JOINT STANDARDS COMPLAINTS COMMITTEE

Date: 19 July 2017
Venue: East Northamptonshire House, Cedar Drive, Thrapston
Time: 7.30pm
Present: East Northamptonshire Councillors:
Rosalie Beattie  Gill Mercer
Andy Mercer  Rupert Reichhold

Town and Parish Councillors:
Fiona Cowen  (Colleyweston Parish Council)
Dave Munday  (Stanwick Parish Council)
Roy Sparkes  (Oundle Town Council)
Robert Tyman  (Raunds Town Council)
Arthur Whittaker  (Yarwell Parish Council)
Adrian Winkle  (Irhlingborough Town Council)
Vivienne Barnard  Independent Person
Andrew Sortwell  Reserve Independent Person

107. **APPOINTMENT OF CHAIRMAN**

RESOLVED:

That Councillor Andy Mercer be appointed Chairman of the Committee for the 2017/18 Municipal Year.

108. **APPOINTMENT OF VICE-CHAIRMAN**

RESOLVED:

That Councillor Arthur Whittaker be appointed Vice-Chairman of the Committee for the 2017/18 Municipal Year.

109. **MINUTES**

The minutes of the meeting of the Joint Standards Complaints Committee held on 23 March 2017 were approved and signed by the Chairman.

110. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from ENC Councillors Annabel de Capell Brooke, David Jenney and Lance Jones and Councillor Derek Lawson (Higham Ferrers Town Council).
111. **DECLARATIONS OF INTEREST**

No declarations of interests were made.

112. **QUESTIONS SUBMITTED UNDER PROCEDURE RULE 10.3**

There were no questions submitted under Procedure Rule 10.3.

113. **REQUESTS FOR DISPENSATIONS**

No requests for dispensations had been made.

114. **ACTIVITY REPORT OF THE MONITORING OFFICER**

The Monitoring Officer submitted a report outlining activity in relation to the Standards Framework covering the period from the last meeting of the Committee in March 2017 to date. There had been an increase in the number of enquiries relating to potential standards complaints and the usual steady stream of enquiries in relation to declaration of interests at meetings and miscellaneous governance issues.

Since the last meeting, two new formal complaints had been received and the Initial Assessment stage completed. A further complaint had been referred for investigation.

Of the eight complaints under investigation at the time of the last report, one had been resolved after an investigation which found no case to answer. The draft report on the six complaints reported to the last meeting which related to issues at the same Parish Council was still awaited and the efforts were being made to expedite the report being issued by the investigator. The other complaint remained at the investigation stage.

Of the two complaints which were at the Initial Assessment stage at the time of the last report, one had been referred for investigation and one referred for other action.

The Monitoring Officer also reported that she had recently attended the LLG Monitoring Officers Conference which had incorporated a session on the use of social media by councillors. It was anticipated that this would facilitate the production of Social Media guidance by the Northamptonshire Monitoring Officer Group.

The training had also highlighted the need to change the way in which information about complaints (which might include sensitive personal data) was shared with the Chairman and Vice-Chairman and Independent Persons in preparation for the introduction of the General Data Protection Regulations next May and discussions would be held with those affected to agree an appropriately secure route.

The Monitoring Officer also reported that the Committee on Standards in Public Life intended to carry out a review of local government standards and would consult on specific areas to be included in the review. A report would be submitted to the next meeting of the Committee seeking Members’ views on the response to be made to the consultation.

The Monitoring Officer reported that due to the continuing workload arising from standards complaints, an external solicitor, Mr Jonathan Goolden, had been appointed as a Deputy Monitoring Officer to undertake some of this work.
RESOLVED:

That the report be noted.

(Reason: No further action or decisions are required as a result of this report).

115. REQUEST TO EXTEND THE APPEAL PERIOD AFTER INITIAL ASSESSMENT

The Monitoring Officer reported that she had determined a complaint at the Initial Assessment stage of complaints procedure as being resolved by "other action" in the form of the Member complained against undertaking training.

The Monitoring Officer outlined the circumstances of notifying the decision to the Member complained against which had led to a request being made for an extension of time to submit an appeal. As there was no provision in Part 9 of the Constitution for the Monitoring Officer to extend the appeal period, the matter had been brought to the attention of the Committee, although the Committee also did not have any powers under Part 9 to extend appeal periods.

The provisions of Part 9 relating to the communication of decisions were set out and legal advice on the Court’s approach to the timing and format of communications had been obtained. A copy of the advice obtained was submitted to the Committee.

The Monitoring Officer had been advised that other Councils in the County did not have appeal rights at the initial assessment stage of their complaint procedures.

The Committee noted the general principle established in law that documents sent by first class post were deemed to have been served within 2 working days of posting.

The Committee were of the view that any extension of time requested before the expiry of the deadline ought to be viewed more favourably than a request made after the deadline had expired and those involved in complaints should give appropriate priority to completing the processes involved within the timescales specified.

The Committee was requested to consider options for revising the appeal rights contained in Part 9 and the circumstances where an extension of time for submitting an appeal might be granted.

It was noted that it would not be practicable to involve the Committee in determining requests for extensions to appeal deadlines as it met only three times per year.

RESOLVED TO RECOMMEND TO THE GOVERNANCE AND AUDIT COMMITTEE:

That Part 9 of the Council’s Constitution be amended to include

i) the Monitoring Officer being given delegated authority to extend appeal periods in extenuating circumstances (such as satisfactorily evidenced illness, holiday or ICT issues) with such extensions being granted only after consultation with the Chairman or Vice-Chairman of the Joint Standards Complaints Committee as appropriate and the Independent Person or Reserve Independent Person.
ii) where primary communication (i.e. notification of decisions and completion of stages in the complaints procedure) is made by e-mail, this should be accompanied by a letter sent by first class post.

(Reason: To ensure that the procedure followed for Complaints against Councillors is proportionate and fair.)

RESOLVED: That

i) the current appeal rights at the Initial Assessment stage of the Council’s complaint procedure set out in Part 9 of the Constitution be maintained.

ii) the Committee is of the view that there are no grounds to justify the extension of the time limit for the submission of an appeal in the case set out in the report.

(The Independent Person wished it to be recorded that she supported this decision)

(Reason: To enable a response to be given to the councillor in relation to their request for an appeal)

Chairman