

STANDARDS COMMITTEE – HEARING PANEL

THURSDAY 27 JULY 2017

Members Present: Councillors David Bird (Chair), Carol Chisholm and William Evans and Barry Parsonage (Independent Person)

Officers Present: Caroline Elwood (Interim Governance Manager), Dianne Scambler (Democratic Services Officer)

1. Apologies for absence

None.

2. Declarations of Interest

None.

3. Exclusion of Press and Public

That press and public be excluded from the rest of the meeting by virtue of paragraph(s) 7c of Part 1 of Schedule 12A of the Local Government Act 1972. The deliberations of a standards committee or of a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.

4. Initial Assessment Hearing

The Panel received a report of the Interim Governance Manager which outlined the decision of the Interim Monitoring Officer to refer to the Panel the initial assessment of four complaints against five members, initiated by the Scrutiny Committee following their review of the licensing function last year.

The Panel considered and reviewed the report and appendices including the written representations from each of the five members, and having had regard to the Council's assessment criteria set out in Appendix A of the Councils Investigation and Hearing Procedure, reached a decision on each of the four findings of the Scrutiny Committee which relates to all five members.

- a) **That the actions taken by Cabinet Members and the Monitoring Officer were not constitutional in that no formal meetings of the Cabinet were held, no record or note of any decisions were made.**

The Panel concluded that whilst there may have been actions by the members which were not in accordance with the Council's Constitution, particularly around the lack of formal decision making, there were extenuating circumstances. This included the sensitivity of the subject matter, the urgency of the situation and its potential severity. In addition members were entitled to assume that both the Council's Monitoring Officer and Chief Executive would give timely and appropriate advice in relation to compliance with correct procedural processes.

The written representation of one member expressed the view that much of the criticism resulted from a confusion of language around Cabinet Meetings and "meetings of cabinet members". The panel had some sympathy with this view and felt the picture painted was overly critical in this regard.

The Panel considered that all 5 subject members had collective responsibility as Cabinet Members for ensuring that they complied with the Councils Constitution. Even though one member was not present at a number of meetings as an experienced Cabinet Member at no point did he raise any concerns and he did express his confidence in colleagues handling of matters.

DECISION: The Panel agreed that this matter should be referred for Informal Resolution.

b) It was inappropriate for Members to intervene in the disciplinary proceedings of officers as they did, which goes against the Council's Constitution and the law. Members did not know where the line was in relation to employment matters.

The Panel concluded that there was evidence of inappropriate involvement by subject members in the disciplinary proceedings which included in particular email correspondence with the Chief Executive, meetings with the solicitors and requests for regular updates by the Head of HR and PR.

In accordance with the Officer Employment Procedures rule 6 members ought not to be involved in disciplinary issues in relation to officers below Chief Officer level. However, the Panel considered that Senior Officers ought to have been far more proactive and clear in advising members that certain conduct was inappropriate and asked that a letter be sent to the Chief Executive regarding the importance of ensuring senior officers are confident to give appropriate advice in future.

The Panel concluded that all 5 subject members had collective responsibility as Cabinet Members even though two of the subject members did not attend meetings with the solicitors. They did have the opportunity to do so and have expressed their confidence in colleagues handling of matters.

DECISION: The Panel agreed that this matter should be referred for Informal Resolution.

c) Members should not have been involved in commissioning Wilkin Chapman to work on the disciplinaries.

The Panel concluded that it had not been appropriate for members to be involved in meetings with Wilkin Chapman and their ongoing close involvement in the process generally has contributed to some confusion about who commissioned this tranche of work and when.

Again the Panel considered there were extenuating circumstances as officers ought to have given more robust and clear advice as to the procurement requirements and the involvement of members in staff issues.

The Panel concluded that all 5 subject members had collective responsibility as Cabinet Members even though two of the subject members did not attend meetings with the solicitors. They had the opportunity to do so and have expressed their confidence in colleagues handling of matters.

DECISION: The Panel agreed that this matter should be referred for Informal Resolution.

d) From the emails seen some of the language, comments and approach by Members were not felt to live up to the Council's values and high standards set and therefore appear to have gone against the Member Code of Conduct.

The Panel noted that all five members denied sending any inappropriate email correspondence and concluded that there was insufficient evidence contained within the appendices to reach a decision in respect of this allegation.

The Panel noted that workshops are shortly to be held to develop a Member Officer Protocol and were satisfied that this was the opportunity for the organisation to address any concerns about member correspondence and to reinforce appropriate behaviour.

DECISION: The Panel agreed for no further action to be taken.

INFORMAL RESOLUTION in respect of a), b) and c)

The recommendations that are set out below, arising from the Informal Resolution, are a direct response to the circumstances and events which resulted in the complaints considered by the Panel and as such are considered appropriate for the five members. However, the Panel also hold a view that the recommendations have a wider application to all Council members as part of the Council's improvement journey.

The Panel also appreciated that these events occurred over twelve months ago and that since then the Council's Governance arrangements have been reviewed and an Improvement Reference Group with external support is actively overseeing the Council's improvement journey. A new Transformation Strategy with actions in relation to member development has been agreed.

With this in mind the Panel's Informal Resolution is to recommend that:

- 1. A review of members development needs on a corporate basis be undertaken in line with the Council's Transformation Strategy, together with any specific individual development needs of the 5 subject members;**
- 2. The Review should concentrate on:**
 - A clarity of understanding of how the Council's Constitution, corporate governance and procurement arrangements operate including a clear understanding of the new member/officer protocol**
 - Understanding the distinction between the role of the members and that of the Head of Paid Service in relation to staffing and employment issues.**
 - The implementation of a comprehensive Induction Process for all elected members.**

..... Chairman