

**STANDARDS AND ADJUDICATION**  
**COMMITTEE**

**REFERRALS PANEL**

**AGENDA**

**29<sup>TH</sup> JUNE 2016**

**9.30 A.M.**

**GRIMSBY TOWN HALL**





Rob Walsh, Chief Executive  
Municipal Offices, Town Hall Square, Grimsby, North East Lincolnshire, DN31 1HU.  
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16<sup>th</sup> June, 2016.

Councillors Walker, Brookes and Brown

Dear Councillor,

**Standards Committee Referrals Panel**

A meeting of the Referrals Panel of North East Lincolnshire Council's Standards and Adjudication Committee is to be held on Wednesday, 29<sup>th</sup> June, 2016 commencing at 9.30 a.m. at Grimsby Town Hall.

The Agenda is set out overleaf.

Yours faithfully,

Adebayo Genty  
for Chief Executive.

## **FILMING OF PUBLIC MEETINGS**

**“The Council supports the principle of transparency and encourages filming, recording and taking photographs at its meetings that are open to the public. It also welcomes the use of social networking websites (such as Twitter and Facebook) and micro-blogging to communicate with people about what is happening, as it happens.**

**There is no requirement to notify the Council in advance, but it should be noted that the Chairman of the meeting will have absolute discretion to terminate or suspend any of these activities if, in their opinion, continuing to do so would prejudice proceedings at the meeting.**

**The circumstances in which termination or suspension might occur could include:**

- public disturbance or suspension of the meeting**
- the meeting agreeing to formally exclude the press and public from the meeting due to the confidential nature of the business being discussed**
- where it is considered that continued recording / photography / filming /webcasting might infringe the rights of any individual**
- when the Chairman considers that a defamatory statement has been made**

**In allowing this, the Council asks those recording proceedings not to edit the film/recording/photographs in a way that could lead to misinterpretation of the proceedings, or infringe the core values of the Council. This includes refraining from editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being photographed/filmed/recorded.**

**Those intending to bring large equipment, or wishing to discuss any special requirements are advised to contact the Council's Communications Team in advance of the meeting to seek advice and guidance. Please note that such requests will be subject to practical considerations and the constraints of specific meeting rooms.**

**The use of flash photography or additional lighting will not be allowed unless this has been discussed in advance of the meeting and agreement reached on how it can be done without disrupting proceedings.**

**At the beginning of each meeting, the Chairman will make an announcement that the meeting may be filmed, recorded or photographed. Meeting agendas will also carry this message.”**

<p style="text-align: center;"><b>Agenda for Standards Referral Panel</b> <b>29<sup>th</sup> June, 2016</b></p>
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<p><b>1.     <u>Declarations Of Interest</u></b></p> <p>To record any declarations of interest by any Member of the Standards Committee (Referrals Panel) in respect of items on this Agenda.</p>	-
<p><b>2.     <u>Urgent Business</u></b></p> <p>To consider any business which, in the opinion of the Chairman, is urgent by reason of special circumstances which must be stated and minuted.</p>	-
<p><b>3.     <u>Exclusion of the Press and Public</u></b></p> <p>To consider requesting the press and public to leave on the grounds that discussion of the following business is likely to disclose exempt information within paragraph 7C of Schedule 12A of the Local Government Act, 1972.</p>	-
<p><b>4.     <u>Complaint – MO 03 2016</u></b></p> <p>To consider the above complaint in accordance with the Local Standards arrangements arising from the Localism Act 2011 and as adopted by this Council on the 29<sup>th</sup> June 2012 (copy attached).</p>	1

**Rob Walsh**  
**Chief Executive**



## **ASSESSMENT CRITERIA**

### **Stage 1 Criteria**

Before the assessment of a complaint begins, the Monitoring Officer or Referrals Panel must be satisfied that the complaint meets the following requirements:

- (i) It is a complaint against one or more named Members of the Council or a Parish or Town Council within the area;
- (ii) The named Member or Members were in Office at the time of the alleged conduct and acting in their official capacity; and
- (iii) The complaint, if proven, would be a breach of the Council's Code of Conduct in force at the relevant time.

If the complaint fails any one of these tests, it cannot be investigated as a breach of the Council's Code of Conduct and the complainant must be informed that no further action can be taken in relation to the complaint. If it passes all three tests then it can be assessed according to the criteria set out below.

### **Stage 2 Criteria**

The Monitoring Officer or Referrals Panel is/are unlikely to refer a complaint for investigation where it falls into any of the following categories:-

- The complaint appears to be vexatious, malicious, politically motivated, relatively minor, insufficiently serious, tit-for-tat, or there are other reasons why an investigation may not be in the public interest.
- The same, or substantially similar, complaint has already been the subject of an investigation and there is nothing more to be gained by further action being taken.
- It appears that the complaint concerns or is really about dissatisfaction with a Council decision or policy rather than a breach of the Code of Conduct.
- There is not enough information currently available to justify a decision to refer the matter for investigation.
- The complaint is about someone who has died, resigned, is seriously ill or is no longer a Member of the Council concerned and therefore it is not in the public interest to pursue.
- Where the allegation is anonymous, unless it includes documentary or photographic evidence indicating an exceptionally serious or significant matter and it is considered in the public interest that it be investigated.
- Where the event/s or incident/s took place more than 6 months prior to the date of complaint being received or where those involved are unlikely to remember the event/s or incident/s clearly enough to provide credible evidence.

- The complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter and where independent evidence is likely to be difficult or impossible to obtain.
- If it is considered that the subject Member has provided a satisfactory remedy to the complainant (for example by apologising) or the complaint is capable of other informal resolution and the Member complained of is amenable to such approach.
- If it is considered that having regard to the nature of the complaint and the level of its potential seriousness, the public interest in conducting an investigation does not justify the cost of such an investigation.
- Where the allegation discloses a potential breach of the Code of Conduct but it is considered that the complaint is not serious enough to warrant any further action and:
  - the Member and Officer resource needed to investigate and determine the complaint is wholly disproportionate to the matter complained about; or
  - in all the circumstances there is no overriding public benefit or interest in carrying out an investigation.

### **RE-CONSIDERATION CRITERIA**

The Investigating Officer may, following consultation with the Independent Person, refer an investigation to the Referrals Panel for re-consideration as to whether the investigation should proceed where:

- As a result of new evidence or information, the Investigating Officer is of the opinion that the matter is materially less serious than may have seemed apparent to the Monitoring Officer or the Referrals Panel when the decision was made to refer the complaint for investigation, and a different decision may have been made had either the Monitoring Officer or the Referrals Panel been aware of the new evidence or information;
- The Member who is the subject of the allegation has died, is seriously ill or has resigned from the Council concerned and in the circumstances the Investigating Officer is of the opinion that it is no longer appropriate to proceed with the investigation; or
- Other circumstances arise, which in the reasonable opinion of the Investigating Officer, render it appropriate for the investigation to be referred to the Referrals for re-consideration.