



GOVERNANCE SUB COMMITTEE 1

PARKSIDE, STATION APPROACH, BURTON STREET, MELTON MOWBRAY

20 JULY 2017

PRESENT

Councillors J Simpson (Chair),
T Beaken, M Blase, P Chandler,
J Douglas

Parish Councillor A Dames MBE

Monitoring Officer
Senior Solicitor
Senior Democracy Officer
Administrative Assistant Communications & Member Support

The Chair

- (a) opened the meeting by welcoming everyone and introduced the attending Councillors and Officers, highlighting that the attending Parish Council Representative could give their opinion on each of the matters for consideration but could not vote on proposed recommendations;
- (b) confirmed that the Monitoring Officer would advise on procedural matters together with the Senior Solicitor;
- (c) stated that the purpose of this Sub Committee was to consider the information presented, in accordance with the Localism Act 2011 and the Council's processes and make a decision regarding the action to be taken on each matter. The three options available to the Sub Committee were :-
 - No action to be taken
 - The complaint be referred for other action such as training, support, mediation
 - The complaint be referred for further investigation

GS1.1 APOLOGIES FOR ABSENCE

There were no apologies for absence.

GS1.2 DECLARATIONS OF INTEREST

There were no declarations of interest.

Councillor Chandler's role as a Bottesford Parish Councillor was noted. She confirmed that she had not been present at the Ordinary Council meeting of Bottesford Parish Council on 9 January 2017 and had an open mind on matters for consideration at this meeting.

GS1.4 CONSIDERATION OF MEMBER COMPLAINT GOV 42

The Monitoring Officer submitted and presented a report (copies of which had previously been circulated to Members and it was confirmed that Members had had the opportunity to read the papers fully) which enabled the Committee to consider the complaint received from Mr. D. Daly regarding the conduct of a Parish Councillor and to consider what action should be taken from the following :-

- No Action
- Other Action such as training, support, mediation
- Refer for Investigation

She further advised that where relevant, all the appendices relating to each complaint under consideration at the meeting may be referenced when considering any of the complaints, due to the original complaint against each Parish Councillor being the same document.

A Member expressed concern about disparities between the Code of Conduct of this Council and that of the Parish Councils. They highlighted that the rules regarding Declarations of Interest were not closely adhered to at Parish Council meetings and stated with regards to this, 'if in doubt, go out' was the correct action to take. The Member further commented that the Subject Parish Councillor had possibly been very naive with regards to his inaction, adding that the Chair or Parish Clerk should have advised him to declare a pecuniary interest and leave the meeting.

The Parish Council Representative stated that they felt, in general, Parish Council guidance paperwork was too lengthy and intricate to adhere to without error and although training was available from the Parish Council Association, some further points of guidance from this Council were welcomed.

A Member drew attention to Complaint GOV 44, appendix D and stated that Bottesford was a small village, in which residents knew each other. This should have some bearing on the consideration of this matter.

Members asked for clarification with regards to the apparent contradiction of statements within Complaint GOV 44, appendix D and the Monitoring Officer advised that the statement had been checked with the Councillor who had provided the statement and they had confirmed its accuracy.

A Member reiterated an earlier comment by another Member, stating that the Chair and Parish Clerk should have given the Subject Parish Councillor an opportunity to declare a pecuniary interest by highlighting his father in law had submitted an estimate.

Another Member stated that Councillor Shephard had intimated in her statement that the Subject Parish Councillor had discussed this matter with the LRALC. They queried why the Subject Parish Councillor would have done this, as his statement had confirmed he was unaware of his father in law's involvement. The Monitoring Officer clarified her understanding to be that the Subject Parish Councillor had stated that he was not aware of his father in law's involvement in this particular matter but had sought advice from the LRALC previously, due to his father in law's on-going work for Bottesford Parish Council.

The Member further commented that the Subject Parish Councillor's father in law was a main contractor for Bottesford Parish Council and they could understand the complainant's concerns. Bottesford Parish Council was responsible for large sums of residents' money and this should be used wisely and follow the correct procurement processes.

A Member of the Sub Committee commented that they found it very difficult to believe that the Subject Parish Councillor was not aware of the identities of those submitting quotes and an estimate. She added that the identities should have been disclosed at the meeting and that she did not think that the way the quotes and estimate had been acquired had been appropriate.

A Member queried whether the Subject Parish Councillor and other Parish Councillors named in the complaint document were experienced Councillors and it was confirmed that with the exception of one or two, they were not. The Member commented that they could understand any oversight on the parts of the Subject Parish Councillor and other Councillors named in the complaint document, due to lack of experience but highlighted that as the same contractors were used consistently by Bottesford Parish Council, it was likely that all Parish Councillors knew the probable identity of those submitting the quotes and estimate.

A Member stated that they would like this Council to offer training to Parish Councillors. The Monitoring Officer advised that training could be offered but this Council had no authority to enforce this.

Another Member highlighted that should training be suggested, this would not be compulsory. There was a Governance issue to be considered as well. Bottesford Parish Council needed to be accountable and transparent, with procurement processes in place to control how money was spent.

The Senior Solicitor advised that Members may wish to recommend further investigation and the Monitoring Officer reiterated that in accordance with the Complaints Process and Localism Act, this Sub Committee could refer for further investigation. The findings of an investigation would be reported to a future Governance Sub Committee 2 meeting to consider if a potential breach of the Code was found. Recommendations could be made to Bottesford Parish

Council but this Council had no powers to enforce the recommendations upon the Parish Council.

A Member agreed with the earlier suggestion of training, stating that the fact finding was sufficient and a further investigation would not be appropriate action as it was unlikely to provide more relevant information.

Members suggested an audit of the Parish Council's Governance procedures and asked if this Council's Governance Committee could assume responsibility for this. The Monitoring Officer confirmed that this Council had no authority to insist that Parish Council's undertake particular actions, although it could make recommendations.

A Member reiterated that they believed that Parish Councillors were in need of training from this Council, although they acknowledged that the Parish Council may opt to receive training from LRALC.

Another Member stated that Parish Councillors needed to be familiarised with procurement rules and standards in order to become more transparent. It appeared that processes had not been adhered to and that was very serious.

The Monitoring Officer stated that a key question for Members' consideration was did they believe that the Subject Parish Councillor was aware that they had a pecuniary interest.

A Member stated they felt it was unlikely the Subject Parish Councillor did not know he had a pecuniary interest to declare.

Other Action of training on Declarations of Interest and Procurement processes with this Council being involved in the training was proposed by Councillor Chandler and seconded by Councillor Douglas. On being put to the vote, Members were in favour by four to one.

RESOLVED that 'Other Action' be recommended to the Parish Council as follows:-

- the Subject Parish Councillor receive training on Declarations of Interest and Procurement processes. The Parish Council be requested to involve this Council in the training.

GS1.5 CONSIDERATION OF MEMBER COMPLAINT GOV 43

The Monitoring Officer submitted and presented a report (copies of which had previously been circulated to Members and it was confirmed that Members had had the opportunity to read the papers fully) which enabled the Committee to consider the complaint received from Mr. D. Daly regarding the conduct of a Parish Councillor and to consider what action should be taken from the following :-

- No Action
- Other Action such as training, support, mediation

- Refer for Investigation

She further advised that where relevant, all the appendices relating to each complaint under consideration at the meeting may be referenced when considering any of the complaints due to the original complaint against each Councillor being the same document.

Members noted that the Subject Parish Councillor had obtained the quotes and estimate from contractors and that he had not opted to resolve this matter informally with the complainant.

A Member commented that this matter was very similar to the previous one. The Senior Solicitor advised that this matter must be treated with the correct merits and Members should not feel that the previous decision 'tied their hands' over reaching a resolution on this matter.

Members agreed that the integrity of the Subject Parish Councillor was not in question, commenting that he had taken 'admirable' action to obtain the quotes and estimate because these had not been forthcoming to the Parish Clerk. However, it was felt by Members that this resulted in a mishandling of the correct procedure for obtaining quotes, as it was the responsibility of Parish Clerks, not Councillors to do this. The Senior Solicitor advised that the appropriateness could only be determined by examining the Bottesford Parish Council's standing orders.

Members again noted the importance of managing residents' money responsibly.

Other Action of training on Declarations of Interest and Procurement processes, with this Council being involved in the training was proposed by Councillor Beaken and seconded by Councillor Blase. On being put to the vote, Members were unanimously in favour.

RESOLVED that 'Other Action' be recommended to the Parish Council as follows:-

- the Subject Parish Councillor receive training on Declarations of Interest and Procurement processes. The Parish Council be requested to involve this Council in the training.

GS1.6 CONSIDERATION OF MEMBER COMPLAINT GOV 44

The Monitoring Officer submitted and presented a report (copies of which had previously been circulated to Members and it was confirmed that Members had had the opportunity to read the papers fully) which enabled the Committee to consider the complaint received from Mr. Daly regarding the conduct of a Parish Councillor and to consider what action should be taken from the following :-

- No Action
- Other Action such as training, support, mediation
- Refer for Investigation

She further advised that where relevant, all the appendices relating to each complaint under consideration at the meeting may be referenced when considering any of the complaints due to the original complaint against each Councillor being the same document.

Following debate, Other Action of training on Declarations of Interest and Procurement processes, with this Council being involved in the training was proposed by Councillor Chandler and seconded by Councillor Beaken. On being put to the vote, Members were unanimously in favour.

RESOLVED that 'Other Action' be recommended to the Parish Council as follows:-

- the Subject Parish Councillor receive training on Declarations of Interest and Procurement processes. The Parish Council be requested to involve this Council in the training.

GS1.7 CONSIDERATION OF MEMBER COMPLAINT GOV 45

The Monitoring Officer submitted and presented a report (copies of which had previously been circulated to Members and it was confirmed that Members had had the opportunity to read the papers fully) which enabled the Committee to consider the complaint received from Mr. D. Daly regarding the conduct of a Parish Councillor and to consider what action should be taken from the following :-

- No Action
- Other Action such as training, support, mediation
- Refer for Investigation

She further advised that where relevant, all the appendices relating to each complaint under consideration at the meeting may be referenced when considering any of the complaints due to the original complaint against each Councillor being the same document.

Following debate, Other Action of training on Declarations of Interest and Procurement processes, with this Council being involved in the training was proposed by Councillor Chandler and seconded by Councillor Beaken. On being put to the vote, Members were unanimously in favour.

RESOLVED that 'Other Action' be recommended to the Parish Council as follows:-

- the Subject Parish Councillor receive training on Declarations of Interest and Procurement processes. The Parish Council be requested to involve this Council in the training.

GS1.8 CONSIDERATION OF MEMBER COMPLAINT GOV 46

The Monitoring Officer submitted and presented a report (copies of which had previously been circulated to Members and it was confirmed that Members had had the opportunity to read the papers fully) which enabled the Committee to consider the complaint received from Mr. D. Daly regarding the conduct of a Parish Councillor and to consider what action should be taken from the following :-

- No Action
- Other Action such as training, support, mediation
- Refer for Investigation

She further advised that where relevant, all the appendices relating to each complaint under consideration at the meeting may be referenced when considering any of the complaints due to the original complaint against each Councillor being the same document.

Members noted that the Subject Member was the Chair at the Parish Council meeting on 9 January 2017.

The Parish Council representative commented that all Bottesford Parish Councillors should be given the opportunity to participate in the Declaration of Interest and Procurement training, as many were new to the role and Members agreed.

Following debate, Other Action of training on Declarations of Interest, Procurement processes and the role of Chair, with this Council being involved in the training was proposed by Councillor Chandler and seconded by Councillor Beaken. On being put to the vote, Members were unanimously in favour.

RESOLVED that 'Other Action' be recommended to the Parish Council as follows:-

- the Subject Parish Councillor receive training on Declarations of Interest and Procurement processes and the role of Chair. The Parish Council be requested to involve this Council in the training.

The Meeting which commenced at 10:30 am closed at 11:50 am.

Chair