



**Committee: STANDARDS COMMITTEE**

**Date: THURSDAY, 27 JUNE 2019**

**Venue: LANCASTER TOWN HALL**

**Time: 6.10 P.M.**

## **A G E N D A**

- 1. Apologies for Absence**
- 2. Appointment of Vice-Chair**
- 3. Minutes (Pages 1 - 3)**

To receive a record of the Minutes of meeting held on 5 December 2018 (attached).

- 4. Items of Urgent Business authorised by the Chair**
- 5. Declarations of Interest**

To receive declarations by Councillors of interests in respect of items on this Agenda.

Councillors are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Councillors should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code Of Conduct, Councillors are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

- 6. Exclusion of the Press and Public**

The Committee is recommended to pass the following recommendations in relation to the following items:-

"That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item(s) of business, on the grounds that it could involve the possible disclosure of exempt information, as defined in paragraph 1 of Schedule 12A of that Act."

Members are reminded that, whilst the following item(s) have been marked as exempt, it is for Committee itself to decide whether or not to consider each of them in private or in

public. In making the decision, Members should consider the relevant paragraph of Schedule 12A of the Local Government Act 1972, and also whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information. In considering their discretion Members should also be mindful of the advice of Council Officers.

7. **Summary of Complaints under the Code of Conduct** (Pages 4 - 6)

Report of the Monitoring Officer

8. **Appointment of Independent Persons** (Pages 7 - 9)

Report of the Monitoring Officer

**ADMINISTRATIVE ARRANGEMENTS**

(i) **Membership**

Councillors

Councillors Mandy King (Chair), Paul Anderton, Conservative Vacancy, Phillip Black, Tricia Heath, Jack O'Dwyer-Henry and Joanna Young.

(ii) **Substitute Membership**

Councillors

Councillors Stephie Barber, Dave Brookes, Roger Dennison, Jake Goodwin, Tim Hamilton-Cox and Robert Redfern.

(iii) **Queries regarding this Agenda**

Please contact Liz Bateson, Democratic Services - telephone 01524 582047, or email [ebateson@lancaster.gov.uk](mailto:ebateson@lancaster.gov.uk).

(iv) **Changes to Membership, substitutions or apologies**

Please contact Democratic Support, telephone 582170, or alternatively email [democraticsupport@lancaster.gov.uk](mailto:democraticsupport@lancaster.gov.uk).

KIERAN KEANE,  
CHIEF EXECUTIVE,  
TOWN HALL,  
DALTON SQUARE,  
LANCASTER, LA1 1PJ

Published on Wednesday 19 June, 2019.

**STANDARDS COMMITTEE**

6.10 P.M.

5TH DECEMBER 2018

**PRESENT:-** Councillors Tracy Brown (Chairman), Jon Barry (Vice-Chairman), Nathan Burns, Colin Hartley, David Whitaker and Peter Williamson

Apologies for Absence

Councillor Roger Mace

Officers in attendance:-

David Brown	Interim Head of Legal and Democratic Services and Monitoring Officer
Rephael Walmsley	Acting Head of Legal Services
Paul Washington	Legal Assistant (part)
Liz Bateson	Principal Democratic Support Officer

**14 MINUTES**

The minutes of the meeting held on Monday 13 August 2018 were signed as a correct record.

**15 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN**

There were no items of urgent business.

**16 DECLARATIONS OF INTEREST**

The Monitoring Officer advised that he was not in a position to advise the meeting with regard to agenda item 7 in view of a suggestion that the disclosure could have been made by officers. He advised the meeting that the Principal Democratic Support Officer had no advisory role and would remain in the meeting in the capacity of note taker with the agreement of the Committee. The Committee confirmed that it was acceptable for the committee clerk to remain for item 7 and that the entire committee could be perceived to have an interest in that item.

**17 EXCLUSION OF THE PRESS AND PUBLIC**

That in accordance with Section 110A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it could involve the possible disclosure of exempt information as defined in Paragraph 1 of Schedule 12A of that Act.

**18 COMPLAINT 5/18**

The Committee considered an exempt report from the Monitoring Officer about a code of conduct complaint. Initially it was proposed that consideration of the item be deferred to the next scheduled Standards Committee on 17 January 2019, due to the Councillor having indicated that he was unwell. At this point the Committee were made aware that

the Councillor could be seen on the webcast of a Lancashire County Council Children's Services Scrutiny Committee meeting, which had taken place earlier that afternoon. A majority agreed not to defer the issue and the Committee proceeded to discuss the complaint at some length.

During the course of the discussion, Members indicated that they accepted the investigating officer's findings that the code of conduct had been breached and considered a subsequent course of action.

The Committee unanimously agreed to the following statement:

*The Standards Committee, having considered the report of the Monitoring Officer and upon noting Councillor Gardiner's admissions, find that the Councillor did during an Overton Parish meeting shout at a member, gesticulate with his spectacles and act in such a manner as to cause alarm and distress to another member of the public.*

*The behaviour of the Councillor was contrary to the Members Code of Conduct, Part 7, Section 2, Paragraph 3 – namely the requirement to treat others with respect.*

*Furthermore, the Standards Committee noted Councillor Gardiner's failure to engage sufficiently in the Monitoring Officer's investigation and find that the lack of engagement offends against the Standards in public life – namely accountability. Such behaviour, we find breaches the Members Code of Conduct, Part 7, Section 2, Paragraph 5 in that it is conduct which can reasonably be regarded as bringing the office of councillor into disrepute.*

***Resolved unanimously:***

- (1) That the investigating officer's findings be accepted and the decision made public.
- (2) That the Deputy Monitoring write to Councillor Gardiner and the complainant explaining the outcome of this issue.

***The Monitoring Officer left the meeting at this point. The Legal Assistant joined the meeting during consideration of the following item.***

***Councillor Barry in the Chair.***

**19 INVESTIGATION INTO DATA BREACH**

The Standards Committee considered a report and recommendations from the Deputy Monitoring Officer following an internal investigation into sensitive material being disclosed to the national media and member conduct. The Committee agreed to deal with each of the recommendations in turn.

The Committee recognised that the current Standards Committee could be perceived as being tainted by the investigation and therefore agreed with the first recommendation that the matter be referred to full Council to appoint a single purpose Standards

Committee to consider the investigation report.

Members then considered the draft report and agreed that Council should be provided with the full investigation report in order that it had all the information necessary to decide whether a single purpose Standards Committee was justified. The Committee requested the Deputy Monitoring Officer to undertake any required redactions/minor modification before the report was made available to Council.

The Committee made a number of other points:

- Council needed to be clear that they were being asked to appoint a single purpose Standards Committee and not act as a Standards Committee.
- To avoid further possible data leaks the Monitoring Officer/Deputy Monitoring officer should draft a strongly worded sentence about respecting exempt information.
- That preparations be made in order that the single purpose Standards Committee can be convened as soon as practical if its establishment is agreed at full Council on 19 December 2018.

***Resolved unanimously:***

- (1) That the recommendations of the Investigations Report be accepted and the matter referred to Council to appoint a single purpose Standards Committee.
- (2) That the draft report for full Council be agreed.

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Chairman

(The meeting ended at 7.10 p.m.)

**Any queries regarding these Minutes, please contact  
Liz Bateson, Democratic Services - telephone 01524 582047, or email  
ebateson@lancaster.gov.uk**

**Standards Committee****Summary of Complaints under the Code of Conduct  
27 June 2019****Report of the Monitoring Officer****PURPOSE OF REPORT**

This report advises the committee about the progress of current complaints and any others received since the last report of June 2018

**This Report is public**

**Appendix 1 is exempt from publication by virtue of paragraph 1 of, of Schedule 12a of the Local Government Act 1972. Information relating to an individual**

**RECOMMENDATION**

(1) That the Committee notes the report.

**1.0 Introduction**

1.1 The Monitoring Officer provides a regular report to the Committee summarising the progress on current complaints under the code of conduct.

1.2 In October 2012, the Committee resolved that reports to this Committee about complaints should be exempt from publication but should identify the subject members of the complaints, for the Committee's information.

1.3 However, Council has resolved that all members of the Council should have access to all exempt reports, background papers and minutes, save where the report, background paper or minutes relates to an individual officer (other than an Chief Executive or Chief officers), an individual member of the Council or and individual third party, or where the member seeking to attend has a disclosable pecuniary interest or other interest within paragraph 12 (1) of section 2 of part b of the code of conduct, in the item of business.

1.4 Although not specifically articulated above, Appendix 1 of this report remains exempt by virtue of the restriction relating to individual members of the Council and third party information clause as set out above.

**2.0 Proposal Details**

2.1 A summary of complaints is attached

**3.0 Details of Consultation**

3.1 None

<b>RELATIONSHIP TO POLICY FRAMEWORK</b> None	
<b>CONCLUSION OF IMPACT ASSESSMENT</b> (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing): None	
<b>LEGAL IMPLICATIONS</b> None, although consideration must always be given to proportionality and the lawful interference with the right to private and family life.	
<b>FINANCIAL IMPLICATIONS</b> None	
<b>OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces:</b> None	
<b>SECTION 151 OFFICER'S COMMENTS</b> None	
<b>MONITORING OFFICER'S COMMENTS</b> The Monitoring has compiled the report	
<b>BACKGROUND PAPERS</b>	<b>Contact Officer:</b> Rephael Walmsley, Monitoring Officer <b>Telephone:</b> 01524 582000 <b>E-mail:</b> rwalmsley@lancaster.gov.uk

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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