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COUNCILLOR CONDUCT COMMITTEE - 21.3.2016

MINUTES OF THE MEETING OF THE COUNCILLOR CONDUCT COMMITTEE HELD ON MONDAY, 21 MARCH 2016

COUNCILLORS

PRESENT Claire Stewart, Elaine Hayward and Joanne Laban, Sarah Jewell (Independent Person), Christine Chamberlain (Independent Person)

OFFICERS: Asmat Hussain (Assistant Director Legal and Governance) and Mohi Nowaz (Corporate Systems Assurance Manager)
Penelope Williams (Secretary)

514

WELCOME AND APOLOGIES

The Chair welcomed everyone to the meeting. Apologies for absence were received from Councillor McGowan.

515

SUBSTITUTIONS

There were no substitutions.

516

DECLARATION OF INTERESTS

There were no declarations of interest.

517

MEMBERS INFORMATION SECURITY POLICY

The Committee received a copy of the revised Members Information Security Policy.

Mohi Nowaz (Corporate Systems Assurance Officer) presented the report to the Committee highlighting the following:

- The policy had also been considered by the Member and Democratic Services Group and their suggestions incorporated.
- The major changes included updating the references to current equipment and software, such as information classification and including the right to access information and to delete viruses without asking permission if they are a threat to the system,

COUNCILLOR CONDUCT COMMITTEE - 21.3.2016

- Access to the system outside the European Union was not currently possible.
- The final version will be circulated to all members.

AGREED to note the revisions.

518

COUNCILLOR COMPLAINTS PROCEDURE

The Committee received the Procedure for Handling Complaints against Councillors and Co-opted members for review.

NOTED

1. The policy was last reviewed two years ago.
2. In the current policy, if a complaint is made and the complainer withdraws the complaint then no further action can be taken. It was suggested that the Monitoring Officer, if they felt that it was necessary, should be able to continue to investigate a complaint, even if it had been withdrawn. This might occur for example in cases where the resolution was not proportionate and/or if it were in the public interest that the complaint should be pursued. Any change to the policy would be made clear on the complaint form.

AGREED that Asmat Hussain (Monitoring Officer) would revise the wording in sections 4.5 and 5 of the complaints procedure, and bring it back to the July meeting to consider further.

519

MEMBER/OFFICER PROTOCOL

The Committee received a copy of the Member Officer Protocol for review.

NOTED

1. The protocol was last reviewed in January 2014.
2. The Super Part 2 process is being reviewed following the presentation of a Super Part 2 report at the last Council meeting.
3. The whips agreed bring the protocol to the attention of their respective political groups.

520

REPORT BACK ON INDEPENDENT PERSONS TRAINING

The Independent Persons reported back to the Committee on recent training, organised by Hoey Ainscough, that they had attended in Lincoln and London.

COUNCILLOR CONDUCT COMMITTEE - 21.3.2016

Two issues were brought to the attention of the Committee:

- a. The issue of the role of an Independent Person in any action taken against statutory officers of the Council. This was not consistent. Independent Persons were not always required to take part, sometimes only invited.
- b. The question of what constitutes a good investigation when a complaint involves a councillor acting in their capacity as a councillor. It was agreed that a good investigation should have clear terms of reference, involve interviews of relevant witnesses, have clearly defined timescales and it should be ensured that the process was fair. It was important to be clear about the evidence and its link to any breach of the code of conduct. Independent Person involvement was not recommended during an investigation. It was best if they could provide their own independent comments, when the investigation report was complete, maintaining their independent role.

They also reported that it had been recommended that Independent Persons should be invited to observe training for new councillors, so that they were aware of what training had been received.

AGREED that in future the Independent Persons would be invited to attend training for new councillors as a matter of course.

521

UPDATE ON COUNCILLOR COMPLAINTS

Asmat Hussain, Monitoring Officer, reported that three complaints were being investigated by an external solicitor. Her draft reports would be available after Easter.

Dates for possible hearings would be circulated after the meeting.

522

WORK PROGRAMME 2015/16

The Committee noted the work programme for 2015/16 and the items on the proposed work programme for 2016/17.

523

DISPENSATIONS

The Monitoring Officer reported that she has received a request from Councillor Erin Celebi, for a dispensation relating to the motion on the Housing and Planning Bill which is on the agenda for the 23 March 2016 Council Meeting.

COUNCILLOR CONDUCT COMMITTEE - 21.3.2016

The Committee considered the request and agreed to grant a dispensation for the meeting on the 23 March 2016 only, so that Councillor Celebi could take part in the discussion on the Housing and Planning bill motion and vote.

524

MINUTES OF MEETING HELD ON 2 DECEMBER 2015

The minutes of the meeting held on 2 December 2016 were agreed as a correct record.

525

DATES OF FUTURE MEETINGS

A date for the next meeting will be arranged after the meeting.