

# JOINT STANDARDS COMPLAINTS COMMITTEE

**Date:** 19 June 2013

**Venue:** East Northamptonshire House, Cedar Drive, Thrapston

**Time:** 7.30pm

**Present:** Councillor Andy Mercer (East Northamptonshire Council) (Chairman)

**East Northamptonshire Councillors:**

Bob Nightingale  
David Jenney  
Gill Mercer

**Town and Parish Councillors:**

David Coleman (Rushden Town Council)  
John Greig (Titchmarsh Parish Council)  
Arthur Whittaker (Yarwell Parish Council)

Vivienne Barnard – Independent Person

## **56. CONFIRMATION OF APPOINTMENT OF CHAIRMAN**

It was noted that Councillor Andy Mercer had been appointed as Chairman of the Committee for 2013-14 at the ENC Annual Council meeting in May. In order to meet the requirements of the ENC Constitution regarding the appointment of the Chairman of this Committee set out in Article 9.03, the Committee was asked to confirm the appointment.

**RESOLVED:**

That Councillor Andy Mercer be appointed Chairman of the Joint Standards Complaints Committee for the year 2013-14.

## **57. APPOINTMENT OF VICE-CHAIRMAN**

**RESOLVED:**

That Councillor Arthur Whittaker be appointed Vice-Chairman of the Joint Standards Complaints Committee for the year 2013-14

## **58. CHANGES TO MEMBERSHIP OF THE COMMITTEE AND APPOINTMENTS**

It was noted that Councillor Roy Jakeman had ceased to be a member of the Committee following his resignation as a member of Thrapston Town Council and had been replaced on the Committee by Councillor David Coleman, a member of Rushden Town Council.

It was also noted that Mr Andrew Sortwell had been appointed as the Reserve Independent Person for dealing with complaint matters.

#### **59. MINUTES**

The minutes of the meeting of the Joint Standards Complaints Committee held on 30 January 2013 were approved and signed by the Chairman.

#### **60. APOLOGIES FOR ABSENCE**

Apologies for absence were received from ENC Councillors Pauline Bradberry JP and Brian Northall; Town and Parish Councillors Mike Clements (Raunds Town Council) Fiona Cowan (Collyweston Parish Council) Paul King (Oundle Town Council) Derek Lawson (Higham Ferrers Town Council) and Andrew Sortwell (the Reserve Independent Person).

The Monitoring Officer reported that ENC Councillor Michael Finch had recently resigned from the Council and as a result, there was an ENC vacancy on the Committee. This would be considered once the election for the vacancy on the Council had been held on 25 July 2013.

#### **61. DECLARATIONS OF INTEREST AND QUESTIONS**

There were no declarations of interest and no questions had been received under procedure rule 10.3.

#### **62. REQUESTS FOR DISPENSATIONS**

The Monitoring Officer reported that no requests for Dispensations had been received since the last meeting of the Committee.

#### **63. ACTIVITY REPORT OF THE MONITORING OFFICER**

The Monitoring Officer submitted a report outlining activity in relation to the Standards Framework in the period January to June 2013.

It was noted that the 94% return of Registers of Interest from Town and Parish Councils was particularly good in comparison to other Districts. Two Parish Councils were noted to have made poor returns. Following contact from the Monitoring Officer, the Clerk to Deene Parish Council was chasing the completion of returns by these Parish Councillors. The Monitoring Officer would also be contacting Tywell Parish Council as no returns had been received from that Council. There were also a small number of outstanding returns from Irthlingborough and Rushden Town Councils which appeared to be a result of recent co-options to those Councils which had not been communicated to the Monitoring Officer.

All Town and Parish Councils in the District had now adopted a Code of Conduct, with five choosing to adopt the National Association of Local Councils Code and the remainder the ENC Code.

A summary of four complaints which had been addressed under the current process was submitted. The Committee noted the role that mediation could have in addressing complaints, but expressed some concern at the cost involved, with the provider with whom

the Council had a contract charging £425 per case. The Monitoring Officer sought the Committee's views on how far ENC should go in seeking to recharge costs to Town and Parish Councils where the complaint was against one of their Members. However, the Committee were also concerned that this could represent a significant proportion of a Parish Council's budget and there was a risk that individual Members might not properly defend an allegation to avoid their Council incurring significant costs. In view of the cost implications of using a mediation service, Mrs Barnard, the Independent Person, enquired whether there were suitable "in-house" mediation facilities available as most cases would not require high-level mediation skills.

It was noted that ENC was under a legal duty to provide the Monitoring Officer with the necessary resources to carry out statutory functions. The Chairman suggested that a report should be submitted to ENC's Policy and Resources Committee seeking the approval of an appropriate budget to fund mediation and investigation costs if required by the Monitoring Officer. The Monitoring Officer would report back to the Committee on the legal and other implications of recharging Town and Parish Councils for mediation work to address complaints against Town and Parish Councillor, together with options for providing mediation services.

The Council's Independent Person (Mrs Vivienne Barnard) had attended a workshop for people carrying out the role and a summary of the issues covered was submitted.

The Monitoring Officer reported that three training sessions had been held for Town and Parish Councils on the current Standards Framework. The Committee expressed their concern that some Town and Parish Councillors were not availing themselves of the training being offered and were therefore not properly acquainted with the requirements of the Standards Framework.

**RESOLVED:** That

- i) The report be noted
- ii) The Monitoring Officer be authorised to secure the necessary funding for the provision of mediation services to address complaints made under the Standards Framework from underspends in the ENC budget.

#### **64. REVIEW OF STANDARDS ARRANGEMENTS**

The Monitoring Officer submitted a report providing details of the changes to the definitions in the Nolan Principles of Public Life which would require the ENC Code of Conduct to be reviewed to ensure compatibility. The changes were not so significant as to make wholesale changes to the Code a necessity.

It had been agreed when the current complaint assessment arrangements had been adopted that a review would be carried out after 12 months to ensure that the arrangements were working appropriately. There had, however, been only a few complaints assessed under the current arrangements.

The Committee were of the view that as there had been so few issues raised under the current Standards Framework, more evidence needed to be gathered before a review was carried out.

**RESOLVED:**

That a review of the ENC Code of Conduct and complaints process be carried out in 12 months' time.

**Chairman**