

JOINT STANDARDS COMPLAINTS COMMITTEE

Date: 16 July 2014

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 7.30pm

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

East Northamptonshire Councillors:

Pauline Bradberry JP
David Jenney

Sylvia Hobbs
Bob Nightingale

Town and Parish Councillors:

David Coleman	(Rushden Town Council)
John Greig	(Titchmarsh Parish Council)
Derek Lawson	(Higham Ferrers Town Council)
Arthur Whittaker	(Yarwell Parish Council)

Vivienne Barnard	Independent Person
Andrew Sortwell	Reserve Independent Person

89. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED:

That Councillor Mike Clements be appointed Vice-Chairman of the Joint Standards Complaints Committee for the year 2014-15

90. MINUTES

The minutes of the meeting of the Joint Standards Complaints Committee held on 29 January 2014 were approved and signed by the Chairman.

91. APOLOGIES FOR ABSENCE

Apologies for absence were received from ENC Councillor Colin Wright and Parish Councillor Fiona Cowen (Collyweston Parish Council).

92. DECLARATIONS OF INTEREST

The following interest was declared in the Agenda items specified below:

Councillor	Agenda item	Nature of Interest	DPI	Other Interest
Mike Clements	Activity Report of the Monitoring Officer	Party involved in complaints referred to in report		Yes

93. QUESTIONS SUBMITTED UNDER PROCEDURE RULE 10.3

There were no questions submitted under Procedure Rule 10.3.

94. REQUESTS FOR DISPENSATIONS

The Monitoring Officer reported that one dispensation request had been received, but as this had not been connected to a Disclosable Pecuniary Interest, the Monitoring Officer had been unable to consider it. The details of the request were contained in the activity report.

95. ACTIVITY REPORT OF THE MONITORING OFFICER

The Monitoring Officer submitted a report outlining activity in relation to the Standards Framework in the period from the last meeting of the Committee in January 2014 to date.

The Monitoring Officer reported that there were 17 outstanding register of interest forms for Town and Parish Councillors, representing a 95% return rate. The Monitoring Officer was aware of 18 vacancies in Town and Parish Councils within the District.

Under the Localism Act 2011, Parish Councils were required to publish their own Registers of Interest where the Parish Council operated its own website. Despite being reminded of this requirement by the Monitoring Officer, only 7 Parish Councils had complied with it and 15 websites still did not display the required information. The Monitoring Officer would be contacting Clerks again to ensure that they were aware of the requirement.

Since the last meeting of the Committee, 26 enquiries had been made with the Monitoring Officer or the Deputy Monitoring Officers and five new complaints had been received. A summary of the nature of the complaints was provided.

RESOLVED:

That the report be noted

96. REVIEW OF STANDARDS ARRANGEMENTS

The Committee considered a report of the Monitoring Officer on the current standards arrangements which had been in operation for two years, and the key issues that had arisen during this period. Changes to the definitions of the Nolan Principles of Public Life were noted together with recommendations arising from a legal review of the Constitution and the Committee was asked to determine whether any changes should be made as a result.

A summary of the 13 complaints which had been received since July 2012 was provided, together with the outcome of those complaints or their current position in the complaints procedure. The average length of time from notification of the complaint to the outcome of the initial assessment being notified to the complainant was 31 working days.

It was considered that inviting a Councillor complained against to make an apology at an early stage in the process, without making any judgement as to whether a breach of the Code of Conduct had occurred, might lead to the withdrawal of some complaints.

The Monitoring Officer undertook to examine whether there were implications for the timescales for completing the various stages of the complaints process arising from changes to European Union Service Directives and would advise the Committee in due course.

Members considered that the Council's Code of Conduct should be revised to take account of the amendments made to the Nolan Principles and the legal review and Town/Parish Councils would be invited to adopt this revised Code. It was noted that Town/Parish Councils which had adopted the current ENC Code and declined to adopt the revised Code would continue to have the current Code in place. In addition there were Councils which had adopted the NALC Code of Conduct, and that this could therefore result in three Codes of Conduct being in place within the East Northamptonshire District.

RESOLVED: That

- i) the ENC Code of Conduct be strengthened to reflect the revised wording of the Nolan Principles and the Legal Review
- ii) the Monitoring Officer, in consultation with the Chairman of the Committee, be authorised to compose the revisions to the Code of Conduct and Constitution

RESOLVED TO RECOMMEND TO THE GOVERNANCE AND AUDIT COMMITTEE: That

- i) subject to any necessary grammatical corrections being made and the amendment set out below, the amendments to Parts 5.1 and 9 of the Constitution set out in Appendix C to the report be approved

Part 9, Annex 1 - Section 3 (d)

Revise to provide clarity that complaints need not be referred to the relevant Group Leader or local party branch where it is not in the interests of ensuring a satisfactory outcome to the complaint or where no such party network exists.

Where complaints are referred to a Group Leader or local party branch, the Monitoring Officer to request that they be provided with the outcome of the complaint.

Chairman