



Minutes of the meeting of the **Standards Committee** held in Committee Room 1 East Pallant House on Thursday 10 September 2015 at 11.30 am

Members Present: Mrs P Hardwick (Chairman), Mrs C Apel (Vice-Chairman), Mr M Dunn, Mr G Hicks, Mr P Jarvis, Mrs C Purnell, Mrs J Tassell and Mr D Ribbens

Members not present: Ms E Kenney

In attendance by invitation: Mr A J Plytas

Officers present all items: Ms N Golding (Principal Solicitor and Monitoring Officer) and Mr G Thrussell (Senior Member Services Officer)

1 **Chairman's Announcements**

Mrs Hardwick welcomed everyone present, which included Mr L J Macey (one of the Chichester South ward members) who was present as an observer.

Save for Mrs Hardwick and Mrs Tassell, each of the Chichester District Council (CDC) members were new to the Standards Committee (SC). Mr Ribbens, one of the two current parish representatives (Plaistow and Ifold Parish Council), and Mr Plytas, one of CDC's two independent persons, were incumbents in their respective positions.

All CDC members of the SC were present.

Apologies for absence had been received from Ms Kenney, the other current parish representative (Hunston Parish Council), and Mr Newman, the other independent person.

The press was not in attendance at this meeting, which was the SC's first meeting of the 2015-2019 Chichester District Council administration.

The emergency evacuation procedure was explained.

There were no urgent items for consideration under agenda item 7 (Late Items).

Insofar as the subsisting parish representative vacancy was concerned (Mr J Cottam (Fernhurst Parish Council) was no longer a parish councillor), Mrs Hardwick intimated that an attempt would be made at the forthcoming All Parishes Meeting on Wednesday 30 September 2015 to secure nominations for or at least expressions of interest in that position. In recent years it had been difficult to fill vacancies and this meeting would be an ideal opportunity to address the situation. It was felt that all

three co-opted positions should be offered for nominations; Ms Kenney and Mr Ribbens were most welcome to stand for re-appointment.

2 **Approval of Minutes**

The SC, unlike its two sub-committees the Assessment Sub-Committee and the Hearing Sub-Committee, had met only once during the 2011-2015 CDC administration. Mrs Tassell was the only one of the current SC members who had also sat on the SC during that period.

Mrs Tassell and Mr Ribbens had not attended the SC's previous meeting on Monday 6 June 2011.

Accordingly none of the current CDC members was present at that meeting but in considering the minutes thereof for approval and signing (in accordance with standing order 4.3 of CDC's *Constitution*) no-one had any reason to doubt the accuracy of those minutes and it was agreed that Mrs Hardwick should sign and date the same without amendment.

RESOLVED

That the minutes of the meeting of the Standards Committee which took place on Monday 6 June 2011 shall be approved without amendment and signed and dated accordingly.

3 **Declarations of Interests**

There were no declarations of interests made at this meeting.

4 **Public Question Time**

No public questions had been submitted.

5 **Terms of Reference of the Standards Committee**

The SC considered its terms of reference as they appeared in Part 3 of CDC's *Constitution* (pages 59 and 60) circulated with the agenda (copy attached to the official minutes).

In view of this being the first meeting of the new CDC administration, the terms of reference had been included for noting. The SC was asked whether in the light of those terms of reference there were any matters not listed on the agenda which it wished to consider at this meeting

There was no presentation or discussion of the terms of reference.

The SC did not request any additional items for consideration at this meeting.

RESOLVED

That the Standards Committee notes its terms of reference as set out in Part 3 of the *Constitution* of Chichester District Council.

6 **Review of Complaints Procedure**

The SC considered (a) the agenda report written by the Monitoring Officer and the appendix thereto namely the proposed amendments to CDC's *Arrangements for Dealing with Standards Allegations under the Localism Act 2011* circulated with the agenda and (b) a revised version of the appendix containing further changes resulting from a discussion between Mrs Hardwick and the Monitoring Officer (copies of (a) and (b) attached to the official minutes).

Miss Golding presented the agenda report and the revised version of the proposed amendments appendix.

Miss Golding pointed out that the date in the top right-hand corner of the first page of the revised appendix should be altered to read '10.09.15' instead of '27.08.15'.

Miss Golding first of all summarised the statistics set out in paras 5.1 to 5.3 inclusive.

With respect to the proposed amendments, Miss Golding highlighted the following:

- (1) The addition of a sentence in the penultimate para of section 3 of the *Arrangements* stating that a copy of any response made by the subject member would be sent to the complainant (paras 5.8 and 5.9 of the report refer). The right to see such responses had recently been raised by a complainant after her complaint had been considered by the Assessment Sub-Committee (ASC) although the Monitoring Officer was already mindful of the case for making this reform. This would give the complainant the right of reply prior to the initial assessment.
- (2) The main change was to include a new section 4 dealing with validation. The rationale for this was addressed in paras 5.4 to 5.7 inclusive of the report; the text had been refined as a result of a discussion between Miss Golding and Mrs Hardwick. The aim of the validation section was to avoid the complaints procedure being invoked in respect of the exchange of views, comments and opinions during the conduct of Council-related business eg at a Planning Committee meeting. It was not, however, intended to exclude complaints about how a member eg the chairman of a planning committee was alleged to have treated someone during a meeting. The incorporation of the validation section would avoid the need for the Monitoring Officer in those cases to have to consult an independent person.
- (3) In the newly numbered section 5 (previously 4) – there was the need for consequential renumbering throughout the document as a result of the new validation section - there were some general textual refinements and an additional (fourth) potential reason for the Monitoring Officer deciding that a complaint should not proceed to the ASC stage. As stated in the *Arrangements* the list was not exhaustive.

- (4) In Appendix 3 (Hearings Procedure) to the Arrangements the final sentence of the second para within the 'The Hearing Sub-Committee' (HSC) section was deleted in order to remove the bar on the same independent person being involved at both the ASC and HSC stages. There had been no such bar in the case of the parish representative.

Mrs Hardwick referred to the standards training session that had immediately preceded this meeting. As a result of a suggestion that had been made then, the re-numbered para 9 should be altered as follows:

- (a) In sub-para 9.4 the possible situation of the group leader being the subject member needed to be addressed and
- (b) In sub-para 9.5 the possible situation of the Leader of the Council being the subject member needed to be addressed.

The SC unanimously agreed that:

- (a) In the first line of sub-para 9.4 the word 'leader' between 'group' and "or" should be deleted and
- (b) After the final word of sub-para 9.5 ie 'responsibilities' a comma should be inserted and then the following words supplied: 'or if the subject member is the Leader of the Council, recommend to the Council that the Leader be removed from office in accordance with Article 7 of Part 2 of the Constitution.'

Mr Jarvis suggested that the use of 'she' in the first and second lines of the new section 4 (Validation) should be avoided and be replaced by 'the Monitoring Officer' in each case. The SC unanimously agreed that this change should be made.

Mrs Purnell suggested that in the penultimate para of the re-numbered section 5 of the *Arrangements* the word 'and' after 'police' in the second line should be replaced with 'and/or'. The SC unanimously agreed that this change should be made.

Miss Golding responded to questions on points of details. She confirmed that the number of parish councillor complaints was significant, in the region of 50%. She explained the rationale for qualifying the extent to which complaints relating to the planning process could be entertained as code of conduct complaints. It was specifically not the intention to prohibit complaints which alleged a breach of the general obligations set out in the Code of Conduct (para 2 of Part 2). Alleged misbehaviour amounting to, say, disrespect and/or bullying could be entertained but not complaints about the underlying merits of a Council process or a statement of fact or opinion.

RECOMMENDATION TO THE COUNCIL

That the Standards Committee recommends to the Council that Chichester District Council's *Arrangements for Dealing with Standards Allegations under the Localism Act 2011* is amended as shown in the revised draft version appended to the agenda

report and with the further amendments agreed above and that the Monitoring Officer is given all delegated powers specified therein.

7 Late Items

As recorded in the seventh para of minute 1 and the fourth para of minute 5, there were no late items for consideration at this meeting.

8 Exclusion of the Press and Public

There were no restricted items for consideration at this meeting so as to require exclusion of the press and public.

The meeting ended at 12.03 pm

CHAIRMAN

Date: