

Report to Standards Committee

Subject: Review of standards regime

Date: 9 September 2016

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1. Purpose of the Report

To report back to Committee on the reviews carried out by the working groups and seek approval for amendments to various aspects of the current standards regime.

2. Background

- 2.1 Members will recall that at the last Standards Committee, it was agreed that 2 working groups be set up to review the standards regime introduced in 2012 under the Localism Act 2011.
- 2.2 Working Group A comprising Councillor Payne, Councillor Ellwood, Councillor Powell and J. Bailey has met to consider Registration of Interests and Code of Conduct and Working Group B comprising Councillor Bailey, Councillor Bexon, P. Woodfield and J. Baggaley has met to consider Arrangements for dealing with complaints and dispensations.
- 2.3 It was agreed that a separate working group was not necessary to consider Standards Committee and Independent Persons(s), but views have been sought from members as part of the working group discussions or via correspondence.

3. Proposal

Registration of Interests

- 3.1 In relation to registration of interests, Working Group A took the view that the current form is difficult to complete and asked that it be simplified. In particular the group felt that a question and answer format would help Members to address their minds to those interests which need to be registered.
- 3.2 Taking on board these comments, a draft Register of Interest Form has been prepared and the current guidance notes amended accordingly. It is proposed that the Committee endorses this new form which appears at Appendix 1.

- 3.3 Members are to note that the format of the Register of Interests published on the Council's website will not alter.

Code of Conduct

- 3.3 Working Group A considered that the Code of Conduct should be amended so as to require Members to declare gifts and hospitality in excess of £50 instead of £25. This is to reflect the cost of inflation. Changes to the Code of Conduct can only be approved by Council, therefore it is proposed that Standards Committee agree the amendment and refer it to Council for approval.

Arrangements for dealing with complaints

- 3.4 Working Group B considered that the arrangements for dealing with complaints should be amended as follows:

- During the course of the complaint, it should be treated as confidential;
- Decisions of the Monitoring Officer should be reported to Standards Committee (in the case of breach the Subject Member should be named in the public report but not identified in the case of no breach);
- Monitoring Officer can make the initial assessment decision without notifying the Subject Member or consulting the Independent Person where the Subject Member is clearly acting in his/her personal capacity;
- When making the decision on initial assessment, the Monitoring Officer can also take into account whether the breach has already been remedied by the Subject Member and whether the complaint reveals an underlying issue;
- Terminology should be consistent throughout the document;
- An additional sanction re co-opted members to be included.

- 3.5 It is proposed that the updated Arrangements for Dealing with Complaints at Appendix 2 be approved.

Dispensations

- 3.6 In relation to dispensations Working Group B agreed that the current arrangements were acceptable and no changes were proposed.

Standards Committee

- 3.7 The current make-up 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 have worked well and it is proposed that they should be retained. The position of co-opted independent member is currently vacant and therefore the Monitoring Officer intends to take steps to fill the position.

- 3.8 The Standards Committee remit has been reviewed and one minor change is proposed. The current remit states at 9.02(h) that the Standards Committee is responsible for “performing the functions set out in (a)-(g) above in respect of parish councils in the Borough”. 9.02(f) states that the Standards Committee is responsible for granting dispensations, however since the introduction of the Localism Act, the Borough Council is no longer responsible for granting dispensations in relation to parish councillors. It is therefore proposed that the remit be amended to make this clear. An amended version of the Standards Committee remit is at Appendix 3. The remit can only be approved by Council, therefore it is proposed that Standards Committee endorses the amendment and refers it to Council for approval.

Independent Person

- 3.9 The Council currently has an Independent Person (John Baggaley) and a reserve Independent Person (vacant). 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).
- 3.10 At the time it was not clear how many complaints the Council would receive and how onerous the role of Independent Person would be. Since the new regime came into force the Council has received the following complaints:

2013 – 1

2014 – 4

2015 – 4 (1 referred for investigation)

2016 – 4 (so far) (1 referred for investigation)

In each case, 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

3.11 The time spent on each complaint depends on its complexity – some can take up to 6 hours. In addition the Independent Person attends meetings of the Standards Committee, although he is not a member of the Committee and does not have to attend.

3.12 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 an annual fixed allowance of £293 plus travel and subsistence expenses to an annual fixed allowance of £2000 plus travel and subsistence expenses.

3.13 It is proposed that the current arrangements be retained and that the Monitoring Officer takes steps to recruit to the position of reserve Independent Person.

4. Resource Implications

None.

5. Recommendation

It is recommended that:

- a) The revised Register of Interests Form at Appendix 1 be endorsed;
- b) Standards Committee recommends to Council that the Code of Conduct be amended so as to increase the level of gifts and hospitality which needs to be registered from £25 to £50;
- c) The revised Arrangements for dealing with complaints at Appendix 2 be approved;
- d) The current arrangements for dispensations be retained;
- e) The current arrangements for the Standards Committee be retained and the Monitoring Officer take steps to recruit to the position of co-opted independent member;
- f) Standards Committee recommends to Council that the amended remit of the Committee at Appendix 3 be approved to make it clear that the Borough Council can no longer grant dispensations; and

- g) The current arrangements for the Independent Person(s) be retained and the Monitoring Officer take steps to recruit to the position of reserve Independent Person.

6. Appendices

Appendix 1 – Register of Interests Form together with revised guidance notes

Appendix 2 – Arrangements for dealing with complaints

Appendix 3 – Updated remit of the Standards Committee