

Appeals and Standards Committee – 3rd July 2014



Minutes of the **Appeals and Standards Committee** held in The Council Chamber Council Offices, Lodge Road, Daventry on Thursday 3rd July 2014 at 6.15 p.m. (Concluded at 6.55pm.)

PRESENT:	
Councillor Chris Long	Acting Chairman
Councillor Sean Connors	
Officers:	
Simon Bovey	Monitoring Officer
Wendy Craven	Scrutiny & Appeals & Standards Support Officer
Also in attendance:	
Dr. Nick Boutle	Independent Co-opted Member
Stephen Loades	Independent Co-opted Member
Andrew Foster	Independent Person

NOMINATION OF VICE CHAIRMAN

Councillor Sean Connors nominated Councillor Long as Vice Chair of the Appeals & Standards Committee, it was seconded by Dr. Nick Boutle.

In the absence of the Chairman, Councillor Diana Osborne, Councillor Long took the Chair, he requested that, on behalf of the committee a letter be sent to Councillor Diana Osborne expressing good wishes and good speed to return to the committee as soon as possible. He went onto welcome Councillor Connors as new member to the committee.

SC.01/14 MINUTES

RESOLVED:

That the minutes of the meeting of the Appeals and Standards Committee held on 2nd July 2013 be approved and signed as a correct record.

SC.02/14 APOLOGIES FOR ABSENCE

Councillor Diana Osborne

Roger Lowe

Appeals and Standards Committee – 3rd July 2014

SC.03/14 DECLARATIONS OF MEMBERS INTERESTS

Councillor Sean Connors expressed an interest in Item 4 appendix B on the agenda, the subject of the complaint is a member of the same political party.

SC.04/14 ANNUAL REVIEW OF STANDARDS OF CONDUCT AND COMPLAINTS HANDLING

Consideration was given to the report of the Monitoring Officer to update members a further year on from the adoption of the new Code of Conduct in July 2012 (previously circulated, report reference SC.030714/1 page nos. 7- 28).

The Monitoring Officer introduced the report and provided an overview of the key issues since the previous annual report in July 2013. He advised that there had been no change nationally and the number of complaints remained relatively low at ten, with two outstanding yet to be fully assessed.

He went on to highlight relevant points under each heading in the report.

Promotion of High Standards

The Monitoring Officer informed he had continued to take a preventative approach offering advice to Members various enquiries especially about disclosable interests. New Members elected in June 2014 had had induction sessions that included guidance on the various codes of conduct. Further training is scheduled for 4.00pm on 16th July 2014.

Parish & Town Councils had also been given advice it had been acknowledged that sometimes clerks had difficulty in obtaining assistance from an experienced source. The Chief Executive of NCALC had agreed to assist in the promotion of high standards and some Parish Councils had already been signposted to obtain advice on complaint dealing as well as best practice and training.

He went on to illustrate an article he had read in the Dorset Echo about a Member who had breached the Code of Conduct for not declaring an interest when he should have done. Although sanctions were very limited the main one was to shame.

Codes of Conduct

He reported that all District Council Members had signed up to the Code and 49 of the 53 Parish Councils had also signed up to the Daventry District Council Code, he would continue to pursue those three that had no code.

Mystery shopping

It had been agreed at the previous meeting in July 2013 that either a parish/independent representative to act as a Mystery Shopper and to occasionally visit and observe Parish & Town Council meetings. A visit had been to a parish council in October 2013 the feedback although positive had also raised some issues of concern around a 'disclosure of an interest' and 'lack of respect for other colleagues'. It was agreed this was a useful exercise and should continue if considered necessary by the Monitoring Officer.

Appeals and Standards Committee – 3rd July 2014

Complaints Handling

The Monitoring Officer summarised the number and nature of the complaints received, no complaints were made about District Councillors. Two of complaints were escalated and resulted in an investigation; in both cases it was about the failure to 'disclose an interest' and resulted in formal hearings. Members were reminded that DDC would issue a decision notice, but it could only make recommendations to the parish and town councils, it is at their discretion whether to act on them or not. Members noted that one Parish Council had acted upon the recommendations the other had noted them. Members noted that the minutes of both hearings were attached and now included in the formal records of the council.

In regard to the actual hearing process, generally it worked well, but the suggested amendment to retire only once after stage 3, this would enable to process to run smoothly and be more time efficient. The Chairman endorsed the proposal to change to avoid duplication and also to align to the process followed by the Licensing Committee.

DDC Appeals & Standards Committee Hearing Panels

The Monitoring Officer advised Members that the Hearing Panel was made up from Members of the Committee the chair of the panel plays a crucial role setting the pace and ensuring that everyone followed the laydown procedure. He suggested that it would be good experience for all members to rotate the hearing panel chair. He informed that the Chair Councillor Diana Osborne had some reservations about this proposal in terms of expertise gained through experience. Following a discussion it was agreed this was about sharing good practice with all members of the committee, and once again to align with the Licensing Panel procedure.

In future all members of the Committee and the Independent Persons would be sent a copy of the Hearing Panels Decision Notice.

Independent Persons

The Monitoring Officer outlined the experience that the Independent Persons had gained in respect of hearings and the feedback they had given following a regional training event they had attended. He noted that all the Independent Persons were keen to do a good job, he emphasised the role was voluntary. He proposed that in complex cases at consultation stage to provide the Independent Person with a summary of the issues involved. He would also take up the suggestion to issue an annual newsletter to parish and town councils citing the lessons learned over the year.

Referring to the advice it was

RESOLVED that:

1. The annual review of standards of conduct and the handling of complaints is noted as a generally positive record
2. The practice of occasionally using Members of the Committee as "mystery shoppers" continues.
3. NCALC be invited to programme learning and development sessions on 'disclosing interests' for parish and town councillors.

Appeals and Standards Committee – 3rd July 2014

4. For hearings regarding Members, Panels retire to consider representations in private normally after only stage 3 of the Hearing Procedure rather than after both stage 2 (findings of fact) and stage 3 (findings of failure, or not, to comply with Code of Conduct.)
5. For all hearings, the chairmanship of Panels rotates between Members of the Committee.
6. The Monitoring Officer issues copies of decision notices of hearings to all Members of the Committee and all Independent Persons for information.
7. For complex complaints, a briefing note is provided for the Independent Person being consulted by the Monitoring Officer if so requested
8. An annual summary of key messages be supplied to parish and town councils, based on experience of the past year.

SC.05/14 RECORD OF COMPLAINTS AND RECORD OF DAVENTRY DISTRICT COUNCIL DISPENSATIONS

Consideration was given to the record of complaints and record of Daventry District Council dispensations (previously circulated, report reference SC.030714/2, page nos. 29 - 32).

The Monitoring Officer advised this was a register and summary of all the complaints/ dispensations received and/or currently being worked on. He confirmed that this had provided background to the review of the past year and the Advice on the previous item. He would issue a revised updated version of the register for the purpose of the minutes.

.....
Chairman

Appeals and Standards Committee – 3rd July 2014

Record of Complaints alleging breaches of Codes of Conduct and Record of Daventry District Council Dispensations (updated as at 17.6.14)

1. Record of Complaints

(a) Complaints awaiting Assessment

Date of correspondence	Nature of complaint	Who Against	-	-
5.6.14	Failure to treat others with respect and not to bully	Parish Councillor		
16.6.14	Failure to treat others with respect and not to bully	Parish Councillor		

(b) Complaints decided/resolved

Date of correspondence	Nature of complaint (with case number)	Who Against	Decision	Comments
5.7.12 & 5.11.12	Alleged failure to declare interests. (LC.31 and 35/12)	Town Councillor	Following investigation. Hearing held 17 th January 2014. Found in breach of Code of Conduct on two counts by failure to disclose an interest. No failure on two other counts.	Hearing. Decision notice with recommendations issued
15.4.13	Alleged failure to declare an interest. (LC.04/13)	Parish Councillor	Following investigation. Hearing held 9 th December 2013. Found in breach of Code of Conduct by failure to disclose an interest	Hearing. Decision notice with recommendations issued
6.6.13	Alleged failure to disclose an interest. (LC.06/13)	Town Councillor	Inadmissible as basic issues already being addressed, by another	

Appeals and Standards Committee – 3rd July 2014

Date of correspondence	Nature of complaint (with case number)	Who Against	Decision	Comments
			investigation (LC31 and 35/12). Case subsequently closed	
20.1.14	Alleged failure to treat others with respect and rude, bullying behaviour. (LC.01/14)	Parish Councillor	No further action. Case closed.	Monitoring Officer decision. Complaint does not warrant further investigation given information provided.
20.1.14	Alleged misrepresentation of the village residents and Parish Council. (LC.02/14)	Parish Councillor	No further action. Case closed	Monitoring Officer decision. Recommended that Parish Council update register of interests and general points for Parish Council to consider and rectify at next meeting.
30.1.14	Alleged bullying, persistent rude and intimidating behaviour. (LC.03/14)	Town Councillor	No further action. Case closed.	Monitoring Officer decision. Breaches of Code not likely or able to be verified. Complaint does not warrant investigation but other suggestions made to subject councillor.
12.3.14	Alleged failure to declare an interest (LC.04/14)	Parish Councillor	No further action case closed	Monitoring Officer decision. No actual interest to declare, no evidence to substantiate allegations

Appeals and Standards Committee – 3rd July 2014

Date of correspondence	Nature of complaint (with case number)	Who Against	Decision	Comments
19.3.14	Alleged failure to treat a fellow Councillor with respect (LC. 05/14)	Town Councillor	No further action case closed	Monitoring Officer decision. It was the Town Councillors gift to lead the panel and the complaint was not of significance to warrant further investigation.
2.6.14	Alleged failure to treat a fellow Councillor with respect, bringing office into disrepute and using position improperly (LC06/14)	Parish Councillor	No further action case closed	Monitoring Officer decision. Local issues with little evidence & not of significant concern under the Code of Conduct to warrant further investigation. Suggest the Parish heeds NCALC's advice on procedure.

(c) Complaints awaiting Decision (following referral from Assessment)

Date of correspondence	Nature of complaint (with case number, where allocated)	Who Against	Decision	Comments

Appeals and Standards Committee – 3rd July 2014

(d) Record of Dispensations (District Councillors only)

Date of Correspondence	Nature of Dispensation requested	Decision	Comments
27.1.14	Dispensation to apply to discussion on matters affecting the interests of a company (established via the Council).	Dispensation granted for four years	