;
 - to be available to attend a meeting of the Standards Committee convened to hold a hearing and make a decision on an alleged breach of the Code of Conduct and if a breach is found, to decide on any sanctions to be imposed.
3. To be available for consultation by any elected member, including a town or parish councillors, who is the subject of a standards complaint (provided that they have not already been involved as an Independent Person in that complaint by the Monitoring Officer).
4. To attend a meeting of a Senior Officers' Disciplinary Committee if convened, to consider reports on any investigations of alleged misconduct by the Councils 3 statutory officers and, if necessary, make recommendations to the full Council on proposed disciplinary action.

Skills and Competencies Required

The independent persons the Council wishes to appoint to this role will have a range of skills and competencies, including:-

- an interest in standards in public life;
- an awareness of the importance of ethical behaviours;

- a wish to serve the local community and uphold local democracy;
- the ability to be objective, independent and impartial;
- good analytical skills and an ability to demonstrate clarity of thought, assimilate information quickly and arrive at balanced judgements;
- an understanding of the need to comply with confidentiality requirements;
- an ability to communicate clearly, verbally and in writing with various people and in a variety of different situations;
- tact and diplomacy in handling sensitive matters.

Ideally, that person will also have:-

- some knowledge and/or experience of local government or other public service and/or of large complex organisations.
- an awareness of and sensitivity to the democratic, political decision making process;
- knowledge and understanding of quasi-judicial or complaints processes;
- Knowledge and/or experience of employee disciplinary processes within a large organisation.

The person appointed will need to be contactable during normal working hours by telephone or by e-mail and be available to attend occasional meetings, which will generally be held in the early evening, but which sometimes may be held during the day.

Eligibility

A person cannot be appointed as an Independent Person if they are, or have within the last 5 years, been an elected Councillor, a co-opted member or officer of Wyre Council; or any town or parish Council within the Wyre area or, if they have a relative or close friend who is a current Councillor or employee of the Council.

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UPDATED SUMMARY OF CURRENT COMPLAINTS

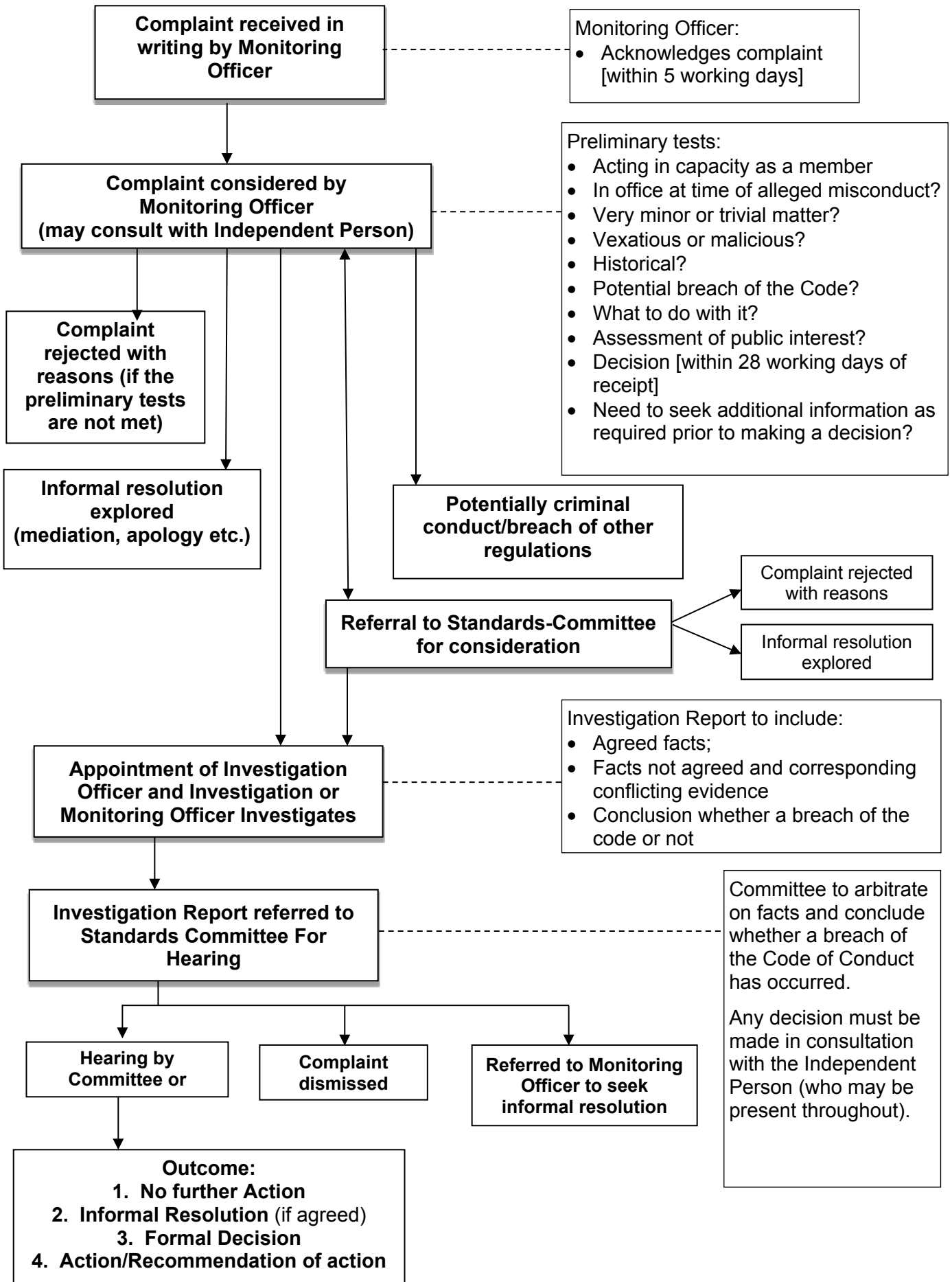
The following alleged breaches of the Code of Conduct are currently being dealt with under the Council's complaints process or have been concluded since the last report to the Standards Committee. (Including 2 additional complaints received since the agenda for this meeting was printed)

Ref No	Complainant	Subject Member	Category of Complaint	Progress/Outcome
2015/05	A Parish/Town Councillor	A Parish/Town Councillor	Inappropriate actions when chairing an item about a planning application at a Town Council meeting. <i>(Failure to act with integrity and to promote and support high standards of conduct).</i>	The Monitoring Officer considered the preliminary tests (with prospective IP) and concluded that the allegations, if correct, could potentially amount to a minor breach of the Code of Conduct. However, having interviewed the subject Member, he established that procedures followed had been reasonable and that there had been no intention to cause personal offence to the complainant. The Monitoring Officer concluded that there was insufficient evidence to decide that there had been a breach of the Code. No further action is therefore to be taken.
2015/06	A Parish/Town Councillor	A Parish/Town Councillor	Inappropriate comments and behaviour when considering the possible appointment of co-opted members to the Council. <i>(Failure to comply with public duty to make all appointments on merit and failure to promote and support high standards of conduct)</i>	The Monitoring Officer considered the preliminary tests (with prospective IP) and concluded that the allegations, if correct, could potentially amount to a breach of the Code of Conduct. However, having interviewed the subject Member, there is clearly a difference of view about the events which were the subject of the complaint. It appears that there may also have been an historical disagreement between the complainant and the subject member. The Monitoring Officer concluded that there was insufficient evidence to decide that there had been a breach of the Code. No further action is therefore to be taken.

2015/07	A Parish/Town Councillor	A Parish/Town Councillor	Inappropriate comments and behaviour at a Council meeting. <i>(Failure to act with integrity and to promote and support high standards of conduct).</i>	Receipt acknowledged. Preliminary tests to be considered by the Monitoring Officer and the Independent Person on 9 November under the first stage of the complaints procedure.
2015/08	A member of the public.	A Parish/Town Councillor	Failure to follow appropriate administrative procedures/governance arrangements. <i>(Failure to comply with requirement to be as open as possible about decisions and actions)</i>	Receipt acknowledged. Preliminary tests to be considered by the Monitoring Officer and the Independent Person on 9 November under the first stage of the complaints procedure.

4 November 2015

Complaints Procedure Flowchart



The Monitoring Officer will submit summary information on each complaint to each scheduled meeting of the standards Committee.

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