

MEETING:	AUDIT & GOVERNANCE COMMITTEE
MEETING DATE:	26 NOVEMBER 2013
TITLE OF REPORT:	STANDARDS PANEL RECOMMENDATIONS
REPORT BY:	MONITORING OFFICER

1. Classification

Open

2. Key Decision

This is not an executive decision.

3. Wards Affected

County-wide

4. Purpose

To consider the recommendations of the independent person, following meetings of the standards panel on 9th October 2013; 10th October 2013 AND 6th November 2013.

5. Recommendations

THAT: The Audit and Governance Committee:

- (a) approves the chairman's report of the standards panel meeting on 9th October 2013 (complaint reference 13026); and**
 - i) approves the recommendation of the standards panel following the standards panel meeting, and**
 - ii) requires the subject member to make a formal public written apology to the complainant;**

- (b) approves the chairman's report of the standards panel meeting on 10th October 2013 (complaint references 13020 and 13022); and**
 - i) approves the recommendation of the standards panel following the standards panel meeting, and**
 - ii) requires the subject member to make a formal written apology to the complainant in respect of complaint reference 13022;**

- (c) endorses the view of the standards panel in respect of complaint reference 13020; and
 - i) approves the chairman's report of the standards panel meeting on 6th November 2013 (complaints reference 13001, 13016 and 13017); and
 - ii) endorses the view of the standards panel in respect of complaints reference 13001, 13016 and 13017; and
- (d) notes the content of this report and provides comments and feedback to the monitoring officer.

6. Alternative Options

- 6.1 The alternative options, in the case of complaints 13026 and 13022, are to:
 - (a) accept the findings in the chairman's report, but impose an alternative sanction;
 - (b) accept the findings in the chairman's report and impose no sanction;
 - (c) reject the findings in the chairman's report and the recommendations of the standards panel.
- 6.2 The alternative option in respect of complaint 13020 is to ask the standards panel to reconsider the complaint.
- 6.3 The alternative option in respect of complaints 13001, 13016 and 13017 is to ask the standards panel to reconsider the complaint.

7. Reasons for Recommendations

- 7.1 The reasons for the recommendations are:
 - 7.1.1 In relation to complaint 13026, the standards panel agreed that the subject member had failed to comply with the Code of Conduct. The relevant section of the code is:

VI. Rules of Conduct

- 11. Members shall in particular observe the following rules when acting as a Member or co-opted Member of the Authority and Members are informed that you:
 - (a) **Do** treat others with respect and courtesy.

- 7.1.2 In relation to complaint 13022, the standards panel agreed that the subject member had failed to comply with the Code of Conduct. The relevant section of the code is:

VI. Rules of Conduct

- 11. Members shall in particular observe the following rules when acting as a Member or co-opted Member of the Authority and Members are informed that you:
 - (a) **Do** treat others with respect and courtesy.

- 7.1.3 In relation to complaint 13020, the standards panel agreed that the subject member had not failed to comply with the Code of Conduct. The relevant section of the code is:

VI. Rules of Conduct

11. Members shall in particular observe the following rules when acting as a Member or co-opted Member of the Authority and Members are informed that you:
 - (a) **Do** treat others with respect and courtesy.

7.1.4 In relation to complaints 13001, 13016 and 13017, the standards panel agreed that the subject member had not failed to comply with the Code of Conduct. The relevant sections of the code are:

Part IV: General Principles of Conduct

Part V: Expectations of Conduct:

10. Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Authority and never undertake any action which would bring the Authority, or its Members or officers generally, into disrepute.

Part VI: Rules of Conduct:

11. Members shall in particular observe the following rules when acting as a Member or co-opted Member of the Authority and Members are informed that you:
 - (a) **Do** treat others with respect and courtesy.
 - (b) – (g)
 - (h) **Do not** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
 - (i) – (iv)...
 - (i)
 - (j) **Do not** conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

8. Key Considerations

- 8.1 Complaints alleging that councillors may have breached the members' Code of Conduct are considered, in the first instance, by the monitoring officer. The monitoring officer makes a judgement about how the complaint should be dealt with and consults the independent persons.
- 8.2 In relation to all the complaints that are the subject of this report, the monitoring officer and the independent persons agreed that further consideration would be required in order to determine the facts.
- 8.3.1 Complaint 13026 was made by Mr Russell Pryce, a council officer, against Councillor J. Knipe. The complainant alleged that the subject member had failed to treat the complainant with respect and courtesy. Following consideration by the monitoring officer, the complaint was referred for consideration and determination by a standards panel. The complaint was considered on 9th October 2013 by a standards panel chaired by David Williams, an appointed independent person.
- 8.3.2 The panel considered the facts of the case and the comments of both the complainant and the subject member, and found the subject member to be in breach of the members' Code of Conduct in that he had failed to treat the complainant with respect. The panel made a recommendation that the subject member should be

required to make a public written apology. The report of the independent person is at Appendix 1.

- 8.4.1 Complaint 13022 was made by Mrs Yvonne Coleman, a council officer, against Councillor E. Harvey. The complainant alleged that the subject member had failed to treat her with respect and courtesy, and that the subject member had bullied her. Following consideration by the monitoring officer, the complaint was referred for consideration and determination by a standards panel, and was considered on 10th October 2013 by a standards panel chaired by John Sharman, an appointed independent person.
- 8.4.2 The panel considered the facts of the case and the comments of both the complainant and the subject member, and found the subject member to be in breach of the members' Code of Conduct, in that she had failed to treat the complainant with respect. The panel made a recommendation that the subject member should be required to make a written apology. The report of the independent person is at Appendix 2.
- 8.5.1 Complaint 13020 was made by Mr Andrew Ashcroft, a council officer, against Councillor E. Harvey. The complainant alleged that the subject member had failed to treat him with respect and courtesy. Following consideration by the monitoring officer, the complaint was referred for consideration and determination by a standards panel, and was considered on 10th October 2013 by a standards panel chaired by John Sharman, an appointed independent person.
- 8.5.2 The panel considered the facts of the case and the comments of both the complainant and the subject member, and found that the subject member had not breached of the members' Code of Conduct. The report of the independent person is at Appendix 2.
- 8.6.1 Complaint 13001 was made by Councillor P. Edwards against Councillor G. Vaughan-Powell. The complainant alleged that the subject member had undertaken actions which would bring the authority, or its members or officers generally, into disrepute; disclosed information which was of a confidential nature and failed to treat him with respect and courtesy. Following consideration by the monitoring officer, the complaint was referred for consideration and determination by a standards panel, and was considered on 10th September and 6th November 2013 by a standards panel chaired by Rob Cook, an appointed independent person.
- 8.6.2 The panel considered the facts of the case and the comments of both the complainant and the subject member, and found that the subject member had not breached of the members' Code of Conduct. The report of the independent person is at Appendix 3a and b.
- 8.7.1 Complaint 13016 was made by Councillor A. Bridges against Councillor G. Vaughan-Powell. The complainant alleged that the subject member had undertaken actions which would bring the authority, or its members or officers generally, into disrepute and had failed to treat him with respect and courtesy. Following consideration by the monitoring officer, the complaint was referred for consideration and determination by a standards panel, and was considered on 10th September and 6th November 2013 by a standards panel chaired by Rob Cook, an appointed independent person.

The panel considered the facts of the case and the comments of both the complainant and the subject member, and found that the subject member had not breached of the members' Code of Conduct. The report of the independent person is at Appendix 3a and b.

- 8.8.1 Complaint 13017 was made by Mrs Elizabeth Kelso, the Belmont Rural Parish Clerk, against Councillor G. Vaughan-Powell. The complainant alleged that the subject member had undertaken actions which would bring the authority, or its members or officers generally, into disrepute and had failed to treat her with respect and courtesy. Following consideration by the monitoring officer, the complaint was referred for consideration and determination by a standards panel, and was considered on 10th September and 6th November 2013 by a standards panel chaired by Rob Cook, an appointed independent person.

The panel considered the facts of the case and the comments of both the complainant and the subject member, and found that the subject member had not breached of the members' Code of Conduct. The report of the independent person is at Appendix 3a and b.

9. Community Impact

- 9.1 None identified

10. Equality and Human Rights

The proposal pays due regard to the council's public sector equality duty.

11. Financial Implications

- 11.1 None identified.

12. Legal Implications

- 12.1 Complaints are dealt with in accordance with Chapter 7 of the Localism Act 2011. There is no right of appeal.

13. Risk Management

- 13.1 All complaints received are risk assessed by the monitoring officer in an attempt to reduce the risk of future successful legal challenge. The risk of failure to comply with statutory requirements is addressed within the proposal.

14. Consultees

- 14.1 None

15. Appendices

- 15.1 Appendix 1: report of the standards panel relating to complaint 13026;

Appendix 2: report of the standards panel relating to complaints 13022 and 13020

16. Background Papers

- 16.1 None identified.