

Time commenced – 6.00pm
Finished – 7.20pm

STANDARDS COMMITTEE 27 March 2018

Present: Councillors Shanker (Chair), Froggatt, Graves, Jackson, Poulter and Stuart Green, Peter Purnell and Philip Sunderland

In Attendance: Steven Mason – Democratic Services Officer
David Walsh – Head of Democracy

21/17 Apologies

Apologies were received from Councillor A Holmes and Alan Cameron.

22/17 Late Items Introduced by the Chair

There were none.

23/17 Declarations of Interest

In relation to the following recommendation, contained within the report, Peter Purnell stated that as he was named, he would leave the room during voting on it:

To recommend that Council appoints Mr Peter Purnell and Mr Philip Sunderland as independent persons to the Standards Committee and agrees to the establishment of an Independent Person Advisory Panel.

24/17 Minutes of the meetings held on 5 December 2017

The minutes of the meeting held on 5 December 2017 were agreed as a correct record.

25/17 Process for Handling Complaints about Councillors

The Committee received a report of the Interim Strategic Director of Resources on Process for Handling Complaints about Councillors. The report was presented by the Head of Democracy.

It was reported that the Cabinet Member with responsibility for governance had committed to reviewing the processes for handling complaints about members in 2017 and that this had followed several questions raised by Councillors at meetings of Council and consideration of the Annual Report of the Standards Committee.

It was also reported that following consideration of several options, detailed in the report, a preferred option was proposed for recommendation to Council.

Members considered the draft procedure for considering complaints, the draft complaints form and the draft process diagram attached to the report.

Political balance on the Committee was discussed at length and it was agreed that going forward, the composition of the Committee should be one Member per political group. It was also agreed that the proposed allocation of seats should be extended to include one place for any ungrouped Members.

Members discussed the possible use of substitute Members and agreed that the constitutional position on substitute Members should be relaxed specifically for the Standards Committee. It was also agreed that there should be one named substitute for each Member of the Committee.

Members felt that the procedure should explicitly state that Standards Committee Members who were the subject of complaints could only attend their hearing in their capacity as subject Member.

Members discussed referrals to the Council's Monitoring Officer of any instances of Member interference with Taxi Licensing. It was agreed that the process following a referral should be explicitly included in the procedure.

The purpose of the Independent Person Advisory Panel was discussed. Members agreed that its remit should be extended in relation to no decision to refer a matter to political groups being made without first consulting the Panel.

Following full consideration of the report, it was agreed that the Standards Committee should review the success of the new system after 12 months of its adoption.

Members agreed that, going forward, update reports should be provided at every meeting of the Standards Committee to ensure complaints referred to political groups were monitored by the committee.

Peter Purnell left the room during voting on the following recommendation:

To recommend that Council appoints Mr Peter Purnell and Mr Philip Sunderland as independent persons to the Standards Committee and agrees to the establishment of an Independent Person Advisory Panel.

Resolved:

- 1. to recommend to Council the adoption of a new Councillor Complaints Procedure, as attached at Appendix 2 and as detailed in the report, with amendments as discussed;**
- 2. to recommend to Council the adoption of a new Complaints Form, as attached as Appendix 3;**

3. to request that all political groups will establish or review their own Group Complaints Procedures to ensure they are able to deal with complaints that fall outside of the new Procedure detailed in Appendix 2;
4. to recommend to Council that it dis-applies the necessity for political balance on the Standards Committee as a permitted 'exception', so that it shall have one member per political group;
5. to recommend to Council that the proposed allocation of seats be extended to include one place for any ungrouped members;
6. to recommend that Council appoints Mr Peter Purnell and Mr Philip Sunderland as independent persons to the Standards Committee and agrees to the establishment of an Independent Person Advisory Panel;
7. to recommend to Council that the constitutional position on substitute members be relaxed specifically for the Standards Committee (one sub per member);
8. to recommend to Council that the procedure explicitly states that Standards Committee members who are the subject of complaints can only attend their hearing in their capacity as subject member;
9. to recommend to Council that the process following a Monitoring Officer referral be explicitly included in the procedure;
10. to recommend to Council that it be stated that no decision to refer a matter to political groups shall be made without first consulting the Independent Person Advisory Panel;
11. to recommend to Council that the above recommendations will be implemented with effect from the start of the 2018/19 municipal year;
12. to agree that this would ensure the council has fair and robust complaint processes in place that enable Derby's general public to be confident that the system is robust and fit for purpose;
13. to agree that this would ensure that a mechanism exists for complaints which may be reasonably deemed as "potentially politically influenced" to be considered nonetheless, without impacting upon the impartiality of the treatment of complaints which may not reasonably fall within this definition;
14. to agree that this would protect councillors from frivolous, partisan or obsessive complaints, and to protect officers from a situation where they may be required to adjudicate between councillors;
15. to agree that this would reduce the risk of costly investigations requiring external counsel in situations where it would not be appropriate for officers to investigate;
16. to agree that this would provide councillors with an assurance that the general public have an appropriate mechanism for raising complaints where appropriate, while enabling members to self-regulate those complaints which may reasonably be deemed to be "potentially politically influenced";
17. to agree that the that the Standards Committee review the success of the new system after 12 months; and
18. to agree that update reports be provided at every Standards Committee going forward to ensure complaints referred to political groups are monitored by the committee.

MINUTES END