

Minutes of the Members' Code of Conduct Committee
25 April 2017

Present:

Murray Litvak (Chairman)
Miss Sue Faulkner (Vice-Chairman)

Councillors:

M.P.C. Francis

B.B. Spoor

J.G. Kavanagh

H.A. Thomson

R.W. Sider BEM

Apologies: Councillors V.J. Leighton

371/17 Minutes

The minutes of the meeting held on 14 April 2016 were agreed as a correct record.

372/17 Disclosures of Interest

There were none.

373/17 Minutes of Panel meetings

The Chairman took this item last on the agenda so that members of the Committee were able to discuss the matter in detail.

Councillor Thomson moved and Councillor Francis seconded the exclusion of the Press and Public during consideration of this item on the grounds that it was likely to involve the disclosure of exempt information as defined in Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act.

The Monitoring Officer updated the Committee on the outcome of a Hearing Panel in October 2016 for breaches under the Code of Conduct by Councillor Burkmar. He also gave an update on the Assessment Panel in December 2016 relating to three other councillors which decided that no investigation was justified.

The Committee considered that Councillor Burkmar had not yet completed a sufficient amount of training, as required by the sanctions imposed by the Panel. The Committee agreed to ask the Chairman and Monitoring Officer to speak to Cllr Burkmar and require him to undertake further training within 28 days of that conversation and to report back to the Committee.

Resolved that the Chairman, Mr Murray Litvak and the Monitoring Officer speak to Cllr Burkmar about the sanctions imposed by the Hearing Panel and require him to undertake further training within 28 days of that conversation and to report back to the Committee.

374/17 Amendments to Constitution - Disciplinary procedures for Chief Officers

The Monitoring Officer explained the background to the new arrangements for taking disciplinary action against Council Statutory Officers.

He outlined proposals to adopt the Joint Negotiating Committee (JNC) for Local Authority Chief Executives Model Discipline Procedure and Guidance as the process by which this Council deals with matters of discipline, capability, redundancy and other dismissals against the Chief Executive and other statutory officers.

In order to use the model procedure, the Council needs to appoint appropriate committees with their delegated powers, namely the Investigating and Disciplinary Committee, the Staffing and Appeals Committee and the Independent Panel, before incidents which might engage the procedure arise.

In order to facilitate efficient decision making, the Committee also considered a proposal to give the Head of Corporate Governance authority to amend delegations to reflect changes in legislation, or references to legislation, in those cases where such changes do not alter the nature of the existing delegations.

Resolved to recommend Council to agree:

- (i) to amend the Officer Employment Procedure Rules relating to disciplinary action by reference to the Model Discipline Procedure and Guidance as set out at Appendix 2 to the report;
- (ii) the appointment of an:
 - (a) Investigating and Disciplinary Committee
 - (b) Independent Panelwith the Terms of Reference as set out at Appendix 4 to the report and
- (iii) amendments to the Terms of Reference of the Staffing and Appeals Committee; and
- (iv) to amend the introduction to the Scheme of Delegations as set out at Appendix 5 to the report.

375/17 Review of Petition Scheme

The Monitoring Officer outlined the background to the current Petition Scheme and reported that it limited the options available for the Council to respond to petitions in the most appropriate way.

As there was no longer a statutory requirement to have a Petition Scheme, the Council may adapt the Scheme as it sees fit to include a wider choice of responses to the matters that come before it.

The proposed options for responses to petitions were as follows:

- (a) take, or support, the action the petition requests; or
- (b) not to take the action requested for reasons put forward in the debate; or
- (c) note the petition and keep the matter under review; or
- (d) if the content relates to a matter on the agenda for the meeting the petition be considered when the item is debated; or
- (e) the petition be referred to the Cabinet or Overview and Scrutiny Committee for further consideration

Resolved to recommend Cabinet to recommend the proposed changes to the Petition Scheme to Council for approval.