

STANDARDS COMMITTEE 12 OCTOBER 2016
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*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No. 6
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TITLE OF REPORT: STANDARDS MATTERS

REPORT OF THE MONITORING OFFICER

1. SUMMARY

1.1 The report updates Members of the Committee on standards issues generally.

2. RECOMMENDATIONS

2.1 That Members note the content of the report.

2.2 That Members identify points to be considered in the review of the Planning Code of Good Practice.

3. REASONS FOR RECOMMENDATIONS

3.1 To ensure good governance within the Council.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 None.

5. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

5.1 No consultation has been undertaken.

6. FORWARD PLAN

6.1 This report does not contain a recommendation on a key decision and has not been referred to in the Forward Plan.

7. BACKGROUND

7.1 Within its terms of reference the Standards Committee has a function of “to promote and maintain high standards of conduct by Members and Co-Opted Members of the authority”. The Committee will therefore receive update reports from the Monitoring Officer on matters that relate to, or assist to govern, Member conduct.

8. ISSUES

Standards Committee composition and responsibilities

- 8.1 At the last meeting of the Committee on 31 March 2016 it was resolved that the Acting Monitoring Officer be asked to explore the possibility of increasing the size of the Standards Committee for 2016/17 onwards, in order to provide greater flexibility for the Standards Sub-Committee. At the Full Council meeting on 14 July 2016 amendments to the Constitution were agreed which increased the size of the Standards Committee and amended its terms of reference to include responsibility to approve the Council's procedures for dealing with complaints.

Complaints Update

- 8.2 The following complaints were considered since the last Committee meeting:-

- In respect of the complaint about a District Councillor regarding comments made in a Committee meeting, which was being considered at the time of the last meeting, the Monitoring Officer in consultation with the Independent Person concluded that there was not a prima facie case to answer.
- A potential complaint about District Councillors failing to respond to correspondence was not pursued.
- A potential complaint about a Parish Councillor's behaviour was not pursued after the complainant decided not to pursue the matter.
- A complaint about a Parish Councillor's behaviour was not pursued as the Deputy Monitoring Officer in consultation with the Independent Person concluded that there was not a prima facie case to answer.

Sub-Committee hearing

- 8.3 Members will be aware that in February a Standards Sub-Committee found that then Councillor David Leal-Bennett had breached the Council's Code of Conduct on five of nine grounds alleged. The Sub-Committee resolved that its findings be published; be reported to Council for information; and that Council be recommended to issue the Councillor with a formal censure or reprimand. The Councillor submitted an appeal against the findings of the Sub-Committee, but the appeal was placed on hold pending the outcome of the May 2016 elections. At the election held on 5 May 2016 Councillor Leal-Bennett lost his seat.

- 8.4 Following the election result the Council's external Deputy Monitoring Officer considered whether the appeal could/should proceed. He concluded, following consultation with the Independent Person, that it could not proceed and informed the former Councillor of this decision. No legal challenge to that decision has been forthcoming and it is now considered that any such challenge would now be out of time. It is therefore intended to report to Full Council on 24 November 2016 with the outcome of the Standards Sub-Committee.

Committee on Standards in Public Life (CSPL)

- 8.5 Attached at Appendix A is the CSPL Annual Report for 2015-16 which was published in August 2016. The comments on Local Government standards are consistent with the tone of their previous reports:-

"79. We continue to note that there is some evidence to suggest that the role of the independent person is generally well received and that vexatious complaints are falling. However, the effectiveness of the sanctions regime is still a concern.

80. The Committee maintains a watching brief of national and local media on this issue, as well as correspondence. We receive correspondence both from members of the public, Councils and councillors on this issue. This correspondence includes, for example, calls for a national code of conduct, strengthened guidelines or sanctions or a power of recall."

Planning Code of Good Practice

8.6 Members will recall that at the Committee's meeting on 18 August 2015 a new Planning Code of Good Practice (PCGP) was discussed. The Committee discussed the draft Code, suggested some minor amendments and suggested some additions to clarify the position of Members in respect of pre-application presentations from applicants/developers; dealing with enquiries from constituents; and perceptions of bias/pre-determination. The Committee then

"RECOMMENDED TO COUNCIL: *That the proposed new Planning Code of Good Practice, as attached at Appendix A to the report, as amended, be adopted, inclusive of additional wording from the Acting Monitoring Officer to clarify the following:*

- *Pre-application presentations from applicants/developers;*
- *Dealing with enquiries from constituents; and*
- *Perceptions of bias/pre-determination.*

REASON FOR DECISION: *To ensure good governance within the Council and that the Council's Planning Code of Good Practice remains fit for purpose and is consistent with best practice."*

8.7 Members will recall that at the Full Council meeting on 3 September 2015 there was some debate on possible amendments to the PCGP. The below is extracted from the minutes.

"Following debate, an amendment was moved by Councillor Sal Jarvis, and seconded by Councillor S.K. Jarvis, that the wording at the end of the second bullet point of Section 7 (Site Visits/Inspections) of the Code "Requests can be made to the Development and Conservation Manager, or at Committee if the item is on the agenda, and will be arranged if it is agreed that it is reasonable (in terms of timing and nature of the proposal)." be replaced with "Requests can be made to the Development and Conservation Manager, or at Committee if the item is on the agenda, and will be arranged at a reasonable time and date if the applicant is in agreement."

Upon being put to the vote, the amendment was lost.

During the debate upon the item, the following comments were made by Members:

- *Amendments should be made to reflect the positive contributions that Members made in dealing with planning issues (including the possible reversal of some of the "Do's and Don't's contained in the document); and*
- *A possible reference to a section on the mediation role provided by Members, especially in dealing with neighbour disputes on planning applications."*

RESOLVED: *That the proposed new Planning Code of Good Practice, as attached at Appendix A to the report, be adopted, but at the next meeting of the Standards Committee the contributions and comments made by the Council be reviewed and incorporated into the Code.*

REASON FOR DECISION: *To ensure good governance within the Council and that the Council's Planning Code of Good Practice remains fit for purpose and is consistent with best practice."*

- 8.8 At its last meeting the Standards Committee considered the above, noted that the current PCGP had only been in force for six months at that point and resolved that the Code instead be reviewed at its next meeting.
- 8.9 The Monitoring Officer is not aware of any particular issues with the PCGP and has not received any feedback on how the Code is operating, other than the issue of location visits and site visits, although this could simply be a question of Members using the wrong terminology.
- 8.10 Members are asked to consider the PCGP which is attached at Appendix B, the comments from Full Council above and make suggestions as to what, if any, changes should be considered.

Current Issues

- 8.11 As Members will be aware from the last meeting of the Committee, a SIAS audit of community halls concluded:-

"It is recommended that the wider issue of members acting in additional outside roles be reviewed by the Council and further guidance be produced to limit the impact of potential conflicts."

Guidance was produced and distributed after the Annual Council meeting on 19 May 2016. The Deputy Monitoring Officer is currently undertaking a review of the nominations to Outside Bodies, which will be considered in due course.

9. LEGAL IMPLICATIONS

- 9.1 The terms of reference of the Standards Committee include at paragraph 7.5.1 of the Constitution "to promote and maintain high standards of conduct by Members and Co-Opted Members of the authority".
- 9.2 There are no specific legal implications arising from the content of this report.

10. FINANCIAL IMPLICATIONS

- 10.1 There are no capital or revenue implications arising from the content of this report.

11. RISK IMPLICATIONS

- 11.1 Appropriate policy frameworks help to ensure good governance of the Council and therefore reduce risk of poor practice or unsafe decision making.

12. EQUALITIES IMPLICATIONS

- 12.1 The Equality Act 2010 came into force on the 1st October 2010, a major piece of legislation. The Act also created a Public Sector Equality Duty, which came into force on the 5th April 2011. There is a General duty, described in 12.2, that public bodies

must meet, underpinned by more specific duties which are designed to help meet them.

- 12.2 In line with the Public Sector Equality Duty, public bodies must, in the exercise of its functions, give **due regard** to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 As the recommendations made in this report do not constitute a public service contract, the measurement of 'social value' as required by the Public Services (Social Value) Act 2012 need not be applied, although equalities implications and opportunities are identified in the relevant section at paragraphs 12

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 None. The work outlined within the report is within the Monitoring Officer's caseload.

15. APPENDICES

- 15.1 Appendix A – CSPL Annual Report 2015-16.
15.2 Appendix B – Planning Code of Good Practice.

16. CONTACT OFFICERS

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17. BACKGROUND PAPERS

- 17.1 None.

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