



NOTTINGHAM CITY COUNCIL
STANDARDS COMMITTEE

Date: Wednesday, 27 September 2017

Time: 10.00 am

Place: LH 3.19 - Loxley House, Station Street, Nottingham, NG2 3NG

Councillors are requested to attend the above meeting to transact the following business

Corporate Director for Strategy and Resources

Governance Officer: Nancy Barnard **Direct Dial:** 0115 8764312

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|----------|------------------------------------------------------------------------------------------------|---------|
| 1 | APOLOGIES FOR ABSENCE | |
| 2 | DECLARATIONS OF INTEREST | |
| 3 | MINUTES
Last meeting held on 29 June 2017 (for confirmation) | 3 - 6 |
| 4 | ESTABLISHMENT OF A STANDARDS HEARINGS SUB-COMMITTEE
Report of the Monitoring Officer | 7 - 12 |
| 5 | COUNCILLOR COMPLAINTS - 12 MONTH REVIEW
Report of the Monitoring Officer | 13 - 16 |

IF YOU NEED ANY ADVICE ON DECLARING AN INTEREST IN ANY ITEM ON THE AGENDA, PLEASE CONTACT THE GOVERNANCE OFFICER SHOWN ABOVE, IF POSSIBLE BEFORE THE DAY OF THE MEETING

CITIZENS ATTENDING MEETINGS ARE ASKED TO ARRIVE AT LEAST 15 MINUTES BEFORE THE START OF THE MEETING TO BE ISSUED WITH VISITOR BADGES

CITIZENS ARE ADVISED THAT THIS MEETING MAY BE RECORDED BY MEMBERS OF THE PUBLIC. ANY RECORDING OR REPORTING ON THIS MEETING SHOULD TAKE PLACE IN ACCORDANCE WITH THE COUNCIL'S POLICY ON RECORDING AND REPORTING ON PUBLIC MEETINGS, WHICH IS AVAILABLE AT

WWW.NOTTINGHAMCITY.GOV.UK. INDIVIDUALS INTENDING TO RECORD THE MEETING ARE ASKED TO NOTIFY THE GOVERNANCE OFFICER SHOWN ABOVE IN ADVANCE.

NOTTINGHAM CITY COUNCIL

STANDARDS COMMITTEE

MINUTES of the meeting held at LH 0.06 - Loxley House, Station Street, Nottingham, NG2 3NG on 29 June 2017 from 3.30 pm – 3.51 pm

Membership

Present

Councillor Georgina Culley
Councillor Wendy Smith
Councillor Chris Tansley (Chair)
Councillor Jane Urquhart (Vice Chair)

Absent

Councillor Graham Chapman
Councillor Jon Collins
Councillor Ginny Klein

Councillor Leslie Ayoola
Councillor Neghat Khan

Colleagues, partners and others in attendance:

Nancy Barnard - Governance Manager
Nigel Cullen - Independent Person for Standards
Glen O'Connell - Monitoring Officer
Malcolm Townroe - Director of Legal and Governance

1 APPOINTMENT OF CHAIR

RESOLVED to appoint Councillor Chris Tansley as Chair for the 2017/18 Municipal Year.

2 APPOINTMENT OF VICE CHAIR

RESOLVED to appoint Councillor Jane Urquhart as Vice-Chair for the 2017/18 Municipal Year.

3 APOLOGIES FOR ABSENCE

Councillor Graham Chapman – leave (Councillor Leslie Ayoola substituting)
Councillor Jon Collins – other Council business (Councillor Neghat Kahn substituting)
Councillor Ginny Klein - leave

4 DECLARATIONS OF INTEREST

None.

5 TERMS OF REFERENCE

The Committee noted its terms of reference.

6 THE ROLE OF THE STANDARDS COMMITTEE AND THE INDEPENDENT PERSON

Glen O'Connell, Monitoring Officer, introduced Nigel Cullen, the Council's Independent Person for Standards, to the Committee. Nigel was appointed to this role by Council in May and whilst he had no formal role at this meeting he has a statutory advisory role in any complaints made that a Councillor or Co-opted member has breached the Code of Conduct.

The Monitoring Officer then presented his report to the Committee highlighting the following points:

- a) The current Standards regime differs significantly from the previous one. Previously serious cases of Councillor misconduct were dealt with by the Standards Boards for England which could impose sanctions including suspension and resultant withdrawal of allowances. Under the new regime failure to disclose a Disclosable Pecuniary Interest is a criminal offence and will be dealt with by the Police while other allegations of breaches of the code will be dealt with by Local Authorities themselves. Local Authorities have a limited range of sanctions available to them if it is found that a breach has occurred including withdrawal of Council facilities, removal from committees/ positions and public censure.
- b) The Standards Committee will be involved in individual complaints that the Code of Conduct has been breached only after an informal process of assessment of the complaint and attempts at informal resolution has been followed by the Monitoring Officer. This process will involve the Independent Person who will act as a source of independent, third party advice for both the Monitoring Officer and the Councillor who is the subject of the complaint. If informal resolution is not possible cases will be heard by the full Standards Committee or by a sub-committee appointed for that purpose.
- c) There is no appeal process as part of the procedure though most Council processes can be subject to complaints to the Local Government Ombudsman and/or to Judicial Review.
- d) Training on the principles of natural justice will be provided to councillors prior to any involvement in hearing complaints.
- e) The Standards Committee is a committee of Council and therefore access to information rules apply. This also applies to any sub-committee meetings. Meetings will take place in public unless the public interest in holding the meeting in private session outweighs the public interest in holding it openly. The decisions of the Committee will also be published.
- f) It is intended that this committee will meet in full at least twice per year to consider reports of the Monitoring Officer on Standards related issues including reports on complaints received which have not proceeded to the stage of a Standards Committee hearing.

RESOLVED to:

(1) Note the role of the Committee and the Independent Person,

- (2) Approve the procedure for managing complaints that allege a Councillor or Co-opted Member has breached the Code of Conduct,**
- (3) Note the intention to publish the approved complaints procedure, together with a simplified version advising citizens how to complain, on the Council's website,**
- (4) Defer the decision on whether to appoint a Standards (Hearings) Sub-Committee to consider any complaints that a Councillor or Co-opted Member has breached the Code of Conduct to a future meeting.**

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STANDARDS COMMITTEE – 27 SEPTEMBER 2017

Title of paper:	Establishment of a Standards Hearings Sub-Committee	
Director(s)/ Corporate Director(s):	Malcolm Townroe, Monitoring Officer	Wards affected: All
Report author(s) and contact details:	Nancy Barnard, Governance Manager Nancy.barnard@nottinghamcity.gov.uk 0115 876 4312	
Other colleagues who have provided input:		
Date of consultation with Portfolio Holder(s) (if relevant)		
Relevant Council Plan Key Theme:		
Strategic Regeneration and Development		<input type="checkbox"/>
Schools		<input type="checkbox"/>
Planning and Housing		<input type="checkbox"/>
Community Services		<input type="checkbox"/>
Energy, Sustainability and Customer		<input type="checkbox"/>
Jobs, Growth and Transport		<input type="checkbox"/>
Adults, Health and Community Sector		<input type="checkbox"/>
Children, Early Intervention and Early Years		<input type="checkbox"/>
Leisure and Culture		<input type="checkbox"/>
Resources and Neighbourhood Regeneration		<input checked="" type="checkbox"/>
Summary of issues (including benefits to citizens/service users):		
This report asks the Committee to approve the establishment of a Sub-Committee to hear any complaints that a Councillor or Co-opted Member has breached the Code of Conduct which reach the stage of a formal hearing.		
Recommendation(s):		
1	To approve the establishment of a Standards Hearing Sub-Committee.	
2	To agree the terms of reference (attached as Appendix A) for the Sub-Committee.	
3	To note that the Constitutional Amendment required by the establishment of this Committee will require approval by Council in November.	

1 REASONS FOR RECOMMENDATIONS

- 1.1 To ensure that complaints that a Councillor or Co-opted Member has breached the Code of Conduct can be heard as efficiently and effectively as possible.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 One of the responsibilities of the Standards Committee is to hear complaints which allege a Councillor or Co-opted Member has breached the Code of Conduct. At its last meeting this Committee agreed the process which would be followed in considering such complaints.

- 2.2 In order to ensure cases can be heard efficiently and to avoid having to convene a meeting of the entire committee it is proposed that a Sub-Committee is established to conduct the hearings. This would also allow for flexibility of membership on the Panel should any members of the full committee have had any prior involvement with the case under consideration.
- 2.3 The draft terms of reference for the Sub-Committee are attached as Appendix A.
- 2.4 Committees of Council such as the Standards Committee are able to establish sub-committees to carry out their functions but only Council has the authority to amend the Council's Constitution to formally incorporate sub-committees into the Council's governance arrangements. If agreed, a report will be taken to November's Full Council meeting asking Council to approve the inclusion of the Sub-Committee in the Constitution.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 Hearings could be conducted by the full committee. This option was rejected for the reasons outlined above.

4 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)

- 4.1 This report has no financial implications.

5 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

- 5.1 Local Authorities are required by the Localism Act 2011 and subsequent regulations to have arrangements in place to consider complaints that a Councillor or Co-opted Member have breached the Code of Conduct. The proposals outlined above offer an efficient means of complying with the requirements.

6 STRATEGIC ASSETS & PROPERTY COLLEAGUE COMMENTS (FOR DECISION RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE) (AREA COMMITTEE REPORTS ONLY)

- 6.1 None

7 EQUALITY IMPACT ASSESSMENT

- 7.1 Has the equality impact of the proposals in this report been assessed?

No



An EIA is not required because:

(Please explain why an EIA is not necessary)

An EIA is not required because the establishment of the Sub-Committee does not require and change to policy.

8 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

8.1 None

9 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

9.1 Reports to and minutes of the meeting of the Standards Committee held on 29 June 2017

Localism Act 2011 and subsequent regulations.

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Draft Terms of Reference

Standards Hearings Sub-Committee

- a) to hear cases in accordance with the Council's procedure for dealing with complaints about Councillors' and co-opted members' conduct;
- b) to decide whether to uphold complaints made against Councillors and Co-opted Members having first considered the views of the Council's Appointed Independent Person;
- c) to determine what action to take based upon the outcome of the hearing.

The Sub-Committee is accountable to the Standards Committee.

The Sub-Committee has 5 members (politically balanced) who must be members of the Standards Committee.

The quorum for the Sub-Committee is three.

If a single case is heard over more than one meeting, the same Sub-Committee members must be present at all meetings. If exceptional circumstances mean this is not possible the Monitoring Officer will decide how to proceed.

The Committee meets as and when required.

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STANDARDS COMMITTEE - 27 SEPTEMBER 2017

Title of paper:	Councillor Complaints – 12 Month Review	
Director(s)/ Corporate Director(s):	Malcolm Townroe, Monitoring Officer	Wards affected: All
Report author(s) and contact details:	Nancy Barnard, Governance Manager Nancy.barnard@nottinghamcity.gov.uk 0115 876 4312	
Other colleagues who have provided input:		
Date of consultation with Portfolio Holder(s) (if relevant)		
Relevant Council Plan Key Theme:		
Strategic Regeneration and Development		<input checked="" type="checkbox"/>
Schools		<input type="checkbox"/>
Planning and Housing		<input type="checkbox"/>
Community Services		<input type="checkbox"/>
Energy, Sustainability and Customer		<input type="checkbox"/>
Jobs, Growth and Transport		<input type="checkbox"/>
Adults, Health and Community Sector		<input type="checkbox"/>
Children, Early Intervention and Early Years		<input type="checkbox"/>
Leisure and Culture		<input type="checkbox"/>
Resources and Neighbourhood Regeneration		<input type="checkbox"/>
Summary of issues (including benefits to citizens/service users):		
The Committee has a role in monitoring complaints that Councillors or Co-opted Members have breached the Code of Conduct. This report provides a summary of complaints made about Councillors and resolved informally over the last 12 months for information.		
Recommendation:		
1	That the Committee considers and notes the monitoring information.	

1 REASONS FOR RECOMMENDATIONS

- 1.1 The terms of reference of the Standards Committee require the Monitoring Officer to submit a report on the above matters to inform any work the Committee might carry out in relation to Councillor Standards and the Code of Conduct.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 Appendix A to this report summarises the nature and outcome of complaints made against councillors over the last 12 months. None of the complaints reached the formal stage of consideration and were resolved informally. All complainants are offered the opportunity to escalate the complaint if they are not satisfied with the outcome. No complaints have been escalated in the last 12 months.

2.2 Glen O'Connell was the Council's Monitoring Officer for most of the last 12 months until his retirement on 10 July 2017 at which point Malcolm Townroe took up the position.

2.3 The Committee is asked to note the information contained in the appendix.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

3.1 The Committee's terms of reference place a responsibility on the Committee to consider a Monitoring Officer report on Councillor Complaints every year. Therefore no other options were considered.

4 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)

4.1 There are no financial implications to this report

5 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

5.1 There are no legal or procurement implications to this report.

6 STRATEGIC ASSETS & PROPERTY COLLEAGUE COMMENTS (FOR DECISION RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE) (AREA COMMITTEE REPORTS ONLY)

6.1 There are no property implications to this report.

7 EQUALITY IMPACT ASSESSMENT

7.1 Has the equality impact of the proposals in this report been assessed?

No



An EIA is not required because the report does not propose a change to council policy.

8 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

8.1 None

9 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

9.1 None

Date complaint received	Summary of Allegations	Action Taken	Outcome of Complaint
01/09/2016	Rude behaviour and asking inappropriate questions of a constituent.	Complaint investigated. Witnesses provided evidence. Councillor confirmed did not intend to be rude and apologised for any unintended offence.	No further action.
19/09/2016	Councillors had not responded fully to a constituent's concerns. The constituent's details had been shared between the two Councillors without her consent resulting in an unwanted visit.	Complaint investigated. Both Councillors apologised for any unintended offence caused. The Councillor who visited confirmed that this was during a planned ward walk rather than in response to any other information	No further action
31/10/2016	A Councillor had provided support to a constituent which conflicted with a position held by that Councillor. The Councillor used their position to inappropriately influence the matter.	Complaint investigated. Support offered by the Councillor was appropriate. No evidence that the Councillor had had any involvement with the matter other than this.	No further action
09/05/2017	A Councillor had failed to respond to a constituent and keep an appointment.	Complaint investigated. Councillor had taken action but had not informed the constituent and apologised for this. Constituent was visited by the Councillor as part of a ward walk.	No further action

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