

**MEMBER CONDUCT COMMITTEE
2ND DECEMBER 2019**

PRESENT: The Chair (Councillor Tassell)
The Vice Chair (Councillor Murphy)
Councillors Bentley, J. Bradshaw, Hadji-Nikolaou,
Hamilton and Rollings
Councillors Ball, Jones and Marchant (Parish
Member)

Democratic Services Manager
Democratic Services Officer (NC)

APOLOGIES: None

The Chair stated that the meeting would be recorded and the sound recording subsequently made available via the Council's website. She also advised that, under the Openness of Local Government Bodies Regulations 2014, other people may film, record, tweet or blog from this meeting, and the use of any such images or sound recordings was not under the Council's control.

14. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 9th September 2019 were confirmed as a true record and signed.

It was noted that the further session of standards and probity training (minute 12, 2019/20 refers) had taken place but two councillors had been unable to attend. The session was recorded and would be made available once IT issues had been resolved.

15. DISCLOSURES OF PECUNIARY AND PERSONAL INTEREST

Councillors Tassell, Bentley and Hamilton declared a personal interest in item 6 as members of the Plans Committee.

Councillor Hadji-Nikolaou joined the meeting.

16. QUESTIONS UNDER COMMITTEE PROCEDURE 12.8

No questions had been received.

17. AGENDA VARIANCE

RESOLVED that item 6 (Review of the Planning Code of Good Practice), be considered before item 5 (Update on Complaints Received), on the agenda.

Reason

To allow the Head of Planning and Regeneration to leave the meeting after this item was considered.

18. REVIEW OF THE PLANNING CODE OF GOOD PRACTICE

Considered a report of the Monitoring Officer providing an opportunity for the Committee to review the Planning Code of Good Practice, (item 6 on the agenda filed with these minutes).

The Head of Planning and Regeneration stated that the intention was to strike a balance between providing support to councillors when contacted by applicants, developers or objectors without restricting councillors in their ward work. It was recommended to inform planning officers if meeting with developers or requesting attendance of a planning officer at the meeting.

After some discussion members of the Committee considered that the wording in the Planning Code of Good Practice allowed for flexibility for councillors and officers and was as transparent as possible. Councillor Rollings withdrew his proposal to amend the Planning Code of Good Practice and stated that he would in future use his discretion and balance any risk associated with his employment.

RESOLVED that the Planning Code of Good Practice is not amended, to clarify contact by applicants, developers or objectors, particularly in relation to sections 8.1, 8.2 and 8.3.

Reason

Having discussed the matter in depth the Committee considered that sections 8.1, 8.2 and 8.3 of the Planning Code of Good Practice were appropriate, and that it provided sufficient flexibility for councillors to use their discretion when in contact with applicants, developers or objectors with regard to involving Planning Officers. It also distinguished between members who sat on the Plans Committee and all councillors.

19. UPDATE ON COMPLAINTS RECEIVED

Considered a report of the Monitoring Officer providing an update on complaints received about breaches of the Members' Code of Conduct and any issues arising from those complaints (item 5 on the agenda filed with these minutes).

The Democratic Services Manager stated that since the publication of the agenda two complaints had been received, one for a borough councillor and one for a parish / town councillor. Both were at the fact-finding stage.

RESOLVED

1. that the current position in respect of complaints about breaches of the Members' Code of Conduct that have been received by noted;

2. that the flowchart of the complaints process is circulated to the Committee.

Reasons

1. To keep the Committee informed about complaints.
2. Members wished to be refreshed about the process.

20. HEARING APPEALS PROCESS REVIEW

Considered a report by the Monitoring Officer providing a review of the Member Conduct Panel Hearings Appeal process (item 7 on the agenda filed with these minutes).

The Democratic Services Manager stated that parish and town councillors could access LRALC for counselling support. In response to a question, she explained that every attempt was made to complete the complaints process within an appropriate timeframe but factors such as the number of witnesses invited to a hearing and the complexity of the complaint could impact the time required to fully complete the process.

RESOLVED

1. that the Hearing Appeals Process is amended to allow appeals only if there has been a procedural breach or if new evidence comes to light;
2. that the decision maker be the Monitoring Officer or the Deputy Monitoring Officer in consultation with the Independent Person;
3. that the counselling support currently available to councillors is noted.

Reasons

1. Members considered that the Hearing Appeals process required tightening to ensure the best use of councillor / officer time and that the current arrangements could potentially allow for groundless or frivolous appeals to be made.
2. The Committee considered the Monitoring Officer and deputy Monitoring Officer as decision makers to be the most appropriate option and wished to ensure a fair and transparent approach by also including the Independent Person in the decision making.
3. Members considered that the availability of counselling services, LRALC and support through a political party was sufficient but suggested that signposting to national organisations such as the Samaritans could be done earlier in the process after the factfinding stage.

21. WORK PROGRAMME

Considered a report of the Monitoring Officer enabling the Committee to agree a work programme to plan its future business (item 8 on the agenda filed with these minutes).

RESOLVED

1. that the Committee's current work programme be noted and updated in accordance with the decisions taken during the consideration of this item and other items on the agenda;
2. that the Committee notes the removal of the Review of the Constitution from its agenda for its meeting on 2nd December 2019;
3. that that the Chair and Vice-chair, in consultation with the Monitoring Officer, prior to the next Committee meeting scheduled to be held on 16th March 2020, consider whether other items are to be added to the agenda or whether to cancel the meeting, circulating the two items on the work programme for this meeting by email to members of the Committee.

Reasons

1. To enable the Committee to fulfil its role in promoting and maintaining high standards of conduct by councillor and co-opted members.
2. During the consultation with councillors no comments were received for the annual review of the Council's Constitution and those parts of the Constitution (including the Members Code of Conduct) that relate to the roles of the committee.
3. The Committee considered the agenda for the meeting scheduled on 16th March 2020 to be light and did not wish to meet unnecessarily if other items were not forthcoming.

NOTES:

1. No reference may be made to these minutes at the Council meeting on 20th January 2020 unless notice to that effect is given to the Democratic Services Manager by five members of the Council by noon on the fifth working day following publication of these minutes.
2. These minutes are subject to confirmation as a correct record at the next meeting of the Member Conduct Committee.