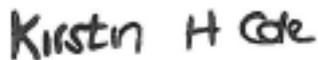


Dear Sir/Madam,

STANDARDS COMMITTEE – WEDNESDAY 16 MARCH 2016

Notice is hereby given that a meeting of the Standards Committee of Newark and Sherwood District Council is to be held on Wednesday 16 March 2016 at **10.00 am** in Room G21, Kelham Hall, Newark.

Yours faithfully



Kirstin H Cole
Deputy Chief Executive and Monitoring Officer

AGENDA

	Pages
1. Apologies for Absence	
2. Declaration of Members' Interests	
3. Declaration of any intentions to record the meeting	
4. Minutes of the meeting held on 3 December 2015	2 - 5
5. Standards Committee Progress Report 4 December 2015 to date	6
6. Code of Conduct Complaints	7 - 8
7. Proposed Mediation	9
8. Terms of Office of Co-opted Members of the Standards Committee	10

CONFIDENTIAL AND EXEMPT ITEMS

None.

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the meeting of the **STANDARDS COMMITTEE** of Newark & Sherwood District Council held in Room G23, Kelham Hall, Newark on Thursday 3rd December 2015 at 10.00am.

PRESENT: District Councillors: M. Buttery, N. Mison, Mrs P. Rainbow, Mrs S.E. Saddington (Chairman), F. Taylor and B. Wells

Parish Councillor: I. Harrison

Independent Persons: Mr. R. Dix and Mrs S. Jones

Co-opted Independent Person: Mrs P. White

10. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from District Councillor Mrs G.E. Dawn and Parish Councillor Mr P. Morris.

11. **DECLARATION OF INTERESTS BY MEMBERS AND OFFICERS**

There were no declarations of interest.

12. **DECLARATIONS OF ANY INTENTIONS TO RECORD THE MEETING**

There were no declarations of any intention to record the meeting.

13. **MINUTES**

AGREED that the Minutes of the meeting held on 16th September 2015 be approved as a correct record and signed by the Chairman.

14. **STANDARDS COMMITTEE PROGRESS REPORT 17TH SEPTEMBER 2015 TO DATE**

The Committee considered the progress report from 17th September 2015 to date. The Monitoring Officer advised that a report on dispensation requests appeared later on the agenda and training on the conduct of hearings was to be held at the conclusion of the meeting.

AGREED that the progress report be noted.

15. **REGISTER OF MEMBERS' INTERESTS – DISTRICT AND PARISHES**

The Committee considered the report of the Deputy Chief Executive and Monitoring Officer which advised of the current position in respect of the number of Register of Interest forms received for District and Parish Councillors.

The Chairman expressed her thanks to Catharine Saxton and District Councillors for their efforts in encouraging returns from Parish Councillors.

AGREED that the position in respect of the Register of Members' Interest forms be noted.

16. GENERAL DISPENSATION

Further to the last meeting of the Committee, the Deputy Chief Executive and Monitoring Officer presented a report concerning whether all Members of Newark & Sherwood District Council should be given a blanket dispensation for up to 4 years (until May 2019) to cover the following scenarios:-

1. Any discussion relating to housing where the Member is a tenant of the Council provided that the functions do not relate to the Member's own tenancy or lease.
2. Setting the Council Tax under the Local Government Finance Act 1992 where the Member holds property interest within the district (including owning or renting a home within the district) and otherwise.
3. Where the interest is so remote or trivial as to not influence their judgement of the public interest.

It was reported that the Department for Communities and Local Government had issued guidance on personal interests. This guidance was last revised and updated in September 2013 and was attached to the report as Appendix A. The guidance clarified that a Member did not need a dispensation to take part in the business of setting council tax or a precept. Given the wording in the guidance it could be argued that the dispensation referred to in 2 above was not strictly necessary. However, it was considered to be a belt and braces measure in the event that it was argued that such interests were technically caught by the legislation.

The guidance did not deal with the further issue of interests which might technically be caught by the definition of a disclosable pecuniary interest within the relevant regulations but are nonetheless remote or trivial. Under the old regime such interests did not need to be declared but there was no corresponding provision under the new legislation and regulations. It was therefore possible that remote and trivial interests could technically be caught. This could have serious consequences since failure to declare a disclosable pecuniary interest constituted a criminal offence. It was however difficult to issue prescriptive guidance on what might or might not be considered remote or trivial. This would be a matter of fact and degree in each case. If Members were reluctant to offer a general dispensation in such circumstances, it was suggested that instead Members should seek advice in each case from the Monitoring Officer, Deputy Monitoring Officer or a member of the Democratic Services Team. It was considered that when in doubt Members should always err on the side of caution. Members would also need to bear in mind that there may be circumstances where they had neither a disclosable pecuniary interest or personal interest, but should still not take part in discussion or voting if there was a possibility that they may be biased.

AGREED (unanimously) that:

- (a) a blanket dispensation be granted for a four year period (until May 2019) to cover:
 - (i) Any discussion relating to housing where the Member is a tenant of the Council provided that the functions do not relate to the Member's own tenancy or lease.
 - (ii) Setting the Council Tax under the Local Government Finance Act 1992 where the Member holds property interest within the district (including owning or renting a home within the district) and otherwise; and
- (b) where a Member has a disclosable pecuniary interest as defined by the Relevant Authorities (Disclosable Pecuniary Interest Regulations) 2012 but they consider that interest to be so remote or trivial that they should be able to participate in discussion and voting, advice be sought from the Monitoring Officer, Deputy Monitoring Officer or a member of the Democratic Services Team on whether the Member should participate. In general Members should be advised to err on the side of caution but, in exercising their discretion, should consider whether the matter under discussion materially affects their relevant interest in reaching a decision as to whether or not to participate.

17. CODE OF CONDUCT COMPLAINTS

The Committee considered the report of the Deputy Chief Executive and Monitoring Officer which advised the Committee of code of conduct complaints received during the period from 17th September 2015 to date, and the action taken in response to those complaints.

The first complaint related to the behaviour of a member of Edwinstowe Parish Council. In consultation with the Independent Person it was agreed that a letter should be sent to the Councillor concerned requesting that he issue a formal apology to the complainant and give an undertaking to the Standards Committee as to his future behaviour as an elected member. The Councillor concerned had sent a written apology to the complainant and given the undertaking requested, it was therefore considered that there was a satisfactory resolution to the matter.

The second complaint had been received from the President of the Edwinstowe Allotment Association regarding the behaviour of the Chairman of the Allotment Working Party established by the Parish Council. The complaint related to the fact that the Parish Council had declined to provide information to the President of the Allotment Association regarding plot holders and waiting lists and generally had not engaged with the Allotment Association in questions and issues relating to the management of the site. It was explained to the complainant that it was a matter for the Parish Council to determine how it administered its affairs and such matters did not constitute Code of Conduct breaches over which the District Council would have jurisdiction to investigate.

The Committee expressed concerns about the issues that had arisen in Edwinstowe since the Parish Council took over direct management of the allotments and the

apparent difficulties in relationships between the Parish Council and the Allotment Association. As such they suggested the Monitoring Officer approach both the Parish Council and the Allotment Association with a view to undertaking mediation between the parties in an attempt to improve relations.

AGREED (unanimously) that:

- (a) the report be noted; and
- (b) the Monitoring Officer approach representatives of Edwinstowe Parish Council and the Allotments Association with a view to undertaking mediation between the two parties.

The meeting closed at 10.37am.

Chairman

STANDARDS COMMITTEE PROGRESS REPORT 4 DECEMBER 2015 TO DATE

1. Local Assessment of Complaints

There have been 4 complaints received during this period.

2. Dispensation Requests

None

3. Annual Report

The annual report for 2014/15 was included on the 16th September 2015 Standards Committee Agenda.

4. Promotion of the role and work of the Standards Committee

The Standards Committee continues to take a proactive role in promoting training and awareness on the code of conduct and ethical behaviours to elected members and to town and parish councillors.

5. Standards Training

Training on Standards and probity was included in the induction programme following the May 2015 elections. The training was extended to town and parish councillors.

Members of the Standards Committee received training on conducting hearings at their meeting held on 3 December 2015.

6. Review of Register of Interests

Reports are received by the Standards Committee on a six monthly basis and a report was submitted to the 3 December 2015 meeting of the Committee.

CODE OF CONDUCT COMPLAINTS – REPORT ON ACTION TAKEN

1.0 Purpose of Report

- 1.1 To update members of the Standards Committee on Code of Conduct complaints received during the period from the date of the last meeting in December 2015 to date and to advise them of action taken by the Monitoring Officer in consultation with the Independent Person in respect of those complaints.

2.0 Complaint 1 – Relating to a meeting of Rolleston Parish Council

- 2.1 This complaint related to the behaviour of a member of Newark & Sherwood District Council who was attending the Parish Council meeting in their capacity as the local district ward member and to the behaviour of a Parish Councillor at the same meeting.
- 2.2 Regarding the behaviour of the District Councillor the complainant alleged that the Councillor concerned treated the then Chairman of the Parish Council with disrespect and displayed an attitude which was arrogant and dismissive.
- 2.3 The subject of debate at the Parish Council meeting was one on which local opinion was extremely divided and on which views and opinions were strongly held.
- 2.4 My conclusion was that there was nothing in the complaint which demonstrated a code of conduct breach and rather it reflected robust debate on an issue on which opinions were divided. Therefore, after consultation with the Independent Person I resolved not to take any further action as there was no prima facie evidence that this constituted a code of conduct breach. The complainant was advised accordingly.
- 2.5 The second complaint, raised by the same complainant, related to the behaviour of a Parish Councillor at the same meeting in which they questioned a payment which had been authorised by the Chairman to be made to the Parish Clerk. After consultation with the Independent Person, I determined that the Parish Councillor concerned had acted properly in raising a question as to whether the Councils financial procedures had been properly followed, particularly given that a Parish Council Chairman does not hold any executive powers or authority.
- 2.6 The complainant was accordingly advised that there was no code of conduct breach and that no further action would be taken.

3.0 Complaint 2 – Complaint relating to a member of Fernwood Parish Council

- 3.1 The complaint was received relating to email exchanges between the complainant and a member of Fernwood Parish Council regarding an event which was taking place in Fernwood. The complainant considered that the Member concerned, in his Facebooks posts, had made unnecessary and unfounded accusations against him.
- 3.2 However, after consultation with the Independent Person, I reached the view that the Member concerned had made these posts in a personal rather than an in an official

capacity and indeed this was made clear within one of those posts. Moreover, the posts have now been removed.

- 3.3 The complainant was accordingly advised that this was a personal matter between himself and the person against whom he had complained and did not fall within the jurisdiction of the Council's Standards regime.

4.0 Complaint 3 – Complaint relating to a member of Edwinstowe Parish Council

- 4.1 A Code of Conduct complaint was received regarding the behaviour of a member of Edwinstowe Parish Council. There was a question as to whether the member concerned had been acting in an official capacity when the action of the subject of the complaint arose. However, in view of the nature of the complaint and in consultation with the Independent Person it was resolved that a letter should be sent to the Councillor concerned requesting that he issue a formal apology to the complainant and give an undertaking to the Standards Committee as to his future behaviour as an elected member.

- 4.2 The Councillor concerned has sent a written apology to the complainant of which he has forwarded a copy and has, further, given the undertaking requested. In those circumstances the investigation has been discontinued, as it is considered that this is a satisfactory resolution to the matter.

5.0 Complaint 4 – Complaint relating to a member of Newark Town Council

- 5.1 A complaint was received regarding comments made by a member of Newark Town Council at a Town Council meeting; alleging that a member of the District Council's Planning Committee had participated in discussion and debate on a matter in which they should have declared an interest.

- 5.2 The complainant has now made a formal public apology at a subsequent Town Council meeting and acknowledged that the District Councillor did not have an interest in the matter.

- 5.3 It is also understood that he has offered a personal apology to the Councillor concerned. After consultation with the Independent Person it is considered that this is a satisfactory resolution to the matter.

6.0 RECOMMENDATION

That the report be noted.

For further information please contact Kirsty Cole on Extension 5210.

Kirsty Cole
Deputy Chief Executive and Monitoring Officer

PROPOSED MEDIATION – EDWINSTOWE ALLOTMENT ASSOCIATION AND EDWINSTOWE PARISH COUNCIL

1.0 Purpose of Report

- 1.1 To update members on the offer to mediate between Edwinstowe Allotment Association and Edwinstowe Parish Council.

2.0 Background

- 2.1 A number of complaints were received by the District Council, including a complaint from the president of the Edwinstowe Allotment Association, relating to the Parish Council's management of the allotments including complaints that information had been requested and not provided.
- 2.2 Whilst these did not constitute Code of Conduct complaints, as they related to the Parish Council's administration of its affairs rather than the behaviour of individual Parish Councillors, members of the Standards Committee felt that it might assist in improving relationships between the respective parties if the District Council's Monitoring Officer and Deputy Monitoring Officer were to offer to mediate between the parties.
- 2.3 Edwinstowe Parish Council accepted the offer of mediation but the secretary and chairman of the Allotment Association have questioned the merit of participating in mediation, stating that they are "no longer in dispute about the Parish Council having full management and responsibility for the allotments" and that they "no longer have any role to play in site management or maintenance".
- 2.4 In those circumstances I have responded to the Allotment Association advising that unless I hear from them to contrary I cannot see that there would be any merit in conducting mediation in these circumstances as it would only risk opening up issues which now appear to have been resolved.

3.0 RECOMMENDATION

That the report be noted.

For further information please contact Kirsty Cole on Extension 5210.

Kirsty Cole
Deputy Chief Executive and Monitoring Officer

TERMS OF OFFICE OF CO-OPTED MEMBERS OF THE STANDARDS COMMITTEE

1.0 Purpose of Report

To record the Council's appreciation of the contribution of the co-opted members to the work of the Standards Committee.

2.0 Introduction

2.1 Currently two Parish Councillors are co-opted to the Standards Committee together with an Independent member.

2.2 On 10 March 2016 the Council will consider a motion to delete the Standards Committee from the committee structure with effect from the May AGM and transfer its remit to the Policy and Finance Committee.

2.3 The terms of office of the co-opted members of the Committee expire at the Annual General Meeting on 17 May 2016 and it is not proposed that the Policy and Finance Committee make any co-options to that committee.

2.4 It is therefore considered appropriate that the Standards Committee place on record, on behalf of the Council, their thanks to the co-opted members for their contribution to the work of the Committee and in the conduct of standards hearings.

3.0 RECOMMENDATION

That the Committee places on record its thanks on behalf of the Council to the co-opted members to the committee, Pam White, Paul Morris and Ian Harrison for their contribution to the work of the Committee.

For further information please contact Kirsty Cole on Extension 5210.

Kirsty Cole
Deputy Chief Executive and Monitoring Officer