

STANDARDS COMMITTEE

Minutes of the meeting held on 9 February 2016 commencing at 7.00 pm

Present: Cllr. Gaywood (Chairman)

Cllr. Ball (Vice Chairman)

Cllrs. Bosley, Mrs. Morris and Reay

An apology for absence was received from Cllr. McGregor

WELCOME

The Chairman welcomed John Linehan, the appointed Independent Person for Code of Conduct complaints and Elaine Jackson, the reserve Independent Person, to the meeting.

1. Minutes

Resolved: That the minutes of the Committee held on 22 January 2015 be agreed and signed as a correct record.

2. Declarations of interest

There were no additional declarations of interest.

3. Monitoring Officer's Annual Report

The Monitoring Officer presented her eleventh Annual Report, which provided an overview of the work of the Monitoring Officer, the Standards Committee and the general governance arrangements within the Council during 2015. Although there had been 18 complaints made to the Local Government Ombudsman over the year, only one was upheld, which was due to a delay within the Council. No compensation payments had been made and there was no finding of maladministration. Members were notified that ethical standards at the Council were high and the Council had remained lawful.

The Monitoring Officer provided details on the six complaints of Member misconduct received during 2015 and summarised within the report. Five of the complaints related to Town or Parish Councils and one to a District Councillor but one had subsequently been withdrawn by the complainant and none of the complaints had gone forward for investigation. Member training and development had continued to be well received and the Council had 17 new Members following the elections in May 2015. Members had also received guidance on completing their Register of Interest forms following the election. Members were advised that there were no ethical problems with any Member of the Council or the Parish or Town Councils.

A Member enquired how long each complaint of Member misconduct took to process. Officers advised that each investigation took approximately four hours, which was

considerably less than the time taken to deal with complaints prior to the reforms of Localism Act 2011.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That the report be noted and recommended to Council.

4. Interpretation of Disclosable Pecuniary Interests

The Monitoring Officer introduced a report which detailed the first prosecution and conviction of a Member under the Disclosable Pecuniary Interest (DPI) provisions within Localism Act. The Member of East Dorset District Council was convicted for participation in a matter at a meeting in which he had a DPI, without reasonable excuse, having been referred to the Police by the Monitoring Officer. The meeting related to details of a proposed Core Strategy to which a housing charity had sent a consultation response. The Member was a non-executive director of the charity and had previously been remunerated by them.

The Monitoring Officer highlighted that the Councillor had not gained personally from the decision made at the meeting. The decision appeared to create uncertainty as it was contrary to Government guidance which stated that an interest would only be a Disclosable Pecuniary Interest if the interest directly affected property owned by the Member and the decision had direct financial repercussions for the Member. The Government's interpretation had not changed but Monitoring Officers across Kent had voiced concerns at how to advise Members following this case.

Members' attention was brought to the judge's comments for how the Member could have responded in this matter. The judge had commented that the defendant Member could have requested a Dispensation to take part in the meeting or could have consulted the Monitoring Officer for advice. The Monitoring Officer advised that she would contact all Members of the Council to advise them of the implications of the case.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That the report be noted.

VOTE OF THANKS

The Committee noted that it was Christine Nuttall's last meeting of the Standards Committee as Monitoring Officer and thanked her for her years of service to the Council.

THE MEETING WAS CONCLUDED AT 7.42 PM

CHAIRMAN