



Standards Committee Agenda

Wyre Borough Council
Date of Publication: 9 March 2016
Please ask for : Roy Saunders
Democratic Services and Scrutiny Manager
Tel: 01253 887481

**Standards Committee meeting on Thursday, 17 March 2016 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 - 2)

Confirmation of the Minutes of the meeting of the Committee held on 5 November 2015.

4. Monitoring Officer

At the Council meeting on 3 March the appointment of Liesl Hadgraft (Head of Business Support) as Monitoring Officer from 1 April 2016 was approved.

The current Monitoring Officer, Michael Ryan and Ms Hadgraft will both be attending this meeting.

5. Current Complaints: Summary

(Pages 3 - 10)

Report of the Monitoring Officer, attached.

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

6. Complaints Procedures

(Pages 11 - 28)

Report of the Monitoring Officer, attached.

7. Date of next Meeting

The next scheduled meeting of the Committee is due to be held at 6pm on Thursday 9 June 2016.



Standards Committee

Minutes of the meeting of the Standards Committee of Wyre Borough Council held on 5 November 2015 at the Civic Centre, Poulton-le-Fylde.

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

Officers present: Michael Ryan (Corporate Director, People and Places & Monitoring Officer) and Roy Saunders (Democratic Services and Scrutiny Manager).

Barry Parsonage (Independent Person) was also present.

Apologies for absence: Councillor Michael Vincent and Mary Grimshaw (Senior Solicitor and Deputy Monitoring Officer).

STA.9 Declarations of Interest

None.

STA.10 Minutes

RESOLVED that the Minutes of the meeting of the Committee held on 11 June 2015 be confirmed as a correct record.

STA.11 Independent Persons

The Monitoring Officer reported, further to the position reported at the last meeting of the Committee (Minute STA.6) that Barry Parsonage had been formally appointed as an independent person for ethical standards issues at the Council meeting held on 25 June 2015.

The Members of the Committee welcomed Mr Parsonage to the meeting.

Mr Parsonage said that he was pleased to return to Wyre and to see some familiar faces. He explained that he was performing the independent person role at South Ribble so was familiar with the requirements of the position and was looking forward to working with the Monitoring Officer and the Standards Committee at Wyre.

The Monitoring Officer also submitted a report on the proposed appointment of a second independent person.

RESOLVED:

- (1) That the appointment of Barry Parsonage be welcomed.
- (2) That the intention to recommend to the Council meeting on 3 December 2015 that Helen Kay also be appointed as an independent person to perform the roles set out in appendix 1 be supported.

STA.12 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.

The Monitoring Officer explained in more detail to the Members of the Committee the circumstances of the complaints referenced 2015/05 and 2015/06, referred to in the summary schedule. He also provided further information on complaint references 2015/07 and 2015/08 which had been received since the agenda for this meeting had been published, copies of which were circulated to Members of the Committee.

Mr Ryan said that he had arranged to meet next week with the independent person (Barry Parsonage) to consider the two most recent complaints, in accordance with the first stage of the complaints process. He said, in response to questions, that complaint reference 2015/08 related to the same parish/town council as complaint reference 2015/05 and 2015/06. He also said, in response to questions, that information would probably be sought from the Clerk of that Council as part of the initial process for considering the latest complaint. He would be happy, in future, to send out copies of any decision letters issued at the conclusion of the first stage of the complaints process to the Chairman of the Standards Committee at the same time as any such letters were sent to the complainant and the subject member.

RESOLVED that the report be noted.

STA.13 Date of Next Meeting

RESOLVED that the next scheduled meeting of the Committee be held at 6.00pm on Thursday 17 March 2016.

The meeting started at 6.00pm and finished at 6.25pm.

arm/rg/sta/mi/051115



Report of:	Meeting	Date	Item no.
The Monitoring Officer (Michael Ryan)	Standards Committee	17 March 2016	5

Current Complaints: Summary

1. Purpose of report

1.1 To inform the Committee of the latest position with regard to current code of conduct complaints.

2. Outcomes

2.1 Effective ethical standards arrangements.

3. Recommendation

3.1 That the current position on complaints listed in the schedule attached as Appendix 1, be noted.

3.2 That the position on three complaints being dealt with separately from the routine Code of Conduct complaints process, referred to in paragraph 4.2 be noted.

4. Current issues

4.1 An anonymised summary of complaints currently being dealt with or completed since that last meeting of the Standards Committee is attached as Appendix 1. The Monitoring Officer will report verbally at the meeting to update the Committee on any further progress on these cases or any issues arising from them.

4.2 Since the last meeting of the Committee, three other complaints relating to behaviour or actions by Councillors which might involve breaches of the Code of Conduct have been reported to the Monitoring Officer. However, they do not fall within usual complaints process because the complaints have been made by Council officials rather than another Councillor or a member of the public. These have, nevertheless, been recorded as Code of Conduct Complaints. Brief details are set out below.

- Ref: 2016/03. A complaint by a Parish/Town Clerk about the behaviour of a member of his/her Council. The Councillor who is the subject of this complaint is the Councillor who has made a number of complaints (referenced 2015/07(i), 2015/07(ii), 206/01 and 2016/02 in Appendix 1). Those complaints are about three other councillors from the same parish/town council. Both parties in case ref 2016/03 have now said that they are willing to attend a mediation session to be facilitated by an specialist independent mediator to be appointed by the Monitoring Officer.
- Ref: 2016/04. A matter referred to the Monitoring Officer by Wyre's Head of the Contact Centre relating to a benefit claim made by a Wyre Borough Councillor, identified following a data matching exercise carried out with the Department of Work and Pensions (DWP). However, the conclusion of specialist legal advice obtained from Weightmans Solicitors is that the Member concerned was acting in a personal capacity, not in their official capacity as a councillor, when the alleged offence took place and that the Code of Conduct does not apply. It is not yet known what action the DWP is going to take.
- Ref: 2016/05. Another issue referred to the Monitoring Officer by Wyre's Head of the Contact Centre, about to a different Wyre Borough Councillor. Specialist legal advice has also been obtained on this case and, although the position is less clear cut, it seems likely that the Councillor concerned was again acting in a personal capacity, rather than as a Councillor. The advice received is that no action should be taken under the Code of Conduct procedure until further investigations relating to other associated matters have been completed.

The Monitoring Officer will provide a verbal update at the meeting.

report author	telephone no.	email	date
Michael Ryan (Monitoring Officer) and Roy Saunders (Democratic Services and Scrutiny Manager)	01253 887605 01253 887481	michael.ryan@wyre.gov.uk roy.saunders@wyre.gov.uk	7/3/2016

List of background papers:		
name of document	date	where available for inspection
None	-	-

List of Appendices

Appendix 1 Summary schedule of current complaints

arm/rg/sta/cr/16/1703mr1

SUMMARY OF CURRENT COMPLAINTS 17 MARCH 2016

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.

Ref No	Complainant	Subject Member	Category of Complaint	Progress/Outcome
2015/07(i)	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>	Preliminary tests considered by the Monitoring Officer and the Independent Person on 9/11/15. Subject Member and Complainant asked to meet together with MO and IP to seek a way forward. Complainant unable to attend on proposed date and requested a separate meeting. Original complaint withdrawn by complainant and new complaint submitted. (Ref 2015/07(ii))
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. <i>(Failure to act with integrity and to promote and support high standards of conduct).</i>	Monitoring Officer and Independent Person (BP) interviewed complainant and subject Member (separately) on 11/1/16. Copies of NALC guidance documents and Town/Parish Council minutes and Standing Orders obtained. Complainant and subject Member requested to attend a mediation meeting with an independent professional mediator to be appointed by the Council. Subject member has declined to attend mediation until the complainant has apologised to the Clerk.

Ref No	Complainant	Subject Member	Category of Complaint	Progress/Outcome
2015/08	A member of the public.	A Parish/Town Councillor	<p>Failure to follow appropriate administrative procedures/governance arrangements.</p> <p><i>(Failure to comply with requirement to be as open as possible about decisions and actions)</i></p>	<p>Preliminary tests considered by the Monitoring Officer and the Independent Person (BP) on 9/11/15.</p> <p>Information obtained from the Parish/Town Clerk.</p> <p>Mo and IP (BP) interviewed the subject member on 30/11/15.</p> <p>Concluded that there was no evidence of a breach of the Code and decided to take no further action.</p> <p>Complainant and subject member informed on 8/12/15.</p>
2015/09	A Wyre BC Councillor	A Wyre BC Councillor	<p>Inappropriate comments and failure to declare an interest at a Committee meeting.</p> <p><i>(Failure to act with integrity and to promote and support high standards of conduct)</i></p> <p><i>(Failure to comply with requirement to be as open as possible about to take decisions on merit)</i></p>	<p>Preliminary tests considered by Monitoring Officer and Independent Person (BP) on 17/11/15.</p> <p>MO and IP (BP) interviewed the subject member on 30/11/15.</p> <p>Concluded that the comments made by the subject member at a committee meeting did not amount to a breach of the Code and that there had been no need to declare an interest. No further action to be taken.</p> <p>Complainant and subject member informed on 8/12/15.</p>

Ref No	Complainant	Subject Member	Category of Complaint	Progress/Outcome
2015/10	<p>A Wyre BC Councillor</p> <p>Related complaints also received from a Parish/Town Councillor and a member of the public</p>	A Wyre BC Councillor	<p>Failure to follow correct procedures at a Committee meeting.</p> <p><i>(Failure to comply with requirement to be as open as possible about decisions and actions)</i></p>	<p>Preliminary tests considered by Monitoring Officer and Independent Person (BP) on 14/11/15.</p> <p>MO and IP (BP) interviewed subject member on 30/11/15.</p> <p>Concluded that there was no evidence of a breach, but agreed to review procedures for dealing with the call-in of Executive decisions at Overview and Scrutiny Committee meetings.</p> <p>Complainants and subject members informed on 8/12/15.</p> <p>(Report on call-in procedures to be submitted to Council on 14/4/15).</p>
2016/01	A Parish/Town Councillor	A Parish/Town Councillor	<p>Unauthorised expenditure incurred. Failure to follow correct procedures.</p> <p><i>(Failure to act with integrity and to promote and support high standards of conduct).</i></p>	<p>Preliminary tests considered by Monitoring Officer and Independent Person (BP) on 11/1/16. Considered to be a relatively trivial complaint, involving no breach of Council procedures or of the Code of Conduct. No further action to be taken.</p> <p>Complainant and subject member informed.</p> <p>Complainant requested an appeal, but informed that no appeal process available.</p>

Ref No	Complainant	Subject Member	Category of Complaint	Progress/Outcome
2016/02	A Parish/Town Councillor	A Parish/Town Councillor	Offensive personal remarks made at council meeting in October 2015	"On hold" pending outcome of the mediation session being arranged between the complainant and the subject member about ref 2016/03
2016/03	A Parish/Town Clerk	A Parish/Town Councillor	See paragraph 4.2 of covering report	
2016/04	Head of Contact Centre, Wyre BC	A Wyre BC Councillor	See paragraph 4.2 of covering report	
2016/05	Head of Contact Centre, Wyre BC	A Wyre BC Councillor	See paragraph 4.2 of covering report	
2016/06	A Member of the public	A Wyre BC Councillor	"Breach of trust". <i>(Failure to act with integrity and to promote and support high standards of conduct).</i>	Considered by MO and IP (BP) on 7/3/16. Insufficient information provided to enable the initial tests to be considered, so further information to be sought from the complainant.
2016/07	A Wyre BC Councillor	9 Wyre BC Councillors	Failure to follow correct procedures at a Committee meeting. <i>(Failure to comply with requirement to be as open as possible about decisions and actions)</i> Linked to complaint Ref 2015/10	Initial tests considered by MO and IP (BP) on 7/3/16. The complainant to be invited to meet with the MO and IP to discuss various issues raised by the complaint, to clarify the outcome sought and to consider possible ways forward.

Updated 9/3/16

arm/rg/sta/cr/16/1703mr1 App 1

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Report of:	Meeting	Date	Item no.
The Monitoring Officer (Michael Ryan)	Standards Committee	17 March 2016	6

Complaints Procedures

1. Purpose of report

1.1 To enable the Committee to consider proposed changes to the process for dealing with Code of Conduct complaints.

2. Outcomes

2.1 Effective ethical standards arrangements.

3. Recommendation

3.1 That the proposed changes to the procedures for dealing with alleged breaches of the Councillors Code of Conduct, shown as track-changes in the attached document, be considered and endorsed.

3.2 That the new procedures to be followed at the pre-hearing stage and during any hearings by the Standards Committee, attached as Appendices 2 and 3 of the attached document, be approved.

3.3 That the Council be recommended to approve the proposed changes at its meeting on 14 April 2016 for inclusion in Part 5.02 of the Constitution.

4. Background

4.1 The Council's current process for the local consideration of complaints was introduced when the previous national regime and the Standards Board for England were abolished under the provisions of the Localism Act 2011. The process has now been reviewed in the light of experience in dealing with complaints received since the current arrangements were implemented in September 2012.

5. Key issues and proposals

5.1 The proposed changes to the Procedures are intended to make the process simpler and more explicit where deemed necessary. In particular stage 2 of the process has been streamlined and the option of the Monitoring Officer referring a complaint to the Standards Committee

for initial consideration has been deleted to avoid any possibility of a perception of predetermination if a hearing is subsequently held. Detailed procedures to be followed at the pre-hearing stage and at any hearings to be held under stage 3 have also been added. These are based on the procedures in place at Lancaster City Council and are similar to those at a number of other Councils in Lancashire.

Financial and legal implications	
Finance	None arising directly from this report.
Legal	

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
Roy Saunders (Democratic Services and Scrutiny Manager)	01253 887481	roy.saunders@wyre.gov.uk	2/6/15

List of background papers:		
name of document	date	where available for inspection
None	-	-

List of Attachments

Revised procedures for dealing with alleged breaches of the Code of Conduct by Councillors

arm/rg/sta/cr/16/1703rs1

~~PROCESS AND
PROCEDURES~~
PROCEDURES FOR
DEALING WITH ALLEGED
BREACHES OF THE CODE
OF CONDUCT BY
COUNCILLORS

~~(Updated to reflect the new Code of Conduct for Wyre,
adopted by the Council on 6 September 2012
in compliance with the Localism Act 2011).~~

Explanatory Notes

1. Introduction

~~The New~~ arrangements governing standards of behaviour by local councillors ~~are established in, introduced under Section 28 of the Localism Act 2011, and specified in regulations made under the Act. were implemented from 1 July 2012.~~

~~The Localism Act abolished the previous nationally specified standards regime for local government and required each~~ The Council is required by the Act to approve ~~a its own~~ Code of Conduct for Councillors and agree ~~its own~~ procedures for dealing with any alleged breaches. ~~of that Code of that Code of Conduct.~~

Parish and Town Councils, ~~as well as larger authorities within the Wyre area~~ are also required either to adopt the Wyre Code or to approve their own Code of Conduct. ~~but, a~~Any complaints about breaches of such Codes by Parish or Town Councillors ~~in the Wyre area~~ have to be submitted to Wyre Borough Council's Monitoring Officer and, will be dealt with under the procedures set out in these notes.

2. What is the Code of Conduct?

Part 1 of the Code specifies that Councillors must have regard to the following general principles and obligations when acting as a Councillor:

- selflessness
- integrity
- objectivity
- accountability
- openness
- honesty
- leadership

Part 2 of the Code specifies arrangements for the registration and declaration of financial and other interests which must be followed by Councillors.

A full copy of the Wyre Code of Conduct is included in Part 5 of the Council's Constitution, which can be seen on the Council's web-site, wyre.gov.uk .

Alternatively, you can obtain a copy from:

Democratic Services
Wyre Borough Council
Civic Centre
Breck Road
Poulton-le-Fylde
Lancashire
FY6 7PU

3. How to make a complaint

If you wish to make a complaint, please submit it to the Council's Monitoring

Officer, in writing or by e-mail, using the form attached (Appendix 4) attached form, or setting out the information requested in the form. Please make clear, in particular, which of the requirements of the Code of Conduct you think the Councillor(s) has breached.

Anonymous complaints will not be considered.

~~In the interests of fairness and national justice, the Any Councillor(s) who is the subject of the a complaint (the subject member) will normally be told informed by the Monitoring Officer who has complained about them and the details of the complaint either during or at the conclusion of stage 1 of this process. The Monitoring Officer will normally tell the subject member the name of the complainant and the details of the complaint, unless he/she considers that there are special reasons for keeping that information confidential.~~

4. Who will deal with the complaint?

~~Your complaint will be dealt with, in the first instance, by the Council's Monitoring Officer. He will consult with an Independent Person, appointed by the Council for this purpose, under the provisions of the Localism Act.~~

~~Any investigation, under Stage 2 of this process, will be conducted by the Monitoring Officer or a person appointed by him.~~

~~The investigation report will be considered by the Council's Standards Committee.~~

~~If a hearing is held, under Stage 3 of the process, that too will be conducted by the Standards Committee.~~

~~The Independent Person will be able to attend any meetings held under stages 2 and 3 of the process.~~

54. How will your complaint be dealt with?

A flowchart which shows, in diagrammatic form, how your complaint will be dealt with and by whom, is attached as Appendix 1 to these notes.

The process is also described below:

Stage 1: Preliminary tests/initial consideration and conclusions

~~The Monitoring Officer will consider your complaint, in consultation with the Independent Person.~~

Your complaint will be dealt with, in the first instance, by the Council's Monitoring Officer. The Council is required by the Local Government and Housing Act 1989 to designate a senior officer to undertake this role, which has various responsibilities relating to complaints. He/she will consult with one of the Independent Persons, appointed by the Council for this purpose, under the provisions of the Localism Act.

The preliminary questions addressed he will address, will include the following:

- ~~– Was the subject Member acting in their capacity as a Councillor at the time of the alleged misconduct?~~
- ~~– Is there a potential breach of the Code of Conduct?~~
- Is the complaint very minor or trivial?
- ~~– Is the complaint vexatious or malicious?~~
- Is the complaint about or related to historical issues?
- Is any additional information needed before deciding what initial action to take?
- ~~– Is there a potential breach of the Code of Conduct?~~
- ~~– Is it in the public interest to investigate or take action on the complaint?~~

The options available to the Monitoring Officer, at this stage in the process, are:

- To reject the complaint or to decide to take no action – in which case he/she will state the reason for doing so;
- ~~– To seek an informal resolution (including, for example, an apology, or mediation);~~
- To seek further information, usually from the complainant, to clarify the particulars of the complaint;
- To investigate, or appoint another officer or an external person to investigate -the complaint under stage 2 of this process;
- ~~– To refer the complaint to the Standards Committee;~~
- To refer the complaint to the Police or other investigatory body (e.g. the Department of Work and Pensions), if a criminal offence has, potentially, taken place.

If the Monitoring Officer's attempts to reach an informal resolution are unsuccessful, he/she can reconsider the complaint and pursue any of the other options available under stage 1 of this process.

The Chairman of the Standards Committee will be informed when a complaint is received, but will not be involved in the first stage of the process.

The Monitoring Officer will submit a summary report to each scheduled meeting of the Standards Committee, listing any complaints received since the previous meeting of the Committee and summarising the current position on complaints being dealt with under this process. Information about the names of individuals or specific details of complaints will not generally be made available at this stage in the process.

No Councillor involved in this process, either as a subject member, complainant, witness, Standards Committee member or in any other capacity, should reveal any information to the media or in public about a complaint which is currently being dealt with.

Stage 2: –(Formal Investigation and report)

Any investigation, under Stage 2 of this process, will be conducted either by the Monitoring Officer or a person appointed by him/her. (If the Monitoring

Officer himself/herself conducts the investigation he/she will not be able to act as the advisor to the Standards Committee at any subsequent hearing relating to that complaint)

The investigating officer will examine any available evidence of the alleged Breach. He/she will usually interview the complainant, the subject member and, if appropriate any witnesses. He/she will prepare a report setting out:

- Established/agreed facts;
- Facts which are not agreed and corresponding conflicting evidence;
- His/her conclusion on whether or not there has been a breach of the Code of Conduct.

If the conclusion of the investigation is that there has been no breach of the Code of Conduct, the Monitoring Officer will inform the complainant and the subject member of that finding and tell them either that no further action is to be taken or, if applicable, that he/she intends to take some other action outside of the complaints process. The Monitoring Officer will inform the Standards Committee of the outcome of the investigation in his/her next summary report to the Standards Committee.

If the conclusion of the investigation is that there has been a breach of the Code of Conduct, the Monitoring Officer can still seek to resolve the issue without a hearing, for example, by the subject member admitting the breach and apologising. However, if the Monitoring Officer cannot reach a suitable resolution or he/she considers such an approach to be inappropriate, he/she will arrange a hearing of the Standards Committee. The Standards Committee will consider the report.

~~It will reach a view on disputed facts and decide whether or not to accept the conclusion of the Investigating Officer on the alleged breach of the Code of Conduct.~~

~~The options available to the Committee at this stage include:~~

- ~~— to dismiss the complaint;~~
- ~~— to refer the complaint to the Monitoring Officer to seek an informal resolution;~~
- ~~— to hold a hearing of the Committee~~
- ~~—~~

Stage 3 – (Standards Committee Hearing)

If a hearing is held, under Stage 3 of this process, it will be conducted by the Standards Committee, usually at a special meeting convened for the purpose.

The purpose of a hearing will be to reach a final decision on whether or not a Councillor has breached the Code of Conduct and, if so, to decide whether or not any available sanction should be applied.

The hearing will normally be held in public, in order to promote public confidence and ensure fairness and transparency. The Committee will, however, be able to resolve to exclude the public and press whilst any confidential or exempt information is considered and will usually do so when reaching its decision.

Arrangements for the hearing will be made in accordance with the pre-hearing procedure attached at Appendix 2

~~The procedures to be followed at the hearing will be agreed in advance and explained to the participants.~~ are set out in Appendix 3.

~~The hearing will normally be held in public, in order to promote public confidence and ensure fairness and transparency. The Committee will, however, be able to resolve to exclude the public and press whilst any confidential or exempt information is considered and will usually do so when reaching its decision.~~

The decisions available to the Committee are:

- to take no further action
- to reach an informal resolution between the complainant and the subject member (if agreed by both parties)
- if it finds that there has been a breach of the Code, to impose one or more ~~of the following~~ sanctions listed in paragraph 20 of the Hearing Procedure (Appendix 3):

- ~~(1) to submit a formal report to the full Council on the nature of the breach (in effect “naming and shaming”);~~
- ~~(2) to recommend to the Member’s Group Leader (or in the case of an un-grouped member recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council, either for a specified period or until the next Annual Meeting of the Council, when seats on Committees will next be allocated;~~
- ~~(3) to recommend to the Leader of the Council that the Member be removed from the Cabinet, or relieved of particular Portfolio Holder responsibilities (in some circumstances this might be for a limited period of time);~~
- ~~(4) to instruct the Monitoring Officer to request the member to attend training;~~
- ~~(5) to recommend the Group Leader to remove the member from all outside appointments to which he/she has been appointed or nominated by the Council;~~
- ~~(6) to withdraw facilities provided to the Member by the Council, such as a computer and/or e-mail and internet access for a specified time;~~
- ~~(7) to exclude, for a specified period of time, the Member from the~~

~~Council's offices or other premises, with the exception of meeting rooms, as necessary for attending Council, Committee and Sub-Committee meetings;~~

5. Appeals

~~There is no right of appeal available either to a complainant or a subject member against conclusions reached or actions taken by the Monitoring Officer or decisions made by the Standards Committee at any stage in this process.~~

6. Additional help and contact details

In line with the requirements of the ~~Disability Discrimination Act 2000~~, we can make reasonable adjustments to assist you, if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

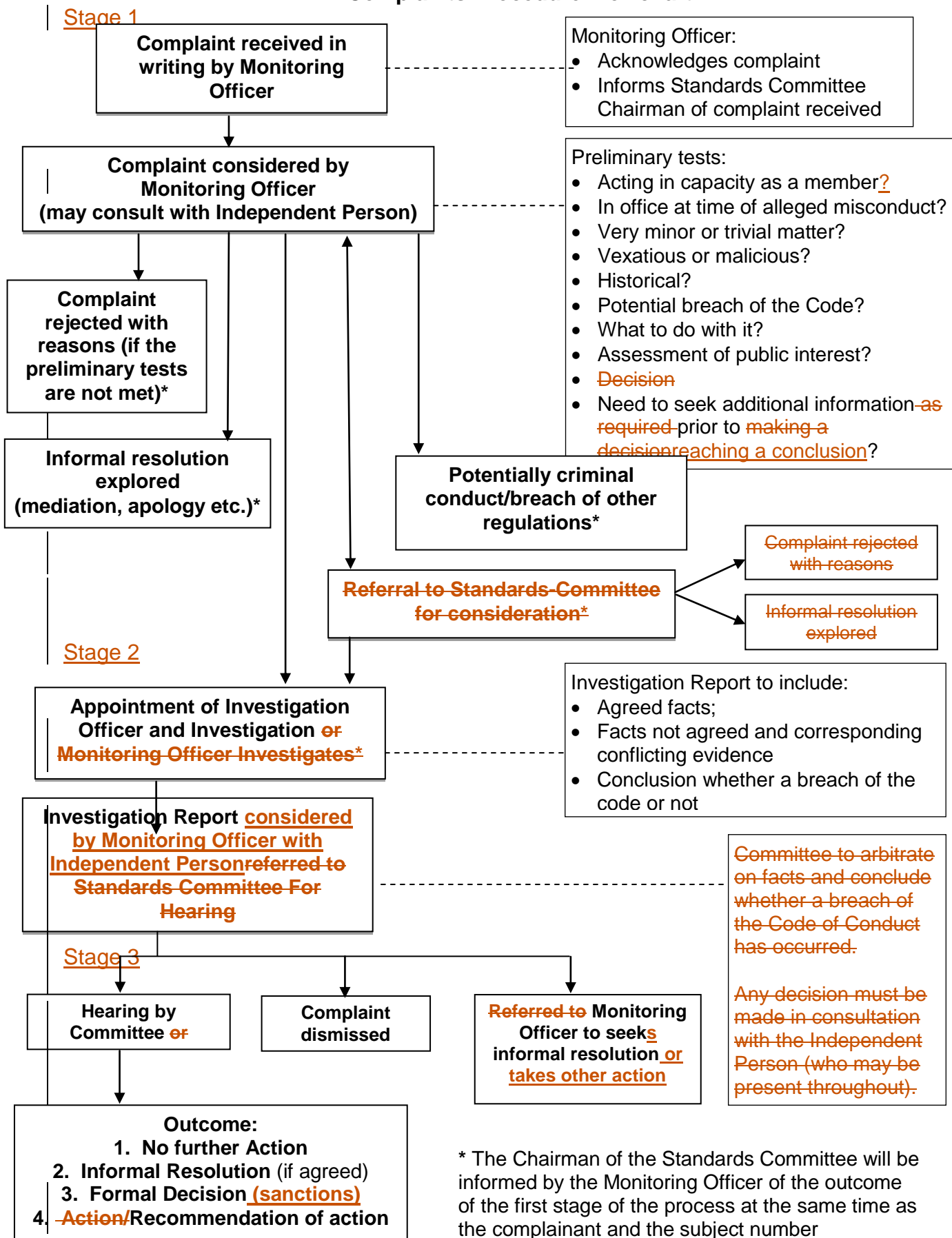
If you need any support in completing this form or, if you need any further clarification of the complaints process please contact the Monitoring Officer on 01253 887605 or the Democratic Services and Scrutiny Manager on 01253 887481.

When you have completed the attached form, please send it to:

The Monitoring Officer
Wyre Borough Council
Civic Centre
Breck Road
Poulton-le-Fylde
Lancashire
FY6 7PU

Or email to: monitoringofficer@wyre.gov.uk

Complaints Procedure Flowchart



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

**STANDARDS COMMITTEE
PRE-HEARING PROCEDURE**

1. Where an investigation report has found that there has been a breach of the Code of Conduct, and the matter cannot otherwise be resolved by local resolution, for example by the Subject Member admitting the breach and apologising, a hearing will be arranged. The hearing will generally be a meeting of the Committee convened specifically for that purpose.
2. A copy of the investigation report will be sent to the Subject Member, the complainant, the clerk to the town/parish council if the complaint relates to the Subject Member's conduct as a parish councillor, and to the Independent Person.
3. The Subject Member will be asked for a written response within ten working days. The response should set out the Subject Member's reply to the Investigating Officer's report and state whether he/she disagrees with any of the findings of fact in the report, giving the reasons for any disagreement. The response must also state if he/she:
 - wishes to be represented or accompanied by another person;
 - wishes to give evidence to the Committee, either orally or in writing;
 - wishes to call relevant witnesses to give evidence to the Committee;
 - wishes any part of the hearing to be held in private;
 - wishes any part of the Investigating Officer's report or other relevant documents to be withheld from the public.

The Subject Member may seek the views of the Independent Person who has not been involved in the consideration of the earlier stages in the complaints process.

4. The Subject Member will be informed that if, at the hearing by the Committee, he/she seeks to dispute any matter contained in the Investigating Officer's report without having previously notified the intention to do so, the Committee may refuse to allow the disputed matters to be raised unless satisfied that there are good reasons why they have not been raised beforehand.
5. Upon receipt of the Member's response, the Investigating Officer will be invited to comment on it within ten working days, and to say whether or not he/she:
 - wishes to call relevant witnesses to give evidence or submit written or other evidence to the Committee
 - wishes any part of the hearing to be held in private
 - wishes any part of the report or other relevant documents to be withheld from the public

6. Upon receipt of the Investigating Officer's response, the person advising the Committee at the hearing (either the Monitoring Officer or if he/she has carried out the investigation, the Deputy Monitoring Officer) will consider the responses of the Subject Member and the Investigating Officer and set a date for the hearing in consultation with the chairman of the Committee.
7. The Subject Member and the Investigating Officer will be entitled to request that any witnesses they want should be called. However, the Chairman of the Committee may limit the number of witnesses to be called, if he/she believes the number requested is unreasonable and that some witnesses will simply be repeating the evidence of earlier witnesses, or else not providing evidence that will assist the Committee to reach its decision.
8. Nothing in this procedure shall limit the Chairman of the hearing from requesting the attendance of any additional witnesses whose evidence he/she considers would assist the Committee to reach its decision.
9. The Monitoring Officer, in consultation with the Chairman and the Independent Person, will:
 - confirm a date, time and place for the hearing
 - confirm the main facts of the case that are agreed
 - confirm the main facts that are not agreed
 - provide copies of any written evidence to the relevant parties
 - confirm which witnesses will be called by the parties
 - provide the parties with copies of the proposed procedure for the hearing, specifying which parts of the matter, if any, may be considered in private

**STANDARDS COMMITTEE
HEARING PROCEDURE**

1. The Hearing Committee will decide, on a balance of probabilities, on the evidence presented to it, whether the complaint is upheld.
2. All matters will be decided by a simple majority of votes cast. If there are equal numbers, the Chairman shall have a second and casting vote.
3. The Independent Person will attend the hearing in an advisory, non-voting capacity.
4. The meeting will be open to the press and public unless confidential or exempt information is likely to be disclosed and a resolution is passed to exclude them.
5. The Procedure for the hearing shall be as follows, but the Chairman may agree to vary this procedure in any particular instance where he/she is of the opinion that such variation is necessary in the interests of fairness.
6. The Subject Member may be represented or accompanied during the meeting with the permission of the Committee. It is the responsibility of the Subject Member to arrange any representation.
7. The Committee may take advice from the Monitoring Officer, Deputy Monitoring Officer at any time during the hearing or during its deliberations. The substance of any advice given to the Committee will be shared with the Subject Member and Investigating Officer if they are present at the hearing.
8. At the start of the hearing, the Chairman will introduce each of the members of the Committee, the Independent Person, the Subject Member (if present), the Investigating Officer (if present) and any other officers present, and shall then explain the procedure which the Committee will follow in the conduct of the hearing.
9. The Committee shall then confirm that it is quorate, and deal with any disclosures of interests.
10. If the Subject Member is not present at the start of the hearing:
 - The Chairman will ask the Monitoring Officer/Deputy Monitoring Officer whether the Subject Member has indicated his/her intention not to attend the hearing.
 - The Committee will then consider any reasons which the Subject Member has provided for not attending the hearing and will decide whether it is satisfied that there is sufficient reason for such failure to attend.
 - If the Committee is satisfied with such reasons, it will adjourn the hearing to another date.

- If the Committee is not satisfied with such reasons, or if the Subject Member has not given any such reasons, the Committee will decide whether to consider the matter and make a determination in the absence of the Subject Member, or to adjourn the hearing to another date.
11. After the preliminary procedures, the Committee will consider whether or not there are any significant disagreements about the facts contained in the Investigating Officer's report.
 12. If there is disagreement, the Investigating Officer will present the evidence which is relevant to the facts in dispute. With the permission of the Committee, witnesses can be called to give relevant evidence. The Subject Member, the Committee members and the Independent Person may ask questions of the Investigating Officer or any witness.
 13. The Subject Member or his/her representative will then present the evidence that is relevant to the facts in dispute. With the permission of the Committee, witnesses can be called to give relevant evidence. The Investigating Officer, the Committee members, the Independent Person and the Monitoring Officer/Deputy Monitoring Officer, may ask questions of the Subject Member or any witnesses.
 14. If the Subject Member disagrees with any relevant fact in the report without having given prior notice, he or she must give good reasons for not mentioning it before the hearing. After considering the Subject Member's explanation, the Committee may continue with the hearing, relying on the information in the report, may allow the Subject member to make representations about the issue and invite the Investigating Officer to respond and call any witnesses as necessary, or may postpone the hearing to arrange for appropriate witnesses to be present.
 15. The Committee will consider in private, with the Independent Person and the Monitoring Officer (or the Deputy Monitoring Officer), all the evidence which it has heard in order to establish its findings of fact, and to reach a conclusion as to whether there has been a failure to comply with the Code of Conduct. Depending on the complexity of the case, this may be done in two stages, with the Committee first hearing evidence and making findings of fact, and then hearing representations as to whether, on those facts, there has been a failure to comply with the Code of Conduct and making a finding on that issue.
 16. At any stage in the consideration of the matter, the Committee may return to ask further questions of the Investigating Officer or the Subject Member or seek further information. The other party will be given an opportunity to comment upon the questions asked or the responses made.
 17. At the conclusion of the Committee's deliberations, the Chairman will advise the Subject Member and the Investigating Officer of their findings.
 18. If the Committee concludes that the Subject Member has failed to comply with the Code of Conduct, the Chairman will invite representations from the

Investigating Officer and the Subject Member as to what action, if any, it should take, and will take advice also from the Independent Person. The Committee may ask questions of the Subject Member and the Investigating Officer. The Subject Member will be invited to make any final relevant points.

19. The Committee shall then consider in private, with the Independent Person and the Monitoring Officer or Deputy Monitoring Officer) whether to impose a sanction, and, if so, what sanction to impose and when that sanction should take effect.
20. The sanctions open to the Committee are:
 - to censure the subject member
 - to report its findings to full Council
 - to recommend the subject member's Group Leader (or in the case of an un-grouped member to recommend to the Council) the removal of the Subject Member from any or all Committees
 - if the subject member is a member of the Cabinet, to recommend the Leader of the Council to remove them from the Cabinet or to relieve them of particular Portfolio Holder responsibilities (in some circumstances this might be for a limited period of time)
 - to recommend to the subject members Group Leader that he/she be removed from some or all outside appointments to which he/she has been appointed by the Council
 - to withdraw facilities provided to the subject member by the Council for a specified period of time
 - to exclude the subject member from the Council's offices with the exception of meeting rooms as necessary for attending Council, Committee or Task Group meetings, for a specified period of time.
21. If the finding relates to the Subject Member's conduct in his/her capacity as a town/parish councillor, the Committee will report its findings to the town/parish council, and may make recommendations to the town/parish council on sanctions.
22. In deciding to impose a sanction, the Committee will consider all the relevant circumstances.
23. The Chairman will announce the decision of the Committee. Written notice of the findings of the Committee will be given as soon as is reasonably practicable to the Subject Member. If the complaint was against the Subject Member as a town/parish councillor, written notice of the findings of the Committee will also be sent to the Town/Parish Clerk.
24. The Committee may consider making any recommendations to the authority concerned with a view to promoting higher standards of conduct among its members.
25. The decision of the Committee, whether or not there has been a finding of breach of the Code of Conduct, will be made public.

COMPLAINT FORM: ALLEGED BREACHES OF THE COUNCILLORS CODE OF CONDUCT

Your Details

1. Please provide us with your name and contact details:

Title (Mr/Mrs/Ms/Other):

First Name:

Last Name:

Address:

Daytime Telephone:

Evening Telephone:

Mobile Telephone:

Email Address:

(Please see attached notes explaining who this information will be given to).

2. Please tell us whether you are:

- A member of the public
- An elected or co-opted Councillor
- A Member of Parliament
- A Monitoring officer for another Council
- A Council employee
- Other (please specify)

3. Please state the name of the Councillor(s) you believe have breached the Code of Conduct and which Council they are a Member of:

<u>First Name</u>	<u>Last Name</u>	<u>Council Name</u>

(Please note that if your complaint relates to a Wyre Borough Councillor who is also a Lancashire County Councillor or a Member of a Parish or Town Council within the Wyre area, then the information on this form may be shared with that other Council).

4. Please explain in this section what the Councillor has done that you believe breaches the Code of Conduct. If you are complaining about more than one Councillor you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the Monitoring Officer when he/she decides whether to take any action on your complaint. For example:

- You should state which specific provision(s) in the Code of Conduct which you think the Councillor has failed to comply with.
- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

- 5. If you do not want your name to be revealed to the Councillor you are complaining about, please say why here.

(Please see attached notes explaining how such requests will be considered).

Date:

Please send your completed form to:

The Monitoring Officer
Wyre Borough Council
Civic Centre
Breck Road
Poulton-le-Fylde
Lancashire
FY6 7PU

Or email to: monitoringofficer@wyre.gov.uk