

**MINUTES OF THE MEETING OF THE COUNCILLOR CONDUCT COMMITTEE
HELD ON MONDAY, 10 OCTOBER 2016**

COUNCILLORS

PRESENT Claire Stewart, Joanne Laban, Katherine Chibah and
Alessandro Georgiou, Christine Chamberlain (Independent
Person), Sarah Jewell (Independent Person)

OFFICERS: Asmat Hussain (Assistant Director Legal and Governance)
Penelope Williams (Secretary)

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WELCOME AND APOLOGIES**

The Chair welcomed everyone to the meeting. There were no apologies for absence.

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DECLARATION OF INTERESTS**

There were no declarations of interest.

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DISPENSATIONS - ANNUAL REVIEW 2015/16**

The Committee received a report from Asmat Hussain, Monitoring Officer and Assistant Director Legal and Governance, setting out details of dispensations granted during 2015/16. (Report No: 118)

NOTED

1. Details of the dispensations were set out in pages 2 and 3 of the report.
2. It was good practice to report all dispensations up to the Committee.
3. Dispensations had been granted in relation to four issues.
4. Not declaring a disclosable pecuniary interest was a serious offence which could result in a criminal prosecution, therefore the Monitoring Officer's advice would always be to err on the side of caution and if in doubt to declare an interest.
5. No more than the usual number of blanket dispensations had been granted in the last year.

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6. Some members were concerned that councillors were not aware of the potential seriousness of not declaring when necessary.
7. A refresher training session on all aspects of councillor conduct was being planned. This would emphasise the importance of declaring disclosable pecuniary interests.
8. The whips would try and make sure that members attended.

AGREED to note that the Monitoring Officer and the Councillor Conduct Committee had granted the dispensations during 2015/16, listed in section 3 of the report.

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REVIEW OF COUNCILLOR COMPLAINTS PROCESS

The Committee received a report from Asmat Hussain, Monitoring Officer and Assistant Director of Legal and Governance seeking the views of the Committee as to whether a review of or any changes to the Councillor Complaints Process was needed. (Report No: 121 in the To Follow Pack).

NOTED

1. The current complaints procedure was due a refresh as it had not been reviewed since 2013.
2. Concern had recently been raised that there could be circumstances where a complaint raised issues that were felt to warrant further investigation even if a complaint had been withdrawn or resolved to the satisfaction of the complainant. In these circumstances, under the current complaints procedure, the Monitoring Officer did not have any authority to carry out further investigation or to refer the matter to the Councillor Conduct Committee.
3. Not many complaints had been withdrawn in this way.
4. Christine Chamberlain, Independent Person, felt that there should be this provision so that where a complaint raised a bigger issue for the Council this could be looked at.
5. It was felt that the Council should be able to have the power to sanction any inappropriate behaviour.
6. Further investigation would only occur in circumstances where a complaint had been brought to the attention of the Monitoring Officer.
7. Members expressed regret that the committee no longer had enough power to sanction poor behaviour.

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8. The Council in general was governed by the laws on proportionality when setting up its committees. The Councillor Conduct Committee did not conform to the proportionality rules as the proportionality rules had been dis-applied in this case to make it apolitical.
9. The Monitoring Officer would review the complaints procedure and report back to the next meeting of the Committee.
10. It was suggested that any comments, suggestions or views on the procedure should be emailed to the Monitoring Officer.

AGREED

1. To undertake a review of the procedure for complaints against councillors and co-opted persons.
2. To consider, as part of the review giving the Monitoring Officer in consultation with the independent persons the following authority:

“Where a registered complaint is subsequently withdrawn or resolved outside the Procedure, the Monitoring Officer in consultation with Independent Persons(s) has the discretion to decide if the matter has been adequately and/or proportionately resolved or whether, given the substance of the original complaint, it should be escalated to the Committee for further consideration/resolution”.

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MEMBER TRAINING AND DEVELOPMENT

The Committee received a report from the Monitoring Officer and Assistant Director of Legal and Governance updating members following a report to the Councillor Conduct Committee in September 2015 providing a summary of the member development programme 2015/16 and 2016/17. (Report No: 119)

NOTED

1. Consultation would take place with Councillor Simon as to whether this issue was best discussed at the Member and Democratic Services Group or at the Councillor Conduct Committee. Duplication should be avoided.
2. There have been concerns about the poor attendance of members at some of these sessions. At sessions where an external trainer has been employed a minimum of 20 members would need to attend to make it viable. If less than 20 signed up, sessions would be cancelled.
3. The whips were asked to encourage members to attend sessions.
4. Members were asked to email any suggestions for subjects for future training to the Monitoring Officer.

AGREED to note the information provided on the training and member development programmes.

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UPDATE ON COMPLAINTS RECEIVED

The Monitoring Officer reported that she had received three complaints since the last meeting.

One, she had concluded following investigation, could not be upheld.

Two more were under investigation.

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MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 24 May 2016 were received and agreed as a correct record.

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WORK PROGRAMME 2016/17

The Committee considered the work programme for 2016/17.

NOTED

1. The Monitoring Officer would report back on the review of the Councillor Complaints Procedure at the 7 December 2016 meeting. This would be added to the work programme.

AGREED to note the work programme for 2016/17.

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DATES OF FUTURE MEETINGS

NOTED the dates agreed for future meetings of the Committee as follows:

- Wednesday 7 December 2016
- Thursday 2 March 2017