

Mission Statement

To Improve the Quality of Life
For Those Who Live and Work in The District

17 July 2009

Dear Member

You are hereby summoned to a meeting of the Standards Committee to be held in Committee Room 2, Civic Centre, Portholme Road, Selby on **27 July 2009** commencing at **4.00pm**.

The agenda is set out below.

1. Apologies For Absence And Notice Of Substitution

To receive apologies for absence and notification of substitution.

2. Disclosure of Interest

To receive any disclosures of interest in matters to be considered at the meeting in accordance with the provisions of Section 117 of the Local Government Act 1972, and Sections 50, 52 and 81 of the Local Government Act 2000 and the Members' Code of Conduct adopted by the Council.

3. Minutes

To confirm as a correct record the minutes of the proceedings of the meeting of the Standards Committee held on 30 March 2009 (previously circulated and attached at pages 4 to 6).

4. Local Hearings

To consider the attached correspondence which arose following a hearing held on 12 June 2009

5. Local Assessment Protocol

To consider whether to adopt the enclosed Local Assessment Protocol. (pages 7 to 11 attached).

6. Update / Monitoring Report

Report of the Monitoring Officer (to follow).

7. Training for Hemingbrough Parish Council

To note the action taken to organise training for Hemingbrough Parish Council

Jonathan Lund
Monitoring Officer

Disclosure of Interest – Guidance Notes:

- (a) Members are reminded of the need to consider whether they have any personal or prejudicial interests to declare on any item on this agenda, and, if so, of the need to explain the reason(s) why they have any personal or prejudicial interests when making a declaration.
- (b) The Democratic Services Officer or relevant Committee Administrator will be pleased to advise you on interest issues. Ideally their views should be sought as soon as possible and preferably prior to the day of the meeting, so that time is available to explore adequately any issues that might arise.

Dates of Future Meetings of the Standards Committee

Date of Meeting	Deadline Date	Distribution Date
12 October 2009	24 September 2009	2 October 2009
4 January 2010	14 December 2009	22 December 2009
29 March 2010	11 March 2010	19 March 2010

Membership of the Standards Committee

Cllr C Lunn	Selby District Council
Cllr Ms M Davis	Selby District Council
Cllr Mrs K McSherry	Selby District Council
Miss B Potts (Chair)	Independent Member
Ms H Putman (Vice Chair)	Independent Member
Vacancy	Independent Member
Mr B Crossdale	Parish Council Member
Mr R Parker	Parish Council Member
Vacancy	Parish Council Member

Enquiries relating to this agenda, please contact Carol Baker on:

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SELBY DISTRICT COUNCIL

Minutes of the proceedings of a meeting of the STANDARDS COMMITTEE held on 30 March 2009, in Committee Room 2, The Civic Centre, Portholme Road, Selby, commencing at 4.00pm.

736	Minutes
737	Planned Training and Development
738	Annual Standards Board Conference
739	Update Monitoring Report
740	Draft Standards Committee Annual Report 2008/09

Present: Miss B Potts in the Chair.

Councillors: C Lunn

Mr B Crossdale (Parish Council representative), Mr R Parker (Parish Council representative)

Officials: Monitoring Officer, Senior Solicitor and Committee Administrator

Public: 0

Press: 0

734 **Apologies for Absence**

Ms H Putman (Independent Member) and Councillor Ms M Davis

735 **Disclosure of Interest**

None

736 **Minutes**

The Monitoring Officer updated members on issues raised in Minute 361

- In response to queries concerning sanctions that could be imposed, the senior solicitor issued documents to members that detailed sanctions and explained the sanctions procedures.
- In response to queries relating to clarification of the budget available for training fees and Decision Notice publications, the Monitoring Officers confirmed, that whilst there was no specific budget allocated, the Council would fund any training requirements or notice

Standards Committee

30 March 2009

publication costs which the committee deemed necessary.

Resolved:

That the minutes of the proceedings of the meeting of the Standards Committee held on 13 October 2008 be confirmed as a correct record and be signed by the Chair.

737 **Planned Training and Development**

The Monitoring Officer informed members about plans for training sessions for Parish Councils regarding Declaration and Conflicts of Interests. The aim would be to invite all Parish, Town and District Councillors. The Senior Solicitor informed members that as a new revised Code of Conduct was expected to be issued soon, the training would be linked into this.

738 **Annual Standards Board Conference**

The Senior Solicitor informed members of the Annual Standards Board Conference, due to be held in Birmingham on 12th and 13th October 2009. This was a very useful conference and nominations were sought for attendees.

Resolved:

It was agreed that two places be reserved at this conference.

739 **Update Monitoring Report**

The Monitoring Officer presented the monitoring report and requested feedback on the new format. Members liked the new format and requested future reports be presented in this format.

The Monitoring Officer was aware that some timescales taken to investigate some cases were lengthy but explained that this was mainly due to the introduction of the new procedures. It was envisaged that timescales would improve as both Officers and members became more circumspect with the investigations and the use of other options available to them.

The Senior Solicitor confirmed that some of the procedures involved were time consuming and could not be shortened but other actions, such as sanctions could perhaps be used in place of full investigations.

740 **Draft Standards Committee Annual Report 2008/09**

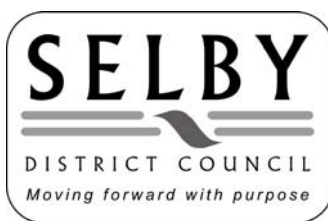
The Monitoring Officer presented the draft report and requested comments by the 3rd April 2009. As the vice chair was absent, it was agreed her

comments should be received as soon as possible in order for the final report be presented to full council in June.

R Parker requested his name be spelt correctly and asked that the final report be circulated to all Parish Councils, possibly via the Parish Forums and newsletter.

The Monitoring Officer informed members that this was the Senior Solicitors last meeting as he would be leaving the authority at Easter. He passed on grateful thanks for his work concerning the Standard Committee and wished him well in his new career.

The meeting closed at 4.40pm.



Agenda Item No: 5

Title: Standards Committee – Monitoring Officer Local Assessment Protocol

To: Standards Committee

Date: 27 July 2009

Service Area: Standards

Author: Caroline Fleming, Senior Solicitor

Presented by: Jonathan Lund, Monitoring Officer

1 Purpose of Report

- 1.1 To present a Local Assessment Protocol setting out instructions to the Monitoring Officer on the discharge of functions in relation to the initial assessment and review of allegations that a Councillor of the Authority or of any Parish or Town Council has failed to comply with the Code of Conduct.
- 1.2 If adopted, the Protocol would guide the Monitoring Officer in how to deal with the initial assessment of complaints and help to clarify and streamline the process.

2 Recommendation(s)

- 2.1 To receive and endorse the use of the Monitoring Officer Local Assessment protocol as set out at Appendix 1

3 Executive Summary/Report

- 3.1 Appendix 1 sets out the Monitoring Officer Local Assessment Protocol and indicates how the Monitoring Officer should deal with the receipt and notification of complaints, the potential for local resolution or other action, formal reviews of decisions not to investigate and the delegation of formal investigations.

4 Financial Implications

4.1 There are no financial implications arising from the adoption of the proposed Protocol

5 Link to Corporate Plan

5.1 The adoption of the proposed Protocol will help to clarify and streamline the Council's processes for dealing with complaints of breaches of the Councillor Code of Conduct. It will assist the Council in its strategic theme of making best use of resources.

5.2 The provision and protection of high ethical standards is a statutory responsibility and supports the Council in the proper delivery of all its corporate objectives and priorities

6 How Does This Report Link to the Council's Priorities?

6.1 As above

7 Impact on Corporate Policies

7.1	Service Improvement	Impact
	As 5.2 above	
7.2	Equalities	No Impact
7.3	Community Safety and Crime	Impact
	The development, promotion and maintenance of proper standards of conduct and behaviour will promote good governance and reduce the risk of fraud and other criminal or unethical behaviour	
7.4	Procurement	No Impact
7.5	Risk Management	Impact
	As 7.3 above	
7.6	Sustainability	No Impact

7.7	Value for Money	No Impact

8 Background Papers

8.1 None

Local Assessment Protocol

Instructions to the Monitoring Officer on the discharge of functions in relation to the initial assessment and review of allegations that a Councillor of Selby District Council (“the Authority”) or of any Parish or Town Council has failed to comply with the Code of Conduct

1 Receipt of Allegations

- 1.1 The Monitoring Officer shall set up arrangements within the Authority to secure that any allegation made in writing that a Councillor has or may have failed to comply with the Authority’s Code of Conduct is referred to him/her immediately upon receipt by the Authority.
- 1.2 The Monitoring Officer shall maintain a register of such allegations to ensure that the Authority can comply with its obligations under the relevant legislation.
- 1.3 Complaints shall only be entertained where they are signed by the complainant, but the Monitoring Officer is authorised to maintain the confidentiality of the identity of the complainant where and for so long as in his/her opinion that would be in the public interest.

2 Notification of Receipt of Allegations

- 2.1 All relevant allegations must be assessed by the local Assessment Sub-Committee, so the Monitoring Officer has no authority to deal with an allegation which appears to be an allegation of failure by a relevant Councillor to observe the Code of Conduct other than by reporting it to the local Assessment Sub-Committee. The Monitoring Officer shall therefore determine whether the allegation appears to be a substantive allegation of misconduct. Where it appears not to be, he/she shall ensure that the matter is dealt with under a more appropriate procedure, for example where it is really a request for service from the Authority, a statement of policy disagreement, a legal claim against the Authority or a complaint against an officer of the Authority.
- 2.2 Following receipt of the allegation, and where the allegation does appear to be a complaint of misconduct against a relevant Councillor, the Monitoring Officer will promptly, and in any case in advance of the relevant meeting:
 - 2.2.1 acknowledge to the complainant receipt of the allegation and confirm that the allegation will be assessed by the local Assessment Sub-Committee at its next convenient meeting;
 - 2.2.2 notify the Councillor against whom the allegation is made of receipt of the complaint, together with a written summary of the allegation, and state that the allegation will be assessed at the next convenient meeting of the local Assessment Sub-Committee. However, where the Monitoring Officer is of the opinion that such notification would be contrary to the public interest or would prejudice any person’s ability to investigate the allegation, he/she shall consult the Chairman of the local Assessment Sub-Committee, or in his/her absence the Chairman of the Standards Committee, and may then decide that no such advance notification shall be given;

- 2.2.3 collect such information as is readily available and would assist the local Assessment Sub-Committee in its function of assessing the allegation;
- 2.2.4 seek local resolution of the matter where practicable, in accordance with Paragraph 3 below;
- 2.2.5 place a report, including a copy of the allegation and such readily available information on the agenda for the next convenient meeting of the Local Assessment Sub-Committee.

3 Local Resolution

- 3.1 Local resolution is not an alternative to reporting the allegation to the local Assessment Sub-Committee, but can avoid the necessity of a formal local investigation.
- 3.2 Where the Monitoring Officer is of the opinion that there is the potential for local resolution, he/she shall approach the Councillor against whom the allegation has been made and ask whether he/she is prepared to acknowledge that his/her conduct was inappropriate, and whether he/she would be prepared to offer an apology or undertake other appropriate remedial action. With the consent of the Councillor concerned, the Monitoring Officer may then approach the complainant and ask whether the complainant is satisfied by such apology or other remedial action. The Monitoring Officer should then report to the local Assessment Sub-Committee as required, and at the same time report the response of the Councillor concerned and of the complainant. The idea is that, where the Councillor has acknowledged that his/her conduct was inappropriate, and particularly where the complainant is satisfied with the proffered apology or remedial action, the local Assessment Sub-Committee might take that into account when considering whether the matter merits investigation.

4 Review of Decisions not to Investigate

- 4.1 Where the local Assessment Sub-Committee has decided that no action be taken on a particular matter, the Monitoring Officer shall promptly advise the complainant of the decision, and the complainant may then within 30 days of receipt of such notification request that the Review Sub-Committee review that decision.
- 4.2 Whilst the review shall normally be a review of the reasonableness of the original decision rather than a reconsideration, the Monitoring Officer shall report to the Review Sub-Committee the information which was provided to the local Assessment Sub-Committee in respect of the matter, the summary of the local Assessment Sub-Committee and any additional relevant information which has become available prior to the meeting of the Review Sub-Committee.

5 Local Investigation

- 5.1 It is recognised that the Monitoring Officer will not personally conduct a formal local investigation.
- 5.2 It will be for the Monitoring Officer to determine who to instruct to conduct a formal local investigation, and this may include another senior officer of the Authority, a senior officer of another authority or an appropriately experienced external investigator.