

MINUTES OF THE STANDARDS SUB-COMMITTEE A

Tuesday, 11 July 2017 at 7.00 pm

PRESENT: Councillors Peter Bernards, Andre Bourne, Colin Elliott and Jamie Milne.

ALSO PRESENT: Gill Butler and Fasil Bhatti.

Apologies for absence were received from Councillor Hilary Moore and Leslie Thomas QC.

1. Declaration of interests

None was declared.

2. Complaint against the Mayor

The Monitoring Officer introduced her report into a complaint received that the Mayor had breached the Member Code of Conduct by failing to make full disclosures in the Register of Members' Interests in relation to his position in several companies.

The Monitoring Officer reported her conclusions that technically the Mayor was in breach of the requirement to register the two directorships. The situation had been rectified and the Mayor had not participated in any decision which would affect either of the two companies. It was noted that the Mayor's directorship in these companies arose as a result of his position in the Local Government Association (LGA), which position was registered in the Members' Register of Interests. The Monitoring Officer further reported that the Mayor had apologised to her and also brought the Sub Committee's attention to his letter dated 24th April 2017 which extended his apology to the Standards Committee.

The Monitoring Officer further explained that in accordance with statutory requirements and the Council's procedures her report had to be submitted to the Independent Person whose views the Sub Committee were required to consider before reaching a decision.

The Sub Committee's attention was specifically drawn to the Independent Person, Wendy Innes' report at Appendix 5. Her report concurred with the Monitoring Officer's findings that a technical breach had occurred. The Independent Person's report then proceeded to list factors which in her view mitigated the seriousness of the breach. These were :-

- The fact that one of the companies, LGIH, is understood from information provided by the LGA, referred to at paragraph 13 of the Monitoring Officer's report, to be effectively dormant, and that it has never conducted any business; hence although the company's objects enable it to exercise functions of a public nature, it may never have done so;

- The fact that the Council's Head of Business and Committee has confirmed that the Council has not made any decisions affecting either of these two companies of which the Mayor is a director; hence the Mayor has not participated in any Council decision making in respect of either of the companies;
- The fact that the Mayor has apologised to the Monitoring Officer for this oversight;
- The fact that the Mayor expeditiously updated his entry in the Register of Members' Interests to include these two directorships as soon as the Monitoring Officer advised him of the concern.

In conclusion, the Independent Person intimated that should the Sub-Committee reach a finding of breach of the Code it may consider that the breach is of such a minor nature that it does not merit further action, for instance by way of sanction.

Members of the Sub Committee raised various questions in relation to the Monitoring Officer's report, which the Monitoring Officer responded to. It was suggested that consideration be given to the Member Code of Conduct being amended to include a requirement that the registration of membership or position of control in a body to which members are appointed or nominated by the Council be extended to include a reference to any subsidiary or associated companies or other organisations of that body.

After very careful consideration the Sub Committee unanimously:

RESOLVED that:

- (1) there was a breach of paragraphs 4.4 and 4.5 of the Member Code of Conduct;
- (2) the views of the Independent Person and the mitigating factors referred to in her report be endorsed;
- (3) in accordance with the views of the Independent Person the breach does not merit any further action by way of sanction;
- (4) on the next review of the Member Code of Conduct it be clarified that the requirement to register any interest in a company or outside body extends to associated companies and other organisations established by that body.

The meeting ended at 7:20 p.m.