

EAST STAFFORDSHIRE BOROUGH COUNCIL

Minutes of a Meeting of the Standards Committee held in the Coltman VC Room at the Town Hall, Burton upon Trent on Monday 11th March 2019.

Present:

Councillors M J Bowering (Chairman), D F Fletcher, Mrs J Jones and Mrs J Killoran.

Parish Council Members:

Councillors P Cooper and C Keen.

Officers Present:

Mrs A Wakefield (Solicitor and Monitoring Officer) and the Senior Democratic Services Officer.

Also Present:

Mr G Goodall (Independent Person).

Apologies for absence were received from Councillor R J Clarke, C Burden and Mrs A Johnson (Independent Members).

70/19 **DECLARATION OF INTEREST**

There were no declarations of interest at the commencement of the meeting.

71/19 **MINUTES**

Resolved:

That the Minutes of the Meeting held on 20th December 2018 be approved and signed as a correct record by the Chairman.

72/19 **URGENT BUSINESS**

There was no urgent business pursuant to Rule 12.

73/19 **MONITORING OFFICER'S ANNUAL REPORT**

(MO) Councillors considered the Monitoring Officer's Annual Review of the arrangements for the discharge of the Monitoring Officer's duties.

The Monitoring Officer informed Members that since the last Annual Report in February 2018 the Council had received 26 formal complaints about possible breaches of the Code of Conduct by members of the Borough Council and 0 formal complaints about possible breaches of the Code of Conduct by a member of a Parish Council within the Borough. The complaints concerned ten individual Councillors who were identified as Cllr A,B,C,D,E,F,G,H,I and J in the table below.

Complaint Number	Borough Councillor or Parish Councillor	Action taken
2018-04	Borough (Cllr A)	Informal resolution – apology given at Planning Committee and to complainant
2018-05	Borough (Cllr B)	Independent Investigation and referral to Standards Committee which found Cllr B to have breached Code of Conduct and Planning Code
2018-06	Borough (Cllr B)	Independent Investigation and referral to Standards Committee which found Cllr B to have breached Code of Conduct and Planning Code
2018-07	Borough (Cllr A)	Independent Investigation and referral to Standards Committee which found Cllr A to have breached Code of Conduct and Planning Code
2018-08	Borough (Cllr B)	Independent Investigation and referral to Standards Committee which found Cllr B to have breached Code of Conduct and Planning Code
2018-09	Borough (Cllr A)	Independent Investigation and referral to Standards Committee which found Cllr A to have breached Code of Conduct and Planning Code
2018-10	Borough (Cllr B)	Independent Investigation and referral to Standards Committee which found Cllr B to have breached Code of

		Conduct and Planning Code
2018-11	Borough (Cllr C)	Informal resolution – apology made to complainant
2018-12	Borough (Cllr A)	Independent Investigation and referral to Standards Committee which found Cllr A to have breached Code of Conduct and Planning Code
2018-13	Borough (Cllr B)	Independent Investigation and referral to Standards Committee which found Cllr B to have breached Code of Conduct and Planning Code
2018-14	Borough (Cllr B)	Independent Investigation and referral to Standards Committee which found Cllr B to have breached Code of Conduct and Planning Code
2018-15	Borough (Cllr D)	No action (no breach)
2018-16	Borough (Cllr D)	No action (no breach)
2018-17	Borough (Cllr D)	No action (no breach)
2018-18	Borough (Cllr D)	No action (no breach)
2018-19	Borough (Cllr D)	No action (no breach)
2018-20	Borough (Cllr E)	No action (no breach)
2018-21	Borough (Cllr D)	No action (no breach)
2018-22	Borough (Cllr F)	Informal resolution – retraction and clarification of comments complained of circulated by Cllr F after attending a meeting with the Chief Executive, Independent

		Person and Monitoring Officer
2018-23	Borough (Cllr G)	Independent investigation underway
2018-24	Borough (Cllr H)	Informal resolution – apology made to Council and to the Deputy Monitoring Officer
2018-25	Borough (Cllr I)	Independent Person and MO assessing action to be taken
2019-01	Borough (self-referral by Cllr J)	No action (no breach)

She also reported that all Members of the Borough Council had completed their declaration of interest forms. They were asked to update their declarations at least annually, even if no changes were required to be notified. The Monitoring Officer had received several updated declarations since the election in May 2015, which suggested that there was a high level of awareness among Councillors of the need to notify changes as those occur.

At the December meeting of Planning Committee, Members resolved to recommend to Council the amendments to Part 3H and Part 5E of the Constitution which were shown as tracked changes at Appendix 1 and Appendix 2 respectively. The amendments are summarised below:-

- **Ward Members public speaking protocol**

Ward Members attending committee will be given a 3 minute slot to speak in line with the constitution. However for clarity they will be sequentially last in the list of public speakers and be able to sit at the public speaking table during the debate. Ward Members will now be required to give 24 hours' notice of their wish to speak at committee so that the committee clerk can make sure that this is recorded in the Chair's notes. The Ward Member can also ask to join the debate by firstly outlining their reasons for doing so and for the Chair, if in agreement, to invite Ward Members to speak at the appropriate points in the debate and in accordance with their reasons for speaking.

Ward members often attend to speak at Committee and the procedure for doing so hasn't been managed consistently in recent years. In addition by separating Ward Members from Committee members it makes it clear to the audience who will be voting.

- **Site visits will be conducted**

The Constitution will set out that a site visit will always be held at least once. This clarifies the current position which states that a site visit will not be required in every instance and that members have to request them.

- **Other matters**

A few other matters which just tidy up process are also included in the tracked reports. In addition the following arrangements have been agreed:

- Officer presentations will be emailed to members on the day by officers;
- The Chair will ask Members to introduce themselves on the day to the audience;
- Ward Members will now form part of the speaking list which the Committee Clerk will revise for committee and adhere to new 24hr rule;
- The Committee call-in form will be amended to remove the requirement to give reasons for not choosing the delegated route and also adding a reference of the ability to remove the application from committee once called in if officers satisfy the Ward Members concerns;
- Additional text will be added to the Members weekly briefing which links to the agenda. Suggested wording as follows:
Please follow the link to access the Planning Committee Agenda. Ward Members are allowed to attend site visits and address the committee. Please contact the Planning Manager for the site visit timings.
- The references to Sal Khan in the report will be amended to Head of Service Sal Khan.

Resolved:

1. That the Committee noted the report.
2. To approve the changes to 3H and 5E outlined in the report shown as Appendix 1 and Appendix 2.

74/19 **MONITORING OFFICER'S UPDATE REPORT**

(MO) Councillors received an oral update on local and national issues relating to ethical standards and any complaints or other problems within East Staffordshire from the Monitoring Officer.

The Monitoring Officer updated Members on the proposed number of changes and recommendations put forward by the Committee on Standards in Public Life, but said that it remained to be seen if and when those would be made given the need for new primary or secondary legislation in some cases and the need for amendments to existing primary or secondary legislation in other cases. She informed Members that among other things, the proposals included changes to the rules for declaring interests and the strengthening of sanctions that could be implemented.

It was agreed that the Monitoring Officer would email the link outlining the review to Members of the Committee outside of the meeting, and a further update be presented at the next meeting of the committee in June 2019.

NOTED

Chairman