

Standards Committee Minutes

The minutes of the Standards Committee meeting of Wyre Borough Council held on Thursday, 17 March 2016 at the Civic Centre, Poulton-le-Fylde.

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

Officers present: Michael Ryan (Corporate Director, People and Places & Monitoring Officer), Liesl Hadgraft (Head of Business Support) and Roy Saunders (Democratic Services and Scrutiny Manager).

Also present: Councillor R Hewitt (Fleetwood Town Council) and one member of the public.

Apologies for absence: Councillor P Moon, Barry Parsonage (Independent Person) and Mary Grimshaw (Senior Solicitor and Deputy Monitoring Officer).

14 **Declarations of Interest**

Councillor Michael Vincent declared a personal significant interest in Agenda Item 5 (Current Complaints: Summary) because, although names were not included in the report, it would be apparent that he was the subject member in one of the complaints referred to.

15 **Minutes**

RESOLVED that the Minutes of the meeting of the Committee held on 5 November 2015 be confirmed as a correct record.

16 **Monitoring Officer**

The Chairman welcomed to the meeting Liesl Hadgraft who, at the Council meeting on 3 March 2016, had been appointed as Monitoring Officer with effect from 1 April 2016. She would be taking on the role from that date following the retirement of Michael Ryan.

Councillor Birch also thanked Michael Ryan on behalf of the Committee for his endeavours in the role of Monitoring Officer over the years.

RESOLVED: that the position be noted.

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. Brief details of each of the complaints were included in the schedule attached as an Appendix to the report. Mr Ryan said that three of those complaints were also referred to in paragraph 4.2 of the covering report.

With regard to complaint reference 2016/03, Mr Ryan said he was awaiting confirmation of the name of the mediator to be appointed to conduct the mediation session referred to. He said that an independent specialist mediator was being obtained from an organisation which had previously been used by the Council on a number of occasions to deal with neighbour disputes. He confirmed that the cost would be met by Wyre Council. He said however, that the number of occasions on which an Independent mediator would need to be appointed would be very few.

With regard to complaint reference 2016/04 Mr Ryan acknowledged concerns expressed by some members of the Committee about the distinction between councillors acting in their official role as a councillor or in a personal capacity. He said that it was not always easy to make a judgement on that issue. Although his initial personal view had been that the councillor concerned in this case might have been acting in their capacity as a councillor, the specialist legal advice obtained had been that the councillor had been acting in a personal capacity when taking the action which had led to the allegation of a breach of the Code of Conduct.

With regard to complaint reference 2016/05 Mr Ryan said that this matter had not arisen from a data matching exercise as incorrectly stated in the report, but had been referred to him by another Council officer. He said that this related to quite a serious matter which had been reported to the relevant authority. He said that further information would be made available to the committee when separate investigations currently taking place had been completed.

RESOLVED that the report be noted.

Complaints Procedures

The Monitoring Officer submitted a report on proposed changes to the process for dealing with Code of Conduct complaints. He explained the reasons for the review that had been undertaken and highlighted some of the main changes referred to in paragraph 5.1 of the report.

Mr Ryan made it clear that the Chairman would continue to be informed of the outcome of the first stage of the process at the same time as the complainant and the subject member and that, as now, a summary report would be submitted to the next meeting of the Committee.

Mr Ryan also said, in response to questions about paragraph 19 of the proposed new procedures in Appendix 3 of the report, that it would be appropriate for members of the Committee to withdraw to consider their decision because, at that stage in the process, they would be conducting a hearing.

RESOLVED:

- 1) That the proposed changes to the procedures for dealing with alleged breaches of the Council's Code of Conduct shown as track changes in the document attached to the report be endorsed, subject to the following amendments:
 - In the final paragraph of stage 1 of the process in Part 5.02/5 (on page 15 of the Agenda) the words "involved in this process either as a subject member complainant, witness, Standards Committee member or in any other capacity" be deleted from the first and second lines and the words "or is not upheld" be added at the end of the paragraph, so that it stated

"No Councillor should reveal any information to the media in public about a complaint which is currently being dealt with or is not upheld."
 - That in the second line of the second paragraph in Part 5.02/5 (on page 16 of the Agenda) the word "usually" be deleted so that it read "the investigating officer will examine any available evidence of the alleged breach and will interview the complainant, the subject member and if appropriate any witnesses".
 - In the first line of paragraph 6 in Part 5.02/7 (on page 18 of the Agenda) the words "Equalities Act 2010" be inserted in place of the deleted reference to the Disability, Discrimination Act 2000.
 - That the flowchart in Part 5.2/8 (on page 19 of the Agenda) be amended to make it clear under stage 1 of the process that any potential criminal conduct or breaches of other regulations would be "referred to the relevant authority".
- 2) That the new procedures to be followed at the pre-hearing stage of the process set out in Appendix 2 of the report be endorsed.
- 3) That the new procedures to be followed at a hearing set out in Appendix 3 of the report be endorsed subject to the following amendments:
 - In the penultimate bullet point of paragraph 20 (on page 24 of the Agenda) the word "facilities" be deleted from the first line and replaced with the words "any equipment or privileges" and that at the end of the line the words "as deemed appropriate by the committee" be added so that it read:

“to withdraw any equipment or privileges provided to the subject member by the Council for a specified period of time as deemed appropriate by the Committee”.

- That an additional bullet point be inserted in paragraph 20 stating:-

“to instruct the Monitoring Officer to request the subject member to attend training”.

- 4) That the Council be recommended to approve the proposed changes to the procedures for inclusion in Part 5.02 of the Constitution, in place of the current version.

The meeting started at 6.00 pm and finished at 7.00 pm.