

Time commenced – 6.00pm
Finished – 6.55pm

STANDARDS COMMITTEE

19 December 2023

Present: Councillors S Khan (Chair), Atwal, Hassall (substitute for Councillor Pattison), P Ingall, Prosser (substitute for Councillor Graves) and Alan Cameron, Alistair Davies and Graham Knight (Independent Persons).

Present remotely: Stuart Green (Independent Person)

In attendance: Emily Feenan – Director of Corporate Governance, Property and Procurement and Monitoring Officer
Alex Hough – Head of Democracy

21/23 Apologies

Apologies were received from Councillors Graves and Pattison. It was noted that owing to the meeting being summoned at short notice, Stuart Green was unable to attend in person and that special arrangements had been made to allow his participation in the meeting remotely.

22/23 Late Items Introduced by the Chair

There were none.

23/23 Declarations of Interest

There were none.

24/23 Exclusion of the Press and Public

The Committee considered a motion to exclude the press and public, on the basis the report due to be considered at minute 25/23 contained information that identified an individual or was likely to lead to the identification of an individual.

Resolved that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting during discussion of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

25/23 Referral by the Monitoring Officer

The Committee considered exempt detail in the report of the Monitoring Officer relating to the Councillor Complaints Procedure.

The report noted that the Procedure included provisions for the Monitoring Officer to refer matters to the Standards Committee, where the Monitoring Officer became aware of conduct that may constitute a breach of the Councillors' Code of Conduct and a complaint had not been received.

The Committee were asked to consider whether the matter reported by the Monitoring Officer warranted further investigation under the provisions of the Councillor Complaints Procedure.

The report provided information about an alleged breach of the Code of Conduct relating to the deliberate disclosure of confidential information. The Committee considered whether the circumstances of the alleged disclosure were consistent with the requirements of paragraphs 4.1 and 7.1 of the Councillors' Code of Conduct.

The report noted that following the incident several questions had been received from councillors relating to the Councillor Complaints Procedure and the process by which details of complaints were publicly disclosed. The report recommended the establishment of a Working Group comprising of the Monitoring Officer or their representative, Group Whips and at least one Independent Person to consider this aspect of the Code of Conduct and to make recommendations to the Standards Committee about any changes to the procedures that may be required.

Councillors and Independent Persons questioned the Monitoring Officer and sought clarification on several aspects of the report and the relevant provisions of the Code of Conduct and Complaints Procedures. The Head of Democracy provided further detail on the basis by which information was identified as exempt from publication under Schedule 12A of the Local Government Act 1972 and the subsequent process by which a committee may resolve to exclude the press and public under the Act.

In response to questioning relating to the suitability of the Councillor Complaints Procedure, the Monitoring Officer noted that the Council's procedure had recently been reviewed by external legal counsel and that several amendments had been incorporated as a result by agreement of the Standards Committee and the Full Council. It was reported that the recommendation to establish a Working Group was to ensure that the wishes of councillors were respected, but it was not an acknowledgement that the procedures were fundamentally flawed.

Before moving to the vote, councillors requested further clarification on the subsequent steps should the committee resolve to refer the matter to the Independent Person Advisory Panel. It was confirmed that the referral would be processed in the same way as a complaint submitted under the normal process; that the subject-member would have opportunity to present their case to the Panel; and, that any breach of the Code of Conduct and subsequent sanctions would ultimately be determined by a hearing of the Standards Committee, should an investigation conclude that there had likely have been a breach of the Code of Conduct and no informal resolution was agreed.

The recommendations were put to the vote and carried.

Resolved:

- 1. To refer the conduct described at paragraphs 4.1 to 4.8 of the report to the Independent Person Advisory Panel, for consideration under the provisions of the Councillor Complaints Procedure.**
- 2. To establish a Working Group comprising of the Monitoring Officer, Group Whips and at least one Independent Person under the terms detailed at paragraph 4.10 of the report, the findings of which are to be considered by a future meeting of the Standards Committee.**

MINUTES END