

# STANDARDS AND CONSTITUTIONAL OVERSIGHT COMMITTEE

Wednesday, 6 July 2016

Present: Councillor D Roberts (Chair)

Councillors M McLaughlin G Ellis  
C Blakeley P Gilchrist  
D Elderton P Stuart

Deputies: Councillors C Jones (In place of B Kenny)  
B Mooney (In place of RL Abbey)

In attendance: Prof RS Jones  
Mr B Cummings

## 9 APOLOGIES FOR ABSENCE

Apologies for absence were received from Chris Jones and Councillors Ron Abbey and Brian Kenny.

## 10 MEMBERS CODE OF CONDUCT

Members were asked to consider whether they had any disclosable pecuniary interests and/or any other relevant interest in connection with any item(s) on this agenda and, if so, to declare them and state the nature of the interest.

No such declarations were made.

## 11 MINUTES

**Resolved - That the Minutes of the meeting of the Committee held on 2 June, 2016 be confirmed as a correct record.**

## 12 APPOINTMENT OF INDEPENDENT MEMBERS

(Professor Jones and Brian Cummings vacated the room during consideration of this item).

The Committee was requested to review the appointment of Independent Members to the Committee. The current three Independent Members' period of office was due to expire on 16 July, 2016.

The Head of Legal and Member Services suggested that they be re-appointed for a further four year term and that this be a recommendation to Council. In response to a Member's question, he stated that there was a requirement to have at least one Independent Person under the Localism Act 2011 and that when considering a later agenda item, 'Establishment of a Standards and Constitutional Oversight Working Group', a recommendation would be put to the Committee regarding a recruitment exercise for additional Independent Persons.

**Resolved – That Council be recommended to appoint:**

- **Mr B Cummings**
- **Mr C Jones**
- **Professor RS Jones**

**for a further four year term (until 15 July, 2020) as Independent Persons under section 28 Localism Act 2011.**

### 13 **SUMMARY OF STANDARDS COMPLAINTS**

The Council was required to deal with complaints made against its Members under its approved Ethical Framework.

In order to assist with the effective administration of standards complaints, the Committee, as part of its monitoring role, was invited to consider the nature and handling of complaints received pursuant to the Members' Code of Conduct.

The report of the Head of Legal and Member Services and Monitoring Officer informed the Committee that the process for the administration of standards complaints was undertaken in accordance with the Protocol for Dealing with Member Complaints which had been approved by the Committee and the Council. An appendix was submitted with the report which summarised those standards complaints made under the Members' Code of Conduct between 1 April 2015 and 31 May 2016. The Committee noted that during this period 8 complaints had been made. It also noted the current status of each one and that all but 2 had now been resolved.

Responding to comments from Members the Head of Legal and Member Services outlined the process which was followed when allegations were first made and that under the new procedures some success had been achieved through local resolution without the need to take a complaint through a formal investigation process. If a matter was referred for investigation and the Investigating Officer agreed that a breach of the code had occurred then that was when a referral was made to the Standards Panel and was the point at which Members became involved.

The current process for dealing with complaints was one which was less bureaucratic than the previous process and was more flexible in line with Members' wishes and had been approved by the Committee at its meeting on 28 April, 2014 (minute 16 refers).

There had been a slight reduction in the number of complaints compared with previous years and he acknowledged that there were improvements which could still be made to make the complaints process as expeditious as possible. The Standards and Constitutional Oversight Working Group would continue to review the complaints protocol and he welcomed the further conversations to be had with Members on how best to manage the issues.

He also reassured the Committee regarding the involvement of Members, in that the relevant Political Group Leaders were notified and provided with a summary of a complaint received in respect of a Member of their political group.

A Member expressed the view that the report on summary of standards complaints should continue to be provided to the Committee.

**Resolved – That the summary of standards complaints set out at Appendix 1 to the report, be noted.**

#### 14 **ESTABLISHMENT OF A STANDARDS AND CONSTITUTIONAL OVERSIGHT WORKING GROUP**

The Head of Legal and Member Services and Monitoring Officer presented a report to the Committee, which:

- (i) sought approval to establish the Standards and Constitutional Oversight Working Group for this municipal year;
- (ii) provided details of the work undertaken by the Working Group during the last municipal year; and
- (iii) subject to (i) proposed a work programme for the Working Group for the 2016/17 municipal year.

He suggested an additional recommendation, which was circulated to the Committee, for the Working Group to have delegated authority to agree and oversee the recruitment of additional independent persons.

The report also outlined the work undertaken by the Working Group over the last municipal year and outlined a suggested work programme for the current municipal year, including:

- Review of the Council's Constitution
- Review of the Members' Code of Conduct and Protocol
- Members' ICT Policy

- Civic Handbook and Flag Flying Protocol

The Terms of Reference for the Working Group were set out in an appendix to the report.

Responding to comments from Members, the Head of Legal and Member Services stated that the idea of a Protocol of Etiquette had come from Members and was primarily to do with conduct and behaviour at Council meetings. With regard to the recruitment of Independent Persons there was no reason why more than one additional person couldn't be appointed and it would be up to the Working Group to decide.

**Resolved – That, this Committee,**

- (1) agrees to establish a cross party Standards and Constitutional Oversight Working Group for the current Municipal Year;**
- (2) agrees the Terms of the Standards and Constitutional Oversight Working Group as set out at Appendix 1 to the report;**
- (3) appoints members to the Working Group or agrees that nominations be confirmed to the Monitoring Officer by all the party spokespersons.**
- (4) agrees to the work programme of the Working Group for the 2016/17 Municipal Year as set out in the report.**
- (5) agrees that the Standards and Constitutional Oversight Working Group:**
  - (i). have delegated authority to agree and oversee a new recruitment exercise for additional Independent Persons pursuant to section 28 of the Localism Act 2011;**
  - (ii). have delegated authority to agree such arrangements (including all requisite documentation, advertisement(s) and procedures) and take all requisite steps considered necessary to ensure an effective and timely recruitment exercise, including the establishing of an Interview Panel.**
  - (iii). determines the scope, remit and authority of any Interview Panel established under (ii) above and the Interview Panel will have authority to make a recommendation to the Standards and Constitutional Oversight Committee with regards to the suitability of candidate(s) for the role of Independent Person for consideration and onward recommendation to Council for approval.**

15 **DRAFT GUIDANCE TO MEMBERS: APPOINTMENTS TO OUTSIDE BODIES**

Further to Minute 34 (Standards and Constitutional Oversight Committee Working Group, 24 February, 2016), the Committee was requested to consider the revised draft Guidance to Members for Appointments to Outside Bodies.

The Head of Legal and Member Services stated that it was important for Members to be aware of some of the issues involved in taking up a role on an outside body. There was a need to always act in the best interests of the body to which a Member had been appointed.

In response to Members' comments he reported that if a body was to make any change to its membership they could choose to do so through a change in their Articles and the Council should be informed of such a change.

**Resolved – That the Draft Guidance to Members for Appointments to Outside Bodies be agreed.**