



STANDARDS COMMITTEE REPORT

Report Title	CODE OF CONDUCT ARRANGEMENTS FOR INVESTIGATING ALLEGED BREACHES
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AGENDA STATUS: PUBLIC

Committee Meeting Date:	18 December 2017
Policy Document:	No
Directorate:	Borough Secretary and Monitoring Officer

1. Purpose

- 1.1 The purpose of the report is to present to the Standards Committee proposed streamlined arrangements for investigating alleged breaches of the Members Code of Conduct.

2 Recommendation

- 2.1 That the proposed streamlined arrangements for investigating alleged breaches of the Members Code of Conduct.
- 2.2. That the Borough Secretary and Monitoring Officer is instructed to make arrangements for updating and publishing the arrangements for investigating alleged breaches of the Members Code of Conduct.

3. Issues and Choices

3.1 Report Background and Issues

- 3.1.1 At its meeting held on 19 December 2016, the Standards Committee set up a Working Group to put together a draft Work Plan for the Standards Committee for 2017/2018. The establishment of a Work Plan will ensure that the Committee can meet all of its responsibilities and objectives during the year. It is good practice for the Standards Committee to produce an annual Work Plan.
- 3.1.2 Membership of the Working Group consists of Councillors Suresh Patel, Brian Oldham, Brian Markham and Zoe Smith.

1 CODE OF CONDUCT ARRANGEMENTS FOR INVESTIGATION ALLEGED BREACHES

- 1.1 Appended to this briefing note is the Council's current Standards Arrangements that deals with complaints against Councillors, including Parish Councillors within the borough of Northampton (*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 Arrangements).
- 1.2 The Localism Act changed the standards regime in local government. These changes came into effect from 1st July 2012.
- 1.3 Each Parish Council is responsible for adopting a code of conduct for its Parish Councillors.
- 1.4 The Council has appointed two Independent Persons, whose views must be sought by the authority before it takes a decision on an allegation which it has decided warrants investigation, and whose views can be sought by the authority at any other stage, or by a Member against whom an allegation has been made.

2 CURRENT ARRANGEMENTS

2.1 Initial Assessment of Complaints Received

- 2.2 The Monitoring Officer will review all complaints received by the authority and may consult with the Independent Person at this stage. If a complaint has been made but does not fall within the scope or intent of these arrangements, the Monitoring Officer may still decide to take informal action in order to resolve the matter. In assessing the complaint the Monitoring Officer will determine whether the complaint is admissible and, if so, decide whether:

- a) it warrants investigation or,
- b) it may be suitable for alternative resolution without investigation or,
- c) it doesn't warrant any further action. For the complaint to be admissible it must be in a legible format and relate to an existing Member of the authority.

- 2.3 The complaint and subject Member are informed of the outcome of the assessment; and should further investigation or alternative resolution be the outcome; the relevant processes are put in place such as the appointment of an independent Investigating Officer.
- 2.4 Should the Investigating Officer conclude that there is evidence of a failure to comply with the Code of Conduct, there are two potential resolutions that the Monitoring Officer and the Independent Person may consider:

Local Resolution - The matter can be resolved without the need for a hearing

- Local Hearing - The Monitoring Officer will report the Investigating Officer's report to a Hearings Panel that will conduct a local hearing to decide whether the Member has failed to comply with the Code of Conduct and if so, whether to take any action in respect of the Member. At the end of the Hearing, the Chair will state the decision of the Hearing Panel and what actions, the Hearings Panel resolved to take. The Member and the complainant will be informed of the decision; the decision notice will be made available for public inspection and the decision reported to next convenient meeting of full Council.

PROPOSED STREAMLINING OF THE ARRANGEMENTS

- 2.5 The Arrangements work well and a number of Local Authorities use similar arrangements to that of Northampton Borough Council. However, it is felt that there is a need for the Arrangements to be streamlined so that complaints received can be resolved expediently and the process for resolving complaints is as effective as possible. It needs to be borne in mind, however, that on occasions due to the nature of individual complaints, some can often take longer to resolve. For example, some complaints have taken a few months to come to a resolution. However, it would be beneficial for there not to be a set time scale communicated as to when the complaint will be resolved.
- 2.6 Currently the complainant and the subject Member are informed that the complaint will be resolved within 28 days. This is not always possible. It is therefore proposed that the complaint is acknowledge, as it is currently, but reference to 28 days is removed from the acknowledgement and replaced with the wording "as soon as possible." The initial communication with the complainant and the subject Member should always include wording along the lines of "whilst the Council will use its best endeavours to speedily resolve the complaint, on occasions the issues can be complex and take longer to investigate. You will be kept informed on progress throughout the process."
- 2.7 The subject Member is notified of the complaint received and asked to provide a response, if they so wish to, within 15 working days. It is felt that this timeframe could be shortened to 10 working days.
- 2.8 The current process allows for all information to be received regarding the complaint, such as the response from the subject Member. Upon receipt of this information the Assessment meeting between the Monitoring Officer and Independent Person is scheduled. It is proposed that this meeting is scheduled shortly after contact has been made with the subject Member notifying of them of the alleged complaint. It would be aimed that this Assessment Meeting would be held within 15 working days of receipt of the complaint.
- 2.9 The initial assessment process is an extremely important aspect of the Arrangements. The Monitoring Officer occupies a pivotal position and working with the Independent Person, the Monitoring Officer gives an opportunity to

resolve the complaint speedily. The initial assessment will determine whether the complaint is admissible.

- 2.10 It is emphasised that once a complaint has been referred to investigation, the process will then take its own course. An independent investigator is appointed to carry out the investigation and report their findings and conclusion to the Monitoring Officer.
- 2.11 At the Assessment meeting, comprehensive information packs are provided for the Monitoring Officer and the Independent Person, which include the Member Code of Conduct that has been adopted by the Borough Council or Parish Council, the subject Member's completed Declaration of Interest form; proof that the subject Member is a current Member of the relevant Parish Council or Northampton Borough Council. Following discussions with Independent Person, it was felt that this information does not need to be provided to each Assessment Meeting but the relevant checks made by the Office of the Monitoring Officer. The only information that would need to be provided to the Assessment Meeting is the complaint received and any response from the subject Member. A file copy would still be held that would contain all background information. The outcome of the Assessment meeting would then be communicated to the complainant and subject Member within 7 working days of the Assessment meeting taking place.
- 2.12 Other proposed administrative changes to the Arrangements are suggested such as a short precis of the complaint being provided to the subject Member rather than a more detailed account.
- 2.13 An efficient process is one that results in fewer complaints being referred to the Standards Committee.
- 2.14 The Standards Working Group (Work Plan) considered the draft proposed administrative changes that aim to streamline the Arrangements, and provided comment and suggestions.

3.2 Choices

- 3.2.1 Members are asked to consider approving the proposed streamlining of the arrangements for investigating alleged breaches of the Members Code of Conduct.

4. Implications (including financial implications)

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 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

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

- 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