

**MINUTES OF THE MEETING OF THE COUNCILLOR CONDUCT COMMITTEE
HELD ON TUESDAY, 1 JULY 2014**

COUNCILLORS

PRESENT Claire Stewart, Yasemin Brett, Elaine Hayward and Joanne Laban

OFFICERS: John Austin (Assistant Director - Corporate Governance) and Penelope Williams (Secretary)

Also Attending: No one.

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WELCOME AND APOLOGIES

Councillor Stewart welcomed everyone to the meeting.

Apologies for absence were received from Christine Chamberlain (Independent Person) and Asmat Hussain (Assistant Director Legal Services).

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DECLARATION OF INTERESTS

There were no declarations of interest.

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SUBSTITUTE MEMBERS

NOTED

1. That four substitute members would be appointed at Council on 16 July 2014.
2. The substitutes being put forward were Councillors Charalambous, Lavender, AM Pearce and Pite.

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PROCESSES FOR DEALING WITH COMPLAINTS

The Committee received a briefing from John Austin, the Monitoring Officer, on the processes for dealing with complaints.

NOTED

1. The procedure for handling complaints against councillors and co-opted members, complaints hearing procedure, complaints flowchart and complaints forms, attached to the agenda which had been approved by the previous committee.

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2. All allegations are initially considered by John Austin, as Monitoring Officer, in consultation with one of the independent persons, applying the criteria listed in paragraph 3 of the procedure.
3. Complainants and those complained against had no right of appeal against decisions of the committee, although there was a right of appeal against monitoring officer decisions.
4. The Council had provision for two independent persons. Only one would be consulted on each case so that if necessary the other could be called on later in the process. The Council is currently recruiting to the second position.
5. Anonymous complaints were not accepted, although in some cases the name of the complainant was kept confidential, depending on the nature of the case and/or the vulnerability of the complainant.
6. The Monitoring Officer would try to resolve complaints informally before referring them to the Committee.
7. Attendance at hearings, by the complainants and councillors complained against, was not normally required, but the committee could agree to invite them, if they felt it was necessary.
8. The new committee would have an opportunity to review the processes, and suggest changes later in the year.
9. If it was found that a breach of the code had occurred, there was a list of possible sanctions that could be applied. These were set out in paragraph 7.5 of the complaints procedure.
10. The hearings procedure covered both complaints hearings and hearings for appeals against monitoring officer decisions.
11. Case studies would be put together to help the new committee understand how the processes worked in practice.
12. A councillor raised the issue that councillors often had problems dealing with vexatious complainants at their surgeries. This was a matter that would be investigated in more detail.

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TERMS OF REFERENCE

AGREED that the terms of reference, which had recently been reviewed by the previous committee, would be discussed at the September meeting.

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WORK PROGRAMME 2014-15

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The Committee received a copy of a draft work programme for 2014/15.

NOTED

1. That there would be opportunities to add to the programme in the course of the municipal year.
2. The suggestion that mediation training be provided both for members of the committee, and for all councillors to help them when resolving issues with members of the public.
3. The suggestion that new Government legislation in the Bribery Act 2012, regarding a company's responsibility for financial crimes committed by their employees, should be considered as part of the Councillor Code of Conduct.

Agreed that Legal be asked to look into the issue and provide a summary of the new requirements and the actions to be taken by the council.

Action: Asmat Hussain

AGREED the work programme for 2014/15.

33 INDEPENDENT PERSON RECRUITMENT

Received the briefing note on the recruitment activities that had been carried out for the vacant independent person post.

NOTED that the applications of the shortlisted candidates had been circulated to all members of the committee.

AGREED that

1. The interviews would take place on Thursday 24 July 2014, starting at 5.00pm.
2. Half an hour would be allowed for each interview, with a break in the middle for refreshments.

34 MEMBER TRAINING ON THE COUNCILLOR CODE OF CONDUCT

NOTED that

1. A training session on the Councillor Code of Conduct had been held on 5 June 2014, with twenty members attending.
2. John Austin had also attended a Labour Group meeting to provide a supplementary session for those who missed the first.

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3. The offer to attend a Conservative Group meeting had also been put forward. Councillor Elaine Hayward agreed to discuss this with the Leader of the Opposition.

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COMPLAINTS UPDATE

John Austin, Monitoring Officer, reported that he had three outstanding complaints that he was dealing with. Further details were discussed in the part 2 part of the meeting. Minutes 41 refers.

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COMPLAINT AGAINST A COUNCILLOR

This item was discussed in part 2 section of the meeting. Minute ??? refers.

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MINUTES OF MEETING HELD ON 30 APRIL 2014

The minutes of the meeting held on 30 April 2014 were received and agreed as a correct record.

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DATES OF FUTURE MEETINGS

AGREED that future meetings would take place on the following dates at 6.30pm, unless otherwise agreed:

- Tuesday 16 September 2014
- Wednesday 3 December 2014
- Tuesday 24 March 2014

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EXCLUSION OF PRESS AND PUBLIC

AGREED to pass a resolution under Section 100A (4) of the Local Government Act 1972 to exclude the press and public from the meeting for the items of business listed on part 2 of the agenda on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 (information relating to an individual) and Paragraph 2 (information likely to reveal the identity of an individual) of Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006).

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COMPLAINTS UPDATE

NOTED

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1. John Austin reported that he had received a further two complaints from residents alleging that ward councillors had not responded to issues raised.
2. In one case the councillor concerned said that he had not received the correspondence. This was sent again and the councillor had now replied. The complainant was given the option of making a corporate complaint about the missing correspondence, but this had not been taken up.
3. In another case the complainant alleged that the councillor had not been supportive, when consulted on an issue. The councillor concerned had been asked to provide evidence of what he had done.

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COMPLAINT AGAINST A COUNCILLOR

NOTED

1. John Austin, Monitoring Officer, reported that he had received a complaint from a councillor about comments made by a councillor about another councillor at a Council meeting. The complainant alleged that the councillor concerned had shown a lack of respect, bringing the office of councillor into disrepute.
2. John Austin had investigated the complaint and had tried to resolve the issue. Both the councillors involved had been willing to meet and try and settle the matter but this meeting had not yet taken place.
3. The complaint was to have been considered at the last meeting of the committee but this had not been possible due to purdah restrictions.
4. John Austin would talk to the complainant to find out whether he wished to continue to pursue the matter further.