



GREAT YARMOUTH BOROUGH COUNCIL

Standards

Date: Thursday, 26 September 2013
Time: 09:30
Venue: Council Chamber
Address: Town Hall, Hall Plain, Great Yarmouth, NR30 2QF

AGENDA

Open to Public and Press

DECLARATIONS OF INTEREST

You have a PERSONAL INTEREST in a matter being discussed at a meeting IF

- It relates to something on your Register of Interests form; or
- A decision on it would affect you, your family or friends more than other people in your Ward.

You have a PREJUDICIAL INTEREST in a matter being discussed at a meeting IF

- It affects your financial position or that of your family or friends more than other people in your Ward; or
- It concerns a planning or licensing application you or they have submitted
- AND IN EITHER CASE a reasonable member of the public would consider it to be so significant that you could not reach an unbiased decision.

If your interest is only PERSONAL, you must declare it but can still speak and vote. If your interest is PREJUDICIAL, you must leave the room. However, you have the same rights as a member of the public to address the meeting before leaving.

1 Minutes 3 - 5

To confirm the minutes of the last meeting held on 4 July 2013.

2 Draft Investigation Protocol 6 - 8

To consider the attached draft Protocol for Investigations.

3 Appointment of Parish Council Representative

- Information relating to any individual;

4 Code of Conduct Complaint

- Information relating to any individual;

5 Appointment of Independent Person

- Information relating to any individual;

6 Any Other Business

To consider any other business as may be determined by the Chairman of the meeting as being of sufficient urgency to warrant consideration.

7 Exclusion of Public

In the event of the Committee wishing to exclude the public from the meeting, the following resolution will be moved:

"That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph(s)..... Part 1 of Schedule 12(A) of the said Act."

**LARGER PRINT COPY AVAILABLE
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STANDARDS COMMITTEE

4 July 2013 – 10.00 am

PRESENT:

Councillor Sutton (in the Chair); Councillors Collins, Pettit and Stone.

Mr C Skinner (Monitoring Officer), Mr R Hodds (Deputy Monitoring Officer) and Mr G Jones (Information Manager).

An Apology for absence was received from Councillor Jeal.

1. MINUTES

The minutes of the meeting held on 22 April 2013 were approved.

With regard to the item relating to the Code of Conduct Complaint when the Committee had agreed with the investigating officer that Councillor Jermany did treat Councillors Jeal and T Wainwright with disrespect and did contravene the Great Yarmouth Borough Council Code of Conduct, and that the Monitoring Officer had been requested to send a letter of censure to Councillor Jermany for not following procedure and usurping the authority of the Chairman of the Licensing Committee and to request Councillor Jermany to make a written apology to the complainants Councillor Jeal and T Wainwright. The Chairman asked whether in fact Councillor Jermany had made such written apology. The Deputy Monitoring Officer reported that to his knowledge Councillor Jermany had still to send a written apology to both Councillors of Jeal and T Wainwright.

RESOLVED:

- (i) That the Monitoring Officer be requested to send a further letter to Councillor Jermany advising him of the Standards Committee's disappointment that he has not as yet sent a written apology to Councillors Jeal and T Wainwright as requested by the Standards Committee, and that a copy of the Monitoring Officer's letter be forwarded to the Conservative Group Leader.

2. REVISED CONSTITUTION

Members were reminded that in accordance with Article 9, paragraph 9.3(j) of the Constitution, one of the roles and functions of the Standards Committee is to have an oversight of the Council's Constitution. Accordingly, Members are now asked to consider the revised Council Constitution. The Information Manager reported that one of the main changes to the Constitution related to the Access to Information Procedure Rules (paragraph 22) which now included provisions for the rights of access to meetings and documents by Councillors.

In discussing the Constitution, the Committee gave consideration to the following issues:-

- The issue of adjournments of the Standards Committee meetings to consider their decision and whether Members under the rights of access to meetings provisions would be able to remain in the meeting. The Monitoring Officer agreed to clarify the situation and if necessary to make an amendment to the revised Constitution.
- With regard to Part 4 Rules of Procedure relating to Members conduct the Committee discussed the issue of Members standing to speak at Full Council and the issue relating to the new Council Chamber layout in respect of the use of microphones.

RESOLVED:

- (i) That the revised Constitution be endorsed and referred to Cabinet and Council for approval and that Cabinet be asked to look into the issue of microphone use in the Council Chamber in connection with Members having to stand to speak when addressing Full Council meetings.

3. PARISH COUNCIL REPRESENTATIVE

The Deputy Monitoring Officer reminded Members that at their last meeting it was agreed to write to all Parish Councils in the borough seeking nominations for a replacement Parish Council Representative on the Standards Committee.

The Deputy Monitoring Officer now reported that four nominations had been received namely two parish members from Somerton Parish Council and two members from Winterton on Sea Parish Council.

RESOLVED:

- (i) That the four nominations received for the vacant Parish Council position on the Standards Committee be the subject of interview by Members on a date to be agreed.

4. APPOINTMENT OF INDEPENDENT PERSON

The Monitoring Officer reminded the Committee that at its meeting of the 27 July 2012 it was agreed to recommend to Council to appoint Mrs Linda Barber as the Independent Person for a one year period only. This period of tenure will shortly come to an end and the Committee was therefore asked to consider agreeing arrangements for a replacement independent person. The Monitoring Officer reminded Members that under the current legislation Mrs Barber would be ineligible to be reappointed as the independent person.

RESOLVED:

- (i) That approval be given to advertise for a replacement independent person in the Great Yarmouth Mercury and on the Borough Council's website, such appointment to be restricted to the candidate either living or working in the borough of Great Yarmouth.
- (ii) That the remuneration for the independent person would be on the same basis as previous namely £50 paid per case considered.
- (iii) That a letter of thanks be sent to Mrs Linda Barber for all her work as the independent person to the Standards Committee over the past year.

5. DEFINED PROCEDURE FOR INVESTIGATIONS AND HEARINGS

The Chairman had requested that the Standards Committee should have a defined procedure for investigations and hearings that would become a public document.

The Monitoring Officer reported that discussions were currently taking place county wide in order to agree a common procedure.

RESOLVED:

(i) That the Monitoring Officer be asked to report further on any agreed procedure to the next meeting.

6. CLOSURE OF MEETING

The meeting ended at 10.35 am.

GREAT YARMOUTH BOROUGH COUNCIL
STANDARDS AND CONDUCT
INVESTIGATION PROTOCOL

General

This document should be read together with the Borough Council's Code of Conduct for Elected and Co-opted Members (hereafter "the Code") and Arrangements under the Localism Act 2011.

Assessment

Following an assessment of a complaint received containing allegations of breach of the Code one of the options open to the Monitoring Officer is to appoint an investigator to carry out a formal investigation into the allegations.

Initial Steps

The appointed investigator shall write to the complainant and the subject member informing them of the appointment and of the following matters:-

- The likely timescale for the investigation
- What matters are to be investigated and whether there are related matters not within the ambit of the investigation (legal or governance issues for example)
- The persons likely to be interviewed as part of the investigation
- How interviews are conducted and that interviewees may have a person present with them at the interview
- How and to what extent confidentiality is addressed during the course of the investigation
- The potential outcomes of the investigation
- That the complainant and subject member both need to be prepared to attend any subsequent standards hearing and bring witnesses to present evidence if they wish their position fully to be taken into account by the committee.
- That the investigator takes no part in any decision or determination
- What publicity might follow the conclusion of the investigation

Investigation Process

The investigator shall prepare a plan containing the following details:-

- An initial list of interviewees
- The order in which the interviews are to take place
- Whether there are issues of law or procedure which also need to be addressed

Draft Report

At the conclusion of the investigation the investigator shall prepare a draft report and send it to the Complainant and the Subject Member for their consideration and for comment on matters of fact and accuracy only.

The investigator shall also send the draft report to the Monitoring Officer and shall ask for confirmation that the draft is in accordance with the original assessment decision, that the correct issues have been addressed and that there are no further matters that the Monitoring Officer wishes to be covered in the report. The Monitoring Officer may engage the Independent Person in this exercise - unless he or she considers that to do so would compromise the Independent Person's role in giving a formal view under section 28(7)(a) of the Localism Act.

In the case of a parish council investigation the investigator shall send a copy of the draft to the parish clerk unless in the particular circumstances of the complaint this appears inappropriate (for example if the parish clerk is a key witness).

Conclusions

Following the expiry of the period for comments the investigator shall finalise the report together with conclusions. The conclusions will address the following points:-

- Whether the investigation process revealed issues beyond those contained in the original assessment
- Whether any of the parties to the complaint or any key witnesses declined to co operate with the investigation or refused to be interviewed or give evidence
- Whether in the investigator's view the investigation showed that a breach of the Code had occurred or not
- Any observations of the investigator as to whether any steps are appropriate to address underlying conduct issues uncovered by the investigation
- Whether there are governance or administrative matters that require to be addressed in addition to the conduct issues

Next Steps

In accordance with the Borough Council's Localism Act 2011 arrangements and following a formal view from the Independent Person the Monitoring Officer shall decide whether the report should:-

- Require no further action (for example where the conclusions are that there has not been a breach)
- Require other action (for example training or reconciliation options)
- Require a standards hearing before the Borough Council's Standards Committee

Standards Hearing

At the Standards Hearing the investigator shall attend to present his or her report and answer questions from members.

The investigator shall retire from the room with the other parties when members have heard the evidence and begin to make their decision.