



Standards Committee

Date: 20 March 2018
Time: 6.00 pm
Venue: Committee Room 1
District Council Offices, Queen Victoria Road, High Wycombe Bucks

Membership

Chairman Councillor C Etholen
Vice Chairman Councillor M Clarke

Councillors: K Ahmed, D J Carroll, A R Green, R Newman, S Saddique and J A Savage

Independent Persons (Observers): Mr G Houalla

Parish Council Observers: Parish Councillor Mr A Cobden, Mr T Nolan and Mrs H Stearn

Standing Deputies

Councillors: A D Collingwood, H L McCarthy, R Raja and R J Scott

Fire Alarm - In the event of the fire alarm sounding, please leave the building quickly and calmly by the nearest exit. Do not stop to collect personal belongings and do not use the lifts. Please congregate at the Assembly Point at the corner of Queen Victoria Road and the River Wye, and do not re-enter the building until told to do so by a member of staff.

Agenda

Item		Page
1	Apologies for Absence To receive any apologies for absence.	-
2	Declarations of Interest To receive any disclosure of any pecuniary interests by Members relating to items on the agenda. If any Member is uncertain as to whether an interest should be disclosed, he or she is asked if possible, he or she is asked if possible to contact the District Solicitor prior to the meeting.	-

Item		Page
	Members are reminded that if they are declaring an interest, they should state the nature of that interest whether or not they are required to withdraw from the meeting.	
3	Minutes of Previous Meeting To confirm the minutes of the previous meeting held on 9 January 2018.	1 - 6
4	Intimidation in Public Life – review by the Committee on Standards in Public Life	7 - 8
5	Committee on Standards in Public Life - Local Government Ethical Standards Stakeholder Consultation	9 - 13
6	Protocol Between Wycombe District Council and Thames Valley Police	14 - 23
7	Independent Person Appointments	24 - 26
8	Annual Report of Standards Committee	27 - 34
9	Quarterly update on Standards complaints	35 - 37
10	Supplementary items (If Any) If circulated in accordance with the five clear days' notice provision.	-
11	Urgent Items (If Any) Any urgent items of business as agreed by the Chairman.	-

For further information, please contact Tanya Brown 01494 421455, committeeservices@wycombe.gov.uk

Standards Committee Minutes

Date: 9 January 2018

Time: 5.30 - 6.08 pm

PRESENT: Councillor C Etholen (in the Chair)

Councillors D J Carroll, M Clarke, A R Green, R Newman, S Saddique and H L McCarthy.

Independent Member: Mr G Houalla.

Parish Council Members: Mr A Cobden and Mr T Nolan.

Apologies for absence were received from Councillors J A Savage and Parish Councillor Mrs H Stearn (Hughenden Parish Council).

39 A MINUTES SILENCE

The Chairman informed everyone present of the very sad passing of Mr Michael Pearce in early December. It was noted that Mr Pearce had served as an Independent Person on the Standards Committee since 2012.

The Committee showed its respect by holding a minute's silence in memory of Mr Pearce.

40 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Savage (Councillor McCarthy substituted).

Apologies for absence were also received from Parish Councillor Hilda Stearn.

The Chairman thanked everyone for attending and wished all present a Happy New Year.

41 DECLARATIONS OF INTEREST

There were no declarations of interest.

42 MINUTES OF PREVIOUS MEETING

RESOLVED: That the minutes of the meeting held on 10 October 2017 be confirmed as a correct record and signed by the Chairman subject to the following amendment:

Minute 32 (Adoption of guidance on use of social media by Members)
– to read *“The proposed guidance at Appendix 1, was based upon guidance recently issued by the London Borough of Waltham Forest.”*

43 INDEPENDENT PERSON RECRUITMENT

The District Solicitor and Monitoring Officer informed the Committee that the Council had decided to have two Independent Persons, and Mr Gilbert Houalla and Mr Michael Pearce had been appointed on 13th May 2013. It was noted that since then they had provided valuable support to the Standards Committee and the Council in general in support of its duty to promote and maintain high standards of conduct and specifically in providing consultative support on Stage 2 member conduct complaints. Members were informed that the recent death of Mr Pearce meant that there was now a vacancy in one of the roles.

The District Solicitor and Monitoring Officer informed Members that she proposed to advertise the vacancy on the WDC website and in the Bucks Free Press (17th January edition) and give a closing date of Monday 19 February 2018. It was noted that those who applied and met the criteria would be interviewed by the District Solicitor and Monitoring Officer and the Chairman of the Committee in February / March and that a report containing a progress update, and a recommendation for ultimate approval by full Council would be presented to the Standards Committee in March.

Members were informed that the legislation required a minimum of one Independent Person to be appointed, but many Councils chose to appoint at least two, in order to provide some resilience, prevent the whole of the necessary support falling to a single person, and allow for the various facets of the role to be covered.

The Chairman thanked Mr Houalla for all his hard work and for agreeing to commit to a further five year period as an Independent Person on the Standards Committee. It was noted that as Mr Houalla had indicated his willingness to extend his term for a further 5 years, the forthcoming report in March would therefore recommend that full Council re-approve his appointment until at least May 2023.

It was suggested that if an alternative to advertising in the Bucks Free Press which might be more effective in bringing attention to the vacancy was available, this should be considered, and that advertising on a community radio station (Wycombe Sound) might be a viable alternative. The District Solicitor and Monitoring Officer agreed to explore all options available to the Committee within the requirements of the legislation.

RESOLVED: To note the process for recruiting and appointing an Independent Person and to approve the sifting process set out in the report prior to Standards Committee making a recommendation to full Council.

44 REVIEW OF THE MEMBER COMPLAINTS PROCEDURE

The District Solicitor and Monitoring Officer informed the Committee that the Member Standards Complaints process had been in place since July 2012. The Code of Conduct, adopted at the same time, had been reviewed and amended in the meantime. Member comments on the operation of the system in relation to some of the complaints recently submitted under the process suggested that now was a suitable time to review how the complaints process worked, and whether any amendments to it should be made. The following points had been raised for consideration by Members.

<u>Points for consideration</u>	<u>Recommendations to the Committee</u>
<p>The Complainant could be anonymous, in the sense of requesting not to be identified to the Subject Member, which because the Subject Member was known to, and named by the Complainant, could be viewed as unfair.</p>	<p>No action required.</p>
<p>Complaints did not receive enough scrutiny at the outset for triviality, nuisance or frivolity. There was currently no facility for the Monitoring Officer to dismiss a complaint at pre-Stage 1 (i.e. before it was accepted as a complaint and sent to the member) where there was some obvious discriminatory motive on the part of a complainant which would be unlawful.</p>	<p>That a new criterion be added to Paragraph 4 of the Complaints Procedure. "What happens Next?" as follows:</p> <p style="padding-left: 40px;">“(h) the subject matter of the complaint reveals any manifest and/or obvious discriminatory motive on the part of the Complainant within the meaning of the Equality Act 2010 in making the complaint”.</p> <p>That criterion (g) in Paragraph 4 of the Complaints Procedure be amended to insert the additional wording in italics below, so (g) will read:</p> <p style="padding-left: 40px;">“the same, or substantially the same issue has been the subject of a previous Code of Conduct allegation or service complaint and there is nothing further to be gained.”</p>
<p>There was no verbal discussion with the member before the complaint became formal. Communication with members was very formal, and could come as an unwelcome shock “out of the blue”. Members lack an effective point of contact whom they could contact to find out more about how the process would</p>	<p>That the Head of Democratic Legal and Policy Services nominate a “member contact” officer who has no direct involvement with the complaints process and whom members can contact for support and advice on the process. In the first instance this would probably be the Democratic Services Manager, and</p>

work. Although it was accepted that the Monitoring Office's role needed to display impartiality as far as possible once a complaint had been made, and this could preclude detailed discussion with the Monitoring Officer about the facts of the case, it would be useful to have a contact point who was knowledgeable about process, yet not directly involved in it.	the complaints process document be amended to reflect this.
It was impossible to prove a negative.	No action required.
The 20 working day deadline for members to respond to the initial complaint could give the impression that the reply was expected to take this period to reply, rather than being a longstop date.	That correspondence with Members made it particularly clear in future that the 20-working day reference was a long stop date, and that they should respond as soon as possible and in any event within 20 working days.

As well as points noted by Members, it was also noted that paragraph 9 of the Complaint process still made reference, when explaining who was an Independent Person, to the transitional provisions up until July 2013, which were now obsolete. It was proposed that this wording be amended accordingly to remove the unnecessary wording.

It was debated whether an additional section of wording should be added to the 20-working day reference to encourage Members to respond within a target of 10-working days where possible. The Committee felt this might put Members under unnecessary pressure, would create additional work for officers and could give the complainant an unrealistic expectation.

The District Solicitor and Monitoring Officer informed the Committee that during the last four years the Council did not appear to have had any serial complainants. It was noted that the Monitoring Officer was entitled to dismiss a complaint at the outset if the same or substantially the same issue had been subject of a previous Code of Conduct allegation or service complaint and there was nothing further to be gained. Mr Houalla advised the Committee that in his experience it was important not to label persistent complainants as a nuisance as some were real victims who could be suffering on a regular, sometimes daily basis.

The Committee was content with the suggested recommendations, as detailed above, with some reservations around the issue of the Complainant being able to have their identity withheld from the subject member.

RESOLVED: That:

The District Solicitor and Monitoring Officer make enquiries with other Local Authorities to explore how they deal with complainants wishing to have their identity withheld from the subject member.

RECOMMENDED TO COUNCIL: That:

The following recommendations be presented to Full Council for approval, and incorporated into the Member Complaints system:

- i) That a new criterion be added to Paragraph 4 of the Complaints Procedure. “What happens Next?” as follows:

“(h) the subject matter of the complaint reveals any manifest and/or obvious discriminatory motive on the part of the Complainant within the meaning of the Equality Act 2010 in making the complaint”.
- ii) That criterion (g) in Paragraph 4 of the Complaints Procedure be amended, so (g) will read:

“the same, or substantially the same issue has been the subject of a previous Code of Conduct allegation or service complaint and there is nothing further to be gained.”
- iii) That the Head of Democratic Legal and Policy Services nominate a “member contact” officer who has no direct involvement with the complaints process and whom members can contact for support and advice on the process.
- iv) That correspondence with Members makes it particularly clear in future that the 20-working day reference is a long stop date, and that they should respond as soon as possible and in any event within 20 working days.
- v) That paragraph 9.1 of the Complaint process be amended to read ‘Is, or has been within the past five years, a member, co-opted member or officer of the authority.’

45 QUARTERLY COMPLAINTS UPDATE

A report was submitted which provided an overview of recent complaint cases regarding Member conduct since October 2017.

It was reported that since the report to Committee on the 10 October 2017 at which time three complaints had been reported with three remaining at Stage 1, those three had all been completed and were not being referred for investigation. It was noted that one further new complaint had been submitted which had since been rejected at pre-Stage 1. There were currently no outstanding complaints.

Members asked about the timescales for dealing with matters and were informed that one of the complaints reported had taken just under three months to resolve as it had not originally been submitted on the official complaints form and had involved four Councillors rather than a single Councillor.

Mr Houalla reminded the Committee that sometimes the Independent Person might not be able to respond to the Monitoring Officer as quickly as would be ideal which could result in more time being taken to deal with some matters.

It was noted that there continues to be a relatively small number of complaints currently being received by the Council.

RESOLVED: That the report be noted.

46 SUPPLEMENTARY ITEMS (IF ANY)

There were no supplementary items.

47 URGENT ITEMS (IF ANY)

There were no urgent items.

48 DATE OF THE NEXT MEETING

The Chairman requested that the next scheduled meeting (Tuesday 13 March 2018) be moved to Tuesday 20 March with a 6pm start time to which everyone present agreed.

The Clerk was requested to check the Corporate Diary and if there were no clashes on the 20 March to make the necessary changes and notify all parties involved of the new date.

Chairman

The following officers were in attendance at the meeting:

Tanya Brown - Democratic Services Officer
Julie Openshaw - District Solicitor

Agenda Item 4

Standards Committee 20 March 2018

INTIMIDATION IN PUBLIC LIFE – A REVIEW BY THE COMMITTEE ON STANDARDS IN PUBLIC LIFE

Officer contact: Julie Openshaw District Solicitor and Monitoring Officer 01494 421252 julie.openshaw@wycombe.gov.uk

Wards affected: All

PROPOSED DECISION

To note the report and consider whether any further steps are required to take forward within WDC the relevant recommendations in the CSPL's review.

Reason for Decision

To highlight the findings of the review, which have implications for standards in public life.

Corporate Implications

1. As outlined in previous reports to Standards Committee, the Committee on Standards in Public Life is an advisory non-departmental public body sponsored by the Cabinet Office, and established in October 1994, by the then Prime Minister. The Chair and members are appointed by the Prime Minister. It is a standing committee and can conduct inquiries into areas of concern about standards in public life, and revisit those areas and monitor whether and how well its recommendations have been put into effect.
2. Membership of the Committee, as of December 2017, is comprised of: Lord (Paul) Bew (Chair), The Rt Hon Dame Margaret Beckett DBE MP, Sheila Drew Smith OBE, Simon Hart MP, Dr Jane Martin CBE, Jane Ramsey, Monisha Shah, and The Rt Hon Lord (Andrew) Stunell OBE. Initially its terms of reference were "To examine current concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities, and make recommendations as to any changes in present arrangements which might be required to ensure the highest standards of propriety in public life." (The remit of the Committee excludes investigation of individual allegations of misconduct). On 12 November 1997, they were extended to include: "To review issues in relation to the funding of political parties, and to make recommendations as to any changes in present arrangements." They were clarified following the Triennial Review of the Committee in 2013.
3. The CSPL published its review on Intimidation in Public Life in December 2017, with findings and recommendations as outlined in the report.

Executive Summary

4. The report highlights the CSPL's review which has implications for standards in public life and the leadership and qualities which are desirable.

Sustainable Community Strategy/Council Priorities – Implications

5. Considering the work of the Committee on Standards in Public Life helps to promote the Council's commitment in the Corporate Plan to ensuring its business is conducted in accordance with the law and proper standards, and principles of good governance.

Background and Issues

6. The role and purpose of the CSPL is set out above. The review undertaken by the CSPL has been driven by the Committee's wide ranging concerns about intimidation in public life and the perceived threat from it to representative democracy in the UK. A number of recommendations for actions have been made for central Government (both generally and for some individual departments), social media companies, political parties, MPs, the National Police Chiefs' Council, and the College of Policing Authorised Professional Practice for elections. The report can be found at <https://www.gov.uk/government/publications/intimidation-in-public-life-a-review-by-the-committee-on-standards-in-public-life>
7. The single recommendation for Monitoring Officers, which was to remind members who are required to declare pecuniary interests of the sensitive interests provisions of the Localism Act 2011, has already been actioned by an article in a recent Members' Update.
8. The Committee's findings have implications for all people in public life and given the link to standards and ethics issues members are invited to note and be aware of the CSPL's interest in the issue nationally, and the recommendations which have been made and will no doubt be followed up as to implementation and effect.

Options

9. The report is for noting only. Suggestions may however be advanced as to how to embed the relevant recommendations into the Council's processes.

Conclusions

10. The review addresses what is perceived as an important national issue and should therefore be acknowledged, and its recommendations kept in mind and followed as far as possible.

Next Steps

11. Further steps taken by the CSPL will be reported at the appropriate time.

Background Papers

None.

Agenda Item 5

Standards Committee 20 March 2018

COMMITTEE ON STANDARDS IN PUBLIC LIFE – LOCAL GOVERNMENT

ETHICAL STANDARDS STAKEHOLDER CONSULTATION

Officer contact: Julie Openshaw District Solicitor and Monitoring Officer
Julie.openshaw@wycombe.gov.uk 01494 421252

Wards affected: All

PROPOSED DECISION

To note that the Monitoring Officer in consultation with the Chairman of Standards Committee will respond to the consultation, and to note that other stakeholders as set out in the report are also invited to respond if they wish.

Reason for Decision

To provide a view from WDC to the consultation.

Corporate Implications

1. As outlined in previous reports to Standards Committee, the Committee on Standards in Public Life is an advisory non-departmental public body sponsored by the Cabinet Office. The Chair and members are appointed by the Prime Minister, established in October 1994, by the then Prime Minister. It is a standing committee and can conduct inquiries into areas of concern about standards in public life, and revisit those areas and monitor whether and how well its recommendations have been put into effect.
2. Membership of the Committee, as of December 2017, is comprised of: Lord (Paul) Bew (Chair), The Rt Hon Dame Margaret Beckett DBE MP, Sheila Drew Smith OBE, Simon Hart MP, Dr Jane Martin CBE, Jane Ramsey, Monisha Shah, and The Rt Hon Lord (Andrew) Stunell OBE. Initially its terms of reference were “To examine current concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities, and make recommendations as to any changes in present arrangements which might be required to ensure the highest standards of propriety in public life.” (The remit of the Committee excludes investigation of individual allegations of misconduct). On 12 November 1997, they were extended to include: “To review issues in relation to the funding of political parties, and to make recommendations as to any changes in present arrangements.” They were clarified following the Triennial Review of the Committee in 2013.

Executive Summary

3. The report explains the purpose of the consultation being undertaken by the CSPL and proposals for response.

Sustainable Community Strategy/Council Priorities - Implications

4. Considering the work of the Committee on Standards in Public Life helps to promote the Council's commitment in the Corporate Plan to ensuring its business is conducted in accordance with the law and proper standards, and principles of good governance.

Background and Issues

5. The role of the Committee on Standards in Public Life is set out above. On 29 January it published a stakeholder consultation on local government ethical standards, with a response date of 18 May 2018.
6. The CSPL begins by noting that robust standards arrangements are needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government.
7. The terms of reference for the review are to:
 - examine the structures, processes and practices in local government in England for:
 - maintaining codes of conduct for local councillors
 - investigating alleged breaches fairly and with due process
 - enforcing codes and imposing sanctions for misconduct
 - declaring interests and managing conflicts of interest
 - whistleblowing
 - assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government
 - make any recommendations for how they can be improved
 - note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.
8. The review will consider all levels of local government in England, including town and parish councils, principal authorities, combined authorities (including Metro Mayors) and the Greater London Authority (including the Mayor of London).
9. Responses are invited from local authorities and their standards committees, parish and district councillors, Monitoring Officers, think tanks or academics with an interest or expertise in local government, and representative bodies or groups related to local government.

10. Details can be found at: <https://www.gov.uk/government/consultations/local-government-ethical-standards-stakeholder-consultation> . A range of questions for comment area posed, including on Codes of Conduct, investigations and decisions on allegations, sanctions, declaring interests and conflicts of interest whistleblowing, improving standards and intimidation of local councillors. They are reproduced in Appendix 1.

11. A separate report to Committee has been prepared to report the CSPL's linked workstream in preparing a Review into intimidation in public life generally.

Options

12. As the existing standards and ethics regime for members has been in place since July 2012, this consultation is timely, and it is recommended that WDC provides comments upon it. The alternative, to decline to comment, is not recommended as that option would mean its views would not be represented.

Conclusions

13. The opportunity to make representations should be taken.

Next Steps

14. Representations will be prepared and sent to the CSPL by the requested deadline.

Background Papers

None.

APPENDIX 1

Consultation questions:

- a. Are the existing structures, processes and practices in place working to ensure high standards of conduct by local councillors? If not, please say why.
- b. What, if any, are the most significant gaps in the current ethical standards regime for local government?

Codes of conduct

- c. Are local authority adopted codes of conduct for councillors clear and easily understood? Do the codes cover an appropriate range of behaviours? What examples of good practice, including induction processes, exist?
- d. A local authority has a statutory duty to ensure that its adopted code of conduct for councillors is consistent with the Seven Principles of Public Life and that it includes appropriate provision (as decided by the local authority) for registering and declaring councillors' interests. Are these requirements appropriate as they stand? If not, please say why.

Investigations and decisions on allegations

- e. Are allegations of councillor misconduct investigated and decided fairly and with due process?
 - i. What processes do local authorities have in place for investigating and deciding upon allegations? Do these processes meet requirements for due process? Should any additional safeguards be put in place to ensure due process?
 - ii. Is the current requirement that the views of an Independent Person must be sought and taken into account before deciding on an allegation sufficient to ensure the objectivity and fairness of the decision process? Should this requirement be strengthened? If so, how?
 - iii. Monitoring Officers are often involved in the process of investigating and deciding upon code breaches. Could Monitoring Officers be subject to conflicts of interest or undue pressure when doing so? How could Monitoring Officers be protected from this risk?

Sanctions

- f. Are existing sanctions for councillor misconduct sufficient?
 - i. What sanctions do local authorities use when councillors are found to have breached the code of conduct? Are these sanctions sufficient to deter breaches and, where relevant, to enforce compliance?
 - ii. Should local authorities be given the ability to use additional sanctions? If so, what should these be?

Declaring interests and conflicts of interest

- g. Are existing arrangements to declare councillors' interests and manage conflicts of interest satisfactory? If not please say why.
 - i. A local councillor is under a legal duty to register any pecuniary interests (or those of their spouse or partner), and cannot participate in discussion or votes that engage a disclosable pecuniary interest, nor take any further steps in relation to that matter, although local authorities can grant dispensations under certain circumstances. Are these statutory duties appropriate as they stand?
 - ii. What arrangements do local authorities have in place to declare councillors' interests, and manage conflicts of interest that go beyond the statutory requirements? Are these satisfactory? If not, please say why.

Whistleblowing

- h. What arrangements are in place for whistleblowing, by the public, councillors, and officials? Are these satisfactory?

Improving standards

- i. What steps could *local authorities* take to improve local government ethical standards?
- j. What steps could *central government* take to improve local government ethical standards?

Intimidation of local councillors

- k. What is the nature, scale, and extent of intimidation towards local councillors?
 - i. What measures could be put in place to prevent and address this intimidation?

Agenda Item 6

Standards Committee 20 March 2018

PROTOCOL BETWEEN MONITORING OFFICER AND THAMES VALLEY POLICE

Officer contact: Julie Openshaw District Solicitor and Monitoring Officer
Julie.openshaw@wycombe.gov.uk 01494 421252

Wards affected: All

PROPOSED DECISION OR RECOMMENDATION TO COUNCIL

To note and approve the draft protocol between Thames Valley Police and WDC for circumstances where the Monitoring Officer needs to refer a complaint about Councillor conduct under the Localism Act 2011 to the Police.

Reason for Decision

Having a protocol in place will help to ensure relevant parties understand and agree in advance the process and expectations in the event that it becomes necessary for a complaint about a potential criminal offence under the Localism Act 2011 to be referred to the Police. It also supports the Progress objective in the Corporate Plan by helping to practise good governance.

Corporate Implications

1. The Localism Act 2011 sets out the requirements for a Code of Conduct and complaints process regulating the conduct of Councillors and the Council's arrangements are compliant with this. Section 34 makes it an offence for councillors to fail to comply with their obligations to register Disclosable Pecuniary Interests (DPIs), or to participate in a discussion or vote in a matter in respect of which they have a DPI unless they have received a dispensation, or to take any steps or further steps in relation to the matter, except for the purpose of enable in the matter to be dealt with otherwise than by the member. If circumstances arise where an offence appears to have been committed, the investigation would be for the Police, not the Council (or its Monitoring Officer) to undertake. Subsequent prosecution, where pursued, would be undertaken by the Crown Prosecution Service, following referral from the Police.
2. Though it is not obligatory to have a protocol in place with the local police authority, having one will help to promote speed and understanding between the parties where circumstances justifying referral arise. The protocol has been based on others in place in other areas.

Executive Summary

3. The protocol between WDC and Thames Valley Police is recommended to be noted and approved for future use where necessary.

Sustainable Community Strategy/Council Priorities - Implications

4. Approving the protocol will help support the Council's Progress objective in the Corporate Plan, including the practise of good governance.

Background and Issues

5. Over recent months, and on behalf of and with the support of other Monitoring Officers across the county, the Monitoring Officer for Chiltern DC/South Bucks DC has been in contact with Thames Valley Police to agree in principle the content of a protocol to deal with referrals by Monitoring Officers to the police in circumstances where it appears an offence under the Localism Act 2011 may have been committed. All Monitoring Officers across the County have expressed satisfaction with the latest draft. Thames Valley Police initially requested some amendments and have now confirmed that they are content to sign up to it as currently drafted, as at Appendix 1. Monitoring Officers nationally have agreed that it is helpful (though not obligatory) to have a protocol in place, so it will be helpful to have one which applies consistently to the whole county.

Options

6. The alternative option is not to agree to the protocol. However, as the proposed protocol will help guide process and expectations if a referral does prove necessary in the future, and given that it has been agreed county-wide in principle and accords with similar protocols in place elsewhere in the country, this is not recommended.

Conclusions

7. Agreeing to the protocol is recommended.

Next Steps

8. The protocol will be followed in the event of the need for a referral to Thames Valley Police.

Background Papers

None.

PROTOCOL BETWEEN BUCKINGHAMSHIRE MONITORING OFFICERS AND THAMES VALLEY POLICE

Purpose

To agree a protocol for the reporting of potential criminal offences arising under Section 34 of the Localism Act 2011 concerning the registration and/or disclosure of Disclosable Pecuniary Interests (DPIs) (as defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012).

1. If the Monitoring Officer receives a complaint regarding a potential DPI offence they will undertake an initial assessment of the allegation having regard to the following criteria:-
 - Has the alleged offence been committed in the last 3 years?
 - Was the Member concerned subject to the Localism Act 2011 at the time of the alleged offence?
 - Is it proportionate to conduct a criminal investigation rather than a code of conduct investigation for the alleged offence?
2. If the Monitoring Officer considers that the answer to each of the above criteria is “yes” the Monitoring Officer will make immediate contact with Thames Valley Police through the nominated single point of contact (see Appendix B for named Police contact).
3. Similarly if Thames Valley Police receive a complaint from a member of the public they will inform the relevant Monitoring Officer of the receipt of that complaint. (Each authority will be responsible for providing up to date contact details of their appointed Monitoring Officer from time to time – see Appendix B for named Monitoring Officer contacts.)
4. Thames Valley Police will register the complaint and conduct an initial assessment of the complaint but may approach the relevant Monitoring Officer for background information on the complaint.
5. If Thames Valley Police decide not to prosecute the matter they will normally pass the relevant evidence to the relevant Monitoring Officer so that consideration can be given to a Code of Conduct breach being pursued. In the event that the relevant Council decides to pursue a Code of Conduct breach they will inform Thames Valley Police of their decision.
6. Both the relevant Monitoring Officer and Thames Valley Police will endeavour to keep complainants regularly updated as to the progress of complaints.

Signed on behalf of Thames Valley Police:

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Signed on behalf of Aylesbury Vale District Council:

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Signed on behalf of Buckinghamshire County Council:

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Signed on behalf of Chiltern District Council:

.....

Signed on behalf of South Bucks District Council:

.....

Signed on behalf of Wycombe District Council:

.....

Signed on behalf of Buckinghamshire & Milton Keynes Fire Authority:

Signed on behalf of Royal Berkshire Fire Authority:

NB: A signed version is retained by Legal Services. Signed and dated by all parties as of 2018.

Appendix A – Extracts from Localism Act 2011

30 Disclosure of pecuniary interests on taking office

1. A member or co-opted member of a relevant authority must, before the end of 28 days beginning with the day on which the person becomes a member or co-opted member of the authority, notify the authority's monitoring officer of any disclosable pecuniary interests which the person has at the time when the notification is given.
2. Where a person becomes a member or co-opted member of a relevant authority as a result of re-election or re-appointment, subsection (1) applies only as regards disclosable pecuniary interests not entered in the authority's register when the notification is given.
3. For the purposes of this Chapter, a pecuniary interest is a "disclosable pecuniary interest" in relation to a person ("M") if it is of a description specified in regulations made by the Secretary of State and either:
 - a) It is an interest of M's; or
 - b) It is an interest of:
 - i) M's spouse or civil partner;
 - ii) a person with whom M is living as husband and wife; or
 - iii) a person with whom M is living as if they were civil partners, and M is aware that that other person has the interest.
4. Where a member or co-opted member of a relevant authority gives a notification for the purposes of subsection (1), the authority's monitoring officer is to cause the interests notified to be entered in the authority's register (whether or not they are disclosable pecuniary interests).

31 Pecuniary interests in matters considered at meetings or by a single member

1. Subsections (2) to (4) apply if a member or co-opted member of a relevant authority:
 - a) Is present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority;
 - b) Has a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting; and
 - c) Is aware that the condition in paragraph (b) is met.
2. If the interest is not entered in the authority's register, the member or co-opted member must disclose the interest to the meeting, but this is subject to section 32(3).
3. If the interest is not entered in the authority's register and is not the subject of a pending notification, the member or co-opted member must notify the authority's monitoring officer of the interest before the end of 28 days beginning with the date of the disclosure.
4. The member or co-opted member may not:
 - a) Participate, or participate further, in any discussion of the matter at the meeting; or
 - b) Participate in any vote, or further vote, taken on the matter at the meeting;but this is subject to section 33.
5. In the case of a relevant authority to which Part 1A of the Local Government Act 2000 applies and which is operating executive arrangements, the reference in subsection (1)(a) to a committee of the authority includes a reference to the authority's executive and a reference to a committee of the executive.

6. Subsections (7) and (8) apply if:
 - a) A function of a relevant authority may be discharged by a member of the authority acting alone;
 - b) The member has a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, by the member in the course of discharging that function; and
 - c) The member is aware that the condition in paragraph (b) is met.
7. If the interest is not entered in the authority's register and is not the subject of a pending notification, the member must notify the authority's monitoring officer of the interest before the end of 28 days beginning with the date when the member becomes aware that the condition in subsection (6)(b) is met in relation to the matter.
8. The member must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by the member).
9. Where a member or co-opted member of a relevant authority gives a notification for the purposes of subsection (3) or (7), the authority's monitoring officer is to cause the interest notified to be entered in the authority's register (whether or not it is a disclosable pecuniary interest).
10. Standing orders of a relevant authority may provide for the exclusion of a member or co-opted member of the authority from a meeting while any discussion or vote takes place in which, as a result of the operation of subsection (4), the member or co-opted member may not participate.
11. For the purpose of this section, an interest is "subject to a pending notification" if:
 - a) Under this section or section 30, the interest has been notified to a relevant authority's monitoring officer; but
 - b) Has not been entered in the authority's register in consequence of that notification.

32 Sensitive interests

1. Subsections (2) and (3) apply where:
 - a) A member or co-opted member of a relevant authority has an interest (whether or not a disclosable pecuniary interest); and
 - b) The nature of the interest is such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.
2. If the interest is entered in the authority's register, copies of the register that are made available for inspection, and any published version of the register, must not include details of the interest (but may state that the member or co-opted member has an interest the details of which are withheld under this subsection).
3. If section 31(2) applies in relation to the interest, that provision is to be read as requiring the member or co-opted member to disclose not the interest but merely the fact that the member or co-opted member has a disclosable pecuniary interest in the matter concerned.

33 Dispensations from section 31(4)

1. A relevant authority may, on a written request made to the proper officer of the authority by a member or co-opted member of the authority, grant a dispensation relieving the member or co-opted member from either or both of the restrictions in section 31(4) in cases described in the dispensation.

2. A relevant authority may grant a dispensation under this section only if, after having had regard to all relevant circumstances, the authority:
 - a) Considers that without the dispensation the number of persons prohibited by section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
 - b) Considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
 - c) Considers that granting the dispensation is in the interests of persons living in the authority's area;
 - d) If it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive; or
 - e) Considers that it is otherwise appropriate to grant a dispensation.
3. A dispensation under this section must specify the period for which it has effect, and the period specified may not exceed four years.
4. Section 31(4) does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this section.

34 Offences

1. A person commits an offence if, without reasonable excuse, the person:
 - a) Fails to comply with an obligation imposed on the person by section 30(1) or 31(2), (3) or (7);
 - b) Participates in any discussion or vote in contravention of section 31(4); or
 - c) Takes any steps in contravention of section 31(8).
2. A person commits an offence if under section 30(1) or 31(2), (3) or (7) the person provides information that is false or misleading and the person:
 - a) Knows that the information is false or misleading; or
 - b) Is reckless as to whether the information is true and not misleading.
3. A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
4. A court dealing with a person for an offence under this section may (in addition to any other power exercisable in the person's case) by order disqualify the person, for a period not exceeding five years, for being or becoming (by election or otherwise) a member or co-opted member of the relevant authority in question or any other relevant authority.
5. A prosecution for an offence under this section is not to be instituted except by or on behalf of the Director of Public Prosecutions.
6. Proceedings for an offence under this section may be brought within a period of 12 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to the prosecutor's knowledge.
7. But no such proceedings may be brought more than three years:
 - a) After the commission of the offence; or
 - b) In the case of a continuous contravention, after the last date on which the offence was committed.

8. A certificate signed by the prosecutor and stating the date on which such evidence came to the prosecutor's knowledge is conclusive evidence of that fact; and a certificate to that effect and purporting to be so signed is to be treated as being so signed unless the contrary is proved.
9. The Local Government Act 1972 is amended as follows.
10. In section 86(1)(b) (authority to declare vacancy where member becomes disqualified otherwise than in certain cases) after "2000" insert "or section 34 of the Localism Act 2011".
11. In section 87(1)(ee) (date of casual vacancies):
 - a) After "2000" insert "or section 34 of the Localism Act 2011 or"; and
 - b) After "decision" insert "or order".
12. The Greater London Authority Act 1999 is amended as follows.
13. In each of sections 7(b) and 14(b) (Authority to declare vacancy where Assembly member or Mayor becomes disqualified otherwise than in certain cases) after sub -paragraph (i) insert:
"(ia) under section 34 of the Localism Act 2011".
14. In section 9(1)(f) (date of casual vacancies):
 - a) Before "or by virtue of" insert "or section 34 of the Localism Act 2011"; and
 - b) After "that Act" insert "of 1998 or that section".

Appendix B – Monitoring Officer/Police Contacts

Thames Valley Police

Detective Inspector Gavin Tyrell

Chiltern and South Bucks District Councils

Joanna Swift

Buckinghamshire County Council

Linda Forsythe

Aylesbury Vale District Council

Ifty Ali

Wycombe District Council

Julie Openshaw

Buckinghamshire & Milton Keynes Fire Authority

Graham Britten

Royal Berkshire Fire Authority

Graham Britten

Agenda Item 7

Standards Committee 20 March 2018

INDEPENDENT PERSON APPOINTMENTS

Officer contact: Julie Openshaw District Solicitor and Monitoring Officer 01494 421252 julie.openshaw@wycombe.gov.uk

Wards affected: All

PROPOSED DECISION

To note the current position with regard to recruitment and approve further steps to recruit to the role as set out in the report.

Reason for Decision

The recent death of one of the Independent Persons creates a vacancy which needs to be filled.

Corporate Implications

1. The Localism Act 2011 created a revised method of addressing standards and ethics issues in local authorities. Wycombe District Council has been operating under this regime since it was introduced in July 2012. Section 27 places a duty on the Council to promote and maintain high standards of conduct by members and co-opted members of the Council. Section 28(7) places a duty on the Council to appoint at least one "Independent Person" in connection with its standards duties. In accordance with widespread practice, WDC has decided to have two Independent Persons.
2. Following a transitional period during which two of the former "Independent Members" filled the roles of "Independent Person" ("IP") for the first year of the new regime (as the law permitted), Mr Gilbert Houalla and Mr Michael Pearce were appointed as the Council's two new IPs on 13th May 2013. Mr Pearce's death has created a vacancy.
3. IPs need no specific qualifications but the attributes and experience they are expected to possess is reported, together with the grounds which would disqualify an applicant from being appointed. Appointments must be approved by a majority of members of the Council, which means full Council must make the final decision. A Recruitment Pack for the role has been approved and advertised, and applications invited.
4. Many Councils pay a modest allowance to their IPs; WDC provides an annual allowance of £211.10 which is uplifted to reflect annual inflation, with no separate travel allowance.

Executive Summary

5. Following a report to 9 January Standards Committee, this provides Standards Committee with an update with regard to the appointment of a second Independent Person.

Sustainable Community Strategy/Council Priorities - Implications

6. Having all Independent Person roles filled supports the Council's priorities in its Corporate Plan by helping to ensure that its business is conducted in accordance with the law and proper standards, and principles of good governance.

Background and Issues

7. WDC has decided to have two Independent Persons, and Mr Gilbert Houalla and Mr Michael Pearce were appointed as the Council's two new IPs on 13th May 2013. The death of Mr Pearce has created a vacancy in one of the roles.
8. The legislation requires a minimum of one Independent Person to be appointed, but many Councils choose to appoint at least two, in order to provide some resilience, prevent the whole of the necessary support falling to a single person, and allow for the various facets of the role, as outlined below, to be covered.
9. The role of the IPs was initially twofold, i.e. to provide a view to the Council (in practice to the Monitoring Officer) which must be taken into account before a decision is made on whether or not to formally investigate a complaint that a member has breached the Code of Conduct or in more general circumstances in relation to an allegation, and for members who are the subject of a complaint to be able to contact an IP in relation to an allegation. Since the role was initially enacted, the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 came into force on 11 May 2015, providing that if a Council was considering dismissal of one or more of its statutory officers (Head of Paid Service, Chief Financial Officer, or Monitoring Officer) it would have to set up a panel and at least two IPs would need to be members of such panel. So far there will have been few if any cases across the country where this third aspect of the role will have been required.
10. As approved by Committee on 9 January 2018, the vacancy has been advertised through the recruitment pack being placed on the Council's website (a newspaper advertisement is not a legal obligation so was not placed in accordance with discussion at Committee) and although two potential candidates enquired about the role, unfortunately no applications were received by the closing date. Subsequently the Monitoring Officer has been in contact with colleagues across Buckinghamshire and the current IPs for other Buckinghamshire councils (including the pool shared by Bucks Fire Authority) are being made aware of the vacancy in case they may also be interested in applying to undertake it on behalf of WDC. BCC is also currently undertaking a recruitment exercise for a single vacancy and apparently has three potential candidates. Those candidates will also be made aware of the WDC vacancy. It is also recommended that the recruitment pack be readvertised, and that a further report be presented to Committee at its June meeting.
11. In 2013, no defined term was placed by WDC upon the appointments so they are indefinite; there is no obligation to have a fixed term. Some Councils chose to

appoint for fixed terms of 5 years to try to minimise any risk that over time it could be perceived that IPs' impartiality might be compromised by an ongoing working relationship with their appointing Council, but some of these have found little option on expiry of the initial 5 years than to re-appoint the same people due to difficulties in finding further candidates. The 5th anniversary of Mr Houalla's appointment will occur in May 2018. As he has indicated his willingness to extend his term for a further 5 years, when a recommendation is made to Council on appointment to the current vacancy, the report will also recommend that full Council re-approve Mr Houalla's appointment until at least 13 May 2023.

Options

12. Since from a practical perspective the Council needs to have at least two Independent Persons in the longer term, and the Council has previously decided to have two, there is no realistic alternative option but to continue to seek a appoint a second IP.

Next Steps

13. A further report will be presented to Standards Committee in June.

Background Papers

None.

Agenda Item 8

Standards Committee 20 March 2018

ANNUAL REPORT OF STANDARDS COMMITTEE

Officer contact: Julie Openshaw District Solicitor and Monitoring Officer 01494 425212 julie.openshaw@wycombe.gov.uk

Wards affected: All.

PROPOSED DECISION

That Standards Committee notes and approves the Annual Report of Standards Committee attached at Appendix 1.

Reason for Decision

In accordance with Standards Committee's recommendation of 10 October 2017 which was noted by Council on 11 December 2017 this is the first Annual Report of Standards Committee to full Council since the implementation of the current standards regime.

Corporate Implications

1. The Localism Act 2011 sets out the current provisions in relation to member standards and ethics, and the Standards Committee and associated processes fulfils this requirement.
2. The publishing of the Annual Governance Statement (AGS), in accordance with the Accounts and Audit Regulations 2015, is the formal reporting of the Council's governance arrangements and approval is undertaken by Audit Committee; this is an opportunity to report on the quality of those arrangements and identify any actions to improve upon them. Regulation 6 imposes a requirement, each financial year, to prepare an Annual Governance Statement and to conduct a review of the effectiveness of the system of internal control required by Regulation 3.
3. CIPFA/SOLACE issued new guidance for 2016/7 entitled "Delivering Good Governance in Local Government Framework 2016". At its meeting on 15 June 2017 Audit Committee reviewed this, and recommended some areas for improvement. The recommendation which was specific to Standards Committee was that there should be an annual report from Standards Committee to Full Council setting out the work carried out by Standards Committee in the preceding year, outlining the work programme of the Standards Committee over the past year, including training provided, the number of member conduct complaint referrals and outcomes, and any outside assurance in relation to operational processes. The principle of an annual report has already been endorsed.

Executive Summary

4. The report recommends noting and approval of the Annual Report 2017-18 of the Standards Committee.

Sustainable Community Strategy/Council Priorities - Implications

5. The proposed decision supports the Council's overall governance arrangements, including the Local Code of Governance and its Progress objective in the Corporate Plan by supporting good governance practices.

Background and Issues

6. Prior to July 2012, the previous statutory Standards Committee which was obligatory under the Local Government Act 2000, used to report annually to full Council, but this practice was not continued under the replacement provisions enacted by the Localism Act 2011. On 10 October 2017, Standards Committee recommended the introduction of an Annual Report of Standards Committee. The reasons were outlined in that report and are repeated in the Corporate Implications above. Full Council received the minutes on 11 December 2017.
7. The proposed Annual Report of WDC Standards Committee is attached at Appendix 1. It takes into account the format of the Annual Report which Standards Committee used to produce prior to the Standards regime being changed in 2012, and Audit Committee annual reports.
8. Standards Committee is invited to note and approve the Annual Report.

Options

9. There are no options other than to amend the content of the Annual Report; the principle of an Annual Report has already been established.

Next Steps

10. Full Council will note the Annual Report when presented with Standards Committee's minutes on 16 April 2018. Standards Committee will be invited to approve future annual reports at its March meetings.

Background Papers

None.



Queen Victoria Road
High Wycombe
Bucks HP11 1BB

ANNUAL REPORT OF WYCOMBE DISTRICT COUNCIL STANDARDS COMMITTEE 2017-18

1.0 Foreword by Cllr Carl Etholen, Chairman of Standards Committee

- 1.1 I am pleased to present this, the first annual report of the current Standards Committee since its inception in 2012, which outlines the Committee's work over the past year. Wycombe District Council's Standards Committee plays a key part in the Council's support for and promotion of high ethical standards and probity, and meets at least quarterly to fulfil this role. In this way it provides a vital contribution towards the Council's governance arrangements. As well as 8 WDC elected members, appointed in accordance with political proportionality, the Committee also includes 3 Parish Council co-optees, and its two Independent Persons, in non-voting roles. In 2017, for the first time in the past couple of years, the Committee has been able to recruit to the two vacant Parish Council places, so all three roles are now filled. Work is ongoing to recruit to a recent vacancy for one of the two Independent Persons.
- 1.2 I would like to thank all Members who have served on the Standards Committee during the year and those officers who have supported the work of the Committee in presenting and discussing reports.

2.0 Standards Committee Membership 2017-18

2.1 The Standards Committee is currently comprised as follows:

- Cllr Carl Etholen (Chairman)
- Cllr Marten Clarke (Vice Chairman)
- Cllr Khalil Ahmed
- Cllr David Carroll
- Cllr Tony Green
- Cllr Richard Newman
- Cllr Saeed Saddique
- Cllr John Savage
- Parish Councillor Andy Cobden
- Parish Councillor Tim Nolan
- Parish Councillor Hilda Stearn
- Mr Gilbert Houalla (Independent Person)
- Vacancy (Independent Person)

2.2 The Standards Committee consists of 8 WDC elected members, politically balanced according to representation, and appointed by their respective groups, the three co-opted representatives drawn from members of the Parish Councils in the District and two Independent Persons who have been appointed by the Council. In accordance with the requirements of legislation, the Independent Persons and Co-opted members are non-voting. Nonetheless, they have full speaking rights and the ability to influence the Committee's work.

2.3 Parish Councillor Cobden has been in the role since 2015; Parish Councillor Nolan and Parish Councillor Stearn were appointed in 2017.

2.4 Under the Localism Act 2011, the Council was required to appoint one or more Independent Persons to assist in the Standards process, and chose to appoint two. The functions of the Independent Persons within the work of Standards Committee are that they must be consulted by the Authority before it makes a finding as to whether a member has failed to comply with the Code of Conduct or decide on action to be taken in respect of that member, they may be consulted in respect of a Standards complaint at any other stage, and they may be consulted by a member or a co-opted member of the Council against whom a complaint has been made.

2.5 Mr Gilbert Houalla was appointed in May 2013 to fulfil the role and following the death of Mr Michael Pearce, who was appointed at the same time, a recruitment process is currently being pursued to appoint to the vacancy.

2.6 The Council's Monitoring Officer, together with the Deputy Monitoring Officer and other officers from Legal Services and Democratic Services, support the Standards Committee in its work and Members to comply with the Code of Conduct. The Monitoring Officer has a statutory role to ensure that the Council's decisions through its members and officers are lawful.

3.0 Remit of committee/terms of reference/constitution/scope of this report

- 3.1 Wycombe District Council's Standards Committee in its present format was first set up in July 2012, following the coming into force of the Localism Act 2011.
- 3.2 Members of the Standards Committee have a common interest in championing high standards of conduct amongst local politicians.
- 3.3 Its Terms of Reference, as set out in the Council's Constitution, are:
- To promote and maintain high standards of conduct by the Members and co-opted Members of Wycombe District Council.
 - To assist Members and co-opted Members of the District Council to observe the Council's Code of Conduct.
 - To advise the District Council on the adoption or revision of a Code of Conduct.
 - To monitor the operation of the District Council's Code of Conduct, having regard to any national or local guidance.
 - To consider and grant dispensations in respect of Member interests as provided in the Localism Act 2011.
 - To advise, train or arrange the training of Members and Co-opted Members of the District Council on matters relating to the authority's Code of Conduct.
 - To consider any matters referred to it by the Monitoring Officer (delegated to ad hoc Hearings Panel).
 - To discharge the first four functions above in relation to Parish Councils within the area of the Wycombe District.
 - To advise the Council on the adoption or revision of Codes of Conduct.

4.0 Work programme

- 4.1 The items of business dealt with by the Committee are summarised in Appendix 1.
- 4.2 Three particular areas of importance covered in 2017-18 were the adoption of more detailed guidance around the use of social media, and the acceptance and declaration of gifts and hospitality, and a review of the way in which the process for handling of complaints of alleged member misconduct is operated.
- 4.3 In 2012, following the implementation of the Localism Act 2011 and associated changes to the Standards regime, the Monitoring Officer was appointed to receive complaints of failure to comply with the Code of Conduct. The Monitoring Officer has delegated power, after consultation with an Independent Person, if appropriate, to determine whether or not a

complaint merits formal investigation. Wherever practicable, the Monitoring Officer is able to encourage resolution of complaints without formal investigation.

- 4.4 The Standards Committee receives a regular report at each meeting on the discharge of this function. A list of all matters reported to Standards Committee in 2017-18 is at Appendix 2. Future annual reports will enable comparison of annual numbers and outcomes to be undertaken.
- 4.5 In July 2017, Mr Houlla provided an update to the Committee on an Independent Person training session he had attended. The training covered legislation, process and the role of the Independent person including case studies and information from other experienced Independent Persons. He noted and informed the Committee that the training demonstrated that Wycombe District Council is following best practice guidance. During the year, training was also provided to the new, and existing, Parish Council members, covering the Monitoring Officer role, the history of the current standards and ethics legislation, the work of the Committee, and the role of the Parish Council members. Whilst no update training to members has been undertaken this year training was carried out after the 2015v elections, and in 2016, and further update training will be considered as necessary.
- 4.6 Under the provisions of the Localism Act 2011, the Standards Committee and in some circumstances the Monitoring Officer have power to grant dispensations. The grounds for granting a dispensation are:
- without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
 - without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
 - granting the dispensation is in the interests of persons living in the authority's area;
 - without the dispensation each member of the Council's Cabinet would be prohibited from participating in any particular business to be transacted by the Cabinet;
 - it is otherwise appropriate to grant a dispensation.
- 4.7 In 2017-18 no dispensations have been applied for or granted.

5.0 Conclusion

- 5.1 The Standards Committee has continued to promote the principles and values of high standards of conduct and good governance across the Council. Its work will continue and annual reports of its work will highlight its work and enable trends to be identified.

Appendix 1

Standards Committee agenda items 2017-8

8 February 2017

- Modern Slavery Transparency Statement
- Quarterly Complaints Update

11 July 2017

- Review of Independent Person Training
- Quarterly Complaints Update

10 October 2017

- Selection and appointment of Co-opted Members of Standards Committee
- Adoption of Guidance on use of Social Media by Members
- Adoption of Guidance on Acceptance of Gifts and Hospitality
- Annual Standards Report to Council
- Quarterly Complaints Update

9 January 2018

- Recruitment and Appointment of Independent Person
- Review of Member Standards Complaints process
- Quarterly Complaints Update

20 March 2018

- Intimidation in Public Life – review by the Committee on Standards in Public Life
- Committee on Standards in Public Live – Local Government Ethical Standards Stakeholder Consultation
- Protocol between Wycombe District Council and Thames Valley Police
- Independent Person Appointments
- Annual Report of Standards Committee
- Quarterly Complaints update

Appendix 2

Standards Complaints						
Complaints submitted under Localism Act procedure:						
Ref No	Date Recd	Complainant	Against Councillor:	Council	Outcome	Date completed
SC34	05/01/2017	Ms E Plowman	Cllr B Pearce	Wycombe DC	Complaint rejected at preliminary stage as previous complaint withdrawn.	20/01/2017
SC35	02/12/2016	Anonymised	Anonymised	Wycombe DC	Complaint not referred for investigation. Public benefit not served by further investigation.	20/01/2017
SC36	04/04/2017	Mr R Chavez	Cllr C Whitehead	Wycombe DC	Complaint not referred for investigation; complainant did not indicate dissatisfied with Member's response.	08/06/2017
SC37	05/05/2017	Mr D Lord	Cllr S Adoh	Wycombe DC	Complaint not referred for investigation; complainant satisfied with Member's response.	08/06/2017
SC38	15/05/2017	Cllrs A Baughan, M Knight, J Wassell	Cllr B Pearce	Wycombe DC	Complaint not referred for investigation; alternative resolution suggested and agreed to by subject member.	04/08/2017
SC39	18/05/2017	Cllr A Hill	Cllr B Pearce	Wycombe DC	Complaint not progressed to Stage 2; complainant did not wish to proceed further.	03/07/2017
SC40	05/07/2017	Mrs L Cannon Clegg	Cllr D Johncock	Wycombe DC	Complaint not progressed to Stage 2; complainant did not wish to proceed further.	07/08/2017
SC41	11/08/2017	Anonymised	4 Councillors	Wycombe DC	Complaint not referred for investigation. Public benefit not served by further investigation.	02/11/2017
SC42	11/08/2017	Anonymised	1 Councillor	Wycombe DC	Complaint not referred for investigation. Public benefit not served by further investigation.	23/10/2017
SC43	20/08/2017	Mr I Harrison	Cllr K Wood	Wycombe DC	Complaint not referred for investigation. Public benefit not served by further investigation. Referred to BCC's service complaint process.	30/10/2017
SC44	15/11/2017	Ms C Harris	Cllr M Detsiny	Lane End PC	Complaint not referred for investigation. Public benefit not served by further investigation.	09/01/2018

Agenda Item 9

Standards Committee 20 March 2018

QUARTERLY UPDATE ON STANDARDS COMPLAINTS

Officer contact: Julie Openshaw District Solicitor and Monitoring Officer 01494 421252 julie.openshaw@wycombe.gov.uk

Wards affected: All.

PROPOSED DECISION

To note the report.

Reason for Decision

To provide the Committee with an overview of complaints about member conduct since January 2018.

Corporate Implications

1. The Localism Act 2011, Sections 26-37 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 set out the current legislative framework relating to standards of conduct for elected members and arrangements for handling standards complaints. The Member Code of Conduct and complaints procedure are included in Part 5 of the Council's published Constitution.
2. In order to enable Standards Committee to maintain an over view of complaints and any trends emerging, reports will be presented quarterly.

Executive Summary

3. This report provides Standards Committee with an overview of recent Member conduct complaint cases.

Sustainable Community Strategy/Council Priorities - Implications

4. None.

Background and Issues

5. Standards Committee is presented with quarterly updates on member conduct complaints.
6. Since the report to Committee on 9 January 2018, at which time there was one outstanding complaint which was then at Stage 1, that complaint has been completed as set out in the Appendix. One further prospective complaint was subsequently received, but the complainant was advised that on the ground that the complaint was on the same or substantially the same issue as had already been the subject of a previous code of conduct allegation, and there would be nothing further to be gained by considering the matter again, the complaint could not be taken forward. The prospective complainant was supplied with a copy of the decision notice; the decision had been not to refer the matter for investigation.

The prospective complainant did not pursue the matter further. For this reason, the matter is not included in the list in the Appendix. At the time of compilation of this report, there are no outstanding complaints.

Options

7. None, this report is for noting only.

Conclusions

8. As with recent reports, there continues to be overall a relatively small number of complaints, and so far none have been referred for investigation. The involvement of the view of an Independent Person in each decision, as required by the legal framework, provides a valuable check and balance to the Monitoring Officer to ensure decisions made at Stage 2, i.e. whether or not a formal investigation should be carried out into a complaint, are proportionate and reasonable. The Annual Report of Standards Committee to full Council will provide an additional composite overview of complaints recently handled.

Next Steps

9. Further quarterly updates will be provided.

Background Papers

None.

Standards Complaints

Complaints submitted under Localism Act procedure:

Ref No	Date Recd	Complainant	Against Councillor:	Council	Outcome	Date completed
SC44	15/11/2017	Ms C Harris	Cllr M Detsiny	Lane End PC	Complaint not referred for investigation. Public benefit not served by further investigation.	09/01/18