

REPORT TITLE: UPDATE AND FUTURE WORK PROGRAMME

STANDARDS COMMITTEE

30 JANUARY 2017

PORTFOLIO HOLDER: COUNCILLOR GUY ASHTON – PORTFOLIO HOLDER
FOR PROFESSIONAL SERVICES

REPORT OF HEAD OF LEGAL AND DEMOCRATIC SERVICES

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WARD(S): ALL

PURPOSE

This report updates Members on matters related to the Council's Code of Conduct and the work of the Standards Committee. In particular, the report sets out (for information) the numbers of formal code of conduct complaints raised to date during the current municipal year. The report also provides an update on the Committee's future work programme.

RECOMMENDATIONS:

1. That the content of the Report be noted.
2. That Members consider the list of Committees in Section 10 of the Report with a view to determining a programme of visits by Standards Committee representatives.

IMPLICATIONS:**1 COMMUNITY STRATEGY OUTCOME**

- 1.1 The Council's Code of Conduct and the Standards Committee provide an important role in ensuring that the Council's decision making structures and elected Members contribute to the Efficient and Effective Council outcome of the Community Strategy.

2 FINANCIAL IMPLICATIONS

- 2.1 The functioning of the Council's Code of Conduct and the Standards Committee is within existing budgets.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 None directly related to the content of this report.

4 WORKFORCE IMPLICATIONS

- 4.1 None directly related to the content of this report.

5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 None directly related to the content of this report.

6 CONSULTATION AND EQUALITY IMPACT ASSESSMENT

- 6.1 None directly undertaken with regard to the content of this report.

7 RISK MANAGEMENT

Risk (Detail in this column specific risks, under each of these headings)	Mitigation	Opportunities
<i>Property –n/a</i>		
<i>Community Support – loss of support for Council's work as a result of inappropriate behaviour/lack of transparency.</i>	Compliance with the Code of Conduct assists in ensuring transparency and retaining community support.	
<i>Timescales</i>	n/a	
<i>Project capacity</i>	n/a	
<i>Financial / VfM – costs of a legal challenge.</i>	Advice to Members and proper declarations under the Code of Conduct reduces the risk of legal challenge.	
<i>Legal- risk of legal</i>	Advice and training to	

<i>challenge or prosecution as a result of non-declaration.</i>	Members and appropriate declarations under the Code of Conduct.	
<i>Innovation –n/a</i>		
<i>Reputation – harm to reputation due to unlawful or inappropriate gifts/hospitality.</i>	Compliance with the Code of Conduct assists in ensuring transparency and retaining community support..	
<i>Other – n/a</i>		

8 SUPPORTING INFORMATION:

Code of Conduct Complaints 2016

- 8.1 In the calendar year 2016 (January to December), the Monitoring Officer has referred five complaints against City Councillors and one complaint against a Parish Councillor to meetings of the Standards (Assessment) Sub Committee. A further complaint against a City Councillor was considered by the Monitoring Officer under delegated powers. The complaints were considered as set out below.
- 8.2 A further matter was also raised with regard to a City Councillor and this was not progressed following advice given by the Monitoring Officer, as it was not a matter that could be dealt with under the Council's Code of Conduct. Following consultation with one of the Independent Persons, a complaint concerning a parish councillor was dealt with by the Monitoring Officer. The Monitoring Officer provided advice to two other complainants on Parish Council issues not related to the Code.
- 8.3 Where appropriate, the Monitoring Officer consulted with Independent Persons on the advice provided to complainants, including whether the matter should be referred to the Standards (Assessment) Sub Committee.

Consideration of Complaints and Action Taken

- 8.4 One City Councillor complaint was considered by the Standards (Assessment) Sub-Committee on 16 February 2016, which decided that the complaint should not be investigated. A second City Councillor complaint was considered at the same meeting, when it was decided that other action by the Monitoring Officer was the appropriate course.
- 8.5 Two of the complaints about a City Councillor were considered by a meeting of the Standards (Assessment) Sub Committee held on 15 June 2016. It was resolved that the matter should be further investigated and that a report be taken to the Standards (Determinations) Sub Committee to give further consideration as to whether there may have been a breach of the code of conduct. The investigations are nearing completion and the complaints will be

considered by the Standards (Determinations) Sub Committee at a future meeting.

- 8.6 A Standards (Assessment) Sub Committee also convened on 15 June 2016 to consider a complaint made of the conduct of a Parish Councillor. The Sub Committee resolved that the Monitoring Officer should deal with the matter, as opposed to it formally requesting that an investigation take place as to whether a breach of the code of conduct may have taken place.
- 8.7 A Standards (Assessment) Sub Committee also considered a complaint made against a City Councillor on 26 October 2016 and again resolved that the Monitoring Officer should take appropriate action.
- 8.8 Having consulted with one of the Independent Persons, the Monitoring Officer determined that another complaint against a City Councillor should be referred for investigation. This case is ongoing at present.

9 Dispensations Granted

- 9.1 Standards Committee at its meeting of 15 June 2016 (ST113 refers) resolved that dispensations should be granted to various Members, in connection with their links to Hampshire County Council, the Fire and Rescue Authority, and South Downs National Park Authority.
- 9.2 No further dispensations have been sought since that meeting.
- 9.3 At the same meeting, Standards Committee resolved to grant delegated authority to the Monitoring Officer to grant dispensations in the future, subject to a report to the subsequent Standards Committee meeting.

10 Standards Committee – Visits to other Council Committees

- 10.1 In the past, Standards Committee Representatives have observed various other formal meetings within the Council. Members at their last meeting agreed that this was a useful practice and should continue, although possibly not on an annual basis.
- 10.2 Members requested that a list of all the different formal Council meetings be submitted to the next meeting of the Standards Committee in order that a programme of visits could be planned over the subsequent few years. The current list is as follows:-
- Full Council
 - Cabinet
 - Cabinet (Housing) Committee
 - Cabinet (Traffic and Parking) Committee
 - Cabinet (Local Plan) Committee
 - Cabinet (Major Projects) Committee
 - The Overview and Scrutiny Committee

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- Audit Committee
 - Audit (Governance) Sub-Committee
- Planning Committee
 - Planning (Viewing) Sub Committee
- Winchester Town Forum
- Licensing and Regulation Committee
 - Licensing Sub-Committee
- Joint Environmental Services Committee
- Environmental Services Joint Scrutiny Committee

10.3 Members are invited to consider in the light of this a programme of visits by Standards Committee representatives.

11 Recruitment of Independent Person and Parish Representatives

11.1 Report ST114 elsewhere on the agenda deals with the need to recruit an Independent Person(s) to assist the Monitoring Officer and the Standards Committee. The recruitment will need to be completed for the start of the new municipal year. The Report recommends a joint approach with Hampshire Fire and Rescue Authority, but if this is not pursued, the City Council will still need to carry out a recruitment exercise.

11.2 Parish representatives will also be appointed, again for the start of the municipal year.

12 Member Training

12.1 In 2016, training for City Council Members on the Code of Conduct took place on 14 June (15 Members), with an additional session on 27 September (13 Members). Training for parish councillors was held on 3 October in Bishop's Waltham, with 4 City Council Members in attendance and 12 parish councillors.

12.2 Member Code of Conduct Training has been included in this year's training programme for 6 June 2017. Parish Council training has been arranged in New Alresford for 2 October 2017.

13 Future Work Programme

13.1 Work for the Committee in 2017/18 will include the formal appointment of Independent Persons, and visits to Council Committees (see Section 10 above).

13.2 A review of governance is under way, including looking at the Council's Constitution and the documents which form part of this. This would include the Code of Conduct, and the various protocols. Revisions to the Code may include reviewing what matters Members are required to register (possibly to

include membership of outside bodies). A report to a future meeting of the Committee will consider these issues.

14 OTHER OPTIONS CONSIDERED AND REJECTED

14.1 This report has been produced for the information of the Committee.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

ST110 – Standards Issues Update – 28 September 2015

Other Background Documents:-

None

APPENDICES:

None