

STANDARDS COMMITTEE

A meeting of the Standards Committee was held on Monday 24 January 2022.

PRESENT: Councillors T Mawston (Chair), M Saunders (Vice-Chair), J Hobson, D Rooney, J Rostron and M Storey

ALSO IN ATTENDANCE: M McClintock, Nunthorpe Parish Council

OFFICERS: C Benjamin, S Lightwing, J McNally and S Reynolds

APOLOGIES FOR ABSENCE: were submitted on behalf of Councillors S Dean and S Walker

21/20 **WELCOME AND EVACUATION PROCEDURE**

The Chair welcomed all present to the meeting and read out the building evacuation procedure.

The Chair made a statement on the recently published comments in the press and social media by the Mayor regarding the Standards Committee. The Chair stated that he had concerns that the comments undermined the integrity of the Committee and felt that a presentation should be given to all Elected Members on the process of the Standards Committee.

21/21 **DECLARATIONS OF INTEREST**

There were no declarations of interest at this point in the meeting.

21/22 **MINUTES- STANDARDS COMMITTEE - 18 OCTOBER 2021**

The minutes of the Standards Committee meeting held on 18 October 2021 were submitted and approved as a correct record.

A Member queried when the information on costs, complaints that were not progressed to investigation stage, and timescales for progressing complaints would be provided. The Monitoring Officer stated that a dashboard had been developed which was in the testing phase. The Committee were advised that there had been challenges with historical data. The Monitoring Officer informed the Committee that the dashboard would provide a narrative and would be available for the next meeting.

The Monitoring Officer updated the Committee on the procedure to accompany the Code of Conduct. The Monitoring Officer informed the Committee that the procedure was not ready to go live for this meeting but would be brought to the next meeting of the Committee or an interim meeting could be called.

21/23 **CODE OF CONDUCT COMPLAINTS UPDATE**

A joint report of the Director of Legal And Governance Services and the Executive Member for Legal And Governance Services was presented to provide a quarterly update to the Standards Committee with regard to the recent and current position concerning Code of Conduct Complaints and to give assurance about the practice and process.

There was one complaint from 2020, and 10 complaints from 2021, all of which were at various stages of the process and had not yet concluded. No specific information about those complaints could be divulged at this time so as not to prejudice any outcomes, and/or create a conflict should any of those complaints need to come to Standards Committee at a future date. The complaint from 2022 was at the early stage and ongoing.

The previous report to Committee in October 2021 highlighted that there was an ongoing theme around comments made on social media by Members, and that there had been an increase in Member on Member complaints.

In respect of any complaint received, where appropriate, every effort was made to resolve the matter informally, by liaising with the individuals concerned, and where it was Member on Member, involving the Group Leader.

The benefits of informal resolution were numerous and included:

- Often a quicker resolution.
- Less disruptive to working relationships - particularly for Member on Member complaints.
- Involved fewer people.
- Took up less resources.

However, there were circumstances when the matter needed to be investigated. If the Monitoring Officer, in consultation with the Independent Person, decided that the complaint should be investigated, an Internal Investigating Officer would be appointed to undertake the investigation. In exceptional cases, the Monitoring Officer might decide to appoint an external Investigating Officer.

The amount spent in 2021 on external advice and investigation in regards to these complaints was £41,465.

The internal resource to deal with the complaints was provided by the Legal Services team, primarily the Monitoring Officer and two Deputy Monitoring Officers. Senior Officers might also be tasked to complete an investigation.

Any significant increase in complaints would divert legal resource away from other areas of work.

In order to improve the monitoring of the performance in regards to complaints, and better analyse outcomes, a performance tool in the form of a dashboard was being developed with a draft version currently being tested. The performance dashboard would enable analysis of patterns and outcomes concerning complaints. The dashboard could be demonstrated to Members in due course.

In line with the recently approved amended Code of Conduct, the process of dealing with any complaints was also being reviewed. A separate report would be shared with the Standards Committee, including an update on the recommended timescales for dealing with such complaints.

AGREED that the report was received and noted.

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LOCALISM ACT 2011 - GENERAL DISPENSATION

A report of the Monitoring Officer was presented to recommend that a general dispensation be granted to Councillor Gascoigne to allow her to speak and vote, where she would otherwise have had a disclosable pecuniary interest, in matters that might affect so many Councillors that the Council or Committee would be inquisitorial.

As part of the standards arrangements, the Localism Act 2011 and Regulations made thereunder, introduced the concept of disclosable pecuniary interests and also new rules in respect of dispensations. It was a criminal offence for a member to fail to register a disclosable pecuniary interest or to speak and/or vote where they had a disclosable pecuniary interest, unless they had obtained a dispensation.

In accordance with the prevailing legislation, Members must apply in writing to the Monitoring Officer for a dispensation. It was recommended that a general dispensation was granted to all Members who applied in writing to allow them to speak and vote where they would otherwise have had a disclosable pecuniary interest. This was on the grounds that it was in the public interest and appropriate to grant a dispensation to those Members to participate fully in the following matters:

- a) Housing; where the Member (or spouse or partner) holds a tenancy or lease with the Council as long as the matter does not relate to the Member's particular tenancy or lease.

- b) Housing Benefit; where the Member (or spouse or partner) receives Housing Benefit.
- c) Statutory sick pay; if a Member receives this or is entitled to receive it.
- d) An allowance, travelling expense, payment or indemnity for Members.
- e) Any ceremonial honour given to Members.
- f) Setting the Council Tax or precept.

Dispensations could be granted in the following circumstances:

- a) Where so many members of the decision making body have a disclosable pecuniary interest that the political balance would be affected.
- b) It is in the interests of the inhabitants that a dispensation be granted.
- c) It is appropriate to grant a dispensation.

It was recommended that the general dispensation applied for the maximum permitted period of 4 years from the date of the decision.

AGREED as follows:

1. That a general dispensation was granted to Councillor Gascoigne to allow her to speak and vote, where she would otherwise have had a disclosable pecuniary interest, in matters that might affect so many Councillors that the Council or Committee would be inquorate.
2. The general dispensation would apply for the maximum permitted period of 4 years from the date of this Standards Committee meeting.

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ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.

None.