

**NORTHAMPTON BOROUGH COUNCIL  
STANDARDS COMMITTEE**

Your attendance is requested at a meeting to be held at The Court Room,  
The Guildhall, St. Giles Square, Northampton, NN1 1DE on  
Monday, 23 March 2020 at 5:00 pm.

**George Candler  
Chief Executive**

**AGENDA**

1. APOLOGIES
2. MINUTES
3. DEPUTATIONS / PUBLIC ADDRESSES
4. DECLARATIONS OF INTEREST
5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED
6. INTERNAL AUDIT REPORT: MEMBER-OFFICER RELATIONSHIP REVIEW  
The Committee to receive a briefing on the Internal Audit Report: Member-Officer Relationship Review
7. LOCAL GOVERNMENT ETHICAL STANDARDS - COMMITTEE ON STANDARDS IN PUBLIC LIFE  
The Committee to consider a report following the recent meeting of the Standards Working Group that considered the report "Local Government Ethical Standards - Committee on Standards in Public Life"
8. STANDARDS COMMITTEE ANNUAL REPORT 2019/2020  
The Standards Committee to consider and approve its Annual Report 2019/2020.
9. CODE OF CONDUCT ARRANGEMENT COMPLAINTS  
The Standards Committee to consider a report regarding complaints received under the Arrangements for dealing with allegations of breaches of the Council's Code of Conduct and of Codes of Conduct adopted by Parish Councils.

10. EXCLUSION OF PUBLIC AND PRESS

THE CHAIR TO MOVE:

“THAT THE PUBLIC AND PRESS BE EXCLUDED FROM THE REMAINDER OF THE MEETING ON THE GROUNDS THAT THERE IS LIKELY TO BE DISCLOSURE TO THEM OF SUCH CATEGORIES OF EXEMPT INFORMATION AS DEFINED BY SECTION 100(1) OF THE LOCAL GOVERNMENT ACT 1972 AS LISTED AGAINST SUCH ITEMS OF BUSINESS BY REFERENCE TO THE APPROPRIATE PARAGRAPH OF SCHEDULE 12A TO SUCH ACT.”

# Agenda Item 2

## NORTHAMPTON BOROUGH COUNCIL

### STANDARDS COMMITTEE

Monday, 2 December 2019

**PRESENT:** Councillor Patel (Chair); Councillor Oldham (Deputy Chair); Councillors Bottwood, Marriott and Russell, Parish Councillor Hook (Co Optee) and Parish Councillor Lewis (Co Optee)

#### 1. APOLOGIES

Apologies for absence were received from Ika Castka, Co-Optee (Independent) and Councillor Brian Oldham (Deputy Chair).

#### 2. MINUTES

The minutes of the meeting held on 30 September 2019 were signed by the Chair as a true and accurate record.

#### 3. DEPUTATIONS / PUBLIC ADDRESSES

There were none.

#### 4. DECLARATIONS OF INTEREST

There were none.

#### 5. RECRUITMENT OF AN INDEPENDENT MEMBER CO OPTEE TO THE STANDARDS COMMITTEE

The Chair advised that the Standards Working Group, as the interview panel, had met recently and interviewed Candidate A. The Standards Working Group recommended to the Standards Committee that Candidate A is appointed as Co Optee (Independent) from 1 January 2020. Applicant A, Robert Mehaffy had verbally accepted the appointment subject to the approval of the Standards Committee.

RESOLVED: That:

(1) Robert Mehaffy is offered the role of Independent Member Co-Optee to the Standards Committee from 1 January 2020.

#### 6. TRAINING STRATEGY

The Standards Committee received the Training Strategy 2019/2020 and the Chair invited comment. The Committee was advised that there was a need for the Strategy to have a covering report page that detailed the date of adoption, the version, and by whom approved the document.

RESOLVED: Subject to the inclusion of a covering report page, the Training Strategy 2019/2020 was approved.

#### 7. COMMUNICATIONS STRATEGY

The Standards Committee received the Communications Strategy 2019/2020 and the Chair invited comment. The Committee was<sub>1</sub> advised that there was a need for the Strategy to

have a covering report page that detailed the date of adoption, the version, and by whom approved the document.

RESOLVED: Subject to the inclusion of a covering report page, the Communications Strategy 2019/2020 was approved.

## **8. WHISTLEBLOWING POLICY**

The Standards Committee was referred to the report that detailed the effectiveness of the Council's Whistleblowing arrangements. The salient points were highlighted.

The Standards Committee asked questions, made comment and heard:

- In response to a query whether benchmarking had been undertaken, it was confirmed that it had not been but this was an exercise that could be undertaken.
- A Stress Working Group is being set up, and it will encompass the Whistleblowing Policy.

RESOLVED: That the information provided in relation to the effectiveness of the Council's Whistleblowing Policy and Procedures is noted.

## **9. CODE OF CONDUCT ARRANGEMENTS COMPLAINTS**

The Standards Committee received a report detailing statistics in relation to Code of Conduct Arrangements complaints.

The Deputy Monitoring Officer apprised the Committee of each of the complaints listed.

One of the complaints referred to a reconvened meeting of a Standard Hearing and the potential date, February 2020, was provided to the Members.

RESOLVED: That:

- (1) The statistical data in relation to the number of complaints received and dealt with is noted.
- (2) Statistical data in relation to the number of complaints received and dealt with is presented to the Committee at each meeting.

## **10. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED**

There were none.

The meeting concluded at 5:09 pm

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**Appendices:  
A. Draft  
Protocol**



## STANDARDS COMMITTEE REPORT

<b>Report Title</b>	<b>MEMBER / OFFICER PROTOCOL</b>
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**AGENDA STATUS: PUBLIC**

<b>Committee Meeting Date:</b>	23 March 2020
<b>Policy Document:</b>	YES
<b>Directorate:</b>	Borough Secretary and Monitoring Officer

### 1. Purpose

- 1.1 The purpose of this Report is to provide the Committee with an update on the work carried out by the Member and Officer Working Group appointed to consider the draft amendments to the Council's Protocol on Member / Officer Relations.
- 1.2 At its meeting on 30 September 2019 Standards Committee considered draft amendments to the Council's Protocol on Member / Officer Relations made following the recommendations in the report of BDO Consultants and agreed to appoint a Member and Officer Working Group to further consider the proposed amendments.

### 2. Recommendations

- 2.1 That the Committee note the work done by the Member and Officer Working Group.
- 2.2 That Committee consider the comments of the Working Group on the draft Protocol on Member / Officer relations, subject to any additions they may consider appropriate.
- 2.3 That, having considered the comments of the Working Group and made any amendments to the Protocol which they consider appropriate, Committee agree to recommend the Protocol to the Constitution Working Group for their consideration and recommendation to Full Council for adoption into the Constitution.

- 2.4 That Committee consider whether they should make any further recommendations to Officers in relation to the process for responding to Members enquiries.

### **3. Issues and Choices**

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#### **3.1 Report Background and Issues**

- 3.1.1 In late 2018 the Borough Secretary commissioned an external audit of the Council's Protocol on Member Officer Relations. The audit included interviewing various Officers and Members to obtain their views on working relations; a survey of Officers and Members to establish whether the roles and expectations set out in the Constitution are met; a comparison of parts of the Council's Constitution with those of other authorities; and, observation of a meeting of the Executive Programme Board to assess its working practices. A copy of the Audit Report is attached as Appendix A.
- 3.1.2 The Audit Report made several recommendations which can be summarised as, revise the Protocol; convene a Member / Officer Working Group to contribute to the revision; launch a training programme to raise awareness of the revised Protocol; and ensure that the revised Protocol contains a full description of Members' role on the Council.
- 3.1.3 At its meeting in September Committee considered a draft revised Protocol and, in line with the recommendation in the BDO report, appointed a Working Group consisting of Members and Officers to consider and contribute to the draft. The Working Group met on 27 January 2020 to consider the report.
- 3.1.4 Members raised a number of practical issues based on their experience of the relationship between Members and Officers and considered whether the draft Protocol dealt with these satisfactorily. These included:
- 3.1.4.1 That Members should not 'ambush' officers at short notice and should make appointments were possible. The Group recognised that the work being undertaken in relation to other parts of the BDO report addressed this issue, specifically the re-launch of the Member Contact Centre.
- 3.1.4.2 That were possible, technology should be utilised to provide information to Members to reduce the impact on Officers. The Group recognised that this was also addressed to an extent by the work to re-launch of the Member Contact Centre.
- 3.1.4.3 That timescales should be established for Officers to respond to Members' requests for information. The Group suggested that this could be incorporated into the work being undertaken to re-launch the Customer Contact Centre.
- 3.1.4.4 That advice from officers should be available to all members, regardless of which political group (if any) they belong to. The Group agreed that the draft Protocol clearly stated that advice should be available to all members.
- 3.1.5 The Working Group agreed that the draft Protocol addresses the issues highlighted in the BDO report along with those issues which Members and Officers experience in the course of their usual working relationship. The Working Group did however, form the view that addressing the matters referred

to at paragraphs 3.1.4.1 to 3.1.4.3 above may assist in delivering the objects of the Protocol.

- 3.1.6 Accordingly, the Working Group commend the draft Protocol to Committee for onward referral to the Constitution Working Group, and request that Committee consider making any additional recommendations to Officers to assist in relation to the matters referred to in paragraphs 3.1.4.1 to 3.1.4.3 above.

## **3.2 Choices**

- 3.2.1 Members may decide to refer the draft Protocol to the Constitution Working Group for consideration for recommendation to Full Council and make any further recommendations to facilitate timely responses to Members' enquiries.
- 3.2.2 Members may decide not to refer the draft Protocol to the Constitution Working Group if they do not wish to progress the actions suggested in the Audit Report.

## **4. Implications (including financial implications)**

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### **4.1 Policy**

- 4.1.1 This report does not have any direct policy implications.

### **4.2 Resources and Risk**

- 4.2.1 This report does not have any direct resource implications.

### **4.3 Legal**

- 4.3.1 As set in previous reports in relation to the Protocol, action may only be taken against a Member where they are alleged to have breached the Code of Conduct adopted by the Council under the provisions of Part 1 of the Localism Act 2011. When such a complaint is made it must be dealt with in accordance with the *Arrangements for dealing with allegations of breaches of the Northampton Borough Council Members' Code of Conduct and of Codes of Conduct adopted by Parish Councils* which are contained in the Constitution for the purpose of implementing those provisions of the Localism Act 2011.
- 4.3.2 Case law in 2018 has made clear that it is not permissible to have a 'dual system' of considering allegations against Members by using an authority's grievance procedure and, should such a course of action be taken, it will not bind the Member concerned.
- 4.3.3 Accordingly, Committee should note that action may only be taken against a Member in relation to any alleged breach of any revised Protocol if the allegation concerned would also be a breach of the Council's Code of Conduct.

### **4.4 Equality**

- 4.4.1 There are no direct equality and diversity implications arising from this report.

**4.5 Consultees (Internal and External)**

4.5.1 Not applicable.

**4.6 Other Implications**

4.6.1 None.

**5. Background Papers**

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5.1 Arrangements for dealing with allegations of breaches of the Northampton Borough Council Members' Code of Conduct and of Codes of Conduct adopted by Parish Councils.

5.2 BDO Audit Report.

**APPENDICES**

**A. Draft revisions to Protocol**

**Francis Fernandes  
Borough Secretary and Monitoring Officer**



## **Appendix A**

### **Protocol on Member / Officer Relations**

#### **1. Introduction**

- 1.1** As a supplement to the Northampton Borough Council Code of Conduct for Councillors, this Protocol provides clarity in respect of Member / Officer relations.
- 1.2** Relations between Members and Officers can be complex and cover a wide variety of matters. This Protocol therefore gives guidance and explanation on the issues that most commonly arise and give cause for concern as a result of that arrangement. The principles set out in this Protocol will also apply to dealing with other similar issues which may arise from time to time and are not expressly covered.
- 1.3** This Protocol seeks to establish best practice and promote greater clarity and certainty. If any Member is unsure about any matter they should contact the relevant Chief Whip and/or the Chief Executive and/or the Monitoring Officer for appropriate advice and assistance. If any Officer is unsure about any matter, they should initially contact their Head of Service.

NB A separate Protocol on Planning can be found in Part 5 of this Constitution in respect of conduct on planning matters. There is also a Northampton Borough Council Employees' Code of Conduct, which can be found on the intranet.

#### **2.0 Roles**

##### **2.1 Elected members**

The role of members is complex, being set out in the Council's Constitution, including Article 2.3.1. Members have a number of rights and duties under the Constitution however, these can be summarised as:

- initiating, developing and directing policy;
- being involved in decision making;
- setting the Council's strategic direction;
- managing the Council at a strategic level;
- being democratically accountable to the electorate;
- dealing with case work on behalf of constituents; and,
- representing the Council on other bodies.

##### **2.2 Officers**

The role of Officers is also complex and varied including many specialist functions however, it can be summarised as follows:

- to provide professional advice needed by Members to develop policy and perform the Council's functions;
- to implement the Council's lawfully made decisions;
- to run the Council's services;
- make day to day managerial and operational decisions under the Council's Scheme of Delegations; and
- to provide information relating to the Council's Services and Policies.

## 2. General Member/Employment Issues

### Key Issues

- 2.1 In order to ensure the business of the Council is transacted effectively, efficiently and lawfully, and with a view to ensuring that the Council is not brought into disrepute, the **key guiding principle** for Members and Officers is one of “**engendering mutual trust, openness, honesty, fairness, transparency and treating everyone with respect**”.
- 2.2 **Officers must act in the best interests of the Council as a whole**, and must not give politically partisan advice. Anyone breaching this requirement could face disciplinary action. Advice given by Officers should:
- 2.2.1 be objective;
- 2.2.2 be consistent;
- 2.2.3 be based on professional judgment;
- 2.2.4 be politically neutral; and,
- 2.2.5 include all factors which are relevant to the issue concerned.
- 2.3 Political Group meetings and Executive Programme Board, while they perform an important part in the preliminaries to Council decision-making, are **not** formal decision-making bodies and, as such, are **not empowered, to make decisions** on behalf of the Council. Conclusions reached at such meetings do not, therefore, **rank as Council decisions** and **do not bind later meetings** at which decisions are to be **lawfully made**.
- 2.4 Officer support should be equally available to all political Groups but must **not** extend beyond providing information and advice in relation to **Council business**.
- 2.5 It is good practice for party political debates and decision-making at political Group meetings to take place **in the absence of Officers**, in order to avoid any suspicion of impropriety or misunderstanding.
- 2.6 Officers must respect the confidentiality of any discussions on formulation of policy with Members at which they were present and, when any information is disclosed to them at a group meeting, must not pass this on to any other group.
- 2.7 Any breach of this part of the Protocol by an Officer must be brought to the attention of the Chief Executive for consideration.

## **Legal and District Audit Considerations**

- 2.8** Members of the Council do not, as elected Members, have any special immunity from civil or criminal wrongs involving fellow Members, Officers or members of the public. Members must abide by the Code of Conduct for Councillors and ensure they do not, for example, slander or libel another person.
- 2.9** Members must also not pressurise any employee to change their professional advice or opinion on any Council business matter given in accordance with paragraph 2.2 above or do anything that compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, the Council. It is also essential that Members are clear about their roles and the roles of employees, so as to avoid getting inappropriately involved in, for example, the internal office management, discipline and/or other employment related issues, as the actions of a Member may be held to be the actions of the Council as an “employer”, giving rise to legal proceedings against the Council.

## **Standards Issues**

- 2.10** Any member of the public (including employees) can complain to the Council’s Monitoring Officer in respect of any alleged breach of the Code of Conduct for Councillors in accordance with the Arrangements for Dealing with Allegations of Breaches of the Northampton Borough Council Members’ Code of Conduct and of Codes of Conduct adopted by Parish Councils, and/or bring private civil litigation proceedings against an elected Member. Breach of this Protocol could amount to a breach of the Code of Conduct and lead to such a complaint. The External Auditor can also take legal action against an elected Member and/or the Council as a whole, for certain breaches of the law.

## **Public Relations Issues**

- 2.11** The Council’s Communications Team is, subject to the direction of the Cabinet of the Council, responsible for dealing with the press and other media organisations on behalf of the Council. It is important, therefore, that all official communications relating to the Council (but not party political or private matters) are dealt with by the Communications Team, so as to ensure the proactive, effective and efficient management of the Council’s public image, relations and interface with the community. The Communications Team will take appropriate legal and other advice in relation to any such contact with the press or other media.

## **3. Specific Points on Member/Employee Relations**

- 3.1** The relationship between Members and employees generally is characterised by **mutual trust, respect and courtesy**. These are **essential** for good local government and enhance local democracy.
- 3.2** Close personal familiarity between individual Members and employees can damage professional relationships and can prove embarrassing to other

Members and employees. Therefore, close personal relationships between Members and employees and situations which could give rise to suspicion and/or the appearance of improper conduct or behaviour should be avoided.

### **Chief Executive**

- 3.3** The Chief Executive is an employee of the Council as a whole with overriding responsibility to the Council, and not to any party political group.

The Chief Executive must nevertheless work closely with the Administration to give it information, assistance, and advice. Subject to maintaining political neutrality the Chief Executive may develop a special relationship with the Administration leadership and will not without consent disclose to the other Groups any matters discussed with that leadership.

The political neutrality of the Chief Executive should be respected by Members and employees alike. The Chief Executive should not be asked to take any action which could prejudice that neutrality, or make it difficult to serve a different majority political party at some future time in the Council.

- 3.4** All Members of the Council have a right of access to the Chief Executive. Where a Member requires information, it will be provided if it is readily available, subject to any restrictions in the Council's Constitution or relevant legislation. The Chief Executive is free to give advice on a confidential basis about procedural matters to any Member. In doubtful cases, the Chief Executive is entitled to seek the instructions of the Leader or a Chair, Cabinet Member, the Cabinet or a Committee before responding to a request from a Member.

- 3.5** The following principles govern the relationship between the Chief Executive and Groups not comprising all or part of the Administration:

It is proper for the Chief Executive to develop a working relationship with such other Groups on the Council.

The Chief Executive is free to provide information and answer procedural inquiries to Members of any Group, and will not advise as to the policies which any Group should pursue.

Subject to the confidentiality required by paragraph 3.15 the Chief Executive will ensure that the Leadership of the Administration is aware of any factual information that they have provided to representatives of other Groups, unless it either be of a routine or trivial nature or to do so would be a breach of confidence or other statutory, formal or Guideline requirement.

Because the Chief Executive is an employee of the whole Council, they accordingly, will draw the attention of the Leader to any case where consideration should be given to affording information, consultation, or representation to the Minority Groups.

In applying these principles to any given situation, the Chief Executive will have regard to any statutory, Constitutional or procedural rules governing the rights of other Groups to information, consultation or representation.

- 3.6** If the Chief Executive attends a meeting of any Group, the leadership of the other Groups on the Council need not be informed. The Chief Executive will ensure that the part played in the proceedings is consistent with the political neutrality of his/her role and will not attend Group meetings at which there are persons present who are neither elected Members nor employees of the Council.

### **Other Employees**

- 3.7** The foregoing principles apply similarly to all Heads of Service (and employees acting under their direction), all of whom shall act under the general direction, seeking advice of the Chief Executive as statutory Head of Paid Service where necessary.

- 3.8** To advance the requirement that all dealings between Members and employees are conducted with mutual trust, respect and courtesy, neither party should seek to take an unfair advantage of their position. In particular, Members should recognise and pay due regard to the Council's role as an employer in their dealings with employees, as inappropriate behaviour and conduct of Members could give rise to employment cases against the Council. In particular, it is quite proper for a Member to make written/oral representations about their [constituent] employee to the Head of Service, but the Member should avoid taking a proactive part to represent or in any other way advocate on behalf of any such employee in any disciplinary procedures.

- 3.9** In seeking advice and support, Members should have due regard to the seniority of the employees with whom they are dealing and recognise that those employees owe an overriding duty to the Council as a whole, via their respective line managers and the Chief Executive, and not to any individual Member. For this reason, Members should not give direct instructions to employees unless they are specifically authorised to do so by the Council's Constitution. If so authorised, instructions should, under normal circumstances, still be given to the relevant Head of Service and not to a less senior employee and should be clearly recorded in writing.

- 3.10** Members must not put inappropriate pressure on employees (in particular junior employees) and must ensure that all communication between them (including written communication) does not bring the Council into disrepute, or lead to the breakdown of mutual trust, respect and courtesy in Member/employee relations.

### **Equality Issues**

- 3.11** The Council has statutory duties in respect of equality issues and, in accordance with the Code of Conduct for Councillors, Members must also promote equality and not discriminate against others. Members and employees should not, therefore, by their behaviour or speech act

discriminatorily with regard to a person's gender, race, age, disability, religion, ethnicity, marital status, sexual orientation or gender reassignment.

### **Employee Conduct or Capability Issues**

**3.12** Members should not raise matters relating to the conduct or capability of an employee (or of employees collectively) at meetings held in public or before the press, as employees have no means of responding publicly. If any Member feels as that they have not been treated with the proper mutual trust, respect or courtesy or has any concern about the conduct or capability of an employee, they should raise the matter privately with the relevant employee and, if necessary, the employee's Head of Service. Any concerns with regard to a Head of Service should be discussed privately with the Chief Executive and/or the Leader of the relevant Political Group.

### **Political Groups**

**3.13** Members of the Cabinet, the Overview and Scrutiny Committee and Regulatory Committees shall at all times respect the political impartiality of employees, and must not expect or encourage them to give a political view on any matter.

**3.14** Employees may properly be called upon to support and contribute to the deliberations of Groups but they must at all times remain politically neutral. This applies in particular to politically restricted posts, where employees are governed by the Local Government and Housing Act 1989. All employees must, in their dealings with Groups and individual Members, treat them in a fair and even-handed manner.

**3.15** Any request for advice given to a Group or Member will be treated with the strictest of confidence by the employees concerned, and will not be accessible to any other Group(s). Factual information upon which any advice is based will, if requested, be available to all Groups.

**3.16** When attendance is requested for Group meetings:

3.16.1 the request to attend a Group meeting must normally be made through the Chief Executive, unless previously agreed by them;

3.16.2 such a request can only be made in relation to **Council business**; and

3.16.3 employees will:

- (i) provide relevant factual and professional advice and assistance;
- (ii) normally leave during the deliberations of the Group on the issue;
- (iii) respect the confidentiality of any Group decision at which they are present; and
- (iv) not champion, defend, action or spend any resources of the Council, or be held responsible for actioning in any way whatsoever the decisions of the Group(s), unless and until such decisions have become the formal decisions of the Council, i.e. until the person or body

with responsibility for making such decisions under the Constitution has done so in accordance with all legal and procedural formalities.

#### **4. Specific Points on Overview and Scrutiny Arrangements**

- 4.1** When considering calling employees to give evidence to the Overview & Scrutiny Committee, the Chair of the Overview and Scrutiny Committee may call the Chief Executive, and/or senior Officers to give evidence to the Committee as prescribed by paragraph 13.1 of the Overview and Scrutiny Procedure Rules.
- 4.2** When asking employees to give evidence before the Overview and Scrutiny Committee, questions should be confined, so far as possible, to questions of fact and explanation of any professional opinion relating to policies and decisions. Employees must respond to questions from Members in an open, constructive and helpful manner, and must not mislead or be economical with the truth.
- 4.3** Where they consider it appropriate, the Chair of the Overview and Scrutiny Committee may ask Heads of Service to explain any advice given by them to the Cabinet or its members. For the avoidance of doubt, any private or confidential matter must be dealt with in a private or confidential manner.

#### **Unacceptable or Inappropriate Behaviour:**

- 4.4** The Chair of the Overview and Scrutiny Committee shall ensure that members of the Cabinet and employees are not questioned (whether through the nature, tone or language used), in such a manner as could be considered by a reasonable person to be hostile, offensive, derogatory, harassing, bullying, victimising, discriminatory or otherwise unacceptable or inappropriate behaviour by a Member. Equally, the Overview and Scrutiny Committee has no jurisdiction to deal with matters, which are of a disciplinary nature for the relevant Group (in respect of Members) or the relevant Head of Service/Chief Executive (in respect of employees).

#### **NB Note on Use of Local Authority Resources**

- 4.5** The only basis on which the Council can lawfully provide support services to Members (e.g. computers, or other IT software, stationery, typing, printing, photocopying, transport etc.) is to assist them in the effective and efficient discharge of their duties and role as Members of the Council. Such support services must, therefore be only used for Council business. The same should not be used for, or in connection with, party political or campaigning activities, or for private purposes.

#### **5. Examples of Acceptable and Unacceptable Behaviours**

- 5.1** Examples of behaviours which are acceptable  
Officers and Members treating one another with mutual respect  
Officers and Members recognising and respecting each other's roles  
Members understanding that Officers give advice based on their professional qualifications and experience

Use of courteous language in all dealings  
Prompt responses by Officers to enquiries by Members

5.2 The following are examples of behaviours which are unacceptable:

Officers failing to respond to enquiries by members

Expression of political opinions by Officers, particularly in relation to Council policy or matters being considered by Members

Attempts by Members to persuade Officers to change their professional advice

Members becoming involved in day to day staff management issues

Use of inappropriate or offensive language by Members or Officers toward one another

Officers seeking to persuade Members to make a particular decision in relation to a matter

Officers failing to give accurate or comprehensive advice to Members

Members seeking to bypass legal or Constitutional requirements



Appendices: 2



**NORTHAMPTON**  
BOROUGH COUNCIL

## STANDARDS COMMITTEE REPORT

<b>Report Title</b>	<b>Local Government Ethical Standards – Committee on Standards in Public Life</b>
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**AGENDA STATUS: PUBLIC**

<b>Committee Meeting Date:</b>	23 March 2020
<b>Policy Document:</b>	No
<b>Service Area:</b>	Borough Secretary and Monitoring Officer

### 1. Purpose

- 1.1 The purpose of the report is to update the Committee on the January 2019 review undertaken by the Committee on Standards in Public Life (the “CSPL”) regarding Local Government ethical standards and the recommendations of the Standards Working Group that met in January 2020 to discuss the recommendations.

### 2. Recommendations

The Committee is recommended to:

- 2.1 Note that the Standards Working Group supports the 25 recommendations of the Committee on Standards in Public Life and the 15 best practice recommendations as attached at Appendix 1 and Appendix 2.
- 2.2 That when published, the draft Member Code of Conduct, as produced by the Local Government Association, is presented to the Standards Committee for consideration.

### 3. Issues and Choices

#### 3.1 Report Background

- 3.1.1 The CSPL is an independent advisory non-departmental public body that advises the Prime Minister on ethical standards across the whole of public life in the UK. *Local Government Ethical Standards – A Review by the Committee on Standards in Public Life* (the “Review”) was published in January 2019.

The CSPL undertook the review to assure itself that the current framework, particularly since the Localism Act 2011 is conducive to promoting and maintaining the standards expected by the public.

3.1.2 A copy of the CSPL report is available at:

<https://www.gov.uk/government/publications/local-government-ethical-standards-report>

3.1.3 Following their review, the CSPL made a number of recommendations which it states, “would enable councillors to be held to account effectively and would enhance the fairness and transparency of the standards process”.

3.1.4 A number of the CSPL’s recommendations would involve legislative change which it believes the government should implement. However, it has also identified ‘best practice’ for local authorities which the CSPL states represents a benchmark for ethical practice which they expect authorities to implement.

## **3.2 Issues**

3.2.1 The CSPL’s full list of recommendations from the review are set out at Appendix 1.

3.2.2 Key recommendations from the review include the following:

- a) A new power for local authorities to suspend councillors without allowances for up to six months and a right of appeal for suspended councillors (including parish councillors) to the Local Government Ombudsman.**

The CSPL state in their report that the current sanctions available to local authorities are insufficient, which damages public confidence in the standards system and leaves authorities with no means of enforcing lower level sanctions, nor of addressing serious or repeated misconduct.

- b) Revised rules on declaring interests, gifts and hospitality.**

The CSPL state that the current criminal offences relating to disclosable pecuniary interests (“DPIs”) are disproportionate in principle and ineffective in practice and should be abolished.

The CSPL also recommend that the current statutory rules on declaring and managing interests (specifically DPIs) should be repealed and replaced with an objective test so that all Codes of Conduct include a requirement that Councillors must not participate in discussion or vote in a matter if they have an interest, if a member of the public with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice the Councillor’s consideration or decision-making in relation to that matter.

The CSPL recommend that local authorities should be required to establish a register of gifts and hospitality with Councillors required to record any gifts or hospitality received over a value of £50, or totalling £100 over a year from a single source. (Northampton Borough Council's Code of Conduct currently requires Councillors to declare gifts and hospitality received over the value of £50 and a register is kept).

**c) Local authorities retain ownership of their own Codes of Conduct.**

The CSPL also recommended that an updated model Code of Conduct should be made available to local authorities that they could voluntarily adopt in order to enhance the consistency and quality of local authority Codes. The CSPL suggested that local authorities could choose to adopt the model code and adapt it as required.

The CSPL suggest that the scope of Codes is widened so that there is a rebuttable presumption that a Councillor's public behaviour, including comments made on publicly accessible social media is in their official capacity.

The current position in section 27 of the Localism Act 2011 is that a local authority must adopt a code "dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity". It is suggested this should be widened to state that an authority's Code of Conduct applies to a member when they claim to act or give the impression they are acting in their capacity as a member or representative of the authority.

**d) A strengthened role for the statutory Independent Person.**

The statutory Independent Persons appointed pursuant to the Localism Act 2011 help to provide a safeguard in the process for dealing with allegations that a Councillor has breached the Code of Conduct to ensure that decisions are made fairly and impartially. The CSPL recommend that if the sanction of suspension were introduced, that the role of Independent Person should be strengthened so that the local authority could only suspend a Councillor where the Independent Person agreed both that there had been a breach and that suspension was a proportionate sanction. The CSPL also recommended that Independent Persons should have fixed terms and legal protections.

**e) Greater transparency about the number and nature of Code of Conduct complaints.**

The CSPL recommended that the Local Government Transparency Code should be updated to require councils to publish annually the number of Code of Conduct complaints they receive, what the complaints relate to broadly, the outcome of those complaints, including if they are rejected eg. as vexatious or trivial and any sanctions applied.

3.2.3 Many of the CSPL's recommendations ask for action from the Local Government Association ('LGA') or the Government, which may or may not act to implement the CSPL's recommendations. The LGA's response to the CSPL's recommendations, through its Chair, Lord Porter, was in summary:

- That standards across local government are very high.
- That a locally-led approach to standards underpinned by a national framework remains the right approach and that the LGA was happy to play a leading role in updating a code of conduct to help guide LGA members.
- That a number of adequate sanctions already exist to deal with the most serious issues and that care needs to be taken to avoid adding to the current regime and causing unintended consequences. It was stated that introducing a power of suspension could result in councillors losing their seat posing a risk to the democratic process leaving residents without a locally elected representative.

3.2.4 The CSPL has created a List of Best Practice recommendations. In its report, the CSPL states, *"Our best practice recommendations are directed to local authorities, and we expect that any local authority can and should implement them. We intend to review the implementation of our best practice in 2020"*. The list of best practice recommendations is at Appendix 2.

3.2.4 The Committee established a Working Group to consider the best practice recommendations of the CSPL, the purpose of which was to recommend to the Committee any improvements to the Council's ethical standards arrangements that it considers are required. The Working Group met on 27 January 2020 and agreed to recommend to the Standards Committee:

*"That the draft Member/Officer Protocol is agreed that it meets the objectives of the Audit Report and provides clarity for Members and Officers and that it is presented to the Standards Committee at its March meeting for its consideration.*

*That when published, the Draft Member Code of Conduct, as produced by the LGA, is presented to the Standards Committee for consideration."*

### **3.3 Choices (Options)**

3.3.1 The Committee can choose to accept the recommendations in this report or substitute its own resolutions.

## **4. Implications (including financial implications)**

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### **4.1 Policy**

4.1.1 There are no policy implications arising directly from this report.

## **4.2 Resources and Risk**

- 4.2.1 The only resource implication arising directly from this report is the officer resource required to support the Working Group.
- 4.2.2 In terms of risk, assessing the Council's ethical standards arrangements against the CSPL's best practice recommendations could assist the Council in minimising any potential risks arising from inadequate ethical governance arrangements.

## **4.3 Legal**

- 4.3.1 There are no legal implications arising directly from this report. As mentioned above, some of the recommendations of the CSPL would require legislative change.

## **4.4 Equality**

- 4.4.1 There are no equality implications arising directly from this report.

## **4.5 Consultees (Internal and External)**

- 4.5.1 None.

## **4.6 Other Implications**

- 4.6.1 None.

## **5. Background Papers**

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- 5.1 None.

**Francis Fernandes**  
**Borough Secretary and Monitoring Officer**

List of the CSPL's recommendations

Number	Recommendation	Responsible body
1	The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.	Local Government Association
2	The government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to clarify that a councillor does not need to register their home address on an authority's register of interests.	Government
3	Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly-accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.	Government
4	Section 27(2) of the Localism Act 2011 should be amended to state that a local authority's code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority.	Government
5	The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to include: unpaid directorships; trusteeships; management roles in a charity or a body of a public nature; and membership of any organisations that seek to influence opinion or public policy.	Government
6	Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record any gifts and hospitality received over a value of £50, or totalling £100 over a year from a single source. This requirement should be included in an updated model code of conduct.	Government

- |           |  |                                    |
|-----------|--|------------------------------------|
| <b>7</b>  | Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, “if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to that matter”. | Government                         |
| <b>8</b>  | The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.   | Government                         |
| <b>9</b>  | The Local Government Transparency Code should be updated to provide that the view of the Independent Person in relation to a decision on which they are consulted should be formally recorded in any decision notice or minutes.   | Government                         |
| <b>10</b> | A local authority should only be able to suspend a councillor where the authority’s Independent Person agrees both with the finding of a breach and that suspending the councillor would be a proportionate sanction.  | Government                         |
| <b>11</b> | Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed.  | Government / all local authorities |
| <b>12</b> | Local authorities should be given the discretionary power to establish a decision-making standards committee with voting independent members and voting members from dependent parishes, to decide on allegations and impose sanctions.  | Government                         |
| <b>13</b> | Councillors should be given the right to appeal to the Local Government Ombudsman if their local authority imposes a period of suspension for breaching the code of conduct.   | Government                         |

<b>14</b>	The Local Government Ombudsman should be given the power to investigate and decide upon an allegation of a code of conduct breach by a councillor, and the appropriate sanction, on appeal by a councillor who has had a suspension imposed. The Ombudsman's decision should be binding on the local authority.	Government
<b>15</b>	The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive; what the complaints broadly relate to (e.g. bullying; conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.	Government
<b>16</b>	Local authorities should be given the power to suspend councillors, without allowances, for up to six months.	Government
<b>17</b>	The government should clarify if councils may lawfully bar councillors from council premises or withdraw facilities as sanctions. These powers should be put beyond doubt in legislation if necessary.	Government
<b>18</b>	The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.	Government
<b>19</b>	Parish council clerks should hold an appropriate qualification, such as those provided by the Society of Local Council Clerks.	Parish councils
<b>20</b>	Section 27(3) of the Localism Act 2011 should be amended to state that parish councils must adopt the code of conduct of their principal authority, with the necessary amendments, or the new model code.	Government
<b>21</b>	Section 28(11) of the Localism Act 2011 should be amended to state that any sanction imposed on a parish councillor following the finding of a breach is to be determined by the relevant principal authority.	Government



<b>22</b>	The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 should be amended to provide that disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal.	Government
<b>23</b>	The Local Government Transparency Code should be updated to provide that local authorities must ensure that their whistleblowing policy specifies a named contact for the external auditor alongside their contact details, which should be available on the authority's website.	Government
<b>24</b>	Councillors should be listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1998.	Government
<b>25</b>	Councillors should be required to attend formal induction training by their political groups. National parties should add such a requirement to their model group rules.	Political groups National political parties
<b>26</b>	Local Government Association corporate peer reviews should also include consideration of a local authority's processes for maintaining ethical standards.	Local Government Association

### List of the CSPL's best practice recommendations

**Best practice 1:** Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

**Best practice 2:** Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.

**Best practice 3:** Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

**Best practice 4:** An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

**Best practice 5:** Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

**Best practice 6:** Councils should publish a clear and straightforward public interest test against which allegations are filtered.

**Best practice 7:** Local authorities should have access to at least two Independent Persons.

**Best practice 8:** An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

**Best practice 9:** Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

**Best practice 10:** A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

**Best practice 11:** Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

**Best practice 12:** Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

**Best practice 13:** A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

**Best practice 14:** Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.

**Best practice 15:** Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

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NORTHAMPTON  
BOROUGH COUNCIL

**NORTHAMPTON BOROUGH COUNCIL**

*Standards Committee*  
*Annual Report*  
*2019/2020*

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# *Standards Committee Annual Report 2019/2020*

## **Message from Councillor Suresh Patel, Chair, Standards Committee**

This is the third Annual Report of the Standards Committee. It has been another busy year for the Standards Committee. In line with last year's Annual Report, instead of a complete commentary of all that the Committee has achieved over the year this Annual Report provides a summary of the key highlights of the work Standards has been engaged in during 2019/2020. Further details can be obtained from the Standards Committee [webpage](#).

The Standards Committee continues to promote and maintain high standards of conduct.

The work of the Standards Committee includes:

- Promoting and maintaining high standards of conduct
- Assisting Councillors and Co-Opted Members to observe Northampton Borough Council's Code of Conduct
- Monitoring the operation of the Code of Conduct
- Work through its Working Group (Work Plan)
- Producing and adopting a Training Strategy – Ethical and Governance Matters- Ethical Governance, Whistle Blowing and Complaints Handling

I would like to thank everyone for their endeavour to uphold these standards. My thanks are particularly extended to the Independent Persons for their input into Code of Conduct complaints, further details of the complains dealt with over the past year are contained within this report.

I would like to thank also, our co-optees for the input they have provided into the meetings of the Standards Committee. I would also like to thank the Deputy Monitoring Officer and the Democratic and Member Services Manager for their advice, guidance and support.



**Councillor Suresh Patel**  
**Chair, Standards Committee**

# *Standards Committee Annual Report 2019/2020*

## **Introduction**

The Council has a duty to promote and maintain high standards of conduct by Members and Co-Opted Members and the Council aims to have the highest possible ethical standards in place across the Council.

## **Membership of the Standards Committee 2019/2020**

The Standards Committee comprises 9 Borough Councillor Members, 2 Parish Council Co Opted Members and 2 Independent Co-opted Members

### **Borough Councillors**

Councillor Suresh Patel (Chair)

Councillor Brian Oldham (Deputy Chair)

Councillors Alan Bottwood, Andrew Kilbride, Brian Markham, Les Marriott, Nilesh Parekh, Cathrine Russell and Terrie Eales

### **Co Optees – Parish Councillors**

Councillor Linda Hook

Councillor David Lewis

### **Co-Optees – Independent Members**

Ika Castka

Robert Mehaffy

### **Independent Persons**

Under the Localism Act 2011, the Council was required to appoint one or more Independent Persons to assist in the Standards process. The functions of the Independent Persons are:

- they must be consulted by the authority and their views taken into account before the authority makes a finding as to whether a member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that member. (This means that their views must be sought on a decision to take no action where the investigation finds no evidence of breach or, where the investigation finds evidence that there has been a breach, on any local resolution of the complaint, or on any finding of breach and on any decision on action as a result of that finding);
- they may be consulted by the authority in respect of a standards complaint at any other stage; and
- they may be consulted by a member or co-opted member of the Borough Council or of a Parish Council against whom a complaint has been made.



## *Standards Committee Annual Report 2019/2020*

In June 2013 the Council appointed the following Independent Persons:

**Peter Glover.** Prior to retiring in 2010, Peter Glover had a thirty year career with Northamptonshire Police Force during which time he gained experience of dealing with a variety of public bodies. As a senior police officer, Peter Glover gained extensive experience of undertaking disciplinary procedures and interpreting law and policy guidelines.

**Alan Haynes.** Alan Haynes qualified as a Chartered Engineer and had various roles in the railway industry, including roles associated with Health and Safety. Alan Haynes retired in 2006 and since 2010 has been the Northamptonshire Chair of the Independent Panel for Councillors' Allowances (the "IPCA"). In addition to the direct experience of local authorities gained through sitting on the IPCA, Alan Haynes encountered a variety of different public bodies in the course of his career in the railway industry.

During 2019/2020 the Independent Persons have been involved in two cases.

### **Code of Conduct**

Complaints about councillors are dealt with as part of the council's standards process.

This Council's arrangements for dealing with complaints against councillors also apply to complaints made about parish councillors within the borough of Northampton.

Each parish council is responsible for adopting a code of conduct for its parish councillors. If you wish to view a parish council's code of conduct, you should inspect any website operated by the parish council and request the parish clerk to allow you to inspect the parish council's code of conduct.

### **Code of Conduct Complaints**

From May 2019 to March 2020 the number of complaints regarding alleged breaches of the Code of Conduct were as follows, it is noted that one was received in 2018 but this complaint is still be dealt with:

### **Complaints against Parish Councillors**

#### 1) Complaint received on 29 May 2018

This file is open.

An initial assessment made by the Solicitor, on behalf of the Monitoring Officer, in consultation with the Independent Person, was held on 24 July 2018. The determination of the initial assessment of the complaint was that the complaint would be referred to an investigation. An Investigator has been appointed and the investigation has been concluded. The Investigator's conclusion was:

## *Standards Committee Annual Report 2019/2020*

*It is the view of the Investigating Officer that the Subject Member acting in his capacity as a Councillor and that there is a case to answer by the Subject Member for failure to comply with the Council's Code of Conduct.*

The Solicitor on behalf of the Monitoring Officer, has in consultation with the Independent Person reviewed the Investigator's report, and decided to refer the matter to the Standards Committee.

Therefore, a Hearings Panel of the Standards Committee will be established to conduct a Local Hearing in accordance with the Council's Arrangements for dealing with allegations of breaches of the Northampton Borough Council Members' Code of Conduct and of Codes of Conduct adopted by Parish Councils. The Hearings Panel will conduct a Local Hearing to decide whether the Parish Councillor failed to comply with the Parish Council's Code of Conduct and, if so whether any action should be taken in respect of the Councillor.

Membership of the Hearings Panel was agreed at the March 2019 meeting of the Standards Committee:

Councillors Patel, Oldham, Marriott, Ms Caskra (Co-Optee (Independent) and Parish Councillor Lewis (Co Optee). Councillor B Markham (substitute).

The Hearings Panel took place in the summer 2019 and will reconvene. The Hearings Panel will be notified regarding a date for the Hearing.

### **Complaints against a Northampton Borough Councillor**

#### 1) Complaint received on 4 February 2020.

This file is open.

An initial assessment made by the Deputy Monitoring Officer, in consultation with the Independent Person will take place.

### **Work of the Standards Committee during 2019/2020**

During the year the Standards Committee has met four times. Its work consisted of:

- Approval of the second Work Plan of the Standards Committee
- Approval of the second Annual Report of the Standards Committee
- Approval of the updated Training Strategy for the Standards Committee
- Approval of the updated Communication Strategy for the Standards Committee
- To action items on the Work Plan
- Review of the Whistleblowing Policy
- Approval of the Work Plan for the Committee for 2019/2020

# *Standards Committee Annual Report 2019/2020*

## **Training and Development**

In accordance with its Training Strategy – Ethical and Governance Standards; training regarding:

- Code of Conduct
- Declaration of Interest
- Declaration of Gifts and Hospitality

The session was delivered by an external training facilitator and was very well attended. A number of Parish Councillors were also in attendance.

In accordance with issues listed on the Training Strategy, further sessions will be are planned for the year 2019/2020.

## **Future Activity**

The Work Plan for 2020/2021 will be considered by the Standards Committee at its June 2020 meeting. It will include standing annual items but will evolve as necessary during the year; taking into account any developing issues pertaining to standards.

## Standards Committee Annual Report 2019/2020

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## STANDARDS COMMITTEE REPORT

<b>Report Title</b>	<b>STATISTICS – CODE OF CONDUCT ARRANGEMENTS COMPLAINTS</b>
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**AGENDA STATUS: PUBLIC**

<b>Committee Meeting Date:</b>	23 March 2020
<b>Policy Document:</b>	No
<b>Directorate:</b>	Borough Secretary and Monitoring Officer

### 1. Purpose

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- 1.1 The purpose of the Report is to provide the Committee with information by reporting on the statistics regarding the number of complaints received and dealt with under the “*Arrangements for dealing with allegations of breaches of the Northampton Borough Council Members’ Code of Conduct and of Codes of Conduct adopted by Parish Councils*”.
- 1.2 At its meeting of 18 December 2017, the Standards Committee requested that statistical information be presented to each meeting of the Committee; with updates on the live complaints, new complaints and complaints that have been actioned and closed since the last meeting.

### 2. Recommendations

- 2.1 To note the statistics in relation to the number of complaints received, and dealt with, under the Code of Conduct Arrangements.
- 2.2 That statistical data in relation to the number of complaints received and dealt with, in respect of the Code of Conduct Arrangements is presented to each meeting of the Committee.

### 3. Issues and Choices

---

#### 3.1 Report Background and Issues

- 3.1.1 It was resolved at the meeting of the Standards Committee held on 17 July 2017 that information regarding the number of complaints received and dealt with under the Code of Conduct Arrangements would be presented to the

Committee at its next meeting in October. This information was presented to the Committee in October 2017.

- 3.1.2 The Committee requested that the data presented to it was elaborated upon to include further statistics regarding the complaints, such as the time taken to resolve the complaints and the outcomes of each complaint.
- 3.1.3 Further information was provided to the Standards Committee at its meetings in December 2017, March 2018, June 2018, September 2018, December 2018, March 2019, June 2019, September 2019 and December 2019.
- 3.1.4 The data in paragraph 3.1.5 below relates to all Code of Conduct complaints that are still live, have been closed since the last Committee in September 2019 or have been received since the December 2019 Committee papers were published.
- 3.1.5

**a) Complaint against a Parish Councillor**

1) Complaint received on 29 May 2018

This file is open.

An initial assessment made by the Solicitor, on behalf of the Monitoring Officer, in consultation with the Independent Person, was held on 24 July 2018. The determination of the initial assessment of the complaint was that the complaint would be referred to an investigation. An Investigator has been appointed and the investigation has been concluded. The Investigator's conclusion was:

*It is the view of the Investigating Officer that the Subject Member acting in his capacity as a Councillor and that there is a case to answer by the Subject Member for failure to comply with the Council's Code of Conduct.*

The Solicitor on behalf of the Monitoring Officer, has in consultation with the Independent Person reviewed the Investigator's report, and decided to refer the matter to the Standards Committee.

Therefore, a Hearings Panel of the Standards Committee will be established to conduct a Local Hearing in accordance with the Council's Arrangements for dealing with allegations of breaches of the Northampton Borough Council Members' Code of Conduct and of Codes of Conduct adopted by Parish Councils. The Hearings Panel will conduct a Local Hearing to decide whether the Parish Councillor failed to comply with the Parish Council's Code of Conduct and, if so whether any action should be taken in respect of the Councillor.

Membership of the Hearings Panel:

Councillors Patel, Oldham, Marriott, Ms Castkra (Co-Optee (Independent) and Parish Councillor Lewis (Co Optee). Councillor B Markham (substitute).

A Hearings Panel was held on 23 July 2019 and it was resolved that:

In order to provide the subject Member with a further opportunity to attend a future Panel Hearing into the complaints against him and to consider the relevant and disclosable correspondence in relation the Investigating Officer's report the Hearing Panel resolved to adjourn the Hearing and reconvene at a later date. The subject Member to be provided with a copy of this Decision Notice.

The Hearings Panel re-convened on 18 November 2019 and it was resolved that the Hearing Panel would adjourn to a later date.

## **b) Complaint against Borough Councillors**

### **1) Complaint received on 25 March 2017**

As reported to the December, March, June, September, December 2018 March, June 2019, September and December 2019 meetings of the Standards Committee, this file is still open.

The determination of the initial assessment of the complaint was that the complaint would be held in abeyance pending the outcome of a separate investigation.

### **2) Complaint received on 4 February 2020.**

This file is open.

An initial assessment made by the Deputy Monitoring Officer, in consultation with the Independent Person will take place.

## **3.2 Choices**

3.2.1 Members are asked to note the information provided.

## **4. Implications (including financial implications)**

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### **4.1 Policy**

4.1.1 This report does not have any direct policy implications.

### **4.2 Resources and Risk**

4.2.1 This report does not have any direct resource implications.

### **4.3 Legal**

- 4.3.1 Complaints received are dealt with in accordance with the *Arrangements for dealing with allegations of breaches of the Northampton Borough Council Members' Code of Conduct and of Codes of Conduct adopted by Parish Councils* which were adopted pursuant to the Localism Act 2011.

### **4.4 Equality**

- 4.4.1 There are no direct equality and diversity implications arising from this report.

### **4.5 Consultees (Internal and External)**

- 4.5.1 Not applicable.

### **4.6 Other Implications**

- 4.6.1 None.

## **5. Background Papers**

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- 5.1 Complaints received in respect of the Arrangements for dealing with allegations of breaches of the Northampton Borough Council Members' Code of Conduct and of Codes of Conduct adopted by Parish Councils.

**Francis Fernandes**  
**Borough Secretary and Monitoring Officer**