

## STANDARDS COMMITTEE

**6.30pm on Wednesday 23<sup>rd</sup> January 2019**  
**Belle Vue Suite, 1 Belle Vue Square, Broughton Road, Skipton.**

**Committee Membership:** Councillors Ireton (Chairman), Mason, Mercer, Solloway and Whitaker.

**Parish Council Representatives (non-voting):** Veronicka Dancer, Michael Rooze and Robert Stead.

**Independent Persons (non-voting):** John Boumphrey, Peter Charlesworth and Roger Millin.

## AGENDA

1. **Apologies for Absence**
2. **Confirmation of Minutes** – 19<sup>th</sup> September 2018 attached.
3. **Public Participation** – In the event that any questions/statements are received or members of the public attend, the public participation session will proceed for a period of up to fifteen minutes.
4. **Declarations of Interest** – All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.

(Note: Declarations should be in the form of:

a “***disclosable pecuniary interest***” under Appendix A to the Council’s Code of Conduct, or “***other interests***” under Appendix B or under Paragraph 15 where a matter arises at the meeting which relates to a financial interest of a friend, relative or close associate.

A Member of Council who has a disclosable pecuniary interest must leave the room and not take part in the discussion or vote. When declaring interests under Appendix B or Paragraph 15 of the Code, Members must move to the public seating area, not vote, and speak only if members of the public are also allowed to speak at the meeting.)

5. **Audit of Parish Councils’ Registers of Interests** – report of the Solicitor to the Council (Monitoring Officer). Attached.

Purpose of Report – To inform Members of the findings from an audit of Parish Councils’ Registers of Interests.

6. **Action taken by the Monitoring Officer** – report of the Solicitor to the Council (Monitoring Officer). Attached.

Purpose of Report – To report to Members the action taken by the Monitoring Officer to address a governance failing highlighted at a recent meeting of the Hearings Panel.

7. **Members' Code of Conduct** – Report of the Solicitor to the Council (Monitoring Officer). Attached.

Purpose of Report – To commence a review of the Council's Code of Conduct for Members.

8. **Monitoring Report** – Report of the Solicitor to the Council (Monitoring Officer). Attached.

Purpose of Report – To update Members following the last report to Committee on the 19<sup>th</sup> September 2018.

9. **Standards Bulletin 2018**– Report of the Solicitor to the Council (Monitoring Officer). Attached.

Purpose of Report – to present to the Committee for approval, the Standards Bulletin for the year 2018.

10. **Any other items** which the Chairman decides are urgent in accordance with Section 100B(4) of the Local Government Act, 1972.

Agenda Contact Officer: Hannah Scales

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15<sup>th</sup> January 2019

If you would like this agenda or any of the reports listed in a way that is better for you, please telephone 01756 706494.

### **Recording at Council Meetings**

Recording is allowed at Council, committee and sub-committee meetings which are open to the public, subject to

- (i) the recording being conducted with the full knowledge of the Chairman of the meeting; and
- (ii) compliance with the Council's protocol on audio/visual recording and photography at meetings, a copy of which is available on request. Anyone wishing to record must contact the Agenda Contact Officer (details above) prior to the start of the meeting. Any recording must be conducted openly and not disrupt proceedings.

### **Emergency Evacuation Procedure**

In case of an emergency or if the alarm sounds, leave the committee room and leave the building using the nearest available door. The assembly point is in the main square at the front entrance. An officer will take a roll call at that point. Please do not leave without telling the Chairman or the Democratic Services Section's representative.

## **STANDARDS COMMITTEE**

19 September 2018

**Present** – Councillors Ireton (Chairman), Mason, Mercer, Solloway and Whitaker

**Independent Persons (non-voting):** John Boumphrey and Roger Millin.

**Officers** – Solicitor to the Council (Monitoring Officer), Democratic Services Manager and Clerical Assistant (Minutes).

Apologies for absence were received from Independent Person Peter Charlesworth, Parish Representatives Michael Rooze, Veronika Dancer and Robert Stead.

Start: 6.30pm

Finish: 7.15pm

The minutes of the Committee's meeting held on 4 July 2018 were confirmed as a correct record and signed by the Chairman.

### **Minutes for Report**

STN.347      **ANNUAL REPORT OF COMPLAINTS RECEIVED BY THE COUNCIL**

The Solicitor to the Council (Monitoring Officer) and Information Governance Manager submitted a joint report which presented a copy of the Ombudsman's Annual Letter 2018 together with an update about complaints received for the period 1 August 2017 to 1 August 2018.

The Committee wished to place on record its thanks to the Information Governance Manager David Roper-Newman for his work in updating and streamlining the complaints procedure.

In relation to the creation of a single contact point in Waste Management Operations, a concern was raised regarding the potential influx of work for Waste Management and the need for further review.

**Resolved** – That the Committee notes the report, complaints procedure, internal audit and the Ombudsman's Annual Letter.

STN.348

### **LOCAL HEARING**

The Solicitor to the Council (Monitoring Officer) submitted a report regarding the outcome of a standards complaint in relation to the conduct of District Councillor Alan Sutcliffe.

**Resolved** – That the outcome of a standards complaint in relation to the conduct of District Councillor Alan Sutcliffe, be noted.

(Independent Person John Boumphrey joined the meeting at 6.45pm during the consideration of this item.)

STN.349

**MONITORING REPORT**

The Solicitor to the Council (Monitoring Officer) submitted a report, which updated members following the last report presented to the Committee on 4 July 2018.

**Resolved** – That the contents of the report be noted.

STN.350

**CODE OF CONDUCT**

The Solicitor to the Council (Monitoring Officer) submitted a report which sought Members' views on a proposal to issue supplemental guidance to support the Officer's Code of Conduct.

The key points of discussion were:

- To include an obligation for officers to report themselves to the Housing Options Manager if it was considered that they were in breach of the Code.
- That some further guidance be provided in relation to the acceptance of gifts and hospitality from other agencies.

**Resolved** – That the above matters be referred to Corporate Leadership Team (CLT) for further consideration.

**Minutes for Decision**

STN.351

**DISPENSATION SCHEME**

The Solicitor to the Council (Monitoring Officer) submitted a report, which sought to review the Council's Dispensation Scheme.

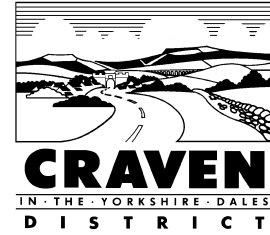
The Committee emphasised the importance of ensuring that the Dispensation Scheme could be applied at short notice and that it was both open and accountable.

**Recommended** –

- (1) That the Solicitor to the Council (Monitoring Officer) be given delegated authority to grant dispensations on grounds (a) and (b) in consultation with an Independent Person.
- (2) That grounds (c) and (d) be referred to a Sub Committee in consultation with the Standards Committee, Independent Person.

Chairman

**Standards Committee –  
23<sup>rd</sup> January 2019**



**PARISH COUNCILS’ REGISTERS OF INTERESTS**

Report of the Solicitor to the Council (Monitoring Officer)

Ward(s) affected: ALL

1. **Purpose of Report** – to inform Members of the findings of an audit of Parish Councils’ Register of Interests.
2. **Recommendations** – Members are recommended to:
  - 2.1 Note the findings of the audit undertaken; and
  - 2.2 Instruct the Monitoring Officer, on the Committee’s behalf, to write to all Town and Parish Councils reminding them of the legal requirements under sections 29 (register of interests) and 30 (disclosure of pecuniary interests) of the Localism Act 2011

3. **Report**

**Introduction**

- 3.1 At its meeting on the 4<sup>th</sup> July 2018, this Committee agreed a work programme in line with the Committee’s terms of reference. An audit of Parish Councils’ Register of Interests was included in that work programme.

**Background**

- 3.2 As Members will be aware, the Localism Act 2011 (the Act) made significant changes to the standards regime including to the registration and declaration of members’ and co-opted members’ interests.
- 3.3 With regard to parish councils, section 29 of the Act requires the monitoring officer of a relevant authority, which in the case of parish councils is the district council for the area, *“to establish and maintain a register of interests of members and co-opted”*.
- 3.4 Section 29 also requires the monitoring officer to:
  - (a) Secure that a copy of the parish council’s register is available for inspection at a place in the principal authority’s area at all reasonable hours, and
  - (b) Secure that the register is published on the principal authority’s website; and

(c) Provide the parish council with any data it needs to comply with sub-section (7) (see below).

3.5 Sub-section (7) states that a parish council must, if it has a website, secure that its register is published on the website.

### **Report**

3.6 For the past six months, the Council has been carrying out an audit of the register of interests it currently holds for the 37 Town and Parish Councils in the district. This has involved writing to all 37 Parish Councils asking them to confirm that the details held on the Council's database for their parish councillors was correct and to provide details of any resignations and co-options as well as any updates required to the declarations, such as a change of address, new job etc.

3.7 Members may remember that the Council adopted a new, much improved and less protracted Declaration of Interests' form for District and Parish Councillors in 2015, which it was hoped Councillors would find simpler to complete. However, it would appear that the revised form has not been endorsed by all Parish Councils as both the Monitoring Officer and Democratic Services are still receiving a variety of different styles.

3.8 Although, the completed forms are, and should be, taken at face value as each Councillor is responsible for making their own declaration, there are occasions when full details have not been disclosed. For example, some Parish Councillors do not declare their home address or land (whether rented or owned) and others who do not declare their spousal interests.

3.9 Of the 37 Town and Parish Councils in the District all but 4 now have a website and of those 33, only 9 are publishing their Members' register of interests or a live link to the relevant page on the District Council's website.

### **4. Implications**

4.1 **Financial Implications** – There are no direct financial implications arising from this report.

4.2 **Legal Implications** – These are set out in the body of the report.

4.3 **Contribution to Council Priorities** – Not applicable.

4.4 **Risk Management** – Not applicable.

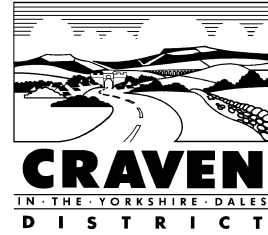
4.5 **Equality Analysis** – Not applicable.

5. **Consultations with Others** – None.

6. **Access to Information: Background Documents** – Not applicable.

7. **Author of the Report** – Annette Moppett, Solicitor to the Council (Monitoring Officer); telephone 01756 706325; e-mail: amoppett@cravendc.gov.uk.
8. **Appendices** – None.

## Standards Committee – 23<sup>rd</sup> January 2019



### ACTION TAKEN BY THE MONITORING OFFICER

Report of the Solicitor to the Council (Monitoring Officer)

Ward(s) affected: ALL

1. **Purpose of Report** – to report to Members the action taken by the Monitoring Officer to address a governance failing highlighted at a recent meeting of the Hearings Panel.
2. **Recommendations** – Members are recommended to note the action taken by the Monitoring Officer.

### 3. **Report**

#### **Background**

- 3.1 At its meeting on the 19<sup>th</sup> September 2018, this Committee was presented with a report detailing the findings of a Hearings Panel, which met on the 12<sup>th</sup> July to consider a complaint that District Councillor Alan Sutcliffe had failed to comply with the Council's Code of Conduct for Members.
- 3.2 Members may recall that at the conclusion of the hearing, the Panel instructed the Monitoring Officer to take action to address a governance failure identified by the Investigating Officer and to report the action taken to the Standards Committee.
- 3.3 The governance failure identified was that the Chairman of Planning Committee decided unilaterally that a representative from the Highways Authority would not attend a specified meeting of Planning Committee after the Committee had previously resolved that they would (confirmed minute PL.821).
- 3.4 The Council operates a committee system and consequently, no individual Member or Officer has authority to overturn or disregard a committee resolution.

#### **Report**

- 3.5 Unfortunately, a legal advisor was not present at the Chairman's briefing when this decision was made. This is unusual, however as the briefings are arranged by the Planning Manager (Development Management) in conjunction with the Chairman and Vice-Chairman, it isn't unprecedented.
- 3.6 The Monitoring Officer is confident that had a solicitor been present at the briefing, this decision would not have been taken and therefore in order to address the



governance failing identified by the Investigating Officer and accepted by the Hearings Panel, the Monitoring Officer has put the following arrangements in place:

- (a) All pre-committee briefings to be organised by Democratic Services;
- (b) A solicitor (or suitably qualified and experienced legal advisor) to attend these briefings. Any governance issues discussed at a briefing to be reported to the Monitoring Officer, (unless the Deputy Monitoring Officer is present at the briefing).

4. **Implications**

4.1 **Financial Implications** – There are no direct financial implications arising from this report.

4.2 **Legal Implications** – There are no direct legal implications arising from this report.

4.3 **Contribution to Council Priorities** – Not applicable.

4.4 **Risk Management** – Not applicable.

4.5 **Equality Analysis** – Not applicable.

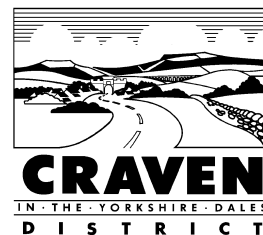
5. **Consultations with Others** – None.

6. **Access to Information: Background Documents** – Not applicable.

7. **Author of the Report** – Annette Moppett, Solicitor to the Council (Monitoring Officer); telephone 01756 706325; e-mail: amoppett@cravenc.gov.uk.

8. **Appendices** – None.

## Standards Committee – 23<sup>rd</sup> January 2019



### MEMBERS CODE OF CONDUCT

Report of the Solicitor to the Council (Monitoring Officer)

Ward(s) affected: ALL

1. **Purpose of Report** – to commence a review of the Council’s Code of Conduct for Members.
2. **Recommendations** – Members are recommended to consider and comment on the Code of Conduct for Members and agree the scope of the review.

### 3. **Report**

#### **Background**

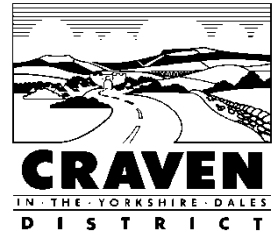
- 3.1 At its meeting on the 4<sup>th</sup> July 2018, this Committee agreed a work programme in line with the Committee’s terms of reference. A review of the Council’s Code of Conduct for Members was included in that work programme.
- 3.2 The Code of Conduct for Members was previously reviewed by this Committee in 2015, with its recommendations being adopted at the meeting of Council, which took place on the 1<sup>st</sup> December 2015.
- 3.3 A copy of the Code of Conduct for Members is attached as Appendix A.
- 3.3 The Committee is asked to consider the Code of Conduct and agree the scope of its review.

### 4. **Implications**

- 4.1 **Financial Implications** – There are no direct financial implications arising from this report.
- 4.2 **Legal Implications** – There are no direct legal implications arising from this report.
- 4.3 **Contribution to Council Priorities** – Not applicable.
- 4.4 **Risk Management** – Not applicable.
- 4.5 **Equality Analysis** – Not applicable.

5. **Consultations with Others** – None.

6. **Access to Information: Background Documents** – Not applicable.
7. **Author of the Report** – Annette Moppett, Solicitor to the Council (Monitoring Officer); telephone 01756 706325; e-mail: amoppett@cravendc.gov.uk.
8. **Appendices** –  
Appendix A – Code of Conduct for Members (December 2015)



## CRAVEN DISTRICT COUNCIL

### CODE OF CONDUCT

#### Introduction

Pursuant to Section 27 of the Localism Act 2011, Craven District Council as relevant authority (“the Council”) has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council.

This Code of Conduct is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. **These principles are described in detail in Appendix C to this code.**

#### Definitions

For the purposes of this Code, a ‘co-opted member’ is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

For the purposes of this Code, a ‘meeting’ is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.

#### Member obligations

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations:

1. He/she shall behave in such a way that a reasonable person would regard as respectful.
2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.

3. He/she shall not seek to improperly confer an advantage or disadvantage on any person.
4. He/she shall use the resources of the Council in accordance with its requirements.
5. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.
6. He/ she shall not compromise or attempt to compromise the impartiality of anyone who works or exercises powers for the Council.

#### *Registration of interests*

7. Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register with the Monitoring Officer the interests which fall within the categories set out in Appendices A and B.
8. Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register with the Monitoring Officer any interests in Appendices A and B.
9. A member shall register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.
10. A member need only declare the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

#### *Declaration of interests at meetings*

11. Where a matter arises at a meeting which relates to an interest in Appendix A the member must leave the room and shall not participate in a discussion or vote on the matter. He/she only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he/she has not notified the Monitoring Officer of it.
12. Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member must leave the room and shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it.

13. Where a matter arises at a meeting which relates to an interest in Appendix B, the member must move to the public gallery and shall not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting.
14. A member *shall disclose the nature of* his/her interest in Appendix B *even if* it is already entered in his/her register of interests or he/she has not notified the Monitoring Officer of it or if he/she speaks on the matter. If he/she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.
15. Where a matter arises at a meeting which relates to a financial interest of the member, a friend, relative or close associate (other than an interest in Appendix A), the member shall disclose the nature of the interest. The member must move to the public gallery and shall not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

### Dispensations

16. On a written request made to the Council's Proper Officer (the Monitoring Officer), the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if the member has an Appendix A or Appendix B interest ('an interest' for the purpose of paragraphs 16-18).

A dispensation may be granted on one or more of the following grounds<sup>1 2</sup>:

- a) That so many members of the Council have an interest in a matter that it would impede the transaction of the business (i.e. it would otherwise be inquorate);
- b) That, without the dispensation, the representation of different political groups on the Council would be so upset as to alter the outcome of any vote on the matter;
- c) That the Council considers that the dispensation is in the interests of persons living in the Council's area;
- e) That the Council considers it otherwise appropriate to grant a dispensation.

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<sup>1</sup> Section 33, Localism Act 2011

<sup>2</sup> Ground (d) refers to 'the Cabinet/Executive' and therefore does not currently apply to the Council.

17. In deciding whether to grant a dispensation, the appropriate political proportionality of the meeting, the interests of persons living in the Council's area and the interests of justice generally will be considered.

18. Requests for dispensation on grounds (a) and (b) may be determined by the Monitoring Officer in consultation with the Independent Person<sup>3</sup>

Requests for a dispensation on grounds (c) and (e) will be determined by a sub-committee of the Standards Committee, in consultation with the Independent Person.

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<sup>3</sup> appointed under section 28, Localism Act 2011

## APPENDIX A : Disclosable Pecuniary Interests.

Interests defined by regulations made under Section 30(3) of the Localism Act 2011 and described in the table below.

<b>Subject</b>	<b>Description</b>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses.
	This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the member or between his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a body in which such a person is a partner in a firm, a director of an incorporated body or holds the beneficial interest in securities*) and the Council -
	(a) Under which goods or services are to be provided or works are to be executed; and
	(b) Which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the Council.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the member's knowledge) -
	(a) The landlord is the Council; and
	(b) The tenant is a body in which the member or his/her spouse or civil partner/the person with whom the member is living as if they were spouses/civil partners has a beneficial interest.
Securities	Any beneficial interest in securities of a body where -
	(a) That body (to the member's knowledge) has a place of business or land in the area of the Council; and
	(b) Either -
	(i) The total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or
	(ii) If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*These descriptions of interest are subject to the following definitions*

*“relevant person” means*

- *Your spouse or civil partner”*
- *A person with whom you are living as husband or wife*
- *A person with whom you are living as if they were your civil partner;;*

*“body” in which you or the relevant person has a beneficial interest means a firm in which you or the relevant person is a partner or a body corporate of which you or the relevant person is a director, or in the securities of which you or the relevant person has a beneficial interest;*



*“ director “ includes a member of the committee of management of an industrial and provident society*

*“land” excludes an easement , servitude, interest or right in or over land which does not carry with it a right for the relevant person ( alone or jointly with another) to occupy the land or receive income;*

\*'Securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

## APPENDIX B

An interest under paragraph 1 *and 2 below* which relates to or is likely to affect:

### 1. Interests

(i) Any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;

(ii) Any body –

(a) Exercising functions of a public nature;

(b) Directed to charitable purposes; or

(c) One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which the member of the Council is a member or in a position of general control or management;

(iii) Any gifts or hospitality worth more than an estimated value of £25 which the member has received by virtue of his or her office.

**and**

### 2. Perception of Conflict

*A reasonable member of the public with knowledge of all the relevant facts would think that your interest was so significant that it would be likely to prejudice your judgment.*

### FOOTNOTE 1

*The test for perception is one of conflict of interest; which in other words means the interest must be perceived as likely to harm or impair your ability to judge the public interest..*

### FOOTNOTE 2

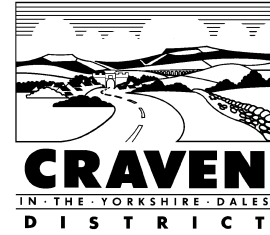
This Code of Conduct is based on the template Code of Conduct for parish Councils produced by the National Association of Local Councils (NALC) in 2012 who has given permission for its use by the District Council.

Reproduced with the kind permission of the National Association of Local Councils (NALC) in 2012.

## APPENDIX C

<b>Principle</b>	<b>Description</b>
Preamble	The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.
<b>Selflessness</b>	Holders of public office should act solely in terms of the public interest.
<b>Integrity</b>	Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
<b>Objectivity</b>	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
<b>Accountability</b>	Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
<b>Openness</b>	Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
<b>Honesty</b>	Holders of public office should be truthful.
<b>Leadership</b>	Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever

**Standards Committee –  
23<sup>rd</sup> January 2019**



**MONITORING REPORT**

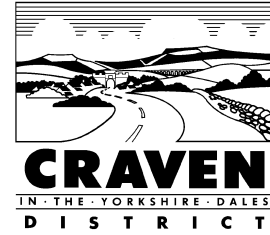
Report of the Solicitor to the Council (Monitoring Officer)

Ward(s) affected: ALL

1. **Purpose of Report** – To update Members following the last report to Committee on the 19<sup>th</sup> September 2018.
2. **Recommendations** – Members are asked to note the contents of the report.
3. **Report**
  - 3.1 The usual monitoring report is attached at Appendix A.
  - 3.2 A verbal update will be given at the meeting, if required.
4. **Implications**
  - 4.1 **Financial Implications** – None arising directly from the report.
  - 4.2 **Legal Implications** – None arising directly from this report.
  - 4.3 **Contribution to Council Priorities** – Not applicable.
  - 4.4 **Risk Management** – Not applicable.
  - 4.5 **Equality Analysis** – Not applicable.
5. **Consultations with Others** – None.
6. **Access to Information: Background Documents** – Not applicable.
7. **Author of the Report** – Annette Moppett, Solicitor to the Council (Monitoring Officer); telephone 01756 706325; e-mail: amoppett@cravenc.gov.uk.
8. **Appendices** –  
Appendix A – Monitoring report

Date complaint received	Reference	Status	Alleged Breach
17 December 2018	AM.1755	Complaint form returned to Complainants to provide further information (9 <sup>th</sup> January 2019).	Parish Councillors Details to be confirmed.
27 November 2018		Complaint form and supporting documents being considered by the Monitoring Officer who met with the Complainant on the 3 <sup>rd</sup> January 2019 to discuss the complaint in some detail.	District Councillors Seeking to confer an advantage/disadvantage.

**Standards Committee –  
23<sup>rd</sup> January 2019**



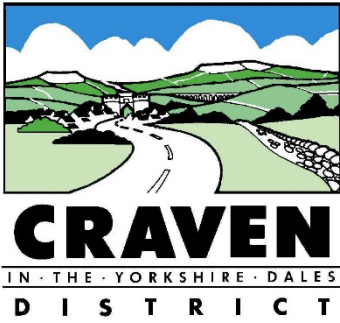
**STANDARDS BULLETIN 2018**

Report of the Solicitor to the Council (Monitoring Officer)

Ward(s) affected: ALL

1. **Purpose of Report** – to present to the Committee for approval, the Standards Bulletin for the year 2018.
2. **Recommendations** – Members are recommended to:
  - 2.1 Subject to any comments Members may have, approve for circulation the Standards Bulletin for the year 2018.
3. **Report**
  - 3.1 The Localism Act 2011 places a duty on the Council to promote and maintain high standards of conduct. Producing and circulating an annual standards report or bulletin is a good way for the Committee to continue to promote high standards of conduct across the Council.
  - 3.2 The draft Standards Bulletin 2018 is attached as Appendix A to this report and Members are asked to consider the Report with a view to approving it for circulation.
4. **Implications**
  - 4.1 **Financial Implications** – There are no direct financial implications arising from this report.
  - 4.2 **Legal Implications** – There are no direct legal implications arising from this report.
  - 4.3 **Contribution to Council Priorities** – Not applicable.
  - 4.4 **Risk Management** – Not applicable.
  - 4.5 **Equality Analysis** – Not applicable.
5. **Consultations with Others** – None.
6. **Access to Information: Background Documents** – Not applicable.
7. **Author of the Report** – Annette Moppett, Solicitor to the Council (Monitoring Officer); telephone 01756 706325; e-mail: amoppett@cravenc.gov.uk.

8. **Appendix A** – draft Standards Bulletin 2018



# STANDARDS COMMITTEE BULLETIN 2018

## FOREWARD BY THE CHAIRMAN OF STANDARDS COMMITTEE

## MEMBERSHIP OF THE COMMITTEE

The Standards Committee is comprised of:

- Five District Councillors (other than the Leader and Deputy Leader) nominated by the political groups in proportion to the make-up of the Council.
- Four parish representatives who are members of a Parish Council in the District and who are appointed directly to the Committee.
- Three independent persons who are not councillors or employees of the Council or any body with a Standards Committee.

The current membership is:

Councillors Ireton (Chairman), Mason, Mercer, Solloway and Whitaker.

Parish Council Representatives (non-voting): Veronicka Dancer, Michael Rooze and Robert Stead.

Independent Persons (non-voting): John Boumphrey, Peter Charlesworth and Roger Millin.

Members should be aware there is a current Parish Council vacancy on the Standards Committee.



## Review

The Committee on Standards in Public Life's (CSPL) review of local government ethical standards is continuing and during 2018 the CSPL held roundtable discussions with Monitoring Officers, Clerks, Independent Persons. Notes of these discussions are available online. (Please contact Hannah if you would like the link or a paper copy of these notes.)

The discussions echo many issues highlighted by the Standards Committee in their detailed consultation response, submitted to CSPL in April 2018:

- High level of variation in local authority codes.
- Inconsistency with an approach of being able to set a code but not enforce it. Including lack of stronger sanctions undermines the system and erodes public confidence.
- Investigations are currently disproportionately expensive to sanctions available.
- More sanctions are needed for the small minority of councillors who show poor conduct.

We understand the CSPLS findings will be published on January 30<sup>th</sup>.

## WORK PROGRAMME

The Committee has continued its work reviewing the local codes and protocols contained in the Council's Constitution.

In March 2017, the Committee began a detailed review of the Council's Whistleblowing Policy with the views of all interested parties being sought. The Committee's recommendations were adopted at the meeting of Council held on the 27<sup>th</sup> February 2018.

The Committee has also reviewed the 'Probity in Planning' document, which provides importance guidance, principally for the members of Planning Committee. The revised document, including a requirement to declare lobbying, was adopted by Council on the 1<sup>st</sup> August 2017.

Two detailed consultation responses were submitted by the Committee. The first to the then Department for Communities and Local Government's consultation on updating disqualification criteria for local authority members and the second to the Committee on Standards in Public Life's review of local government ethical standards (see above).

## COMPLAINT STATISTICS

The Council has adopted arrangements for dealing with allegations that members (District, Town or Parish) have breached their Code of Conduct. During the year, ten complaints were dealt with under these arrangements: seven concerning District Councillors and three Town or Parish Councillors.

The Committee continues to monitor the progress of all complaints received.

## DISPENSATIONS

In September, the Committee reviewed the Council's Dispensation Scheme and this resulted in changes to the procedure being adopted by Council in December 2018. The grounds on which a dispensation may be granted and procedure to be followed are set out in the revised Code of Conduct for Members.

## BRIEF REVIEW OF CASE LAW ON STANDARDS

A number of recent cases have highlighted the importance of adopting arrangements to deal with complaints about Councillors conduct as required by the Localism Act 2011.

### R (Harvey) v Ledbury Town Council [2018] EWHC 1151

A complaint was made against Councillor Harvey for bullying, intimidation and harassment of staff. Ledbury Council dealt with the complaint under the Council's grievance procedure rather than under the code of conduct (Localism Act 2011) because they didn't find the sanctions in the code of conduct to be great enough. The court found the decision to deal with the complaint in this way to be procedurally unfair and they didn't find the code of conduct had been breached.

### R (Lashley) v Broadland District Council [2001]

Similar to the case above a complaint was made against Councillor Lashley. The Standards Committee found her behaviour to be below the expected standard but resolved to impose no sanction. The committee's function was administrative not disciplinary, and the resolution was itself deemed inappropriate.

These cases and others alike, for example the Ali v Coventry City Council case, show that Councils cannot try and get round the 2011 Localism Act's lack of effective sanctions by dealing with complaints under their staff grievance procedures. Actions should be proportionate to the complaint and the accused Councillor should be able to meaningfully participate in the process.