

## Minutes of Special Accounts & Audit Committee

Meeting Date: Wednesday, 21 November 2018, starting at 6.30pm  
Present: Councillor S Hirst (Chairman)

Councillors:

|          |           |
|----------|-----------|
| J Alcock | A Knox    |
| P Dowson | G Mirfin  |
| M Fenton | R Newmark |
| L Graves | R Sherras |
| B Hilton |           |

In attendance: Chief Executive, Director of Resources, Head of Legal and Democratic Services.

Also in attendance: Councillors S Atkinson, S Bibby, P Elms, T Hill, K Hind, S Hind, S Hore and N Walsh.

Also in attendance: Barry Dearing (Independent Person).

A request had been received by Councillor S Hind to record the meeting. The Chairman asked the Committee's permission and this was approved with the proviso that Councillor S Hind provided copies of the recording to the Council and to Committee Members. Councillor S Hind agreed to provide copies.

A request had also been made for Simon Farnsworth, Solicitor, to sit in the Council Chamber. The Chairman asked for Committee's permission and this was approved.

### 485 APOLOGIES

Apologies for absence from the meeting were submitted on behalf of Councillor R Thompson.

### 486 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST

Councillor G Mirfin declared an interest as Vice Chairman of the Conservative Association.

### 487 DEALING WITH COMPLAINTS REGARDING THE CONDUCT OF MEMBERS

The Chairman reminded Committee that this agenda item was to deal with procedural matters regarding the way complaints received against Councillors under the Councillors' Code of Conduct are dealt with and not any detail with reference to specific complaints.

The Chief Executive submitted a report providing detailed background to the Council's formal arrangements for dealing with complaints received against Councillors under the Councillors' Code of Conduct and setting out the background to a current complaint and seeking their support for concluding the matter.

He reminded Members that the Localism Act 2011 had changed the way Councils had to deal with complaints about Councillors' conduct. The Localism Act had abolished the Standards Board regime and instead Local Authorities had a duty to draw up their own codes and put in place arrangements for dealing with complaints against Councillors under a local Code of Conduct. The relevant legislation was set out in Sections 27 and 28 of the Localism Act 2011.

In summary, Section 27 says the Council must promote and maintain high standards of conduct by Members and must adopt a code dealing with the conduct of its Members.

Section 28 deals, amongst other things, that the Code of Conduct is expected to be consistent with 7 principles and that any failure to comply with the Code of Conduct should be dealt with in accordance with the arrangements made under this Act.

In July 2012 the Council adopted a new Code of Conduct which confirmed that the responsibility for matters relating to the conduct of Members should be included within the Terms of Reference of the Accounts and Audit Committee.

In August 2012 the Accounts and Audit Committee had agreed to the arrangements for dealing with a Code of Conduct complaint under Section 28(6) of the Localism Act 2012. Subsequent training sessions had taken place.

Since the Council adopted the new arrangements there had been 5 complaints and, whilst none had gone to the hearing stage, all had been dealt with using the Council's arrangements established under Section 28(6) of the Localism Act 2011.

The Council currently had one live complaint that was received in November 2017 that had been referred for investigation in December 2017. The Investigating Officer's report had been completed and the complaint had now reached the hearing stage.

Two Sub-Committee (pre-hearing stage) meetings had taken place; the first to agree procedural matters in preparation for the hearing and the second to discuss witness statements/information.

At the point of the second Sub-Committee meeting on 13 September 2018, Members were informed that the Subject Member refused to accept the Council's agreed procedure; that the Council procedure was being constantly undermined by the subject Member, both internally and externally to third parties and that interference and intimidation had been experienced throughout the entire process and as such the Chief Executive would be submitting a report to a meeting of the Accounts and Audit Committee. Whilst the Sub-Committee were minded to accept this position, concern was expressed about the determination of the complaint.

The Chief Executive reminded Committee that the Council can only deal with complaints against one of its Councillors using the arrangement agreed under Section 28(6) of the Localism Act 2011 and that the Council had given the Accounts and Audit Committee the responsibility for ensuring Ribble Valley Councillors maintain a high standards of conduct and that they have a duty to

ensure all Councillors not only maintain high standards of conduct but are seen to do so.

In order to deal with the complaint referred to both officers and the Sub-Committee needed to have the strong support of the Accounts and Audit Committee to reaffirm that the Council's arrangements must be followed if any Member is investigated under its Code of Conduct.

He also informed Committee that following the resignation of Councillor A Knox from the Sub-Committee a replacement would need to be appointed and in order to reflect political balance, the vacancy should be filled by a Committee Member not from the ruling group.

Councillors S Atkinson, T Hill and K Hind were given permission to speak on this item. Reference was made to the Protocol for Independent Persons and the procedures.

Committee discussed the Council's procedure for dealing with complaints against Councillors under its Member Code of Conduct and whether it could be considered fair and unbiased.

A counter proposal was put forward that was discussed and voted upon.

RESOLVED: That Committee

1. confirm that maintaining the high standards of conduct for all Council Members is essential, as is preserving our reputation for impartiality and fairness;
2. vary the arrangements under Paragraph 12 (RVBC Model Arrangements) for dealing with standards allegations under the Localism Act 2011, in order to appoint a Monitoring Officer from another authority to review the complaint, and if necessary to direct re-investigation;
3. vary the arrangements under Paragraph 12 to invite the LGA to appointment 3 Conservative Councillors from other authorities, one of whom should be a Group Leader, to adjudicate on this complaint, under RVBC Model Arrangements as amended by this motion;
4. to request that the Independent Person, Mr Ian Taylor, give his advice to the Committee on the implementation of procedure and standards pursuant to Paragraph 12 of the Independent Persons Protocol; and
5. following the conclusion of the current complaint, Committee should conduct a review and revision of the Complaints Procedure against Councillors and bring proposals to the next meeting of the Accounts and Audit Committee.

The meeting closed at 7.35pm.

If you have any queries on these minutes please contact Jane Pearson (425111).