

## **BRECKLAND DISTRICT COUNCIL**

**Report of:** Executive Director Strategy & Governance/Monitoring Officer –  
Maxine O’Mahony

**To:** Governance & Audit Committee – 12 June 2018

**Author:** Sarah Wolstenholme-Smy – Legal Services Manager

**Subject:** Annual report on Standards arrangements

**Purpose:** To update Members on the work undertaken on standards matters and complaints received against district, town and parish councillors from 1 April 2017 to 31<sup>st</sup> March 2018.

### **Recommendation:**

- 1) That members note the contents of this report.

### **1.0 BACKGROUND**

- 1.1 At the meeting of full Council on 5 July 2012, the arrangements for dealing with complaints against members were approved in line with the requirements of the Localism Act 2011.
- 1.2 As part of the arrangements, it was agreed that the role of monitoring Standards issues would be delegated to the Governance & Audit Committee.
- 1.3 This report updates members on the work undertaken on standards complaints received and the present position regarding Disclosable Pecuniary Interests forms received from Breckland District Council councillors and all town and parish councillors and Code of Conduct notifications from 1 April 2017 to 31<sup>st</sup> March 2018.
- 1.4 The new arrangements for dealing with complaints against members was approved at the meeting of full Council on 6 April 2017. These arrangements can be found on the Council’s website at: <http://www.breckland.gov.uk/article/3390/Complaints-about-Councillors>
- 1.5 In July 2012, Fiona Anthony was appointed as the Council’s Independent Person; this was again reaffirmed by Council in March 2015 through to the Annual Council meeting in May 2019. Fiona tendered her resignation in spring 2018 due to work commitments, and following a recruitment exercise Bob Davis was appointed as her successor at full Council on 17 May 2018, this appointment is initially until the annual Council meeting in May 2019.

### **2.0 Annual Report on Standards 2017/18**

- 2.1 Details of the number of complaints that have been received and the relevant outcomes are as follows. *(Please note the complaints for 2016/17 were dealt with under the old local arrangements).*

	<b>Number of complaints</b> (1 April 2016 – 31 March 2017)	<b>Number of complaints</b> (1 April 2017 – 31 March 2018)
<b>Stage 1 (Initial consideration of a complaint)</b>		
Complaints received	23	30
Complaint does not relate to a breach of the code	16	17
Resolved under informal resolution and matter closed	1	0
Referred to Police	2	5
Case file still open as at 1 June 2018 (date report written)	4 (incl 2 referred to Police)	10 (incl 5 referred to Police)
<b>Stage 2 (Formal consideration of a complaint)</b>		
Considered by Monitoring Officer to not merit further consideration	0	0
Referred to Standards Panel as deemed inappropriate for Monitoring Officer to consider	0	0
Resolved through informal resolution	0	0
<b>Stage 3 (Investigation)</b>		
Referred for investigation and failure to comply found	2	3
Referred for investigation and <u>no</u> failure to comply found	1	0
Hearing Panel held	1	1
Resolved through informal resolution	0	0
Hearing Panel finds failure to comply	1	1
Hearing Panel finds <u>no</u> failure to comply	0	0
Cases where sanctions recommended and accepted by District/Town/Parish council	1	1

### 3.0 **OPTIONS**

3.1 None, the report is for information.

### 4.0 **REASONS FOR RECOMMENDATION(S)**

4.1 None, the report is for information.

### 5.0 **EXPECTED BENEFITS**

5.1 The agreed arrangements for dealing with complaints received against elected members within the Breckland area requires the Monitoring Officer to provide an annual report to the Governance & Audit Committee.

5.2 This enables the Committee to monitor the number of complaints received and whether the arrangements are fit for purpose.

5.3 Bringing this report to members ensures compliance with the Standards arrangements of Breckland Council in line with the requirements of the Localism Act 2011.

### 6.0 **IMPLICATIONS**

In preparing this report, the report author has considered the likely implications of the decision - particularly in terms of Carbon Footprint / Environmental Issues; Constitutional & Legal; Contracts; Corporate Priorities; Crime & Disorder; Equality & Diversity/Human Rights; Financial; Health & Wellbeing; Reputation; Risk Management; Safeguarding; Staffing; Stakeholders/Consultation/Timescales; Transformation Programme; Other. Where the report author considers that there may be implications under one or more of these headings, these are identified below.

#### 6.1 **Constitution & Legal**

6.1.1 Breckland Council has a duty placed upon it by the Localism Act 2011 to have in place arrangements for dealing with complaints against members of the district, town and parish Councils within the district. These arrangements have been adopted by full Council as required.

6.1.2 The Terms of Reference for the Governance & Audit Committee can be found in the Council's Constitution and they outline the committee's duties to monitor standards arrangements and receive updates.

### 7.0 **WARDS/COMMUNITIES AFFECTED**

7.1 All wards are potentially affected by the contents of this report.

### 8.0 **ACRONYMS**

8.1 None.

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Background papers:- None

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#### **Lead Contact Officer**

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**Key Decision:** No

**Exempt Decision:** No

**This report refers to a Mandatory Service - Yes**

**Appendices attached to this report: None**