

STANDARDS & ETHICS COMMITTEE

1 JULY 2019

Present: Independent Members: Richard Tebboth(Chairperson)
Hollie Edwards-Davies and Hugh Thomas

Councillors Cunnah, Sandrey and Williams
Community Councillor Stuart Thomas

33 : MEMBERSHIP AND TERMS OF REFERENCE

The Committee noted that at Annual Council on 23 May 2019 re-appointed the following Councillors to this Committee:

Councillors Stephen Cunnah, Emma Sandrey and Joel Williams

Terms of Reference

The Annual Council on 23 May 2019 agreed the terms of reference:

- (a) To monitor and scrutinise the ethical standard of the Authority, its Members, employees and any associated providers of the Authority's services and to report to the Council on any matters of concern.
- (b) To advise the Council on the content of its Ethical Code and to update the Code as appropriate.
- (c) To advise the Council on the effective implementation of the Code including such matters as the training of Members and employees on the Code's application
- (d) To consider and determine the outcome of complaints that Councillors and co-opted members have acted in breach of the Code in accordance with procedures agreed by the Standards Committee, including the imposition of any penalties available to the Committee.
- (e) To oversee and monitor the Council's whistleblowing procedures and to consider ethical issues arising from complaints under the procedure and other complaints.
- (f) To grant or refuse requests for dispensations in respect of Members' interests under the Members Code of Conduct in accordance with the relevant statutory provisions.
- (g) To undertake those functions in relation to community councils situated in the area of the Council and members of those community councils which are required by law.
- (h) To recommend to Council and the Cabinet any additional guidance on issues of probity.

- (i) To hear and determine any complaints of misconduct by Members or a report of the Monitoring Officer, whether on reference from the Ombudsman or otherwise.
- (j) To recommend the provision to the Monitoring Officer of such resources as he/she may require for the performance of his/her duties.

All members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties

34 : APOLOGIES FOR ABSENCE

None

35 : DECLARATIONS OF INTEREST

There were no declarations of interest.

36 : NOTES

The Committee noted the Notes of the 6 March 2019.

37 : INDEPENDENT MEMBER VACANCY

The Committee considered a report informing of the independent vacancy on the Committee and approved the arrangements to fill that vacancy.

Hugh Thomas Independent Member explained that he also wished to resign from the Committee for personal reasons.

The Committee referred to the Person Specification of the post and the changes made.

The Committee suggested some amendments to the Person Specification and delegated final wording to the Monitoring Officer in consultation with the Chairperson.

The Committee discussed the advertising of the post with the possibility of it being advertised on Community Council's websites.

Training and development was discussed in line with what was provided for new councillors.

The Committee asked that the Monitoring Officer, Davina Fiore amend certain parts of the person specification in consultation with the Chairperson.

The Committee resolved the following:

- (i) Note the information as set out in the report.

- (ii) The establishment of an Appointment Panel comprised of up to 5 members as set out in paragraph 9 of the report with delegated authority to shortlist and interview candidates and make a recommendation on appointment to full Council.
- (iii) Approve the advertisement and person specification for the Independent Member vacancy, as set out in Appendices A and B subject to any agreed amendments;
- (iv) Authorise the Monitoring Officer, in consultation with the Chair, to make all necessary administrative arrangements; and
- (v) Note that the recommendation of the Appointment Panel on the appointment of an independent member to the Committee will be submitted to full Council for approval.

38 : MEMBER CONDUCT - HEARING PANEL & PROCEDURES

The Committee received a report to approve arrangements to hear and determine any referrals from the Ombudsman in relation to a complaint about member misconduct.

The Committee was advised that in May 2014, the Committee considered a misconduct complaint by the Ombudsman, and resolved to appoint a sub-committee, 'the Hearing Panel' (comprised of three independent members of the Committee) to determine that complaint and impose any appropriate sanctions. The Monitoring Officer, in consultation with the Chair of the Panel was instructed to convene and take all necessary steps in advance of the hearing.

In May 2014 the Committee also considered its arrangements for hearings under the Local Resolution Protocol. The Committee establishment of a sub-committee, 'the Hearing Panel' required under the Local Resolution Protocol comprised of three out of five independent members of the Committee; and delegated authority to the Monitoring Officer (in consultation with the Chair) to take all steps necessary to convene a meeting of the Hearings Panel, as and when required.

The Committee had adopted separate procedures for the Hearings Panel to determine:

- (i) Complaints referred by the Ombudsman, this procedure was last amended in March 2012, and
- (ii) Complaints under the Local Resolution, this was last amended in March 2016.

The Committee discussed the make-up of the Panel and involvement of elected members.

The Committee was advised that the Hearing Panel sub-committee, would be comprised of three Committee Members, to include at least two independent members.

The Committee was advised that the first meeting would consider the information provided to see if there was a case to answer, if so it would progress to a full hearing.

The Committee resolved to:

1. Approve the establishment of a sub-committee, 'Hearing Panel', comprised of three members of the Committee, to include at least two independent members (and for complaints against a community councillor to include the community committee member in accordance with Article 9.3 of the Constitution) to deal with referrals from the Ombudsman;
2. Delegate authority to the Hearing Panel established under recommendation 1, to exercise all the functions of the Committee in relation to any misconduct hearings which may be referred to the Committee by the Ombudsman from time to time;
3. Delegate authority to the Monitoring Officer, in consultation with the Chair to convene a Hearings Panel, as and when required, and make all associated administrative arrangements; and
4. Authorise the Monitoring Officer to amend the Hearings Panel Procedure as shown in Appendix A, subject to any further amendments agreed by the Committee.

39 : URGENT ITEMS (IF ANY)

None

40 : DATE OF NEXT MEETING - WEDNESDAY 2 OCTOBER 2019 @ 5.00PM

The meeting terminated at 6.30 pm