

Meeting	ASSESSMENT SUB COMMITTEE
Time/Day/Date	10.30 am on Monday, 26 November 2018
Location	Board Room, Council Offices, Coalville
Officer to contact	Democratic Services Officer (01530 454512)

The Monitoring Officer would like to remind members that when they are considering whether the following items are exempt information under the relevant paragraph under part 1 of Schedule 12A of the Local Government Act 1972 they must have regard to the public interest test. This means that members must consider, for each item, whether the public interest in maintaining the exemption from disclosure outweighs the public interest in making the item available to the public.

AGENDA

Item		Pages
1	ELECTION OF CHAIRMAN	
2	APOLOGIES FOR ABSENCE	
3	DECLARATIONS OF INTEREST	
	Members are requested to declare any interests connected to this matter and to identify the nature of that interest as to whether it is pecuniary or non pecuniary under the Code of Conduct.	
4	ALLEGATIONS OF A FAILURE TO OBSERVE THE CODE OF CONDUCT	
	Report of the Head of Legal and Commercial Services.	3 - 8

Circulation:

Councillor Robert Ashman
Councillor John Clarke
Councillor Dan Harrison

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

ASSESSMENT SUB-COMMITTEE - 6 NOVEMBER 2018

Title of report	ALLEGATIONS OF A FAILURE TO OBSERVE THE CODE OF CONDUCT
Contacts	Head of Legal and Commercial Services 01530 454762 elizabeth.warhurst@nwleicestershire.gov.uk
Purpose of report	<ol style="list-style-type: none"> 1. To consider the report of the Head of Legal and Commercial Services and Monitoring Officer. 2. To request that the Assessment Sub-committee determine what action should be taken.
Implications:	
Financial/Staff	There will be resource implications if the matter proceeds to investigation. The costs of an investigation can be met from existing budgets.
Link to relevant CAT	N/A
Risk Management	N/A
Equalities Impact Assessment	N/A
Human Rights	The Act and Regulations thereunder have taken account of human rights.
Transformational Government	The complainant may request a review of the decision of the Assessment Sub-committee to be heard by the Review Sub-committee.
Consultees	N/A
Background papers	Local Government Act 2000 (www.opsi.gov.uk). Local Government and Public Involvement in Health Act 2007 (www.opsi.gov.uk). Localism Act 2011 (www.legislation.gov.uk). Arrangements adopted by Council on 26 June 2012. NWLDC Local Assessment of Complaints Guidance. Agenda of the Assessment Sub-committee from 2 October 2018.

Recommendations	THAT THE ASSESSMENT SUB-COMMITTEE MAKES A FINDING ON THE COMPLAINT AS SET OUT AT PARAGRAPH 3 OF THE REPORT.
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1. BACKGROUND

- 1.1 The Assessment Sub-committee met on 2 October 2018 to consider the complaints made by Mr Redfern and Mr Sharp about Councillor Bridges. The agenda for the meeting is available via the background papers to this report.
- 1.2 The role of the Assessment Sub-committee was to consider the report of the Monitoring Officer and decide, on the papers, whether to:
- 1.2.1 refer the complaint to the Monitoring Officer to take other action;
 - 1.2.2 request further information from the parties;
 - 1.2.3 refer the complaint to the Monitoring Officer for investigation;
 - 1.2.4 take no further action in respect of the complaint.
- 1.3 The Assessment Sub-committee was not required to make a decision on the alleged breaches of the Code of Conduct.
- 1.4 Following consideration of the report on 2 October 2018, the Assessment Sub-committee decided to request the Monitoring Officer to take other action. They requested that the Monitoring Officer contact the parties to seek to arrange a further round table meeting to see whether it was possible to resolve the complaint informally. The Sub-committee recognised that there was no obligation on the parties to attend the meeting but it was hoped that parties would be prepared to work together on another attempt at informal resolution. Cognisant of the fact that the complaint had been ongoing for some time, the Assessment Sub-committee requested that the Monitoring Officer try to convene the meeting within 4 weeks of the first Sub-committee. The Assessment Sub-committee stated that, if informal resolution was successful, that would be an end to the matter. If the parties declined to take part in a further meeting then a further meeting of the Assessment Sub-committee should be arranged in order to determine what to do with the complaints.
- 1.5 A copy of the minutes of the Assessment Sub-committee on 2 October 2018 is attached at Appendix 1.

2. INFORMAL RESOLUTION

- 2.1 Following telephone and e-mail correspondence with parties after the meeting, the Monitoring Officer has concluded that it will not be possible to arrange a further informal resolution meeting and the complaints are referred back to the Assessment Sub-committee for a decision.
- 2.2 At the first Sub-committee meeting it was decided that the meeting should be held in open session for reasons of transparency. Based on that decision, as this report is by way of short update and does not introduce new detail to the complaints, this agenda for the meeting has been published in the usual way.

- 2.3 Mr Pearson, the Independent Person, has been briefed on the outcome of the first Sub-committee meeting and the referral of the complaints back to the Sub-committee. Any advice or feedback which may be offered by Mr Pearson will be reported to the Sub-committee.

3. ASSESSMENT OUTCOMES

- 3.1 The following outcomes remain available to the Sub-committee under the Arrangements adopted by Council:

3.1.1 refer the complaint to the Monitoring officer to take other action;

3.1.2 request further information from the parties;

3.1.3 refer the complaint to the Monitoring Officer for investigation;

3.1.4 no action to be taken in respect of the complaint.

4. REVIEW OF THE DECISION OF THE ASSESSMENT SUB-COMMITTEE

- 4.1 The Assessment Sub-committee has the authority to allow or not a right of review of their decision to take no further action.

- 4.2 However, the complainant should be advised that no review will be granted unless further / additional evidence is submitted to the Monitoring Officer. It will be the decision of the Monitoring Officer as to whether such additional evidence warrants another assessment.

- 4.3 This is to ensure a fair process and to avoid frivolous / vexatious appeals.

- 4.4 A request for review can be made at the time the Sub-committee makes its determination or within 30 days of the decision.

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MINUTES of a meeting of the ASSESSMENT SUB COMMITTEE held in the Board Room,
Council Offices, Coalville on TUESDAY, 2 OCTOBER 2018

Present: Councillor R Ashman, J Clarke and D Harrison

Officers: Mrs M Meredith and Miss E Warhurst

1 ELECTION OF CHAIRMAN

RESOLVED THAT:

Councillor R Ashman be appointed Chair for the meeting.

2 APOLOGIES FOR ABSENCE

No apologies for absence were received.

3 DECLARATIONS OF INTEREST

All members of the Assessment Sub-committee declared that they had been contacted by phone or email by the subject member about the complaint but had made no comment.

4 EXCLUSION OF THE PRESS AND PUBLIC

Members of the Assessment Sub-committee were asked if they had any reason to consider that the public and press should be excluded from the meeting.

RESOLVED THAT:

The meeting remain open to the public and press on the grounds that the matters scheduled to be discussed did not disclose confidential or exempt information under the provisions of Schedule 12A of the Local Government Act 1972, as amended, relating to information presented to a Standards Committee or one of its Sub Committees.

5 ALLEGATIONS OF A FAILURE TO OBSERVE THE CODE OF CONDUCT

Members considered a report relating to two complaints made about Councillor J Bridges who is a District Councillor of North West Leicestershire District Council. The two complaints had been made by Mr Sharpe and Mr Redfern, and whilst they were related, had been dealt with separately up until this point.

The complaint made by Mr Sharp was that Councillor J Bridges had breached the code of conduct by the way in which he handled the request to call-in planning application 17/01327 in that he had been deceitful, which had resulted in members of the public being deprived of the opportunity to make representations at the Planning Committee.

The complaint made by Mr Redfern was that Councillor J Bridges had breached the code of conduct and was not open and honest about the call-in request relating to application 17/01327.

The Monitoring Officer explained to Members that under the arrangements for dealing with complaints there was an opportunity for her to work with both parties to ascertain whether an informal resolution of the complaint was possible. It was noted that Mr Redfern and Councillor J Bridges had been fully co-operative and open during this process, however it had not been possible to reach an informal resolution. Mr Sharpe had also agreed to hold his complaint in abeyance whilst the informal resolution process took place.

Given that the informal resolution process had been unsuccessful, the matter had been referred to the Assessment Sub-Committee in order that it could consider the report and determine whether to:

- refer the complaint to the Monitoring Officer to take other action;
- request further information from the parties;
- refer the complaint to the Monitoring Officer for investigation;
- take no further action in respect of the complaint.

The Monitoring Officer highlighted the additional information which had been received from the parties following the publication of the agenda, and in particular she emphasised that Mr Sharpe had wanted to be clear that the loss of ability to speak to the planning application was not a breach of the Code of Conduct but was a result of the breach; Mr Redfern had wanted the Sub-Committee to be clear that his complaint was not about the failure to call-in the planning application, but about his conduct and misleading Mr Redfern.

Members considered the details of the complaint. They acknowledged the history of the application site and the heightened emotions around the planning application. Members also expressed disappointment that it had not been possible to resolve the matter informally and felt that having the answers to Mr Redfern's questions could help to clarify matters. Members sought advice from the Monitoring Officer on the options available to them.

The meeting was adjourned for deliberation at 4.13pm and reconvened at 4.56pm.

RESOLVED THAT:

The Monitoring Officer take further action and undertake to convene a further meeting with all parties in order to attempt to achieve an informal resolution, to be concluded within one month.

If the matter could not be resolved within one month, the Assessment Sub-committee would reconvene to determine the next steps.

The Chairman explained that the reason for the decision was to give all parties the opportunity to clarify the issues which were still outstanding. It was emphasised that there was no obligation for anyone to attend this meeting, however the Sub-committee asked for the full co-operation of all parties to resolve the matter informally as stated.

The meeting commenced at 3.30 pm

The Chairman closed the meeting at 4.58 pm