

BRECKLAND DISTRICT COUNCIL

Report of: Maxine O'Mahony, Executive Director Strategy & Governance & Monitoring Officer

To: Governance & Audit Committee – 24th February 2017

Author: Mark Stinson, Executive Manager - Governance

Subject: Review of Standards Arrangements

Purpose: To review the existing Standards arrangements to ensure that they are proportionate and otherwise fit for purpose.

Recommendation(s):

- 1) To recommend to Council the adoption of a revised set of Local Arrangements for dealing with Standards Complaints, subject to consultation with the Independent Person.

1.0 BACKGROUND

- 1.1 The Localism Act 2011 contains the current legislative arrangements for elected Member standards of conduct within local authorities. This superseded the previous arrangements contained in the Local Government Act 2000. The Localism Act also abolished Standards for England (earlier known as the Standards Board) and the associated regulatory framework. The Act also removed the obligation for members to agree to adhere to a model Code applicable across the country. The obligation to have a statutory Standards Committee and for Members to provide an undertaking to comply with a Code were also repealed, along with the sanctions of disqualification and suspension from office.
- 1.2 Nonetheless, there remains a duty on Councils under Sections 27 and 28 of the Localism Act 2011 to promote and maintain high standards of conduct by elected and co-opted members when acting in that capacity; to adopt a Code of Conduct which is consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership; to have arrangements in place for the investigation of allegations and for the making of decisions on allegations. How this is achieved in each Council now involves a much greater degree of local choice than was available under the previous regime. The Council's current arrangements were adopted by Council on 24 May 2012.
- 1.3 Breckland Council's current code (Appendix A) is published in part 5 of its Constitution, and is also available on the Council's website together with a copy of the current Standards Arrangements.
- 1.4 The Act also required the appointment of one or more "Independent Persons", whose role is both to act as consultee before the Monitoring Officer makes a decision on any allegation s/he has decided to investigate, and also to be consulted by the Monitoring Officer at any other appropriate stage. Fiona Anthony was appointed in 2012 and re-appointed in 2015.
- 1.5 The current arrangements have been in place for almost five years and, whilst appropriate at the time, are now on occasions cumbersome and unnecessarily complicated. The current arrangements were largely based on a model set of arrangements that were

adopted by a number of authorities at the time. Many of the authorities, including others in Norfolk, have subsequently reviewed and in most cases simplified the arrangements to allow greater flexibility for the Monitoring Officer to deal with a complaint in a timely and efficient manner.

- 1.6 With this in mind, a review of the current arrangements is now appropriate, and the proposed revised arrangements together with a revamped Complaints Form and proposed Hearing Procedures for both District and Parish Councillor complaints can be found at Appendices B to E.

2.0 **KEY POINTS**

- 2.1 The revised arrangements reduces the number of steps involved in dealing with Complaints, particularly where the Monitoring Officer considers that there has not been a breach of the Code of Conduct.
- 2.2 The requirement for the Monitoring Officer to seek local resolution at each stage is removed. Local resolution still remains an important option, but recognises that in some instances this may not always be the best option and allows greater flexibility for the Monitoring Officer to decide how best to proceed with a complaint.
- 2.3 The revised arrangements highlight the type of complaints that the Monitoring Officer cannot investigate; hopefully reducing the number of complaints which are outside of the jurisdiction of the Monitoring Officer.
- 2.4 The Monitoring Office will be able to consider whether a complaint should be progressed at the outset, having taken into account a number of factors listed in the revised arrangements.
- 2.5 Procedures for Hearing Panels are formalised for hearings in respect of both District and Parish Councillors, should complaints reach this stage.

3.0 **OPTIONS**

- 3.1 Agree the revised arrangements and recommend to Council.
- 3.2 Agree the revised arrangements with amendments.
- 3.3 Do nothing and continue with the current arrangements.

4.0 **REASONS FOR RECOMMENDATION(S)**

- 4.1 The procedure will allow the complaints to be dealt with in a more timely and efficient manner, thereby reducing the cost of the service.

4.0 **EXPECTED BENEFITS**

- 4.1 Reduced administrative burden in the process and speedier response to complaints and subject members.

5.0 **IMPLICATIONS**

5.2 Constitution & Legal

Elected members and co-optees are required to act in accordance with the Council's Code of Conduct and the Council must have appropriate arrangements in place, in accordance with the Localism Act 2011

5.3 Equality and Diversity / Human Rights

No issues to raise.

6.0 WARDS/COMMUNITIES AFFECTED

6.1 All wards

Background papers:-

Lead Contact Officer

Name and Post: Sarah Wolstenholme-Smy, Interim Legal Services Manager
Telephone Number: 01362 656219
Email: sarah.wolstenholme-smy@breckland-sholland.gov.uk

Key Decision: No

Exempt Decision: No

This report refers to a Mandatory Service

Appendices attached to this report:

Appendix A Breckland Councils Code of Conduct
Appendix B How to make a complaint about a District, Town or Parish Councillor in Breckland
Appendix C Complaint Form
Appendix D Hearing Procedures – District Councillor
Appendix E Hearing Procedures – Parish Councillors