

Meeting: **STANDARDS COMMITTEE**
Date: **19 MARCH 2012**
Time: **5.00PM**
Venue: **COMMITTEE ROOM**
To: **Councillors Mrs M Davis, C Lunn, Mrs K McSherry, Roderic Parker, Brian Crossdale, Hilary Putman and Wanda Stables**

1. Apologies for absence

2. Disclosures of Interest

Members of the Standards Committee should disclose personal or prejudicial interest(s) in any item on this agenda.

3. Minutes

To confirm as a correct record the minutes of the proceedings of the meeting of the Standards Committee held on 23 January 2012 and Local Assessment Sub Committee Meeting held on the 20 February 2012 (pages 3 to 7 attached).

4. Chair's Address to the Standards Committee

5. Case Monitoring Report

Report ST/11/11 of the Monitoring Officer (Pages 8 to 18 attached).

6. Localism Act – Standards Regime Update

Report ST/11/10 of the Monitoring Officer – Report to Follow

Jonathan Lund
Monitoring Officer

Dates of next meetings
21 May 2012 - Standards Sub
18 June 2012

Standards Committee
19 March 2012

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Minutes

Standards Committee

Venue:	Committee Room
Date:	23 January 2012
Present:	Councillors Mrs M Davis, C Lunn, Mrs K McSherry, R Parker, Miss H Putman (Chair) and Mrs W Stables
Apologies for Absence:	Councillor B Crossdale
Officers Present:	Jonathan Lund – Monitoring Officer, Caroline Fleming - Senior Solicitor and Karen Mann - Democratic Services Officer

17. DECLARATIONS OF INTEREST

There were no declarations of interest.

18. MINUTES

The minutes from the Standards Committee meeting on the 26 September 2011 were submitted for approval.

The minutes of the Local Assessment Sub Committee and Review Sub Committee held on the 5 December 2011 were also submitted for approval.

RESOLVED:

- i) To receive, approve and sign as a correct record the minutes of the Standards Committee held on 26 September 2011, subject to minor amendments;**
- ii) To receive, approve and sign as a correct record the minutes of the Local Assessment Sub Committee and Review Sub Committee meetings held on the 5 December 2011.**

19. CHAIR'S ADDRESS TO THE STANDARDS COMMITTEE

The Chair thanked everyone for attending. The Chair proposed a change to the order of the agenda, to hear agenda item 8 prior to agenda item 5. This was agreed.

20. CASE MONITORING REPORT

The Monitoring Officer presented the current case monitoring report up to the end of December 2011.

Several of the outstanding reports were coming to an end. The Monitoring Officer had passed several complaints to an external investigation officer to assist in bringing them to a conclusion.

RESOLVED: To receive and note the report

21. PRIVATE SESSION

To exclude the press and the public from the meeting in accordance with Section 100(A)(4) of the Local Government Act 1972 because, in view of the nature of the business to be transacted, there is likely to be disclosure of exempt information as defined in Section 100(1) of the Act as described in paragraph 1 of Part 1 of Schedule 12(A) of the Act.

22. COMPLAINT SDC2011010 - REPORT BACK ON "OTHER ACTION"

The Monitoring Officer presented a report setting out the action taken following the decision of the Local Assessment Sub-committee to respond to Complaint SDC 2011010 by way of other action.

The Committee noted the action taken and the co-operation of the subject member and it was determined.

RESOLVED:

To note the report and conclude that the matter had been dealt with, to the Committee's satisfaction.

The meeting moved back into Public Session.

23. THE LOCALISM ACT 2011

The Monitoring Officer presented a draft report for the committee to consider prior to submission to full Council in February or April 2012. The Executive had already been briefed and had suggested an amendment to the report to include the possibility of having no Standards Committee.

The Monitoring Officer updated the committee of the changes contained in the Localism Act that would impact on the current Standards Committee.

The Standard Board for England ceases on 31 January 2012. The current Standards Committee continues until told otherwise (the latest indications being July 2012).

The committee members discussed possible amendments to the report. It was felt by that it was important to have meaningful Parish Council and Independent Member representation on the committee and appropriate mechanisms for appeals.

RESOLVED:

- i) To note the report**
- ii) To ask the Monitoring Officer to reflect the Committee's comments in the report to Council; and**
- iii) To make any appropriate amendments to the standard decision notice, to inform and give notice of changes to the complaints process**

The Chair thanked all members for their contributions.

The meeting closed at 6.25pm.

LOCAL ASSESSMENT SUB COMMITTEE
Standards Committee
20 February 2012
MINUTES

Present:

Hilary Putman (Chair)
Cliff Lunn
Roderic Parker

Officers:

Jonathan Lund, Monitoring Officer
Caroline Fleming, Senior Solicitor
Karen Mann, Democratic Service Officer

29. Apologies for Absence

None

30. Disclosure of Interests

None

31. Private Session

RESOLVED - To exclude the Press and Public from the meeting in accordance with the Access to Information provisions under Part 5 of the Local Government Act 1972.

32. Complaint SDC2012001

A report was presented by the Senior Solicitor setting out a summary of complaint SDC 2012012 from Mr Greig Markham against Councillor Roland Chilvers.

Councillor Roland Chilvers declared a Personal Interest at the Parish Council meeting on the 15 December 2011.

The Local Assessment Sub-Committee considered the initial tests and found that the first two were satisfied in relation to the allegations. However, the Local Assessment Sub-Committee found that the third test failed on the grounds that the allegations, if proven, would not be a breach of the code of conduct.

Resolved:

To take no further action in respect of complaint SDC 2012001 in accordance with Section 57A(2) of the Local Government Act 2000, as amended.

33. Complaint SDC2012002

A report was presented by the Senior Solicitor setting out a summary of complaint SDC 2012002 from Mr Philip Tulip against Councillor Andrew Dudley-Smith.

The Local Assessment Sub-Committee debated the complaint and considered the initial tests and found that the first two were satisfied in relation to the allegations. However, the Local Assessment Sub-Committee found that the third test failed on the grounds that the allegations, if proven, would not be a breach of the code of conduct.

The Sub-committee were also aware that the subject member had subsequently tendered his resignation as a parish councillor and they were mindful that in those circumstances the public interest was unlikely to be served by investigating the complaint.

Resolved:

To take no further action in respect of complaint SDC 2011014 in accordance with Section 57A(2) of the Local Government Act 2000, as amended.

The meeting closed at 4.45pm.



Report Reference Number: ST/11/10

Agenda Item No:5

To: Standards Committee
Date: 19 March 2012
Author: Jonathan Lund, Monitoring Officer

Title: Case Monitoring Report

Summary:

The attached Appendix A sets out the cases current since before 8 May 2008 (when the complaints procedures changed) and those dealt with since 8 May.

Recommendation:

To receive and endorse the case monitoring report for the period ended February 2012.

1. Introduction and background

To present the current case monitoring report up to the end of February 2012.

2. The Report

The case monitoring report is set out at Appendix A.

3. Legal/Financial Controls and other Policy matters

None.

4. Background Documents

Contact Officer: Jonathan Lund (Monitoring Officer)
(jlund@selby.gov.uk)

Appendices: A – Monitoring Report

Case Number	Date Received	Assessment	Investigation	Outcome	Date Concluded	Period Live (Weeks)	DISTRICT/PARISH COUNCIL & Notes	Aspects of the code involved in the complaint
SBE17065.06	19/01/2007	Referred to MO for investigation by SBE	Investigation reported on 20/07/09	No breach of the Code of Conduct found.	20/07/2009	130	DISTRICT External investigator appointed by the MO. Investigator reported on 20 July 2009 and any outcome can be reported to the Committee.	Paragraphs 8, 9, 10 and 12 - interests; Paragraph 6 - conferring an advantage or disadvantage
SBE21937.08	25/04/2008	Referred to MO for investigation by SBE	Investigation reported on 02/12/08	No breach of the Code of Conduct found.	02/12/2008	32	PARISH Last SBE complaint under the old system; Passed to SDC for local assessment on the 25th April 08.	Paragraphs 8, 9, 10 and 12 - interests; Paragraph 6 - conferring an advantage or disadvantage;
SDC2008001	02/09/2008	Referred to MO for investigation on 22/09/08	Investigation found a potential breach of the code in respect of failures to declare personal or prejudicial interest	Breach of the Code of Conduct found but no further action taken as subject member had already participated in relevant training.	04/06/2010	91	PARISH Investigated alongside complaint SDC200809 due to similarity.	Paragraph 3 - treating others with respect; 8, 9, 10 and 12 - interests; 5 - bringing the authority into disrepute; 6 - conferring an advantage or disadvantage;
SDC2008002	08/09/2008	Referred to SBE for investigation on 22/09/08	SBE Investigation concluded and Hearing held on 12 June 2009	Breach of the Code of Conduct found and subject member censured	12/06/2009	40	PARISH Notices have been posted and relevant authorities and parties have been notified of the outcome	Paragraph 3 - treating others with respect; 5 - bringing the authority into disrepute;

Grey Shading = Cases reported before the May 2008 procedure changes
MO = Monitoring Officer
SBE = Standards Board for England

Case Number	Date Received	Assessment	Investigation	Outcome	Date Concluded	Period Live (Weeks)	DISTRICT/PARISH COUNCIL & Notes	Aspects of the code involved in the complaint
SDC2008003	22/09/2008	Referred to MO for investigation on 13/10/08	Investigation completed	Breach of the Code of Conduct found suspended censure pending training	28/05/2009	35	PARISH Notices have been posted and relevant authorities and parties have been notified of the outcome	Paragraphs 8, 9, 10 and 12 - interests; Paragraph 6 - conferring an advantage or disadvantage;
SDC2008004	22/09/2008	Referred to MO for investigation on 13/10/08	Investigation completed	No breach of the Code of Conduct found.	27/04/2009	31	PARISH Notices have been posted and relevant authorities and parties have been notified of the outcome	Paragraphs 8, 9, 10 and 12 - interests; Paragraph 6 - conferring an advantage or disadvantage;
SDC2008005	22/09/2008	Referred to MO for investigation on 13/10/08	Investigation completed	No breach of the Code of Conduct found.	27/04/2009	31	PARISH Notices have been posted and relevant authorities and parties have been notified of the outcome	Paragraphs 8, 9, 10 and 12 - interests; Paragraph 6 - conferring an advantage or disadvantage;
SDC2008006	23/09/2008	Referred to MO for investigation on 13/10/08	Investigation Completed	No breach of the Code of Conduct found.	09/03/2009	24	PARISH Notices have been posted and relevant authorities and parties have been notified of the outcome	Paragraphs 8, 9, 10 and 12 - interests; Paragraph 6 - conferring an advantage or disadvantage;
SDC2008007	23/09/2008	No further action 13/10/08		No further action	13/10/2008	3	PARISH Relevant parties have been notified of the outcome	Paragraph 3 - treating others with respect; 5 - bringing the authority into disrepute;

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Case Number	Date Received	Assessment	Investigation	Outcome	Date Concluded	Period Live (Weeks)	DISTRICT/PARISH COUNCIL & Notes	Aspects of the code involved in the complaint
SDC2008008	23/09/2008	Referred to MO to arrange mediation 13/10/08		Subject Member refused to participate in mediation. No further action.	26/10/2009	57	PARISH Subject Member not been willing to engage in mediation process. Resolved to take no further action	Paragraph 3 - treating others with respect; 5 - bringing the authority into disrepute;
SDC2008009	02/12/2008	Referred to MO for investigation on 05/01/09	Investigation found a potential breach of the code in respect of failures to declare personal or prejudicial interest	Breach of the Code of Conduct found but no further action taken as subject member had already participated in relevant training.	04/06/2010	78	PARISH Investigated alongside complaint SDC200801 due to similarity.	Paragraphs 8, 9, 10 and 12 - interests; Paragraph 6 - conferring an advantage or disadvantage;
SDC2009001	20/03/2009	Referred to MO for investigation on 13/04/09	MO referred matter back to LA Sub due to subject member leaving parish council	No further action	26/10/2009	31	PARISH	Paragraph 3 - treating others with respect/bullying; 5 - bringing the authority/office into disrepute; 8, 9, 10 and 12 - interests;

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Case Number	Date Received	Assessment	Investigation	Outcome	Date Concluded	Period Live (Weeks)	DISTRICT/PARISH COUNCIL & Notes	Aspects of the code involved in the complaint
SDC2009002	03/04/2009	Referred to MO for investigation on 18/05/09	Completed	Breach of code of conduct found (failure to declare a personal interest) but no further action taken as subject member had already participated in relevant training.	31/01/2011	95	PARISH	Paragraph 3 - treating others with respect; 5 - bringing the authority into disrepute; 8, 9, 10 and 12 - interests;
SDC2009003	22/04/2009	Referred to MO for investigation on 18/05/09	Completed	No breach of the Code of Conduct found.	20/12/2010	87	PARISH	Paragraph 3 - treating others with respect; 4 - preventing access to information; 5 - bringing the authority into disrepute;

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Case Number	Date Received	Assessment	Investigation	Outcome	Date Concluded	Period Live (Weeks)	DISTRICT/PARISH COUNCIL & Notes	Aspects of the code involved in the complaint
SDC2009004	01/06/2009	Adjourned to look into possibility of other action 29/06/09	None - referred for other action	On 20/07/08 referred to MO for other action - parish training	20/07/2009	7	PARISH Notices have been posted and relevant authorities and parties have been notified of the outcome	Paragraph 3 - treating others with respect/bullying; 5 - bringing the authority into disrepute;
SDC2009005	23/06/2009	Assessment report considered on 20/07/09	None - referred for other action	On 20/07/09 referred to MO for other action - parish training	20/07/2009	4	PARISH Notices have been posted and relevant authorities and parties have been notified of the outcome	Paragraph 5 - bringing the authority into disrepute;
SDC2009006	26/10/2009	Referred (in part) to MO for investigation on 26/10/09	Investigation Completed	No breach of the Code of Conduct found.	20/12/2010	60	PARISH Investigated alongside complaints SDC0009002 and SDC0009003	Paragraph 5 - bringing the authority into disrepute;
SDC2009007	26/10/2009	No further action 26/10/09 reviewed and confirmed 04/12/09		No further action	04/12/2009	6	PARISH Relevant authorities and parties have been notified of the outcome	Paragraph 5 - bringing the authority into disrepute;
SDC2010001	15/01/2010	No further action		No further action	26/04/2010	14	PARISH Relevant authorities and parties have been notified of the outcome	Paragraph 3 - treating others with respect; 5 - bringing the authority into disrepute
SDC2010002	22/01/2010	No further action		No further action	26/04/2010	13	PARISH Relevant authorities and parties have been notified of the outcome	Paragraph 3 - treating others with respect; 5 - bringing the authority into disrepute; 6 - improper use of position

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Case Number	Date Received	Assessment	Investigation	Outcome	Date Concluded	Period Live (Weeks)	DISTRICT/PARISH COUNCIL & Notes	Aspects of the code involved in the complaint
SDC2010003	22/01/2010	No further action		No further action	21/06/2010	21	PARISH Relevant parties have been notified of the outcome	Paragraph 3 - treating others with respect; 5 - bringing the authority into disrepute
SDC2010004	07/04/2010	Referred to MO for Other Action (training)	None - referred for other action on 26/4/2010	Training undertaken and reported to committee on 22/11/10	26/04/2010	3	PARISH Relevant parties have been notified of the outcome	Paragraph 3 - treating others with respect; 5 - bringing the authority into disrepute
SDC2010005	04/06/2010	Referred to MO for investigation on 12/07/2010	Investigation ongoing			91	PARISH Relevant parties have been notified	Paragraph 3 - treating others with respect; 5 - bringing the authority into disrepute; 8,9,10 &12 interests
SDC2010006	30/06/2010	Referred to MO for investigation on 12/07/2010	Investigation ongoing			87	PARISH Relevant parties have been notified	Paragraph 3 - treating others with respect; 5 - bringing the authority into disrepute; 8,9,10 &12 interests
SDC2010007	06/08/2010	Referred to MO for investigation on 31/08/10	Investigation Completed	No breach of the Code of Conduct found.	31/01/2011	25	DISTRICT Relevant parties have been notified	Paragraph 3 - treating others with respect; 5 - bringing the authority into disrepute
SDC2010008	24/08/2010	Referred to MO for investigation	Investigation ongoing			79	PARISH Relevant parties have been notified	Paragraph 5 - bringing the authority into disrepute; 8,9,10 &12 interests

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Case Number	Date Received	Assessment	Investigation	Outcome	Date Concluded	Period Live (Weeks)	DISTRICT/PARISH COUNCIL & Notes	Aspects of the code involved in the complaint
SDC2010009	01/11/2010	No further action Decision reviewed		No further action	15/03/2011	19	PARISH Relevant parties have been notified	Paragraph 5 - bringing the authority into disrepute; 8,9,10 &12 interests
SDC2010010	08/11/2010	Referred to MO for investigation on 07/12/10	Investigation ongoing			68		Paragraph 5 - bringing the authority into disrepute; 8,9,10 &12 interests
SDC2010011	16/11/2010	No further action		No further action	07/12/2010	3	PARISH Relevant parties have been notified	Paragraph 5 - bringing the authority into disrepute; 6 - improper use of position
SDC2010012	25/11/2010	No further action		No further action	07/12/2010	2	PARISH Relevant parties have been notified	Paragraph 5 - bringing the authority into disrepute
SDC2010013	02/12/2010	No further action		No further action	20/12/2010	3	PARISH Relevant parties have been notified	Paragraph 5 - bringing the authority into disrepute; 10 &12 interests
SDC2010014	02/12/2010	No further action		No further action	20/12/2010	3	PARISH Relevant parties have been notified	Paragraph 4 - disclosing information given in confidence; 5 - bringing the authority into disrepute;
SDC2011001	07/03/2011	Referred to MO for Other Action (Mediation)		MO reporting to Standards Committee 26/09/11	26/09/2011	29	DISTRICT -Relevant parties have been notified	Paragraph 3 - treating others with respect; 5 - bringing the authority into disrepute

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Case Number	Date Received	Assessment	Investigation	Outcome	Date Concluded	Period Live (Weeks)	DISTRICT/PARISH COUNCIL & Notes	Aspects of the code involved in the complaint
SDC2011002	09/03/2011	Referred to MO for Other Action (Mediation)		MO reporting to Standards Committee 26/9/11	26/09/2011	29	DISTRICT -Relevant parties have been notified	Paragraph 3 - treating others with respect; 5 - bringing the authority into disrepute
SDC2011003	25/03/2011	Referred to MO for Other Action (Mediation)		MO reporting to Standards Committee 26/9/11	26/09/2011	26	DISTRICT -Relevant parties have been notified	Paragraph 3 - treating others with respect; 5 - bringing the authority into disrepute
SDC2011004	18/04/2011	No further action		No further action	25/07/2011	14	PARISH - Relevant parties have been notified	Paragraph 3 - treating others with respect; 5 - bringing the authority into disrepute
SDC2011005	01/01/2011	Referred to Standards for England for investigation	Concluded by Standards for England	One breach found but No Further Action	25/07/2011	29	DISTRICT -Relevant parties have been notified	Paragraph 5 - bringing the authority into disrepute; 8,9,10 &12 interests
SDC2011006	04/07/2011	No further action		No further action	25/07/2011	3	DISTRICT -Relevant parties have been notified	Paragraph 3 - treating others with respect; 5 - bringing the authority into disrepute
SDC2011007	22/06/2011	Referred to MO for investigation on 05/12/2011	Investigation ongoing			36	PARISH - Relevant parties have been notified	Paragraph 3 - treating others with respect; 5 - bringing the authority into disrepute
SDC2011008	26/07/2011	No further action		No further action	12/09/2011	7	DISTRICT & PARISH -Relevant parties have been notified	Paragraph 4 - confidential information and 6 - conferring an advantage or disadvantage
Case Number	Date Received	Assessment	Investigation	Outcome	Date Concluded	Period Live (Weeks)	DISTRICT/PARISH COUNCIL & Notes	Aspects of the code involved in the complaint

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SDC2011009	18/07/2011	Referred to MO for investigation	Investigation ongoing			32	DISTRICT - Relevant parties have been notified	Paragraph 3 - treating others with respect; 5 - bringing the authority into disrepute
SDC2011010	12/08/2011	No further action re Para 3 - Other Action re Para 8/9		No further action re Para 3 - Other Action re Para 8/9	12/09/2011	4	PARISH - Relevant parties have been notified	Paragraph 3 - treating others with respect; 8,9 interests
SDC2011011	07/09/2011	No further action		No further action	26/09/2011	3	PARISH - Relevant parties have been notified	Paragraph 5 - disrepute Paragraph 6 - improper use of position Paragraphs 8,9,10 & 12 - interests
SDC2011012	14/09/2011	Referred to MO for investigation on 17/10/2011	Investigation ongoing			24		Paragraph 3 - disrespect, bullying and compromising the impartiality of officers of the authority Paragraph 4 - preventing access to information Paragraph 6 - improper use of position

Case Number	Date Received	Assessment	Investigation	Outcome	Date Concluded	Period Live (Weeks)	DISTRICT/PARISH COUNCIL & Notes	Aspects of the code involved in the complaint
SDC2011013	13/10/2011	No further action		Exercising right of review		20	DISTRICT	Paragraph 3 - disrespect, compromising the impartiality of officers of the authority Paragraph 4 - disclosing confidential information Paragraph 5 - disrepute
SDC2011014	17/11/2011	No further action		No further action	23/01/2012	10	DISTRICT - Relevant parties have been notified of the outcome.	Paragraph 3 - treating others with respect Paragraph 5 - Disrepute
SDC2012001	30/01/2012	No further Action		Right of review expires 23/03/2012		4	PARISH	Paragraph 3 - Disrespect Paragraph 5 - Disrepute
SDC2012002	03/02/2012	No further action		Right of review expires 23/03/2012		4	PARISH	Paragraph 3 - Disrespect bullying Paragraph 4 - Disclosing confidential information
Average number of weeks per complaint since May 2008						30		
Average number of weeks per complaint 2008						43		
Average number of weeks per complaint 2009						41		
Average number of weeks per complaint 2010						31		
Average number of weeks per complaint 2011						17		

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