

Appeals and Standards Committee – 13th June 2019



Minutes of the **Appeals and Standards Committee** held in Committee Room 1, Council Offices, Lodge Road, Daventry on Thursday 13th June 2019 at 6.15 p.m. (Concluded at 7.05 p.m.)

PRESENT:	
Councillor Daniel Cribbin	Chairman
Councillor Amy Howard	
Mr Stephen Loades	Independent Co-opted Member

SC.01/19 MINUTES

RESOLVED:

That, the minutes of the meeting of the Appeals and Standards Committee held on 5th June 2018, having been previously circulated, be approved and signed as a correct record.

SC.02/19 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Deanna Eddon, Mr Roger Lowe and Mr Terry Regan.

SC.03/19 DECLARATIONS OF MEMBERS' INTERESTS

No declarations of interest were made.

SC.04/19 ANNUAL REVIEW OF STANDARDS OF CONDUCT AND COMPLAINTS HANDLING 2018/19

Consideration was given to the report of the Monitoring Officer (previously circulated, report reference SC.130619/1 page nos. 7 – 24).

The Monitoring Officer introduced the report and provided an overview of the key issues in 2018/19.

With regards to the promotion of high standards, the Council continued to highlight the expectations under the Codes of Conduct to the district and parish councils. The decision to include parish councils was a choice, which had paid off, and was reinforced in the annual Key Messages to parish councils.

Nationally, there had been no changes to the standards regime, although the Committee on Standards in Public Life had published a report 'Local Government Ethical Standards' in January 2019. The proposed recommendations and best practice suggestions were shown in Appendix A. The recommendations were for Government action, and the best practice suggestions were for discussion later in the meeting.

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Locally, the Monitoring Officer reported helpful contact with councils during 2018/19. Advice had been provided when sought and there was also a good working relationship with the Northamptonshire County Association of Local Councils (NCALC). Members were encouraged to keep their Register of Interests up to date, a point reinforced in the annual Key Messages to parish councils.

A 'mystery shopping' visit had been made to one parish council in 2018/19, and feedback had been positive, which was pleasing because concerns had previously been raised. It was hoped that the previously cancelled 'mystery shopping' visit to one of DDC's Council meetings would take place in 2019/20, together with visits to one or two parish councils.

Local government reorganisation had affected timing of the proposed learning and development session on the Code of Conduct for Members. The training was planned to link in with the new regime, and would therefore not be scheduled until the Structural Changes Order had been laid in Parliament – probably towards the end of 2019.

There was no need to review the Code of Conduct for Members, since it was working well. 51 of the 53 parish councils had adopted the same Code of Conduct.

One DDC Member had been granted a Dispensation in 2018/19. Parish councils were not required to report Dispersations to DDC, although it was noted that, in the interests of transparency, this would be helpful, since their registers of interests were on the DDC website. Sensitive interests had been recorded in respect of Members where agreed by the Monitoring Officer as appropriate. This was only considered in exceptional circumstances, such as threat of harm.

In 2018/19, eleven formal complaints against parish Members had been determined, with all but one requiring no further action. There were no complaints against District Councillors. The investigated complaint was in respect of a parish Member and was conducted by an external investigator, who concluded that no further action was required. It was noted that complaints regarding disrespect were increasing. Other issues were failure to disclose an interest and inter-councillor relations. The Monitoring Officer reported that, unusually, there had been a challenge to one of the decisions, which had been taken to the Ombudsman. There was no right of appeal to the Monitoring Officer's decision on the conduct complaint as such, as backed up by the Ombudsman on previous occasions, so the verdict of the Ombudsman was awaited with interest.

A hearing panel was convened in 2018/19 in respect of an employee's appeal. There had been no challenge to the decision made by the panel and the appeal period had expired. The Chairman noted that process-wise the hearing had worked well, although it would have been helpful to encourage the appellant, who had no advocate, to be more succinct. Training had been provided for the panel in advance of the hearing.

The Monitoring Officer reported that a third Independent Person (IP) had been recruited during 2018/19, and whilst it had been a quiet year, the input and feedback from the IPs had been useful in production of this review.

Attention was drawn to the appendix detailing the Committee on Standards in Public Life's recommendations and best practice suggestions. The Monitoring Officer proposed responses to the best practice suggestions, with recommended action for DDC where appropriate:

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BP1 – It was noted that bullying could be difficult to define. Harassment was not mentioned in the DDC Code, but could be included within bullying.

BP4/5 – This could usefully be done, although the difficulties of search boxes returning old versions of documents, and knowing the correct form of words to search, were mentioned.

BP6 – This could be reviewed and given more prominence.

BP9 – It was planned to report decisions arising from Code of Conduct complaints on the DDC website, suitably redacted. The Monitoring Officer reported that the number of complaints received by DDC was similar to most other councils in Northamptonshire. This was very low considering the large number of Members and meetings held over the year. This was positive, although it was noted that the media could well provide a different perspective.

BP14 – The Monitoring Officer pointed out that reporting on separate bodies was a difficult area, since Directors' first loyalty was to the company.

Mr Loades considered that the best practice proposals were very sensible and the responses were thorough and pertinent. All agreed that it was an excellent report.

RESOLVED:

1. That the annual review of standards of conduct and the handling of complaints is noted as a positive record.
2. The responses to the Committee on Standards in Public Life's best practice suggestions (as per Appendix A) be supported.
3. That occasional use of Members of the Committee as "mystery shoppers" continues.
4. That the Monitoring Officer arranges a learning and development session on latest ethical behaviour issues, particularly as pertinent to local government reorganisation (if pursued).
5. That a 2018/19 Code of Conduct Key Messages summary is supplied by the Monitoring Officer to parish and town councils, based on experience of the past year, and copied to Members of the Appeals and Standards Committee.

SC.05/19 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.130619/2), page nos. 25 - 28).

The Monitoring Officer advised the document contained a summary of the complaints received. There were no outstanding complaints and more detailed and redacted versions of each complaint had previously been circulated to Committee Members and Independent Persons. It was hoped that these could be circulated 6-monthly (rather than annually) in future. Mr Loades pointed out that the redacted decisions were much easier to read in conjunction with the summary record; it would be helpful if these could be circulated together.

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In accordance with the Best Practice Recommendations (specifically BP9), copies of the redacted decisions would be published on the DDC website with the summary record.

RESOLVED:

That the record of complaints and record of Daventry District Council dispensations be noted.

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Chairman