

STANDARDS COMMITTEE

**TUESDAY, 16 JUNE 2015
6.00 PM**

**ROOM 4, CIVIC OFFICES,
CENTRAL MILTON KEYNES**

AGENDA

<http://cmis.milton-keynes.gov.uk/CmisWebPublic>

Councillors: Brunning (Chair)
 Coventry, Eastman (Vice-Chair), D Hopkins, McDonald, McPake, Small,
 Wallis and Webb (Vice-Chair)

Parish Councillors: P Ballantyne, I Carman and J Walker

If you have any enquires about this agenda please contact Tina Milner, Committee Manager,
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THE STANDARDS COMMITTEE

TERMS OF REFERENCE

1. To promote and maintain high standards of conduct by Members and co-opted Members of Milton Keynes Council.
2. To assist parish councils within Milton Keynes to promote and maintain high standards of conduct by their Members and co-opted Members.
3. To grant dispensations in respect of requests made under s33 Localism Act 2011.
4. To establish and maintain arrangements under which allegations against all such Members can be investigated and decided upon in accordance with the requirements of Chapter 7 (Standards) of the Localism Act 2011 within the following framework:
 - (a) That the Monitoring Officer be delegated the authority to determine, after consultation with the Independent Person, whether or not a complaint merits a formal investigation, in line with any policy set by the Standards Committee.
 - (b) That Assessment Sub-Committees be established and be delegated power, after consultation with the Independent Person and, if a Parish matter, in consultation with a co-opted Parish Member, to determine whether or not a complaint merits referral to the monitoring officer to undertake a formal investigation or other action.
 - (c) That Hearing Sub-Committees be established and, after consultation with the Independent Person and, if a Parish matter, in consultation with a co-opted Parish Member:
 - (i) be delegated power to undertake a hearing to determine whether or not a Member has failed to comply with the Code of Conduct; and
 - (ii) be delegated such of the Council's powers as can be delegated to take decisions in respect of a Member who is found on hearing to have failed to comply with the Code of Conduct.
 - (d) That Appeals Sub-Committees be established and be delegated power, after consultation with the Independent Person and, if a Parish matter, in consultation with a co-opted Parish Member, to adjudicate on appeals against the findings of Hearing Sub-Committee on the grounds that;
 - The procedure has been wrongly applied;
 - New evidence has come to light since the hearing which, if disclosed to the panel, may result in a different outcome; or
 - The Committee has misdirected itself in law
 - (e) That the Monitoring Officer be appointed as the Proper Officer to receive and administer complaints of failure to comply with the Code of Conduct.

Membership

- (a) **Appointment.** The Standards Committee will consist of 10 Members appointed by the Council, at or as soon as reasonably practicable after the Annual Council meeting, in accordance with the proportionality rules of the Local Government and Housing Act 1989.

There shall be the power to co-opt between two and four Members who shall be parish councillors within Milton Keynes but who may not otherwise be members of Milton Keynes Council.

- (b) **Chair.** The Chair and Vice-Chair of the Committee shall be appointed annually by that committee at its first meeting following the Annual Council meeting and before proceeding to any other business.
- (c) **Quorum.** Except where authorised by a statute or ordered by the Council, business shall not be transacted at a meeting of the Committee unless at least three members are present.

Functions

The Standards Committee will exercise the following functions and those matters which flow from them, which are not executive functions by virtue of Schedule 1 or 2 to the Functions Regulations (as may be currently amended), as listed below.

In acting under the Committee's Terms of Reference and in exercising responsibility for those functions listed below, the Authority's Procedure Rules, any limitations on authority placed by Council and all legislative requirements and applicable rules of law must be complied with.

<i>Function</i>	<i>Provision of Act or Statutory Instrument</i>
A. Functions relating to standards of conduct by Members and co-opted Members of Milton Keynes Council and the parish councils within the Borough.	Chapter 7 of the Localism Act 2011

AGENDA

1. Welcome and Introductions

2. Apologies

3. Minutes

To approve, and the Chair to sign as a correct record, the Minutes of the meetings of:

- (a) The Standards Committee meeting held on 29 July 2014 (Item 3[a]) **(Pages 7 to 8)**;
- (b) The special meeting of the Standards Committee held on 10 September 2014 (Item [3b]) **(Page 9)**;
- (c) The Standards Assessment Sub-Committee meeting held on 5 January 2015 (Item 3[c]) **(Pages 10 to 11)**; and
- (d) The special meeting of the Standards Committee held on 27 May 2015 (Item 3[d]) **(Page 12)**.

4. Disclosure of Interests

Councillors to declare any disclosable pecuniary interests, or personal interests (including other pecuniary interests), they may have in the business to be transacted, and officers to disclose any interests they may have in any contract to be considered.

5. Public Involvement

(a) Deputations and Petitions

No deputations have been submitted for consideration at this meeting.

Any petitions received will be reported at the meeting.

(b) Questions from Members of the Public

To receive questions and provide answers to questions from members of the public.

6. Standards Committee Update

To receive an oral update from the Monitoring Officer (Item 6).

7. Date of Next Meeting

To note the next scheduled meeting of the Standards Committee is Tuesday 1 September 2015 at 6.00pm.



Minutes of the meeting of the STANDARDS COMMITTEE held on TUESDAY 29 JULY 2014 at 6.00 pm

Present: Councillor Eastman (Chair)
Councillors M Burke, Clifton, McDonald, McPake, McKenzie, Nash and Wallis.
Parish Councillors Ballantyne, Carman and Walker.

Officers: S Gerrard (Monitoring Officer/Interim Service Director ([Legal and Democratic Services]) and T Milner (Committee Manager).

Apologies: Councillor V Hopkins

Also Present: Councillors Legg and Lewis.

ST04 MINUTES OF PREVIOUS MEETINGS

RESOLVED -

That the Minutes of the meeting of the Standards Committee on 15 April 2014 and of the special meeting of the Standards Committee held on 11 June 2014, be approved and signed by the Chair as correct records, subject to the deletion of Councillors Brunning, Webb and C Williams from 'Also Present' in the Minutes of the meeting held on 11 June 2014.

ST05 DECLARATION OF INTEREST

None declared.

ST06 COMPLAINTS AND INVESTIGATIONS - MONITORING OFFICER'S REPORT

The Committee considered an oral update on Complaints and Investigations from the Monitoring Officer.

The Monitoring Officer reported that he had consulted an Independent Person on a case received during the period September 2013 to 31 March 2014, and in accordance with his delegated powers, he had determined that the case should be considered by an Assessment Sub-Committee.

The Monitoring Officer advised that the Council had not received any complaints or investigations in respect of ethical standards issues, which had required him to use his delegated powers, during the period from 1 April 2014 to 30 June 2014.

The Committee heard that the first phase of the Code of Conduct training for Members was being held on 8 September 2014, and that a second phase of Code of Conduct training would be organised during the autumn 2014.

The Monitoring Officer reported that he would be looking into the compliance by Parish Councils in respect of the legislation requirements regarding the publication of their Code of Conduct and the declarations of interests by Parish Members.

RESOLVED –

1. That the oral update be noted.
2. That a Standards Assessment Sub-Committee be scheduled to consider whether a complaint should be rejected or referred to a Hearing Sub-Committee Panel for investigation.
3. That, the second phase of the Code of Conduct training for Parish and Borough Members be rolled out during autumn 2014.
4. That, the Monitoring Officer be requested to advise at the next meeting on 9 September 2014 as to the level of compliance by Parish Councils with the provisions relating to the publication of their Code of Conduct and Member's Interests.

ST07

DATE OF NEXT MEETING

The Committee noted that the next scheduled meeting was on Tuesday 9 September 2014 at 6.00pm.

THE CHAIR CLOSED THE MEETING AT 6.06 PM

Minutes of the special meeting of the STANDARDS COMMITTEE held on WEDNESDAY 10 SEPTEMBER 2014

Present: Councillors M Burke, Clifton, Crooks, V Hopkins, McDonald, McPake, Nash and Wallis

Also Present: Councillors Alexander, Bald, Bint, Brackenbury, Bramall, Brunning, S Burke, Cannon, Clancy, Coventry, Dransfield, Eastman, Exon, Ferrans, A Geary, P Geary, E Gifford, R Gifford, Gowans, Green, D Hopkins, Hosking, Khan, Legg, Lewis, Long, Marland, D McCall, I McCall, McLean, Middleton, Miles, Morla Morris,, Nolan, O'Neill, Pallett, Petchey, Priestley, Small, Webb, White C Williams, P Williams and Wilson

Apology Councillor McKenzie

ST08 ELECTION OF CHAIR

RESOLVED -

That Councillor McPake be elected Chair of the Standards Committee for the remainder of the Council Year 2014/15.

ST09 APPOINTMENT OF VICE-CHAIRS

RESOLVED -

That Councillors Clifton and McDonald be appointed Vice-Chairs of the Standards Committee for the remainder of the Council Year 2014/15.



Minutes of the meeting of the STANDARDS ASSESSMENT SUB-COMMITTEE held on MONDAY 5 JANUARY 2015 at 4.30 pm

Present: Councillor McPake (Chair)
Councillors M Burke and McKenzie.

Officers: S Gerrard (Monitoring Officer and Interim Service Director ([Legal and Democratic Services]) and T Milner (Committee Manager).

Also Present: Mr S Goacher (Investigating Officer & Partner [Weightman's LLP])
Mr C Ensor (Independent Member)
The Councillor subject of the complaint

ASC05 CHAIR

The Chair of the Standards Committee, Councillor McPake, being present took the chair.

ASC06 DECLARATION OF INTEREST

No declarations were made.

ASC07 EXCLUSION OF PUBLIC AND PRESS

RESOLVED: -

That the Public and Representatives of the Press be excluded from the meeting by virtue of Paragraph 1 of Part I of Schedule 12A of the Local Government Act 1972 as the report contains information relating to individuals. As on these grounds it was considered that the need to keep information exempt outweighs the public interest in disclosing the information.

The Chair invited the Councillor, subject of the complaint to make any representations in respect of the matters to be considered before being excluded from the meeting.

ASC08 REPORT OF THE INVESTIGATING OFFICER

The Sub-Committee considered the Investigating Officer's report into the allegations from a member of the public against an elected Councillor of the Council, which was undertaken as an outcome of the Standards Assessment Sub-Committee meeting held on 19 August 2014. The report set out details of the relevant legislation, the evidence obtained and the findings as to whether a breach of the Milton Keynes Council's Code of Conduct had occurred.

The Assessment Sub-Committee heard from the Chair that the role of the Assessment Sub-Committee was to determine whether, on the facts presented whether the actions of the Councillor subject of the complaint had breached the Code of Conduct, and if so, whether any action should be taken on the complaint. The options available to the Assessment Sub Committee were to;

- (a) instruct the Monitoring Officer to seek resolution;
- (b) reject the complaint; or to
- (c) refer the complaint to a Hearing.

The Sub-Committee took account of all documentation available to it, representations made by the Councillor, an additional submission by the complainant, and comments made by the Investigating Officer and the Independent Member.

RESOLVED –

That no formal action be taken on the complaint and the Chair to advise the parties of the views of the Standards Assessment Sub-Committee.

THE CHAIR CLOSED THE MEETING AT 6:48PM

Minutes of the special meeting of the STANDARDS COMMITTEE held on WEDNESDAY 27 MAY 2015

Present: Councillors Brunning, Coventry, Eastman, D Hopkins, McDonald, McKenzie, McPake and Webb

Also Present: Alexander, Bald, Baume, Betteley, Bint, Brackenbury, Bradburn, Bramall, M Burke, Cannon, Clifton, Crooks, Dransfield, Exon, Ferrans, Ganatra, Geaney, A Geary, E Gifford, R Gifford, Gowans, Green, V Hopkins, Hosking, Khan, Legg, Lewis, Long, Marland, D McCall, I McCall, McLean, Miles, Morris, Nolan, O'Neill, Patey-Smith, Walker, White, C Williams, P Williams and Wilson

Apologies: Councillors Small and Wallis

SC01 ELECTION OF CHAIR

RESOLVED -

That Councillor Brunning be elected Chair of the Standards Committee for the Council Year 2015/16.

SC02 APPOINTMENT OF VICE-CHAIRS

RESOLVED -

That Councillors Eastman and Webb be appointed Vice-Chairs of the Standards Committee for the Council Year 2015/16.

SC03 APPOINTMENT OF STANDARDS SUB-COMMITTEE

RESOLVED -

That all Members of the Committee be appointed to the Standards Sub-Committee for the Council year 2015/16, from which the appropriate number of Members will form the Sub-Committee for any particular meeting in line with the overall proportionality of Members on the Council.