

Agenda

Standards Committee



Date	Wednesday, 9 October 2013 at 6:00 pm
Venue	Town Hall, St Annes
Committee members	Councillor David Donaldson (Chairman) Councillor Brenda Ackers (Vice-Chairman) Councillors Keith Beckett, David Chedd, Simon Cox, Paul Hayhurst, Vivienne M Willder

Item		Page
1	Declarations of Interest: Any member needing advice on Declarations of Interest should contact the Monitoring Officer before the meeting.	1
2	Confirmation of Minutes: To confirm the minutes of the previous meeting held on 6 November 2012 as a correct record attached at the end of the agenda.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 24.3.	1
4	Local Statistics – Issues Raised with the Monitoring Officer	3 - 5
5	Summary of the Investigation Closure Report (Case Reference 01/13)	6 - 7
6	Exclusion of the Public - Investigation Closure Report (Case Reference 01/13)	8
7	Investigation Closure Report (Exempt Item Not for Publication)	9 - 20

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REPORT



REPORT OF	MEETING	DATE	ITEM NO
MONITORING OFFICER	STANDARDS COMMITTEE	9 OCTOBER 2013	4

LOCAL STATISTICS – ISSUES RAISED WITH THE MONITORING OFFICER

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

The Monitoring Officer has been appointed as Proper Officer to receive complaints of failure to comply with the Code of Conduct regarding councillors, town and parish councillors and co-opted members. The Monitoring Officer has delegated authority to determine whether formal investigation is necessary. Wherever possible, she endeavours to resolve matters informally.

In order to keep the Standards Committee informed as to the number and general nature of complaints, reports of this nature are brought on a periodic basis.

RECOMMENDATION

To note the report of the Monitoring Officer

SUMMARY OF PREVIOUS DECISIONS

Local statistics report – November 2012

REPORT

1. The Monitoring Officer is responsible for initially assessing complaints and deciding whether to investigate them. As members know, the committee covers both Fylde Borough Council and the 15 parish councils within the borough.
2. The new standards framework puts the emphasis on the Monitoring Officer working with individuals to bring about mutually acceptable solutions; provide advice to ensure any perceived breaches do not re-occur in the future and in the case of significant likely breaches to refer these matters for investigation.

3. The Monitoring Officer works closely with the three independent persons appointed to work alongside both the Borough Council and the parish councils with respect to standards matters. These 'persons' can no longer be a formal part of the Standards Committee but either already have a wealth of experience in standards matters in local government or are developing their skills.
4. The table below shows the nature of the allegations made since the previous meeting of the Standards Committee. Complainants do not need to specify a relevant part of the code where they believe a breach has occurred (and indeed some of these complaints relate to differing codes dependant on when the complaint relates). For the purpose of the table below, the Monitoring Officer has made a judgement and grouped them accordingly. The matters are further broken down into Borough or Parish matters.

Borough matters	
Failure to treat others with respect	1
Bringing the authority into disrepute	2
Interests	2

Parish matters	
Failure to treat others with respect	3
Bringing the authority into disrepute	4
Interests	4

5. During the period concerned two complaints have also been made to the Monitoring Officer regarding governance matters appertaining to a Parish Council. Advice was provided to the complainant and it was explained that these were not within the remit of the Monitoring

Officer. Initial advice has also been offered to the Parish Council concerning regarding the same.

6. The previously heavily prescribed process of referring matters for investigation has been replaced by trying to resolve matters by mediated outcomes. Medicated outcomes can also include the provision of advice by the Monitoring Officer with the aim of eliminating similar issues in the future. Some complaints are withdrawn, others resolved and one case has been closed by the Monitoring Officer, whilst others are still on-going. The case which has been officially closed by the Monitoring Officer (subject of the recent Notice of Motion) will be summarised to the Standards Committee at a future meeting, for information, in line with procedures.

IMPLICATIONS	
Finance	No matters arising
Legal	No matters arising
Community Safety	No matters arising
Human Rights and Equalities	No matters arising
Sustainability and Environmental Impact	No matters arising
Health & Safety and Risk Management	No matters arising

REPORT AUTHOR	TEL	DATE	DOC ID
Tracy Morrison	01253 658521	18 September 2013	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection

REPORT



REPORT OF	MEETING	DATE	ITEM NO
MONITORING OFFICER	STANDARDS COMMITTEE	9 OCTOBER 2013	5

SUMMARY OF THE INVESTIGATION CLOSURE REPORT (CASE REFERENCE 01/13)

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

Under the new framework for considering member conduct investigations, when a formal investigation has been instigated the final report is referred to the Monitoring Officer for consideration. She must report her decision on the investigation to the standards committee for information where she believes that there was not a failure to comply with the Code of Conduct.

A private and confidential report is provided later in this agenda, only for committee members, the complainant and the member complained against.

Ms Morrison has determined to close this complaint and concurs with the view of the investigatory officer as articulated by him following his detailed consideration of this matter, that Councillor Sandra Pitman did not breach the code of conduct.

As agreed by the Standards Committee, a separate summary report will be made available for the public which outlines the conduct and outcomes of the investigation, but does not include any comments attributable to individuals contributing to the investigation – on the grounds that it contains exempt information as defined in paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972 (information relating to any individual; and information which is likely to reveal the identity of an individual).

RECOMMENDATION

1. To note the report, which is for information only.

SUMMARY OF PREVIOUS DECISIONS

Not applicable.

IMPLICATIONS	
Finance	None
Legal	Contained in the report
Community Safety	None
Human Rights and Equalities	None
Sustainability and Environmental Impact	None
Health & Safety and Risk Management	None

REPORT AUTHOR	TEL	DATE	DOC ID
Tracy Morrison	01253 658521	5 September 2013	Summary of Investigation Report 01-13

LIST OF BACKGROUND PAPAERS		
Name of document	Date	Where available for inspection

REPORT



REPORT OF	MEETING	DATE	ITEM NO
MONITORING OFFICER	STANDARDS COMMITTEE	9 OCTOBER 2013	6

**EXCLUSION OF THE PUBLIC - INVESTIGATION CLOSURE REPORT
(CASE REFERENCE 01/13)**

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

RECOMMENDATION

Members are invited to consider passing a resolution concerning the exclusion of the public from the meeting in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972 on the grounds that the business to be discussed is exempt information as defined in paragraphs 1 and 2 of Schedule 12A of the Act (information relating to any individual; and information which is likely to reveal the identity of an individual).

Standards Committee

Date	6 November 2012
Venue	Town Hall, St Annes
Committee members	Councillor David Donaldson (Acting Chairman) Councillor Brenda Ackers (Acting Vice-Chairman) Councillors David Chedd, Simon Cox, Paul Hayhurst, Vivienne Miller Willder
Officers	Tracy Morrison, Mark Towers, Annie Womack

Prior to the commencement of the meeting, members were asked to endorse the temporary appointment of the Chairman and Vice-Chairman for this meeting.

1. Declarations of interest

Members were reminded that any disclosable pecuniary interests should be declared as required by the Localism Act 2011 and that any other interests should be declared as required by the Council's Code of Conduct. There were no declarations of interest.

2. Confirmation of minutes

RESOLVED:

To approve the minutes of the Standards Committee meeting held on 11 October 2012 as a correct record for signature by the chairman, subject to it being noted that Council would not be asked for "formal adoption of the appointments" (of the Chairman and Vice-Chairman) but would make such appointments as it wished.

3. Substitute Members

There were no substitutions.

4. Monitoring Officer Protocol

Ms Tracy Morrison, the Council's Monitoring Officer introduced this report and explained that the Audit Committee had previously approved, as part of the actions resulting from the Melton Grove Scrutiny review, that there should be a protocol developed for endorsement by the Standards Committee, on the role of the Monitoring Officer,

The purpose would be to provide clarity and build understanding amongst both members and officer on the role and remit of the Monitoring Officer.

Ms Morrison, highlighted for members the main issues contained within the protocol, which had been attached to the report. These included an overview of the statutory responsibilities of the Monitoring Officer, member and officer responsibilities, and the working arrangements with both members and officers which were necessary in order to ensure the effective discharge of the Council's business and functions in a manner which would enhance the reputation of the council, demonstrating good governance and clear standards.

A summary of the main Monitoring Officer functions was also attached which described the responsibilities of the Monitoring Officer, and the legislation from which those duties derived.

After discussion of the protocol, members RESOLVED:

- 1 To approve the Monitoring Officer Protocol and make available a copy of the protocol to both members and officers of the Council.

5. Code of Conduct

Ms Morrison reminded members that during the recent training delivered to Standards Committee members, some minor re-wording of the Code of Conduct was suggested. Additionally, arrangements for dealing with complaints needed strengthening to reflect the role of the Monitoring Officer in dealing with allegations of member misconduct in the case of town and parish councillors.

The Code of Conduct attached to the report had been amended to provide clarity for members about "other interests". It was proposed that these should now be referred to as "personal interests" and in the case of non-participation in a meeting due to personal interests, this would be amended to read "personal and prejudicial interests". These were terms with which members were more familiar.

Ms Morrison pointed out that within the body of the report were proposed changes to arrangements for dealing with misconduct complaints, not to change the overall meaning but to include references to town and parish councillors and the role of the independent person

After the debate it was RESOLVED:

- 1 To agree to the minor wording changes to the Code of Conduct as reported.
- 2 To agree to the minor changes to the arrangements for dealing with allegations of member misconduct as set out in the report.

6. Complaints to the Monitoring Officer

The Monitoring Officer, as Proper Officer, has delegated authority to determine whether formal investigation is necessary when she has received complaints of failure to comply with the Code of Conduct by councillors. Wherever possible she is tasked to resolve matters informally.

However, in order to keep Standards Committee informed as to the number and general nature of complaints received, Ms Morrison explained that she would bring statistical data to the committee on a regular basis.

This report provided information to members on the 9 complaints received by her since she took up the role of Monitoring Officer in April 2012. Some of them had already been closed, whilst a number were still ongoing.

Members commented that it appeared that the numbers of complaints brought under this system was greater than the old. Ms Morrison said that a number had originated with town and parish councils and that potentially there could be a training issue to be addressed, particularly for the town and parish councils.

Members RESOLVED:

1. To note the statistical information.

7. Summary of the Investigation Closure Report (Case Reference 01/12)

Under the new framework for considering member conduct investigations, when a formal investigation has been instigated the final report is referred to the Monitoring Officer for consideration. Where she believes that there was not a failure to comply with the Code of Conduct, she must report her decision on the investigation to the standards committee for information.

As previously agreed by the Standards Committee, a separate summary report is made available for the public which outlines the conduct and outcomes of the investigation, but does not include any comments attributable to individuals contributing to the investigation. That summary report was appended for committee members, for information only. However, Ms Morrison reported to the committee that Cllr Duffy, the councillor complained against, had specifically asked for a more detailed summary report which would include responses that he had given to the investigating officer, whilst still preserving the protection for other individuals. That revised report was provided for the members and would be made available on the website in due course.

A private and confidential report was provided later in this agenda only for committee members, the complainant and the member complained against, on the grounds that it contained exempt information as defined in paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972 (Information relating to any individual; and Information which is likely to reveal the identity of an individual).

The complaint made against Councillor Duffy by Mr Whitehead, Managing Director of Windmill Group, was that Councillor Duffy had failed to comply with the Code of Conduct in that in order to further the financial interests of his family, he had sought the Council to become involved with the setting of rent levels of

properties at Melton Grove, Ansdell when the Council had no proper interest or standing to do so.

The investigating officer conducted his investigation to establish whether Councillor Duffy had conducted himself in a manner which could reasonably be regarded as attempting to use his position as a member improperly, to confer on or to secure for himself or any other person, an advantage or disadvantage contrary to paragraph 6.1 of the code. The investigation included interviews and documentary evidence obtained from relevant persons.

The report appended gave summary information on the relevant legislation and protocols, the evidence gathered, including background information, the material facts as to the allegation, the reasoning as to whether there had been a failure to comply, and the finding of the investigating officer, which was that Councillor Duffy had not breached paragraph 6.1 of the Code of Conduct which was in operation at the time of the allegation.

Ms. Morrison reported that she had determined to close this matter and concurred with the view of the investigatory officer that Councillor Charles Duffy did not breach the code of conduct.

Members had no queries relating to the summary report and RESOLVED:

1. To note the report

8. Exclusion of the Public - Investigation Report

Members were invited to consider passing a resolution concerning the exclusion of the public from the meeting in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972 on the grounds that the business to be discussed (in Item 9 of the Agenda) contained exempt information as defined in paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972 (Information relating to any individual; and Information which is likely to reveal the identity of an individual).

Members RESOLVED to exclude the public.

9. Investigation Closure Report (Case Reference 01/12)

This report, containing exempt information, concerned an allegation made against Councillor Charles Duffy.

The investigation report provided to committee members set out in full the allegation made, the investigation into it and the finding of Mark Towers, the investigating officer appointed by the Monitoring Officer, Tracy Morrison.

Mr Towers concluded that Councillor Charles Duffy had not breached the Fylde Borough Council Code of Conduct.

Ms Morrison had determined to close this matter and concurred with the view of Mr Towers.

Members RESOLVED to note the decision of the Monitoring Officer.

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