

DORSET COUNCIL - AUDIT AND GOVERNANCE COMMITTEE

MINUTES OF MEETING HELD ON FRIDAY 28 JUNE 2019

Present: Cllrs Matthew Hall (Chairman), Richard Biggs (Vice-Chairman), Susan Cocking, David Gray, Brian Heatley, Nocturin Lacey-Clarke, Mike Parkes and Bill Pipe

Apologies: Cllrs Simon Christopher and Bill Trite

Also present: Cllr Nick Ireland

Officers present (for all or part of the meeting):

Jonathan Mair (Corporate Director - Legal & Democratic Service Monitoring Officer) and Lindsey Watson (Senior Democratic Services Officer)

1. Declarations of Interest

There were no declarations of interest.

2. Public Participation

There were no representations from town and parish councils or members of the public.

3. Urgent items

There were no urgent items.

4. Adoption of member complaint process and arrangements for assessing and hearing complaints

The committee considered a report which set out the Member Complaint process and the terms of reference for an Audit and Governance Assessment Sub-committee and an Audit and Governance Hearings Sub-committee. The sub-committees would meet to consider Code of Conduct complaints received against councillors of the Dorset Council and parish and town councillors serving on 163 parish and town councils. The Corporate Director (Legal and Democratic) and Monitoring Officer took the committee through the detail of the report including the need for complaints to be received in writing and not be anonymous, the level of detail expected from a complainant and the initial filtering that would take place in respect of complaints received including the use of appointed Independent Persons in this process. The process could be reviewed if necessary in future in order to ensure that it remained proportionate and workable.

It was noted that reports on the agenda for the Assessment Sub-committee would be treated as exempt in order to give the hearing the freedom to choose how to deal with the consideration of the complaints, at the early stage of the process. In the later stages of the complaints process, it would be usual for hearings to take place in public.

In response to a question it was noted that a person being complained about would be informed by the Monitoring Officer when the complaint was received.

A discussion was held as to how councillors would be selected for the sub-committees and the issues around having named sub-committees established versus selecting councillors each time a sub-committee was required from the membership of the Audit and Governance Committee. A number of views were expressed in support of both methods. Following this discussion it was agreed as follows

Decision

That the proposal to establish 4 sub-committees of named members of the Audit and Governance in order to undertake the Assessment and Hearings Sub-committees be agreed as follows:

Sub-committee 1

Councillors Matt Hall, Noc Lacey-Clarke and Bill Pipe

Sub-committee 2

Councillors Richard Biggs, Simon Christopher and Brian Heatley

Sub-committee 3

Councillors Matt Hall, Mike Parkes and Susan Cocking

Sub-committee 4

Councillors Richard Biggs, Bill Trite and David Gray

Substitutes can be appointed from the membership of the Audit and Governance Committee.

Councillors considered the issues arising from the report and during discussion the following points were raised:

- The report proposed that there would be no right of appeal against a decision of the Hearings Sub-committee and the committee held a discussion as to whether this was considered an appropriate clause to include. The Monitoring Officer explained the previous experience that had been gained from investigating Code of Conduct complaints, where some complaints had taken up to two years to go through the process. It was also noted that if an appeals process was available, this would require a further sub-committee of three councillors

- A point was raised that there was a need to set out the stages of the process but draw a line at the appropriate time
- The remedies that were available were set out in the report
- There was a general level of agreement to continue without a right of appeal against a decision of the Hearings Sub-committee but it was noted that this could be reviewed at a later date if it was felt necessary
- Any complaint that involved an allegation of a breach of the legal requirements in relation to disclosable pecuniary interests would be referred automatically to the Police and would not be within the Terms of Reference of the Assessment Sub-Committee and the process. In particular, the Monitoring Officer would not seek to filter such complaints and test whether an offence has been committed as these were matters for the Police.

It was proposed by Mike Parkes seconded by David Gray

Decision

That the Audit and Governance Committee:

1. Agree the Member Complaint Process as appended to the report
2. Agree the terms of reference for an Audit and Governance Assessment Sub-committee and an Audit and Governance Hearings Sub-committee as set out in section 6 of the report.

5. Exempt Business

There was no exempt business.

Duration of meeting: 1.00 - 1.30 pm

Chairman

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