

JOINT STANDARDS COMPLAINTS COMMITTEE

Date: 21 November 2018

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 7.30pm

Present: Councillor Dave Munday (Chairman)
Councillor Gill Mercer (Vice-Chairman)

East Northamptonshire Councillors:

Roger Powell Robin Underwood

Town and Parish Councillors:

Nigel Rudd (Warmington Parish Council)
Roy Sparkes (Oundle Town Council)
Robert Tyman (Raunds Town Council)
Arthur Whittaker (Yarwell Parish Council)

Vivienne Barnard (Independent Person)
Andrew Sortwell (Reserve Independent Person)

284. ELECTION OF VICE-CHAIRMAN FOR THE REMINDER OF 2018/19 MUNICIPAL YEAR

RESOLVED:

That Councillor Gill Mercer be elected Vice Chairman of the Joint Standards Complaints Committee Chairman of the Joint Standards Complaints Committee for the 2018/19 Municipal Year

285. MINUTES

The minutes of the meeting of the Joint Standards Complaints Committee held on 18 July 2018 were approved as an accurate record and signed by the Chairman.

286. APOLOGIES FOR ABSENCE

Apologies for absence were received from East Northamptonshire Councillors Rosalie Beattie, Annabel de Capell Brooke, Lance Jones, Rupert Reichhold and Councillor Adrian Winkle (Irthlingborough Town Council).

287. DECLARATIONS OF INTEREST

No declarations of interests were made.

288. QUESTIONS SUBMITTED UNDER PROCEDURE RULE 10.3

There were no questions submitted under Procedure Rule 10.3.

289. REQUESTS FOR DISPENSATIONS

No requests for dispensations had been made.

290. ACTIVITY REPORT OF THE MONITORING OFFICER

The Monitoring Officer submitted a report which provided a brief update on Monitoring Officer activity covering the period from the last meeting of the Committee in July 2018 to date.

The report also noted a possible addition to the advice in relation to consideration of complaints (to Annex 1 to Part 9 of the constitution) to cover situations where a councillor resigned from office between a formal complaint being received and the end of the relevant stage of the complaints process.

Since the last meeting there had been no change in the overall level of enquires in relation to declarations of interest and Parish Council governance questions. Five new potential complaints had been received, none of which had resulted in a formal complaint so far.

The Monitoring Officer was pleased to confirm that all the outcomes specified by the Hearing Panel in relation the complaint where a breach had been found had now been delivered and that complaint had been closed. One complaint remained at Hearing Stage, with a date to be set as soon as possible.

In discussing the complaints process (Annex 1, Part 9 of the constitution), members were mindful of the wider public interest against the cost to the public purse of pursuing formal complaints, but also considered that where a councillor had resigned from office there were likely to be some cases whereby delaying consideration beyond a period of one year could be justified, in case the Councillor should return to office subsequently.

RESOLVED:

- i) That the report be noted;

RESOLVED TO RECOMMEND TO GOVERNANCE & AUDIT COMMITTEE:

- ii) That the following amendment to Annex 1 to Part 9 of the Constitution be approved in respect of section 3(e):-

- (e) Where the councillor(s) complained about resigns from office before or during the complaints process, consideration will be given to the public interest in the complaint process continuing or not. This wider public interest will include the potential impact and seriousness of the offence and the effectiveness of any sanctions that might be appropriate if breach were to subsequently be found.

This wider public interest will be weighed against the potential value for money for the public purse in taking any further action. In particular where an investigation is (or has been) recommended, it may be decided that either:

- i) the investigation may be completed to the stage where either a case to answer is or is not found, regardless of the co-operation or participation of the councillor(s) complained about;
- or
- ii) the start of the investigation may be delayed up to a maximum of a year, in case the councillor(s) returns to office in that time; or in exceptional circumstances, be delayed for a longer period if considered appropriate by the Monitoring Officer, following consultation with the Chairman, Vice-Chairman and Independent Member of the Committee.

(Reason: to provide further guidance in relation to the assessment of complaints in relation to the Councillor Code of Conduct).

Chairman