

STANDARDS COMMITTEE

MINUTES OF MEETING HELD ON 24 JANUARY 2019

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MINUTES OF MEETING HELD ON 24 JANUARY 2019

Present:

Councillor B Ridgway Chair

Councillor P Antcliff
“ G Butler

Councillor S Boyle
“ A Powell

Councillor Mrs D Ward – Parish Council Representative

Also Present:-

S Sternberg - Joint Head of Corporate Governance & Monitoring Officer
N Calver - Governance Manager

508 Apologies for Absence

Apologies for absence were received from Councillors A Garrett and K Rouse.

509 Declarations of Interest

Members are requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

There were no interests declared at this meeting.

510 Minutes of Last Meeting

RESOLVED – That the Minutes of the meeting of the Standards Committee held on 18 October 2018 be approved as a correct record and signed by the Chair.

511 Review of the Council’s Constitution

The Governance Manager presented a report continuing with the annual review of the Constitution working towards adoption of changes before the end of the municipal year to ensure it was kept up-to-date and in line with legislation and current circumstances.

Members gave consideration to the areas identified for review within 1.2 of the report and noted the proposals still under review that were reported to the following meeting on 11 March 2019.

On consideration of the areas of review as set out in Appendix 1 to the report Members were satisfied with the necessity and wording for the suggested changes to the Scheme of Delegations for Officers Budget and Policy Framework Rules and Financial Rules in relation to the Section 151 Officer Delegations.

Members of the Standards Committee gave due consideration to the proposals set out within Appendix 2 to the report, which set out suggested changes to the Council's Governance arrangements for discharging its Licensing responsibilities. As part of the Constitution Review the Standards Committee had identified that the Terms of Reference for the Licensing Committee should be reviewed, and as part of conducting that review legal advice had been received recommending establishment of a specific governance body to deal solely with the Licensing Act 2003 and Gambling Act 2005. This should be separate from the Committee exercising responsibility for other aspects of the Licensing function, such as Taxi and Scrap Metal Licensing.

Different authorities had responded to the need for specific Licensing Act and Gambling Act Governance arrangements in a variety of ways. It was reported that the common approach had been to simply establish two Committees covering the different legal strands of responsibility. Therefore, the proposals put forward established a General Licensing Committee which would deal with Taxi and Scrap Metal Licensing and a Licensing and Gambling Act Committee with responsibility for Licensed Premises and Club/Gaming Machine Permits. Each Committee would consist of 14 Members each, be political proportionate, and have the same membership. In addition, both of the new Committees would have their own Sub-Committees which would discharge specific responsibilities of their parent Committees.

Both of these proposals had been considered by a Special Meeting of the Licensing Committee and a recommendation put forward that this approach be supported. The recommendation of officers was to establish these Sub-Committees with a membership of seven Members on each and a quorum of three and it was reported to Standards Committee that the Licensing Committee had debated this matter in detail and put forward a recommendation that each Sub-Committee be comprised of three Members each, chosen by the Monitoring Officer from the membership of the Committees, politically proportionate to the Council as a whole and in line with current practice.

The Standards Committee gave detailed consideration to an appropriate number of Members to sit on each Licensing Sub-Committee and concluded that five Members would be the appropriate amount. This was decided on the rationale that a Sub-Committee of seven Members may be deemed to be intimidating to an applicant at a hearing, however, three showed some risk of an inability to meet the quorum for each meeting, with five Members eradicating the risk of having to turn away an applicant and reconvening a hearing. Further, the Chair of the Committee raised concerns for applicants losing income on attending hearings with a risk of them not being able to go ahead.

RESOLVED – That:-

- (1) The proposals for amendments to the Council's Constitution as set out in Appendix 1 to the report, as amended above, be supported and submitted to the Council as part of the Constitution Review.

- (2) The list of areas for the Constitution Review as set out in 1.2 of the report be agreed.

512 Local Government Lawyer – Independent Report Expresses Regret at Attack by Councillor on Monitoring Officer

The Joint Head of Corporate Governance and Monitoring Officer from time to time would bring legal cases to the Standards Committee which were relevant and of interest.

The independent report advised on an investigation into a breach of the Code of Conduct at Fenland District Council. The Monitoring Officer had alleged that a Councillor may have submitted over-inflated mileage claims and attempted to claim for journeys outside of the scope of the Members' Allowance Scheme.

In response to these allegations the Councillor made counter allegations against the Monitoring Officer, which were dismissed, however the investigation deemed that making allegations against the Monitoring Officer was a breach in itself of the Council's Code of Conduct relating to an attempt at intimidation.

RESOLVED – That the independent report be noted.

513 Cornerstone Barristers' Publication: Councillor Refused Permission in Judicial Review against Sexual Harrassment

The Joint Head of Corporate Governance and Monitoring Officer brought another interesting case to Members of the Standards Committee for their information where the former Leader of Devon County Council had been refused permission to proceed to a judicial review of the Council's decision to sanction him for sexual harassment of four Council employees.

In a wide ranging challenge, he was granted permission on just one narrow point: whether the Council had the legal power to restrict his access to Council premises.

Devon County Council's Standards Committee, on acceptance of the investigation findings, imposed several sanctions on the Councillor in question, which included restricting access to Council premises. It was noted by Members that whilst restrictions were in place the Councillor was permitted unrestricted access to public meeting rooms and was permitted to visit any other premises providing he gave advance notice and was accompanied by a Council officer.

The Member challenged the legality of the sanctions imposed on him and whilst it was considered arguable that that Council had no legal power to exclude him from his premises the judge considered that if there was such a power the restrictions placed on the Councillor were proportionate.

RESOLVED – That the independent report be noted.

514 Gifts and Hospitality Annual Report 2018

The Standards Committee considered a report of the Joint Head of Corporate Governance and Monitoring Officer, which advised of the details of all entries in the Council's Gifts and Hospitality Register in respect of offers of gifts and hospitality made to Members and Officers of the District Council during the period January 2018 to December 2018.

The annual reporting of offers of gifts and hospitality made to Members and officers was in accordance with Part 5 of the Council's Constitution, which detailed these arrangements.

Members of the Standards Committee gave consideration to the details of the entries into the Council's Gifts and Hospitality Register attached as Appendix 3 to the report.

RESOLVED – That the content of the Annual Report for the period January 2018 to December 2018 in respect of offers of gifts and hospitality made to Members and Officers be noted.

515 Complaints Update

The Joint Head of Corporate Governance and Monitoring Officer advised that six complaints had been received, all of which had been closed requiring no further action.

RESOLVED – That the Standards Committee note the update on Complaints.

516 Work Programme 2018/19

The Standards Committee considered a report of the Joint Head of Corporate Governance and Monitoring Officer, which informed Members of its Work Programme for 2018/19.

Members were advised of the background to the Work Programme and the fact that this was a live and changing document.

RESOLVED – That the Work Programme for 2018/19 be noted.

517 Urgent Business – Future Arrangements for Independent Persons

Prior to the commencement of the meeting the Chair had given his consent to consider a report on the future arrangements of Independent Persons to be considered at this meeting of Standards Committee as a matter of urgency.

The Joint Head of Corporate Governance and Monitoring Officer presented a report to Members asking for consideration for the future arrangements for Independent Persons.

The Council appointed Mr Ian Daines and Mr Stuart Hooton as Independent Persons in July 2012, their terms of appointment were later extended to the end of May 2019. Mr Ian Daines had indicated that he did not wish to renew his term, with Mr Stuart Hooton confirming that he would like to extend his appointment.

Members gave consideration to the alternative options as set out in the report to either recruit two new Independent Persons or to reduce the number of Independent Persons employed by the Council to one.

The Chair of the Standards Committee advised Members of the dual role of the Independent Person, that whilst one Independent Person would undertake an investigation the other Independent Person's role was to support the subject of that complaint where necessary and requested. It was therefore deemed that there was a good case for retaining two Independent Persons for this function of the Council.

On consideration of the advert, Members deemed that the salary offered, considering the duties and responsibilities of the post, was moderate and it was recommended that the salary range for the role be reviewed at the appropriate time.

RESOLVED – That:-

- (1) It be recommended to Council for an extension of the Terms of Office of Mr Stuart Hooton as Independent Person until the end of May 2023.
- (2) It be recommended to Council that recruitment of a further Independent Person be advertised for appointment until the end of May 2023.
- (3) The suggested job description/person specification and job advert, attached as Appendices 1 and 2 to the report, be noted.
- (4) Authority be delegated to the Joint Head of Corporate Governance and Monitoring Officer to carry out the recruitment process, with briefings to each of the Political Group Leaders to keep them abreast of developments.
- (5) An annual honorarium payment of £800 be made to each Independent Person be agreed, and to be reviewed and reported to a future meeting of the Standards Committee.
