

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
STANDARDS COMMITTEE

Minutes of the Meeting held on 09 July 2019 at 6.00 pm

Present:-

Cllr C R Bungey – Chairman

Cllr S Baron – Vice-Chairman

Present: Cllr M Andrews, Cllr A Filer, Cllr A Jones, Cllr C Rigby and
Cllr A M Stribley

Also in attendance: Mr P Cashmore, Mr I Sibley, Mr J Storey

1. Election of Chairman

RESOLVED that Cllr C Bungey be elected Chairman of the Standards Committee for the 2019/20 Municipal Year.

Voting: For – 4; Against - 3

2. Election of Vice-Chairman

RESOLVED that Cllr S Baron be elected as Vice-Chairman of the Standards Committee for the 2019/20 Municipal Year.

Voting: For – 4; Against – 3

3. Apologies

There were no apologies for absence.

4. Declarations of Interests

There were no declarations of interest made on this occasion.

5. Public Question

The Monitoring Officer advised that a question had been received from Mr Conor O'Luby in relation to an item of business on the agenda, it would therefore be most appropriate for him to ask it before further discussion took place.

“Following the Local Government Ombudsman's rulings that in investigating my complaint against Cllr Mike Greene, former Standards Committee Chair Cllr Dunlop failed to consult with other members of the Committee and withheld information from Cllr Kieron Wilson, can the Committee assure me that there will now be a full and fair investigation?”

The Chairman gave the following response to Mr O'Luby:

“Thank you for your question. We have a report relating to this issue that we will now be considering, which recommends a way forward and I hope will provide you with a response to this question.”

6. Review of Complaint

The Monitoring Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book.

The Monitoring Officer gave a brief overview in regard to the history of the complaint and the conclusion drawn by the Local Government Ombudsman requiring that Bournemouth Borough Council would need to review the complaint and the process by which the original consideration was taken. As Bournemouth Borough Council no longer existed, this would need to be undertaken by Bournemouth, Christchurch and Poole Council and this would be done in accordance with the recommendation detailed in the report.

The Monitoring Officer acknowledged that although there was a desire from Members to review this complaint quickly, it should not be rushed and would be considered appropriately. The Monitoring Officer further highlighted that as she had been involved in the process for the complaint previously, it would not be appropriate for her to oversee this process and therefore it was proposed that the Head of Democratic Services and Deputy Monitoring Officer did this on her behalf. She set out the process that would be followed by way of working with the Chairman and independent persons, before a report was brought back to the next meeting of the Standards Committee and reiterated that she would not be taking part.

Members were content with this approach and upon being put to the voter it was:

RESOLVED that an independent review be carried out in respect of the Complaint made by Mr O'Luby, and that this review consider the way in which the Complaint was considered and make recommendations to the Committee as to any action required.

Voting: Unanimous

7. Procedure for Initial Complaint Assessment

The Deputy Monitoring Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'B' to these Minutes in the Minute Book.

The Deputy Monitoring Officer gave a brief overview of the report which highlighted the applicable parts of the constitution and also referred to the appendix which set out the process for reviewing complaints.

Officers responded to Members' comments and requests for clarification, details included:

- Guidance and training would be provided to all Councillors and Independent Persons on the Standards Committee in order for them to understand how to address all complaints appropriately.
- The consultation process would be set at a minimum of five days, although it may be necessary for this period to be longer on occasions where a complaint might be more complex – this process would be led by the Chairman with assistance from the Monitoring Officer.
- It would be advisable for Members of the Standards Committee to not discuss any complaints about Members with anyone besides the relevant officers and the independent persons as this could put them in a difficult position.
- Members that had been complained about would be informed and would be permitted to provide an initial response.
- The Constitution was clear in stating the Chairman was responsible for the initial filtering of complaints in consultation with Members of the Committee including the Independent Persons and with the guidance of the Monitoring Officer or her appointed deputy. This process would need to start by email contact initially but, Paragraph 2 could be amended to state that if after this initial contact, Members felt the need to review in further detail, the Chairman would need to make a decision as to whether or not to facilitate such a request. This method would likely be more efficient in the event of multiple complaints at the same time.
- May need to review workings of standards process over the course of the next few months which would include a training session booked for mid-September.
- Timelines included within the appendix were in line with guidance from the ombudsman service, they were discretionary and could be amended or removed if Members wished for this to happen.
- Complaints would ideally need to be received by online form as it set out a structure for the complainant to utilise which would allow the complaint to be assessed correctly. If an email complaint was received that met the required criteria, this would also be accepted, although complainants would always be encouraged to use the prescribed form to ensure that all elements were covered in their complaint.
- For any resident without computer access, the Council will post out any forms that are required to make a complaint. Additionally, an article could be placed in the BCP News if Members wished to pursue this as an option.

Following the Officer responses, Members agreed that they would be keen to ensure that there was the option for face to face meetings during the complaint filtering process if it was felt that there was a need to do so and that the Monitoring Officer's offer to amend Paragraph 2.1 of the appendix would be desirable to enable this provision.

Additionally, Members also agreed that it would be beneficial to publicise the Standards Committee in the BCP news and provide details on how to make a complaint about a councillor.

RESOLVED that:

- (a) the proposed arrangements for initial assessment of allegations of breach of the Code of Conduct for Councillors, as set out in Appendix 1 to this report, be adopted, subject to the amendment of Paragraph 2.1 to include the word “initially” after “...electronically by email”;**
- (b) details of the standards committee and how complaints were handled be published in the next issue of the BCP News.**

Voting: Unanimous

8. Councillor Development Framework

The Deputy Monitoring Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'C' to these Minutes in the Minute Book.

The Deputy Monitoring Officer highlighted that the Councillor Development Framework was an operational document that followed on from the Induction process that had already taken place and would act as a rolling programme of training for Councillors throughout their terms of office.

A Member stated that he fully supported the development of such a framework to enable Members to be effective in their roles and highlighted that Officers needed to be mindful that a number of Members did work throughout the day and that mirrored sessions would need to take place in evenings to enable a more comprehensive attendance.

Officers responded to Members' comments and requests for clarification, details included:

- The Standards Committee would be provided with details of attendance at training as part of their monitoring role. Additionally, Group Leaders would be provided with this information so that they were able to track training requirements within the group and assess the overall effectiveness of training on offer.
- Officers would be identifying what was considered mandatory, although it was not possible for them to force Members to attend sessions, which would mean that it would be up to the Standards Committee and Group Leaders to oversee and manage attendance.
- Officers would work towards the ensuring a maximum captive audience and wherever possible, training sessions would be video recorded in the same manner as the recent Planning Committee Training. Additionally, work would be undertaken to manage a library of training resources for Members.

- Officers were using information gathered when Members had been handed their IT equipment to build a programme of training that would be most beneficial to Members, although due to the number of major projects that were currently taking place, there was a need to “bear with Officers”, whilst these were going on. For the meantime, Officers were looking to arrange some drop-in sessions for Members to assist with any burning issues with their equipment.
- Attendance at training could be captured through the Modern Gov system that was being used and published if Members wished.

RESOLVED that:-

- (a) **the Councillor Development Framework, as set out in Appendix ‘C’ to this report, be noted;**
- (b) **periodic updates on the delivery of the training programme for councillors be reported to the committee for monitoring purposes and to ensure that the programme supports the ethical governance and code and conduct objectives.**

Voting: Unanimous

9. Declaration of Interests - Flowchart

The Deputy Monitoring Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'D' to these Minutes in the Minute Book.

The Deputy Monitoring Officer explained that the Flowchart, as appended to the report, was to assist Members in determining what constituted as a disclosable interest and what should be reported. He added that this flowchart, if approved, would be added to each agenda to act as a quick and easy reference for Members.

Officers responded to Members’ comments and requests for clarification, details included:

- The purpose of the document was to assist Members in determining interests beyond pecuniary interests and was more so designed to aid in looking for any cause for bias or pre-determination, which it would not be possible for Democratic Services to identify.
- If Members were concerned in relation to any confusion that this flowchart might cause if included as part of any agenda frontsheet at this point in time, the item could be deferred until the Meeting in October, which would allow Members the opportunity to discuss at the workshop session in September.

RESOLVED that the item be deferred until the next Meeting of the Standards Committee to allow the flowchart to be redrafted by Officers in consultation with Members.

Voting: Unanimous

10. Work Programme and Schedule of Meetings

The Deputy Monitoring Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'E' to these Minutes in the Minute Book.

Officers responded to Members' comments and requests for clarification, details included:

- In the event that an additional meeting of the Standards Committee needed to be held to deal with a complaint, it was within the Chairman's remit to do so and this would be considered as an extraordinary meeting, which would only deal with a specific item of business, separate to the prescribed work programme included within this report.

RESOLVED that the schedule of meetings for 2019/20 be noted, and the work programme for the Standards Committee be adopted.

The meeting ended at 7.11 pm

CHAIRMAN