



Civic Centre,
Arnot Hill Park,
Arnold,
Nottinghamshire,
NG5 6LU

Agenda

Standards Committee

Date: **Thursday 12 March 2020**

Time: **6.00 pm**

Place: **Committee Room**

For any further information please contact:

Helen Barrington

Director of Organisational Development and Democratic
Services

0115 901 3896

Standards Committee

Membership

Chair Councillor Michael Boyle

Vice-Chair Councillor Michael Payne

Councillor Pat Bosworth
Councillor Andrew Ellwood
Councillor Mike Hope
Councillor Simon Murray
Councillor Martin Smith
Councillor Clive Towsey-Hinton
Rosalie Hawks
Patricia Woodfield

AGENDA

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- 1 **Apologies for Absence and Substitutions.**

- 2 **To approve, as a correct record, the minutes of the meeting held on 26 September 2019.** 5 - 6

- 3 **Declaration of Interests.**

- 4 **Update on implementation of the best practice recommendations from the Committee on Standards in Public Life Report - Review of Local Government Ethical Standards.** 7 - 19

Report of the Director of Organisational Development and Democratic Services.

- 5 **Bullying and Intimidation of elected Members** 21 - 24

Report of the Director of Organisational Development and Democratic Services

- 6 **Membership of Standards Committee and review of Independent Person Remuneration** 25 - 28

Report of the Director of Organisational Development and Democratic Services.

- 7 **Code of Conduct Complaints Update** 29 - 74

Report of the Director of Organisational Development and Democratic Services.

- 8 **Any other item which the Chair considers urgent.**

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MINUTES STANDARDS COMMITTEE

Thursday 26 September 2019

Councillor Michael Boyle (Chair)

Councillor Chris Barnfather	Councillor Simon Murray
Councillor Pat Bosworth	Councillor Clive Towsey-Hinton
Councillor Andrew Ellwood	Rosalie Hawks
Councillor Mike Hope	Patricia Woodfield

Absent: Councillor Michael Payne and Councillor Martin Smith

Officers in Attendance: Helen Barrington

Independent Person: John Baggaley

9 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillors Payne and Smith and Susan Dewey.

Councillor Barnfather attended as a substitute.

10 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 4 JULY 2019.

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

11 DECLARATION OF INTERESTS.

None.

12 UPDATE ON IMPLEMENTATION OF THE BEST PRACTICE RECOMMENDATIONS FROM THE COMMITTEE ON STANDARDS IN PUBLIC LIFE REPORT – REVIEW OF LOCAL GOVERNMENT ETHICAL STANDARDS.

The Director of Organisational Development and Democratic Services introduced a report, which had been circulated prior to the meeting, updating members on the implementation of the best practice recommendations from the Committee on Standards in Public Life Report – Review of Local Government Ethical Standards.

RESOLVED:

- 1) That the progress made to implement the best practice recommendations set out in the Committee on Standards in Public Life report at Appendix 1 to the report is noted; and
- 2) To request that the Monitoring Officer sends a link to the approved Arrangements for Dealing with Complaints published on the Council's website to all members of the Committee.

13 CODE OF CONDUCT COMPLAINTS UPDATE

The Director of Organisational Development and Democratic Services introduced a report, which had been circulated prior to the meeting, informing members of the Standards Committee of complaints received between 24 June 2019 and 16 September 2019.

RESOLVED:

To note the report.

14 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 6.30 pm

Signed by Chair:

Date:



Report to Standards Committee

Subject: Update on implementation of the best practice recommendations from the Committee on Standards in Public Life Report – Review of Local Government Ethical Standards.

Date: 12 March 2020

Author: Director of Organisational Development and Democratic Services

1. Purpose of the Report

To update Standards Committee in relation to progress against the agreed action plan to implement the best practice recommendations set out in the Committee on Standards in Public Life report following the review of local government ethical standards and to seek approval for the process to respond to the consultation on the model Code of Conduct.

Recommendations

THAT:

- 1) The progress made to implement the best practice recommendations set out in the Committee on Standards in Public Life report at Appendix 1 be noted;
- 2) A working group be set up to give views on an appropriate response to the consultation being carried out by the Local Government Association on a model Code of Conduct; and
- 3) The Monitoring Officer in consultation with the working group be authorised to prepare the consultation response to the Local Government Association in relation to the model Code of Conduct on behalf of the Standards Committee.

2. Background

- 2.1 The Committee on Standards in Public Life (CSPL) report on Ethical Standards in Public Life was initially considered by the Standards Committee on 21 February 2019 and it was agreed that steps be taken to introduce all the best

practice recommendations in order to demonstrate the Committee's continued commitment to promote and maintain high standards of conduct by members and co-opted members of the Council. At the meeting on 4 July 2019, the Standards Committee agreed an action plan for implementing those best practice recommendations.

2.2 A copy of the action plan showing progress against each action is attached at Appendix 1. Key achievements since the last meeting include the following:

- a) The register of gifts and hospitality for Members was published on the website at the end of quarter 3 in CSV format and will be published on a quarterly basis.
- b) Meeting with Customer Insight Officer to discuss appropriate method of consultation held on 13 January 2020.
- c) Confirmation has been received from Parish Councils that they have adopted the GBC Code of Conduct and training for all parish councillors who wish to receive it is planned for 16 March 2020.

2.3 The Standards Committee also made an additional recommendation to explore support which can be put in place for elected Members who are suffering bullying and intimidation. It was agreed that the Monitoring Officer should write to all Borough and Parish Councillors requesting evidence of specific examples of bullying, intimidation or threats they have experienced. This is subject to a separate report on the agenda.

2.4 Members may recall that the CSPL also made a number of recommendations which required changes in legislation or action from other bodies. One of the recommendations was that the Local Government Association (LGA) should create an updated model Code of Conduct in consultation with representative bodies of councillors and officers of all tiers of local government. The Board of the LGA at its meeting on 11 September 2019 considered and agreed to commence reviewing of the Code ahead of central government's response to the recommendations of the report. This work is part of a wider programme of work on civility in public life and in response to rising local government concern about the increasing incidence of public, member-to-member and officer/member intimidation and abuse and overall behavioural standards and expectations in public debate, decision making and engagement.

2.5 The model Code is being drafted and expected to be considered by the LGA Executive on 12 March. If approved, an indicative timetable for consultation is w/c 16 March to 24 April; with the final Code to be approved and launched at the end of June 2020. The Nottinghamshire Monitoring Officers intend to meet to discuss the draft Code during the consultation period.

3. Proposal

- 3.1 It is proposed that the Committee notes the progress made to implement the best practice recommendations set out in the Committee on Standards in Public Life report at Appendix 1.
- 3.2 In view of the indicative timescales set out by the LGA, it is proposed that a working group is set up to consider the draft model Code of Conduct and delegated authority is given to the Monitoring Officer in consultation with that working group to prepare the final consultation response on behalf of the Standards Committee.

4. Resources Implications

None.

5. Appendices

Appendix 1 – Updated action plan for implementation of the best practice recommendations.

6. Background papers

Report of the Committee on Standards in Public Life
Local Government Ethical Standards - A Review by the Committee on Standards in Public Life.

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

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CSPL – Best Practice Recommendations Action Plan

Best Practice Recommendation	Comment	Action Required	Update/progress
<p><u>Best Practice 1</u></p> <p>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.</p>	<p>Code of Conduct already includes prohibition on bullying; but not harassment.</p> <p>Code does not include list of examples.</p>	<p>Code of Conduct to be amended to include prohibition on harassment and definition of bullying and harassment and examples.</p> <p>Letter to be sent to Parish Councils to request that they adopt the borough council's Code of Conduct.</p>	<p>Completed:</p> <p>Amended Code of Conduct approved by Council on 17 July 2019 and published on the website on 30 July 2019.</p>
<p><u>Best Practice 2</u></p> <p>Councils should include provisions in their code requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.</p>	<p>Code of Conduct does not include this provision.</p>	<p>Code of Conduct to be amended to include provisions.</p>	<p>Completed:</p> <p>Amended Code of Conduct approved by Council on 17 July 2019 and published on the website on 30 July 2019.</p>
<p><u>Best Practice 3</u></p> <p>Principal authorities should review their code of conduct</p>	<p>The Code of Conduct was last reviewed in 2016.</p>	<p>Process to be put in place to review Code of Conduct annually.</p>	<p>In progress:</p>

Best Practice Recommendation	Comment	Action Required	Update/progress
each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.	We have not previously sought the views of the public etc.		Meeting with Customer Insight Officer to discuss appropriate method of consultation held on 13 January 2020.
<p><u>Best Practice 4</u></p> <p>An Authority's code should be readily accessible to both councillors and the public, in a prominent position on the council's website and available in council premises.</p>	<p>The Code of Conduct is published on the website as part of the Constitution and as a separate document on the Councillors page.</p> <p>A copy of the Code is also provided to all councillors on election as part of the induction pack.</p> <p>A hard copy would be provided on request at the Council Offices.</p> <p>Parish Council Codes of Conduct are not always readily accessible on the Parish Council website.</p>	Monitoring Officer to write to Parish Councils advising them to ensure Code of Conduct is published.	<p>Completed:</p> <p>Letter sent to Parish Councils on 16 August 2019 requesting that they publish their Code of Conduct on their website if not already doing so.</p>
<p><u>Best Practice 5</u></p> <p>Local authorities should update their gifts and hospitality register at least once per quarter, and</p>	The register is updated as the Monitoring Officer is notified by councillors that	Process to be put in place to remind councillors to register gifts and hospitality received each	<p>Completed:</p> <p>Councillors are being reminded on a quarterly basis to keep their Register of Interests including gifts</p>

Best Practice Recommendation	Comment	Action Required	Update/progress
publish it in an accessible format, such as CSV.	<p>they have been offered gifts or hospitality and an annual report is prepared for Standards Committee.</p> <p>The register is not currently published on the website.</p>	quarter and publish it on the website in accessible format.	<p>and hospitality received via the electronic 'Councillor Contact'.</p> <p>The Register is updated as soon as notification is received from the councillor.</p> <p>The register was published on the website at the end of quarter 3 in CSV format and will be published on a quarterly basis.</p>
<p><u>Best Practice 6</u></p> <p>Councils should publish a clear and straightforward public interest test against which allegations are filtered.</p>	The approved arrangements for dealing with complaints includes tests to be applied when filtering complaints, however can be improved to include the provisions set out in the CSPL report.	Arrangements for dealing with complaints to be amended to incorporate the 'public interest' test referred to in the report.	<p>Completed:</p> <p>Amended Arrangements for dealing with Complaints approved by Standards Committee on 4 July 2019 and published on the website on 9 July 2019.</p>
<p><u>Best Practice 7</u></p> <p>Local authorities should have access to at least two Independent Persons.</p>	The Council has already agreed that we should have an Independent Person and reserve Independent Person. Whilst recruitment has been	Recognising the difficulties in recruiting Independent Persons, the Monitoring Officer to collaborate with Nottinghamshire Monitoring Officers and introduce	<p>In progress:</p> <p>Discussed at Monitoring Officers meeting in November 2019 and</p>

Best Practice Recommendation	Comment	Action Required	Update/progress
	difficult, both posts are currently occupied.	arrangements to pool/share Independent Persons.	agreed to await changes in legislation before progressing this.
<p><u>Best Practice 8</u></p> <p>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.</p>	<p>The approved arrangements for dealing with complaints includes a requirement for the Monitoring Officer to consult the Independent Person when making an initial assessment of the complaint.</p>	None	
<p><u>Best Practice 9</u></p> <p>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,</p>	<p>The approved arrangements for dealing with complaints already requires the Monitoring Officer to prepare a formal decision notice following a hearing and make that decision notice available for public inspection.</p> <p>Where the Monitoring Officer resolves a complaint by way</p>	<p>Arrangements for dealing with complaints to be amended to include provision to publish all decision notices following formal investigation.</p>	<p>Completed:</p> <p>Amended Arrangements for dealing with Complaints approved by Standards Committee on 4 July 2019 and published on the website on 9 July 2019.</p>

Best Practice Recommendation	Comment	Action Required	Update/progress
the reasoning of the decision-maker and any sanction applied.	of local resolution following an investigation, there is no such requirement; the decision is however reported to Standards Committee.		
<p><u>Best Practice 10</u></p> <p>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.</p>	<p>The council already has accessible guidance on its website on how to make a complaint (including an online form) and arrangements for dealing with complaints.</p>	<p>Webpage to be amended to include estimated timescales for investigation and outcomes.</p>	<p>Completed:</p> <p>Amended Arrangements for dealing with Complaints approved by Standards Committee on 4 July 2019 and published on the website on 9 July 2019.</p> <p>Information about estimated timescales added to webpage on 20 August 2019.</p>
<p><u>Best Practice 11</u></p> <p>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.</p>	<p>The borough council does not have the power to require parish councillors to submit complaints on behalf of the Clerk, but it can put in place processes to support this and can set out expectations to parish councils.</p>	<p>Arrangements for dealing with complaints to be amended to make it clear complaints about the conduct of a parish councillor towards a Clerk can and should be made by the Chair or parish council as a whole.</p> <p>Monitoring Officer to write to parish councils to notify them and request</p>	<p>Completed:</p> <p>Amended Arrangements for dealing with Complaints approved by Standards Committee on 4 July 2019 and published on the website on 9 July 2019.</p>

Best Practice Recommendation	Comment	Action Required	Update/progress
		they put processes in place to enable this to happen.	Letter sent to Parish Councils on 16 August 2019.
<p><u>Best Practice 12</u></p> <p>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.</p>	<p>Complaints made about parish councillors have been investigated in accordance with the approved arrangements for dealing with complaints. None have been rejected due to lack of resources. The Monitoring Officer has a budget for training and development and regularly attends training on relevant matters, including ethical conduct. A deputy Monitoring Officer is also in place to provide additional support and capacity.</p> <p>The Appointments and Conditions of Service Committee have a specific delegation to 'ensure the provision of sufficient staff and other resources' to the Monitoring Officer and</p>	<p>Keep a watching brief on resources particularly in light of budget reductions and efficiencies which may impact on the resources available to the Monitoring Officer.</p>	

Best Practice Recommendation	Comment	Action Required	Update/progress
	<p>deputy. Additional resource can be requested if necessary.</p> <p>Due to pressures, there is insufficient resource within Legal Services to conduct Standards investigations; however Legal Services has an approved annual budget for the obtaining external legal services which is available should an external investigator need to be appointed.</p>		
<p><u>Best Practice 13</u></p> <p>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.</p>	<p>Deputy Monitoring Officer in place to deal with complaints where the Monitoring Officer has a conflict of interest. Investigations can and have been outsourced to an external investigator.</p> <p>Monitoring Officers from other authorities are unlikely to have sufficient resources to carry out investigations for others.</p>	<p>Approved arrangements for dealing with complaints to be amended to set out the options available in the case of a conflict of interest.</p>	<p>Completed:</p> <p>Amended Arrangements for dealing with Complaints approved by Standards Committee on 4 July 2019 and published on the website on 9 July 2019.</p>

Best Practice Recommendation	Comment	Action Required	Update/progress
<p><u>Best Practice 14</u></p> <p>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.</p>	<p>The Council has not set up separate bodies.</p>	<p>Monitoring Officer to request the Council's Chief Financial Officer to include relevant provisions in the annual Governance Statement in the event separate bodies are set up.</p> <p>To require any separate bodies set up in the future to abide by the Nolan principles and publish agendas and minutes.</p>	<p>Completed:</p> <p>Email to Chief Financial Officer sent on 9 August 2019.</p>
<p><u>Best Practice 15</u></p> <p>Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.</p>	<p>Currently no regular scheduled meetings with group leaders or business managers.</p>	<p>Bi-annual meetings (as a minimum) between Chief Executive, Monitoring Officer and group leaders and deputies to be arranged.</p>	<p>Completed:</p> <p>Meetings have been arranged.</p>

Additional recommendation from Standards Committee

Recommendation	Comment	Action required	Update/Progress
<p>Explore support which can be put in place for Members who are suffering bullying and intimidation.</p>	<p>The Committee on Standards in Public Life referred to the previous report and recommendations it made in 2017 relating to intimidation on social media.</p>	<p>Monitoring Officer to write to all Borough Councillors and Parish Councils to request evidence of specific examples of bullying, intimidation and threats against elected members.</p> <p>Subject to the responses received, establish a working group including parish councillors to consider the extent and nature of the bullying, intimidation and threats and agree appropriate measures to support the victim.</p>	<p>In progress:</p> <p>Email sent to all Borough Councillors on 15 August 2019 requesting details by 11 September and reminder email sent on 10 September.</p> <p>Letter sent to Parish Councillors.</p>

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Report to Standards Committee

Subject: Bullying and Intimidation of elected Members

Date: 12 March 2020

Author: Director of Organisational Development and Democratic Services

1. Purpose of the Report

To update Standards Committee in relation to:

- a) responses received from councillors about bullying and intimidation experienced; and
- b) the actions the Government, CSPL and LGA have taken to tackle intimidation in public life.

Recommendations

THAT:

- 1) the actions by the Government, CSPL and LGA to tackle intimidation in public life is noted; and
- 2) the LGA Councillors' guide to handling intimidation is circulated to all Members

2. Background

2.1 When considering the Committee on Standards Life (CSPL) report on Ethical Standards in Public Life, the Standards Committee also made an additional recommendation, to explore support which can be put in place for elected Members who are suffering bullying and intimidation. It was agreed that the Monitoring Officer should write to all Borough and Parish Councillors requesting evidence of specific examples of bullying, intimidation or threats they have experienced.

2.2 The Monitoring Officer has received three written responses from Gedling Borough Councillors which indicated some form of intimidation. A summary of the behaviour experienced is set out below. All other responses received confirmed no such behaviour had been experienced.

- Councillor A was subject to trolling on Twitter by a couple of residents between October 2018 and January 2019. The behaviour resulted in the councillor consider withdrawing from the 2019 election and also stopped them from participating in a couple of community events.
- The comments were made via the councillor's private twitter account and as a result, they have largely stopped using twitter despite it being a private account.
- Councillor B states the only time they have felt physically threatened was when handing out leaflets in Arnold town centre during the EU Referendum in 2016. For the first and only time they contacted the Police to make them aware of a further leafleting session in another area just in case anything happened. In actual fact the response was fine so there was nothing to report.
- Councillor C has not been bullied but has been verbally abused on social media and in person. They are always mindful of how the role as an elected member has an effect on their family.

One written response has been received from a parish councillor suggesting bullying behaviour from fellow parish councillors.

2.3 The responses received provide no evidence of widespread bullying, intimidation or threats against borough or parish councillors in the borough.

2.4 Since the last meeting of Standards Committee, the Cabinet Office issued a Ministerial Statement ahead of the General Election to provide an update on the actions the Government has taken to tackle intimidation in public life. This includes:

- working to publish new CPS guidance on the laws on intimidation, and the wide range of areas in which intimidation can be prosecuted under existing laws. This has been complemented by guidance to the police from the National Police Chiefs Council.
- passing legislation to remove the requirements for candidates running for local government, parish council, and local mayoral elections, to have their addresses on their ballot papers.
- writing to Local Authority Chief Executives, to raise awareness about the sensitive interest provisions in the Localism Act 2011.
- consulting on an Internet Safety Strategy Green paper which sets out a range of legislative and non-legislative measures detailing how the government will tackle online harms and set clear responsibilities for tech companies to keep UK citizens safe.
- writing to social media companies asking them to work together during this election to provide clear advice to candidates about what content breaches

their terms and conditions, where to report suspected breaches and what they can expect once a report has been made.

- 2.5 In addition, the CSPL has published a review of the codes of conduct of political parties holding seats in Parliament. This provides a foundation for creating a Joint Standard owned by the political parties, which will contain a shared understanding of the minimum standards of behaviour expected from all party members.
- 2.6 Recognising the growing concerns about the impact an increasing level of public intimidation, the Local Government Association (LGA) has been working closely with the LGAs in Wales, Scotland and Northern Ireland to coordinate a programme of work entitled 'Civility in public life', primarily aimed at:
- Articulating good standards for anyone engaging in public and political discourse.
 - Understand the scale and impact of intimidation and abusive behaviour on our membership organisations, and develop recommendations for achieving positive debate and public decision-making on a local level.
 - To support our members and all democratically elected local representatives in addressing intimidation.

As part of this work and recognising the growing need among councillors for support related to intimidation, the LGA has produced a Councillors' guide to handling intimidation, which is attached at Appendix 1. The guide covers topics such as how to handle abuse, both face-to-face, letters or online, and the legal and practical remedies, including the nature of the criminal offences involved.

3. Proposal

- 3.1 It is proposed that Standards Committee note the update on the actions the Government, CSPL and LGA have taken to tackle intimidation in public life.
- 3.2 It is also proposed that the LGA Councillors' guide to handling intimidation is circulated to all Members. However given that the responses received by the Monitoring Officer provide no evidence of widespread bullying, intimidation or threats against borough or parish councillors in the borough, it proposed that no additional measures are currently required to support victims. In the event that Standards Committee considers that further support is required recommendations may be made to the relevant portfolio holder.

4. Resources Implications

None.

5. Appendices

Appendix 1 – LGA Councillors' guide to handling intimidation

6. Background papers

Report of the Committee on Standards in Public Life

Intimidation in Public Life - A Review by the Committee on Standards in Public Life

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/666927/6.3637_CO_v6_061217_Web3.1_2_.pdf

Ministerial Statement – Update on tackling intimidation in public life

<https://www.gov.uk/government/speeches/update-on-tackling-intimidation-in-public-life>

CSPL review of the codes of conduct of political parties holding seats in Parliament

<https://www.gov.uk/government/publications/intimidation-in-public-life-review-of-political-parties-codes-of-conduct>



Report to Standards Committee

Subject: Membership of Standards Committee and review of Independent Person Remuneration

Date: 12 March 2020

Author: Director of Organisational Development and Democratic Services

1 Purpose

To review the membership of the Standards Committee and remuneration payable to the Independent Person and reserve.

Recommendations

THAT:

- 1) Standards Committee recommends to Council that the vacant co-opted parish representative post be removed from the Committee; and
- 2) Standards Committee reviews the remuneration payable to the Independent Person and reserve and determines an appropriate recommendation to Council.

2 Background

2.1 Standards Committee

The current composition of the Standards Committee is as follows:

- a) the Standards Committee is not politically balanced;
- b) it consists of 2 representatives from each political group together with 3 co-opted non-voting members (1 Independent and 2 Parish reps);
- c) the Sub-Committees of the Standards Committee (Hearings Panels) consists of 1 representative from each political group and 1 co-opted non-voting Member will deal with decisions on allegations following an investigation.

The current arrangements were agreed by Council on 11 July 2012 and reviewed in 2016, when it was agreed that they should be retained.

2.2 One of the co-opted parish representative positions has been vacant since March 2019.

2.3 Independent Person Remuneration

The Council currently has an Independent Person (John Baggaley) and a reserve Independent Person (Susan Dewey). The Independent Person may be remunerated, but there is no guidance on setting an appropriate level of remuneration and Councils have taken different approaches. In 2012 Council agreed that the Independent Person should be paid a fixed fee retainer of £500 per year to cover attendance at meetings and telephone calls with an additional fee of £100 per complaint which is dealt with following an investigation. It was also agreed that the reserve Independent Person receives a fixed fee retainer of £250 per year with a fee of £100 per complaint which is dealt with following an investigation. The reason for the additional fee of £100 is that there is additional input from the Independent Person at that stage – he/she will need to read a lengthy investigation report, be consulted by the Monitoring Officer on an appropriate resolution and attend a Hearings Panel (if one is required).

2.4 The remuneration was reviewed in 2016 and it was agreed that the increase to Members' basic allowances agreed at Council in March 2016 be applied to the fixed fee retainer and additional fee.

2.5 The workload of the Independent Person will fluctuate depending on the number and complexity of complaints received. In relation to each complaint, the Independent Person:

- Receives and is expected to read a summary of the complaint
- May be contacted by the Subject Member to discuss the complaint
- Receives and is expected to read a copy of the Subject Member's representations
- May have telephone conversations with the Monitoring Officer about the complaint
- Attends a meeting with the Monitoring Officer at the civic centre to discuss the complaint
- Is invited to meetings of the Standards Committee, although he is not a member of the Committee and does not have to attend.

The number of complaints dealt with since 2012 are set out in a separate report on the agenda. The time spent by the Independent Person on each complaint depends on its complexity.

- 2.6 The reserve Independent Person has been appointed to deal with complaints where the Independent Person has a conflict of interest or is unavailable to act, for example due to holiday or illness. To date, the reserve Independent Person has not been called upon to deal with a complaint, but has been copied into correspondence relating to complaints received since her appointment and has shadowed the Independent Person.
- 2.7 In relation to remuneration for Independent Persons, different approaches have been taken by different Councils. By way of example, the level of payments across the County range from expenses only to a retainer of £1,500.
- 2.8 As the Independent Person is not a member of the authority or of its Committees or Sub-Committees, the remuneration of the Independent Person does not come within the scheme of members' allowances, and can therefore be determined without reference to the Independent Remuneration Panel. Approving the level of remuneration falls to full Council.

3 Proposal

- 3.1 The Standards Committee has continued to function well whilst one of the co-opted parish representative posts has been vacant. The rationale for appointing 2 co-opted parish representatives originally was to provide resilience in the event that a hearing panel was called to deal with a complaint about a parish councillor and one was unable to act due to conflict. Since 2012, this has not been necessary and an alternative solution would be to ask the co-opted independent representative to act if such circumstances were to arise. In light of this it is proposed that the Standards Committee recommend to Council that the vacant co-opted parish representative post be removed from the Committee.
- 3.2 It is proposed that the Standards Committee review the remuneration of the Independent Person and reserve and determines an appropriate recommendation to Council.

4 Resource Implications

- 4.1 Currently co-opted members to Standards Committee receive £500 per annum. Therefore removing the vacant co-opted parish representative post from the Committee will result in a saving of £500.
- 4.2 The Independent Person and reserve currently receive £515.02 and £252.50 per annum respectively. When reviewing the remuneration payable to the Independent Person any increase totalling £500 can be accommodated within existing budgets.

5 Appendices

5.1 None.

6 Background papers

None identified.



Report to Standards Committee

Subject: Code of Conduct Complaints Update

Date: 12 March 2020

Author: Director of Organisational Development and Democratic Services

1 Purpose

To inform members of the Standards Committee of complaints received between 17 September 2019 and 2 March 2020.

Recommendation

THAT the report be noted.

2 Background

- 2.1 A summary of the complaints received since the implementation of the existing Standards regime (from 1 July 2012) is set out in the table at Appendix 1. Since 17 September 2019 the Monitoring Officer has received 40 new code of conduct complaints.
- 2.2 Members of the Standards Committee will recall that at the time of the last committee meeting, 1 complaint was outstanding. A summary of the decisions made in relation to the complaints determined since the last meeting appears at Appendix 2. At the time of drafting this report no complaints are outstanding.

3 Proposal

- 3.1 It is proposed that the Committee notes the report.

4 Resource Implications

- 4.1 None

5 Appendices

5.1 Appendix 1 – Summary of the Code of Conduct complaints received since 1 July 2012.

5.2 Exempt Appendix 2 – Summary of decisions on complaints determined between 17 September 2019 and 2 March 2020.

6 Background papers

None identified.

APPENDIX 1

Complaint Ref	Date received	GBC/Parish Council	Complainant	Decision	Date of decision
13/01	30/09/13	GBC	Member of public	No action	12/11/13
14/01	06/01/14	GBC	Member of public	Other Action (issue revised guidance on pre-determination)	05/02/14
14/02	18/07/14	GBC	Member of public	No action	12/08/14
14/03	18/07/14	GBC	Member of public	No action	12/08/14
14/04	21/07/14	Woodborough PC	Member of public	Informal resolution (apology)	26/08/14
15/01	05/05/15	GBC	Member of public	No action	09/06/15
15/02	15/09/15	Bestwood St. Albans PC	Member of public	No action	15/10/15
15/03	15/10/15	Bestwood St. Albans PC	Clerk	Local resolution (apology and procedural recommendation to Parish Council)	24/11/06
15/04	15/10/15	Bestwood St. Albans PC	Clerk	No action	26/11/15
16/01	08/03/16	Bestwood St. Albans PC	Clerk	Refer for investigation Investigation discontinued and case closed	05/05/16 38/07/17
16/02	17/03/16	Bestwood St. Albans PC	Member of public	No action	13/05/16
16/03	18/03/16	Bestwood St. Albans PC	Member of public	Informal resolution (training)	01/06/16
16/04	29/05/16	Bestwood St. Albans PC	Member of public	Other action (various procedural recommendations to Parish Council)	17/08/16
STD000299	05/06/17	GBC	Member of public	No action – outside scope of Code	19/06/17
STD000301	05/06/17	GBC	Member of public	No action – outside scope of Code	19/06/17

Complaint Ref	Date received	GBC/Parish Council	Complainant	Decision	Date of decision
STD000302	05/06/17	GBC	Member of public	No action – outside scope of Code	19/06/17
STD000530	06/11/17	GBC	GBC Councillor	Informal resolution (apology)	15/12/17
STD000668	04/01/18	GBC	Member of public	No action – outside scope of Code	14/02/18
STD000990	06/09/18	GBC	GBC Councillor	Other action – Recommendations made in relation to Planning Delegation Panel process	25/10/18
STD001069	15/11/18	Calverton Parish Council	Parish Councillor	Informal resolution – apology and recommendations to the Parish Council that it adopts a revised Code of Conduct and introduces Committees with delegated powers. Subject Member did not accept informal resolution and refused to issue apology. No further action taken as not in the public interest to investigate.	21/03/19 13/05/19
STD001093	19/11/18	Calverton Parish Council	Parish Councillor	Informal resolution – apology and recommendations to the Parish Council that it adopts a revised Code of Conduct and introduces Committees with delegated powers. Subject Member did not accept informal resolution and refused to issue apology. No further action taken as not in the public interest to investigate.	21/03/19 13/05/19
STD001094	19/11/18	Calverton Parish Council	Parish Councillor	Other action – advice given to Councillor and recommended Clerk issue guidance to all parish councillors about individuals'	21/01/19

Complaint Ref	Date received	GBC/Parish Council	Complainant	Decision	Date of decision
				right to record meetings.	
STD001096	21/11/18	Calverton Parish Council	Member of public	Not pursued by complainant	N/A
STD001108	28/11/18	Calverton Parish Council	Parish Councillor	No further action	07/02/19
STD001110	28/11/18	Calverton Parish Council	Parish Councillor	No further action	18/01/19
STD001111	28/11/18	Calverton Parish Council	Parish Councillor	No further action	21/01/19
STD001112	28/11/18	Calverton Parish Council	Parish Councillor	No further action	21/01/19
STD001113	28/11/18	Calverton Parish Council	Parish Councillor	No further action	24/01/19
STD001126	06/12/18	Calverton Parish Council	Parish Councillor	Not pursued by complainant	N/A
STD001138	11/12/18	Calverton Parish Council	Parish Councillor	No action	06/03/19
STD001199	23/01/19	Woodborough PC	Member of Public	No further action	20/03/19
STD001265	04/03/19	GBC	Member of Public	No further action	08/04/19
STD001298	18/03/19	GBC	Member of Public	Not pursued by complainant	N/A
STD001299	18/03/19	GBC	Member of Public	Not pursued by complainant	N/A
STD001354	02/05/19	Calverton Parish Council	Member of Public	Other action – recommendation to Parish Council that the Complaints Policy and Procedure be reviewed and amended to make it clear how a complaint relating to the Clerk to the Council should be dealt	26/06/19

Complaint Ref	Date received	GBC/Parish Council	Complainant	Decision	Date of decision
				with, including who should investigate it and, recognising the conflict of interest, who should clerk the meeting and give advice to the councillors.	
STD001355	02/05/19	Calverton Parish Council	Member of Public	No further action	20/06/19
STD001402	23/04/19	Calverton Parish Council	Member of Public	Other action – recommendation to Parish Council that the Complaints Policy and Procedure be reviewed and amended to make it clear how a complaint relating to the Clerk to the Council should be dealt with, including who should investigate it and, recognising the conflict of interest, who should clerk the meeting and give advice to the councillors.	26/06/19
STD001403	23/04/19	Calverton Parish Council	Member of Public	Not pursued by complainant	N/A
STD001635	16/08/19	Calverton Parish Council	Member of Public	No further action	24/10/19
STD001737	29/09/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	25/10/19
STD001739	29/09/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	18/10/19
STD001740	29/09/19	GBC	Member of Public	Complaint treated as withdrawn	N/A

Complaint Ref	Date received	GBC/Parish Council	Complainant	Decision	Date of decision
STD001742	29/09/19	GBC	Member of Public	Complaint treated as withdrawn	N/A
STD001743	29/09/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	18/10/19
STD001744	29/09/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	18/10/19
STD001746	29/09/19	GBC	Member of Public	Complaint treated as withdrawn	N/A
STD001747	29/09/19	GBC	Member of Public	Complaint treated as withdrawn	N/A
STD001748	29/09/19	GBC	Member of Public	Complaint treated as withdrawn	N/A
STD001749	29/09/19	GBC	Member of Public	Complaint treated as withdrawn	N/A
STD001750	29/09/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	18/10/19
STD001751	29/09/19	GBC	Member of Public	Complaint treated as withdrawn	N/A
STD001752	29/09/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	18/10/19
STD001753	30/09/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	18/10/19

Complaint Ref	Date received	GBC/Parish Council	Complainant	Decision	Date of decision
STD001755	30/09/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with	18/10/19
STD001756	30/09/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with	18/10/19
STD001758(1)	30/09/19	GBC	GBC Councillor	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	18/10/19
STD001758(2)	04/10/19	GBC	GBC Councillor	No further action	29/11/19
STD001759	30/09/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	18/10/19
STD001760	30/09/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	25/10/19
STD001761	30/09/19	GBC	Councillor (not GBC)	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with	18/10/19
STD001762	30/09/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to	18/10/19

Complaint Ref	Date received	GBC/Parish Council	Complainant	Decision	Date of decision
				deal with.	
STD001763	30/09/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	18/10/19
STD001766	30/09/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	18/10/19
STD001767	30/09/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	18/10/19
STD001768	30/09/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	18/10/19
STD001769	30/09/09	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	18/10/19
STD001770	30/09/19	GBC	Member of Public	No further action.	29/11/19
STD001771	30/09/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	18/10/19

Complaint Ref	Date received	GBC/Parish Council	Complainant	Decision	Date of decision
STD001772	30/09/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	18/10/19
STD001773	01/10/19	GBC	Councillor (not GBC)	Complaint treated as withdrawn.	N/A
STD001774	01/10/19	GBC	Member of Public	No further action.	26/11/19
STD001775	01/10/19	GBC	Member of Public	Complaint treated as withdrawn.	
STD001778	02/10/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	18/10/19
STD001779	01/10/19	GBC	Parish Councillor	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	12/11/19
STD001784	04/10/19	GBC	Member of Public	No further action.	26/11/19
STD001785	04/10/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	18/10/19
STD001786	05/10/19	GBC	Member of Public	Reject Complaint – Not acting in official capacity. Referred to Group Leader to deal with.	18/10/19
STD001802	14/10/19	GBC	Member of Public	No further action. Referred to Group Leader to deal with.	26/11/19
STD001897	23/12/19	GBC	Member of Public	No further action.	14/02/20

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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