

## **STANDARDS COMMITTEE**

THURSDAY, 7TH DECEMBER, 2017, 6.00 PM

WHEEL ROOM, CIVIC CENTRE, WEST PADDOCK, LEYLAND PR25  
1DH

### AGENDA

**1 Apologies for Absence**

**2 Minutes of the Last Meeting**

(Pages 3 - 6)

Held on Thursday, 21 September 2017, to be signed as a correct record.

**3 Declarations of Interest**

Members are requested to indicate at this stage in the proceedings any items on the agenda in which they intend to declare an interest. Members are reminded that if the interest is a Disclosable Pecuniary Interest (as defined in the Members' Code of Conduct) they must leave the room for the whole of that item. If the interest is not a Disclosable Pecuniary Interest, but is such that a member of the public could reasonably regard it as being so significant that it is likely that it would prejudice their judgement of the public interest (as explained in the Code of Conduct) then they may make representations, but then must leave the meeting for the remainder of the item.

**4 Minutes of the meeting of the Standards Committee  
Initial Assessment Hearing Panel**

(Pages 7 - 8)

To confirm the attached minutes of the meeting of the panel held on 21 November 2017 as a correct record.

**5 Annual Report and Update**

(Pages 9 - 14)

Report of the Interim Monitoring Officer attached.

**6 Disqualification Criteria for Councillors**

(Pages 15 - 38)

Report of the Interim Corporate Governance Manager attached.

<b>7</b>	<b>Complaint Form for Complaints under the Code of Conduct</b>	(Pages 39 - 44)
	Report of the Interim Corporate Governance Manager attached.	
<b>8</b>	<b>Protocol Relating to Independent Persons</b>	(Pages 45 - 48)
	Report of the Interim Corporate Governance Manager attached.	

Heather McManus  
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Standards Committee Councillors Linda Woollard (Chair), Carol Chisholm (Vice-Chair), Colin Coulton, Bill Evans, Susan Jones, John Rainsbury, Barrie Yates, D Haley (Independent Person) and B Parsonage (Independent Person)

The minutes of this meeting will be available on the internet at [www.southribble.gov.uk](http://www.southribble.gov.uk)

Forthcoming Meetings  
6.00 pm Thursday, 15 March 2018 - Cross Room, Civic Centre, West Paddock, Leyland PR25 1DH

**MINUTES OF STANDARDS COMMITTEE**

**MEETING DATE** Thursday, 21 September 2017

**MEMBERS PRESENT:** Councillors Bill Evans (Chair), Carol Chisholm, Colin Coulton and Susan Jones

**OFFICERS:** Caroline Elwood (Interim Corporate Governance Manager), Dave Whelan (Legal Services Manager/Monitoring Officer) and Dianne Scambler (Democratic and Member Services Officer)

**OTHER MEMBERS AND OFFICERS:** David Haley (Independent Person) (Independent Person), Councillor Peter Mullineaux (Leader), Councillor Colin Clark (Deputy Leader and Cabinet Member for Corporate Support and Assets), Councillor Phil Smith (Cabinet Member for Regeneration and Leisure), Councillor Warren Bennett, Councillor Caroline Moon, Councillor Paul Wharton and Councillor Keith Martin

**PUBLIC:** 0

**8 Appointment of Chair**

In the absence of both the Chair and Vice Chair of the Committee, Councillor Bill Evans took the Chair for the meeting.

**9 Apologies for Absence**

Councillors David Bird (Chair), Linda Woollard (Vice Chair) and Mick Higgins submitted apologies.

**10 Minutes of the Last Meeting**

RESOLVED: That the minutes of the Standards Committee meeting held on 29 June 2017 be held as a correct record for signing by the Chair.

**11 Declarations of Interest**

No declarations of any interests were declared.

**12 Minutes of the meetings of the Standards Committee Initial Assessment Hearing Panel**

RESOLVED: That the minutes of the Standards Committee Initial Assessment Hearing Panels held on 27 July and 30 August 2017 were held as a correct record for signing by the Chair.

### **13 Confidentiality Arrangements**

The Committee received a report of the Interim Monitoring Officer that updated members on developments relating to the improvement of the Council's confidentiality arrangements.

Following the leak of the Interim Wilkin Chapman report into Licensing, the Council's Interim Monitoring Officer had instructed Weightmans Solicitors to carry out an investigation into the circumstances relating to the leaking of the confidential report.

The concluding part of the report, advised six recommendations that needed to be addressed to ensure that the Council has a robust framework in place for dealing with confidential and personal information. Governance Committee had agreed the Action Plan at its meeting on 28 June with the aim of further developing and strengthening the Council's information management practice. Some progress had already been made against the actions.

Although delayed, the review of the whistleblowing policy was considered a key piece of work and the additional time would allow for a more fundamental review to take place before being considered by Governance Committee. Once completed, awareness of the policy would be paramount to its success.

It was reported that data protection training for members and officers as part of the annual training and development of plans would be delivered through use of MILO, an online training application. Whilst considered mandatory for officers, Members would be actively encouraged to complete the training by the Interim Monitoring Officer and group leaders.

Members also discussed how lessons learnt from the review of licensing and recent Standards Hearings could be embedded across the organisation.

A more in depth report detailing all progress made to date against the targets contained within the Action Plan would be reported back to future meetings of both Governance and Standards Committee.

RESOLVED: That the report be noted.

### **14 Member Officer Protocol**

The Committee received a report of the Interim Corporate Governance Manager updating Member of progress made towards the development of a Member Officer Protocol.

The development of a suitable Protocol is included within the Council's draft Corporate Improvement Plan and following an audit by the CfPS, the Local Government Association (LGA) have indicated an intention to fund development work as part of its support of the Council.

Members were provided with the details of the successful tenderer, Mike Green from Transitional Space, an experienced facilitator with extensive Local Government experience. A timetable of activity was also presented that included:

- A series of Focus Groups with both Members and staff that would identify the challenges that currently exist;

- Delivery of five half day sessions to present the draft protocol and obtain feedback prior to the final version being brought back to the Committee and Governance Committee to recommend final sign off by full Council;
- Training and Guidance.

Members were pleased to note the work being undertaken to extend the current protocol and discussed how nominations for the Member Focus Groups would be sought to ensure that the views of all Members were taken into consideration.

In response to comments from the audience around obtaining timely information relating to planning and refuse matters from senior officers or Cabinet Members, the Interim Corporate Governance Officer indicated that there would be the opportunity to highlight these issues as part of the process for developing the protocol, although it was accepted that more specific protocols may be needed around planning.

RESOLVED: That the report be noted.

Chair

Date

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The panel was now asked whether it was prepared to accept Councillor A's suggested proposal (in whole/part), suggest any alternative(s), no further action be taken or that the matter be referred for a full formal investigation.

The panel then discussed at length the merits of the options available and potential outcomes. After weighing up the alternatives, the panel felt that on balance that informal resolution was the most appropriate action.

RESOLVED (UNANIMOUSLY): that Councillor A

1. attends a training session on the Code of Conduct for Elected Members;
2. writes to the three members of the public affected; and
3. writes to the Leader of the Council suggesting a meeting to discuss a way forward.

Chair

Date



REPORT TO	ON
Standards Committee	7 <sup>th</sup> December 2017

September 2017

TITLE	REPORT OF
Annual Report and Update	Interim Monitoring Officer

Is this report confidential?	No
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## 1. PURPOSE OF THE REPORT

The report provides an account of standards work carried out within the last 12 months.

## 2. RECOMMENDATIONS

Committee is asked to note the contents of the report

## 3. CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Clean, green and safe		Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	X

## 4. BACKGROUND TO THE REPORT

As Members are aware the standards regime changed fundamentally as a consequence of the introduction of the Localism Act 2011. Essentially a less regulated standards regime was introduced.

Changes included:

- The abolition of independent members on standards committee
- The abolition of the Model Code of Conduct
- Parish council members no longer to be members of standards committees
- Powers of sanction greatly reduced – in particular the power to suspend members was removed

- The introduction of the independent person – a different role to independent members
- No power of appeal against decisions of standards committee

On the back of these changes we introduced a new Code of Conduct for Members in 2012 and a new Investigation and Hearing procedure was also introduced.

Under the new arrangements it is for the Monitoring Officer to carry out an initial assessment of all complaints that come in. It should be remembered that this extends to complaints against parish/town councillors in our area as well as borough councillors.

If the Monitoring Officer believes the information received merits consideration he will after consultation with the Independent Person take a decision as to whether it should be investigated or another course of action taken. As a matter of course the Monitoring Officer discusses all complaints with the Independent Person.

If an investigation is deemed necessary this will involve the commissioning of an external investigation. Alternatively other action may be taken. For example if the member complained of is prepared to apologise for his/her action and (if appropriate) undergo training then the case could be resolved this way.

If a full investigation is carried out and a report produced then the member could be referred to a full hearing before Standards committee. In such circumstances it would be for committee to decide whether a breach of the Code of Conduct has taken place and what action should take place. It must be remembered though that powers of sanction are extremely limited.

Given how limited our powers of sanction are if all possible we try to resolve complaints by the taking of other suitable action.

## **5. STANDARDS COMMITTEE WORK**

Members will no doubt recall that one of the recommendations of the Scrutiny review into issues relating to the council's licensing service was that: "The Standards Committee be strengthened and role be enhanced to improve the ethical governance of the authority and set the standard for Members and Officers to follow."

In last year's annual report Members were asked to consider how best to achieve this. The development of a work programme for standards committee was considered key to achieving this.

In this context it is pleasing to note just how much has been achieved by Standards committee in the last 12 months. In particular Standards committee has dealt with the following issues in this time period:

- The development of a Social Media Protocol
- A review of the Council's Code of Conduct for Elected Members
- The development of a Guidance document for the Code of Conduct
- The appointment of a Second Independent Person
- The development of revised terms of reference for Standards committee
- The amending and updating of our Hearing and Investigation Procedure for Dealing with Complaints
- The granting of dispensations for the budget debate
- Considering a report into our Confidentiality arrangements
- Considering a report into the development of a Member Officer Protocol.

The appointment of a second Independent Person was particularly important. This provides the Monitoring Officer with more support for dealing with complaints. It should improve our flexibility and speed with dealing with complaints.

As a consequence of the updating of our Hearing and Investigation Procedure we now have the ability to call a Hearings Panel to carry out the initial assessment of complaints received. In particular our Policy states:

“The Monitoring Officer has the discretion to refer the initial assessment of a complaint to a Hearing Panel for their consideration This may be appropriate, for example in cases of particular complexity or sensitivity.”

During the course of this year there have been three such Panel meetings. It is considered that they have functioned well. Three members of the committee are identified to sit on the Panel. An Independent Person and the Monitoring Officer are also in attendance.

## **6. Complaints**

For the year 1<sup>st</sup> of November 2016 to 31<sup>st</sup> of October 2017 there have been 23 standards complaints. There were 12 such complaints in the previous 12 months.

Further it should be pointed out that since the 1<sup>st</sup> of November 2017 there have been 4 further complaints.

The comfortable majority of the complaints brought have been brought by councillors against fellow councillors.

There have been no complaints against parish councillors throughout this period.

Of these 23 cases a decision to take no action was made in 9 cases. In a further 2 cases no further action was taken as the councillor complained had chosen to make an appropriate apology of their own volition. In 2 cases other action was taken – the issuing of a clarification statement in one case and the offer of an apology in another case. It is proposed to resolve another 4 related complaints by the taking of informal action (at the time of writing this has not quite been finalised). There are six complaints in which decisions are pending. In addition to this there are the four new complaints that have been received since the 1<sup>st</sup> of November.

The subject matter of the complaints is quite wide and diverse. The most common issue of complaint relates to not treating others with respect.

In the interests of clarity in addition to the above there was the Scrutiny complaint against 5 members relating to the handling of licensing issues. This complaint was first articulated prior to the 1<sup>st</sup> of November 2016 but was only resolved this year at a meeting of a Standards Panel. The complaint was resolved by the taking of informal action/resolution.

## **7. Ombudsman Complaints**

Complaints to the Ombudsman are ordinarily not directly related to member conduct - rather they are complaints brought by members of the public against the quality of services delivered.

For the year 1<sup>st</sup> of April 2016 to 31<sup>st</sup> of March 2017 16 complaints were made to the Ombudsman about the council. This compares with 11 complaints being made against the council in the previous 12 month period.

Of these 16 complaints 5 related to Benefits and Tax, 4 to Environmental services, 1 to Housing services, 5 to Planning and Development and one other.

During the same period (1<sup>st</sup> of April 2016 to 31<sup>st</sup> of March 2017) 18 decisions were made with regard to the complaints submitted against the council. The reason for the discrepancy in the figures is that some of the complaints were submitted in an earlier period but were only resolved during the year in question.

Of these 18 decisions:

- 2 were rejected because they were incomplete or invalid
- 7 were referred back for local resolution – i.e. for the council to look into
- 4 were closed after initial inquiries
- 1 was not upheld
- 4 were upheld

Of the 4 complaints that were upheld no action was required in two of them as whilst fault was found on the part of the council no injustice was caused which required a remedy. One of the remaining two cases was resolved by the giving of an apology and the other was resolved with the paying of financial redress (£150), the giving of an apology and agreeing to review our complaint procedures.

## **8. Attendance Figures**

Overall councillors' figures for attending council/committee meetings are very high.

On our website councillor's individual attendance records can be accessed. For those councillors who have been on the council for a number of years these records go back to 2007/2008.

For the year May 2016 to May 2017 attendance figures for councillors attending meetings is as follows:

- 12 councillors attended 100% of council and committee meetings (committees that that they were a member of)
- 14 councillors attended between 90% and 99% of such meetings
- 11 councillors attended between 80% and 89% of such meetings
- 9 councillors attended between 70% and 79% of such meetings
- 3 councillors attended between 60% and 69% of such meetings
- 1 councillor attended less than 50% of such meetings

## **9. Training**

Whilst ad hoc training has been provided on standards issues during the last 12 months and the Monitoring Officer has attended an all-day training event delivered by specialists in the field nevertheless it is considered that we need to do more on training. As has already been referred to we have started to call Standards Panels in appropriate cases. Whilst such hearings have gone well training with regard to this particular (and new) function would be desirable.

We also need to consider providing general standards training/awareness raising for all members

## **10. Moving Forward**

It is good to note that over the last 12 months we have achieved a great deal.

Standards committee has been very productive.

Clearly though we need to keep the momentum going.

Last year we developed a work programme for Standards committee. This programme is due to be completed at our February meeting. Committee needs to consider what it would like in its work programme moving forward. Part of that programme could clearly be the identifying and delivering of appropriate and focused training.

Committee are asked to consider how best they can continue to be involved in raising the importance of standards, what our work programme should be, what are priorities should be and what further training committee will require.

## 11. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

### 11.1 Comments of the Statutory Finance Officer

There are no financial implication arising from this report.

### 11.2 Comments of the Monitoring Officer

Standards Committee has been busy for the last 12 months. It is important that we continue to work on raising its profile in the council. The regular reporting of the minutes to Standards committee to full Council helps in this regard.

<p><b>Other implications:</b></p> <ul style="list-style-type: none"> <li>▶ <b>Risk</b></li> <li>▶ <b>Equality &amp; Diversity</b></li> <li>▶ <b>HR &amp; Organisational Development</b></li> <li>▶ <b>Property &amp; Asset Management</b></li> <li>▶ <b>ICT / Technology</b></li> </ul>	<ul style="list-style-type: none"> <li>• We must remain committed to having a robust standards regime in place – if we failed to do this then reputational damage could ensue</li> <li>• It is not considered that there is any adverse impact on equality and diversity issues as a result of this report</li> <li>• There are no HR implications</li> <li>• There are no Property implications</li> <li>• There are no ICT implications</li> </ul>
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## 8. BACKGROUND DOCUMENTS (or there are no background papers to this report)

None

SMT Member's Name – David Whelan  
 Job Title – Interim Monitoring Officer

Report Author:	Telephone:	Date:
David Whelan	01772 625247	29 <sup>th</sup> of November 2017

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REPORT TO	ON
Standards Committee	7 December 2017

September 2017



TITLE	REPORT OF
Disqualification Criteria for Councillors	Interim Corporate Governance Manager

Is this report confidential?	No
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## 1. PURPOSE OF THE REPORT

1.1 To consider the appropriate response to consultation currently being carried out by the Department for Communities and Local Government (DCLG) concerning additional criteria for the disqualification of Councillors and Elected Mayors.

## 2. RECOMMENDATIONS

2.1 That Members consider whether or not to support the DCLG proposal to introduce a new rule prohibiting any individual who is subject to an Anti-Social Behaviour Injunction, a Criminal Behaviour Order or who has been added to the sex offenders' register, from standing for election or holding office as a Councillor.

## 3. CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Clean, green and safe		Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	√

## 4. BACKGROUND TO THE REPORT

4.1 On the 18 September 2018 the Department for Communities and Local Government launched a formal consultation paper setting out the Government's proposals to update the criteria which disqualify individuals from standing for, or holding office as, a local authority member, directly elected mayor or a member of the London Assembly. The Consultation closes on the 8 December 2017.

4.2 The full text of the consultation paper is set out at **Appendix A**.

4.3 The consultation paper proposes extending the existing disqualification criteria to prohibit individuals standing for or holding office if they are subject to:

- the notification requirements set out in the Sexual Offences Act 2003 (commonly referred to as 'being on the sex offenders register');
- a civil injunction granted under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014; or

- a Criminal Behaviour Order made under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014.

**4.4** Any changes to the disqualification criteria would require changes to primary legislation and the proposed changes would not be enacted retrospectively. However, any affected individual would be prevented from standing for re-election after any changes came into force.

**4.5** In launching the consultation Local Government Minister Marcus Jones said:

*Councillors hold an important position of trust and authority in communities across England. We need to hold them to the highest possible standards.*

*The current rules are letting residents and councils down by not preventing people who should never be considered for such roles from standing for election.*

*The changes the government is proposing would help make sure anyone convicted of a serious crime, regardless of whether it comes with a custodial sentence, will not be able to serve as a councillor.*

*Current barriers to becoming a councillor include being employed by the authority, being subject to a bankruptcy order or being convicted of an offence resulting in a prison sentence.*

*These restrictions were implemented in 1972, before the sex offenders register or other non-custodial orders existed. The new proposed measures would bring rules much more into the present day by including the alternatives to a prison sentence also becoming a barrier to being a councillor.*

*They would apply to councillors and mayors in parish, town, local, county and unitary councils, combined authorities and the Greater London Authority.*

*It would mean a ban on standing to be elected or if once elected a councillor was subsequently convicted of a serious offence that resulted in an Anti Social Behaviour Injunction, a Criminal Behaviour Order or being on the sex offenders' register, being forced to step down.*

*The changes would better reflect rules governing standards of MPs, where members face suspension from the House for anything that contravenes the parliamentary code of conduct.*

## **5. CURRENT CRITERIA**

**5.1** Under section 80 of the Local Government Act 1972, a person is disqualified from standing as a candidate or being a member of a local authority, if they:

- are employed by the local authority;
- are employed by a company which is under the control of the local authority;
- are subject to bankruptcy orders;
- have, within 5 years before being elected, or at any time since being elected, been convicted in the UK, Channel Islands or Isle of Man of any offence and have received a sentence of imprisonment (suspended or not) for a period of not less than three months without the option of a fine;
- are disqualified under Part III of the Representation of the People Act 1983;
- are employed under the direction of various local authority committees, boards or the Greater London Authority; or
- are a teacher in a school maintained by the local authority.

**5.2** Similar criteria apply to both directly elected mayors and members of the London Assembly.

## **6. SEXUAL OFFENCES**

**6.1** The Government considers that anyone who is subject to sex offender notification requirements, commonly referred to as 'being on the sex offenders register', should be barred from standing for election, or holding office, as a local authority member, directly-elected mayor or member of the London Assembly. The period of time for which they would be barred would end once they were no longer subject to these notification requirements.

**6.2** The duration of the notification requirement period (ie how long a person is on the sex offenders register) is set out in the Sexual Offences Act 2003 and ranges from an indefinite period (for the most serious offences) to a period of 2 years or for the duration of the period of any conditional discharge.

**6.3** Members will note that the Government does not propose including another type of civil order, the Sexual Risk Order, as this person would not have been convicted or cautioned of a sexual offence under the Sexual Offences Act 2003 and are not subject to notification requirements for registered sex offenders.

**6.4.** A Sexual Risk Order can be sought by the police against an individual who has not been convicted, cautioned etc. of an offence under Schedule 3 or Schedule 5 of the 2003 Act but who is nevertheless thought to pose a risk of harm to the public in the UK and/or children or vulnerable adults abroad and does require the individual to notify the police their name and their home address.

## **7. ANTI-SOCIAL BEHAVIOUR**

**7.1** Anti-Social behaviour can severely affect people's lives and a range of powers and have been developed to try and tackle the issues.

**7.2** The Government is proposing that an individual subject to an anti-social behaviour sanction issued by the Courts (ie a Civil Injunction or a Criminal Behaviour Order) should be banned from standing for election or holding office. The period of time from which they would be barred would end once the order had expired.

**7.3** However, there are a range of other Anti- Social Behaviour orders which can be issued by the police, local councils and social landlords which the Government does not propose are included ie

- Dispersal Powers (enables the police to move problem groups or individuals on)
- Community Protection Notice (designed to deal with particular problems which negatively affect the community)
- Public Spaces Protection Orders (to prevent anti-social behaviour in a public place)
- Closure Powers (to close premises which are being used to commit nuisance or disorder)

## **8. QUESTIONS AND SCOPE**

**8.1** The Consultation is open to everyone and the Government would particularly welcome responses to the specific questions below:

<b>Question</b>
Q1. Do you agree that an individual who is subject to the notification requirements set out in the Sexual Offences Act 2003 (i.e. is on the sex offenders register) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?
Q2. Do you agree that an individual who is subject to a Sexual Risk Order should <u>not</u> be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or the London Mayor?
Q3. Do you agree that an individual who has been issued with a Civil Injunction (made under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014) or a Criminal Behaviour Order (made under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?
Q4. Do you agree that being subject to a Civil Injunction or a Criminal Behaviour Order should be the <u>only</u> anti-social behaviour-related reasons why an individual should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?
Q5. Do you consider that the proposals set out in this consultation paper will have an effect on local authorities discharging their Public Sector Equality Duties under the Equality Act 2010?
Q6. Do you have any further views about the proposals set out in this consultation paper?

## **9. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION**

### **9.1 Comments of the Statutory Finance Officer**

There are no financial implications arising directly from this report.

### **9.2 Comments of the Monitoring Officer**

There are no specific legal implications arising from this report which need bringing to members attention.

<p><b>Other implications:</b></p> <ul style="list-style-type: none"> <li>▶ <b>Risk</b></li> <li>▶ <b>Equality &amp; Diversity</b></li> <li>▶ <b>HR &amp; Organisational Development</b></li> <li>▶ <b>Property &amp; Asset Management</b></li> <li>▶ <b>ICT / Technology</b></li> </ul>	<p>There are no specific risk implications arising from this report</p> <p>There are no specific equality implications arising from this report</p> <p>There are no specific HR implications arising from this report</p> <p>There are no specific Property or asset management implications arising from this report</p> <p>There are no specific ICT implications arising from this report</p>
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**10. BACKGROUND DOCUMENTS**

DCLG Disqualification Criteria for Councillors and Mayors – September 2017

**Caroline Elwood**  
**Interim Governance Manager**

Report Author:	Telephone:	Date:
Caroline Elwood	01772 625454	27 November 2017

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Department for  
Communities and  
Local Government

# Disqualification criteria for Councillors and Mayors

Consultation on updating disqualification criteria for local authority members



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Department for Communities and Local Government  
Fry Building  
2 Marsham Street  
London  
SW1P 4TF  
Telephone: 030 3444 0000

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September 2017

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# Contents

<b>Scope of the consultation</b>	<b>4</b>
<b>Basic Information</b>	<b>5</b>
<b>Introduction</b>	<b>7</b>
<b>The Current Disqualification Criteria</b>	<b>9</b>
<b>Sexual Offences</b>	<b>11</b>
<b>Anti-Social Behaviour</b>	<b>13</b>
<b>Retrospection</b>	<b>15</b>
<b>Questions</b>	<b>16</b>
<b>About this consultation</b>	<b>17</b>

# Scope of the consultation

**A consultation paper issued by the Department for Communities and Local Government on behalf of the Secretary of State**

<b>Topic of this consultation:</b>	This consultation paper sets out the government’s proposals for updating the criteria disqualifying individuals from standing for, or holding office as, a local authority member, directly-elected mayor or member of the London Assembly.
<b>Scope of this consultation:</b>	<p>The Department for Communities and Local Government is consulting on proposals to update the criteria disqualifying individuals from standing for, or holding office as, a local authority member, directly-elected mayor or member of the London Assembly, if they are subject to:</p> <ul style="list-style-type: none"> <li>• the notification requirements set out in the Sexual Offences Act 2003 (commonly referred to as ‘being on the sex offenders register’);</li> <li>• a civil injunction granted under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014; or</li> <li>• a Criminal Behaviour Order made under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014.</li> </ul> <p>Any changes to the disqualification criteria would require changes to primary legislation, in particular the Local Government Act 1972, the Local Democracy, Economic Development and Construction Act 2009, and the Greater London Authority Act 1999.</p> <p>The proposed changes would not act retrospectively.</p>
<b>Geographical scope:</b>	The proposals in this consultation paper apply to certain authorities in England, including local authorities, combined authorities and the Greater London Authority. They do <u>not</u> apply to authorities in Wales, Scotland or Northern Ireland.
<b>Impact Assessment:</b>	No impact assessment has been produced for this consultation.

# Basic Information

<b>To:</b>	This consultation is open to everyone. We particularly seek the views of individual members of the public, prospective and current councillors and those bodies that represent the interests of local authorities and councillors at all levels.
<b>Body responsible for the consultation:</b>	The Local Government Stewardship Division in the Department for Communities and Local Government is responsible for conducting the consultation.
<b>Duration:</b>	The consultation will begin on Monday 18 September 2017. The consultation will run for 12 weeks and will close on Friday 8 December 2017. All responses should be received by no later than 5pm on Friday 8 December 2017.
<b>Enquiries:</b>	<p>If you have any enquiries, please contact:</p> <p>Stuart Young email: <a href="mailto:stuart.young@communities.gsi.gov.uk">stuart.young@communities.gsi.gov.uk</a></p> <p>DCLG Tel: 0303 44 40000</p> <p>How to respond:</p> <p>Please respond by email to: <a href="mailto:Section80consultation@communities.gsi.gov.uk">Section80consultation@communities.gsi.gov.uk</a></p> <p>Alternatively, please send postal responses to:</p> <p>Stuart Young Department for Communities and Local Government 2nd Floor, NE, Fry Building 2 Marsham Street London SW1P 4DF</p> <p>Responses should be received by 5pm on Friday 8 December 2017.</p>
<b>How to respond:</b>	<p>You can respond by email or by post.</p> <p>When responding, please make it clear which questions you are responding to.</p> <p>When you reply it would be very useful if you could confirm whether you are replying as an individual or submitting an</p>

	<p>official response on behalf of an organisation, and include:</p> <ul style="list-style-type: none"><li>- your name</li><li>- your position (if applicable)</li><li>- the name and address of your organisation (if applicable)</li><li>- an address, and</li><li>- an email address (if you have one)</li></ul>
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# Introduction

1. Local authority members (i.e. councillors), mayors of combined authorities, members of the Greater London Assembly and the London Mayor take strategic decisions that affect all our lives. They decide how best to use taxpayers' money and manage local authority resources, including property, land and assets. They also have a leading role to play in building and preserving a society where the rights and freedoms of individuals are respected. They should be community champions. It is vital, therefore, that they have the trust of the electorate.
2. The Government considers that there should be consequences where councillors, mayors and London Assembly members fall short of the behaviour expected of anyone in a free, inclusive and tolerant society that respects individuals and society generally, and where this has led to enforcement action against an individual.
3. Existing legislation prevents individuals standing, or holding office, as a local authority member, London Assembly member or directly-elected mayor if they have, within five years of the day of the election, or since their election, been convicted in the UK, Channel Islands or Isle of Man of any offence and have received a sentence of imprisonment, suspended or not, for a period of not less than three months without the option of a fine.
4. The Government considers that the law should be updated to reflect new options which exist to protect the public and address unlawful and unacceptable behaviour.
5. This consultation proposes updating the disqualification criteria in section 80 of the Local Government Act 1972, paragraph 9 of schedule 5B to the Local Democracy, Economic Development and Construction Act 2009, and section 21 of the Greater London Authority Act 1999 to prohibit those subject to the notification requirements (commonly referred to as 'being on the sex offenders register') and those subject to certain anti-social behaviour sanctions from being local authority members, London Assembly members or directly-elected mayors.
6. This consultation does not propose changing the disqualification criteria for Police and Crime Commissioners (PCCs). For the purposes of this consultation, 'local authority member' also extends to directly-elected mayors and co-opted members of authorities, and 'local authority' means:
  - a county council
  - a district council
  - a London Borough council
  - a parish council

The disqualification criteria in section 80 of the Local Government Act 1972, paragraph 9 of schedule 5B to the Local Democracy, Economic Development and Construction Act 2009, and section 21 of the Greater London Authority Act 1999 do not cover the Council of the Isles of Scilly or the Common Council of the City of

London. Therefore, the proposals in this consultation do not extend to these councils.

# The Current Disqualification Criteria

7. Under section 80 of the Local Government Act 1972, a person is disqualified from standing as a candidate or being a member of a local authority, if they:
  - are employed by the local authority;
  - are employed by a company which is under the control of the local authority;
  - are subject to bankruptcy orders;
  - have, within 5 years before being elected, or at any time since being elected, been convicted in the UK, Channel Islands or Isle of Man of any offence and have received a sentence of imprisonment (suspended or not) for a period of not less than three months without the option of a fine;
  - are disqualified under Part III of the Representation of the People Act 1983;
  - are employed under the direction of various local authority committees, boards or the Greater London Authority; or
  - are a teacher in a school maintained by the local authority.
  
8. Paragraph 9 of schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 sets out the criteria on disqualification from standing as, or being, a directly-elected mayor of a combined authority. A person is disqualified from being elected or holding office as the mayor of a combined authority if they:
  - hold any paid office or employment (other than the office of mayor or deputy mayor), including any appointments or elections made by or on behalf of the combined authority or any of the constituent councils of the combined authority;
  - are subject to bankruptcy orders;
  - have, within 5 years before being elected, or at any time since being elected, been convicted in the UK, Channel Islands or Isle of Man of any offence and have received a sentence of imprisonment (suspended or not) for a period of not less than three months without the option of a fine; or
  - is disqualified for being elected or for being a member of a constituent council under Part 3 of the Representation of the People Act 1983.
  
9. Section 21 of the Greater London Authority Act 1999 disqualifies someone from being the Mayor or an Assembly member if they:
  - are a member of staff of the Authority;
  - hold an office that disqualifies the holder from being Mayor or an Assembly member;
  - are subject to bankruptcy orders are bankrupt or have made a composition agreement with creditors;
  - have, within 5 years before being elected, or at any time since being elected, been convicted in the UK, Channel Islands or Isle of Man of any offence and have received a sentence of imprisonment (suspended or not) for a period of not less than three months without the option of a fine;
  - are disqualified under section 85A or Part III of the Representation of the People Act 1983 from being the Mayor or an Assembly member; or

- are a paid officer of a London borough council who is employed under the direction of:
  - a council committee or sub-committee whose membership includes the Mayor or someone appointed on the nomination of the Authority;
  - a joint committee whose membership includes a member appointed on the nomination of the council and a member appointed on the nomination of the Authority;
  - the council executive, or one of its committees, whose membership includes the Mayor or someone appointed on the nomination of the Authority;
  - a member of the council's executive who is the Mayor or someone appointed on the nomination of the Authority.

# Sexual Offences

10. The Government considers that anyone who is subject to sex offender notification requirements, commonly referred to as 'being on the sex offenders register', should be barred from standing for election, or holding office, as a local authority member, directly-elected mayor or member of the London Assembly. The period of time for which they would be barred would end once they were no longer subject to these notification requirements.

11. An individual can become subject to notification requirements by committing certain criminal acts or being issued with certain types of civil order:

- Being subject to sex offender notification requirements is an automatic consequence of being cautioned or convicted of a sexual offence listed in Schedule 3 of the Sexual Offences Act 2003 (see: <http://www.legislation.gov.uk/ukpga/2003/42/schedule/3>).
- Sexual Harm Prevention Orders are civil orders intended to protect the public from offenders convicted of a sexual or violent offence who pose a risk of sexual harm to the public by placing restrictions on their behaviour. Offenders who are subject to Sexual Harm Prevention Orders become subject to notification requirements.
- Notification Orders are civil orders intended to protect the public in the UK from the risks posed by sex offenders who have been convicted, cautioned, warned or reprimanded for sexual offences committed overseas. Such offenders may be British or foreign nationals convicted, cautioned etc. abroad of a relevant offence. Offenders who are subject to Notification Orders become subject to notification requirements.

12. The duration of the notification requirement period (i.e. how long a person is on the sex offenders register) is set out in the Sexual Offences Act 2003 and in the table below. The courts have no discretion over this.

<b>Where the (adult) offender is:</b>	<b>The notification period is:</b>
Sentenced to imprisonment for life or to a term of 30 months or more	An indefinite period
Detained in a hospital subject to a restriction order	An indefinite period
Sentenced to imprisonment for more than 6 months but less than 30 months imprisonment	10 years
Sentenced to imprisonment for 6 months or less	7 years
Detained in a hospital without being subject to a restriction order	7 years
Cautioned	2 years

Conditional discharge	The period of the conditional discharge
Any other description (i.e. community sentence, fine)	5 years

These periods are halved for offenders who are under 18 on the date of the caution, conviction or finding, as defined within the 2003 Act.

13. Offenders who are subject to the notification requirements must notify the police of (amongst other things) their: name, date of birth, national insurance number, home address, passport number, bank account and credit card details. They must do this annually, any time the details change or when they travel abroad. They must also notify the police when they stay or reside with a child for more than 12 hours.
14. Further information on the Sexual Offences Act 2003 can be found at: <https://www.gov.uk/government/publications/guidance-on-part-2-of-the-sexual-offences-act-2003>.
15. The Government does not propose including another type of civil order, the Sexual Risk Order, as this person would not have been convicted or cautioned of a sexual offence under the Sexual Offences Act 2003 and are not subject to notification requirements for registered sex offenders. A Sexual Risk Order does require the individual to notify to the police their name and their home address. A Sexual Risk Order can be sought by the police against an individual who has not been convicted, cautioned etc. of an offence under Schedule 3 or Schedule 5 of the 2003 Act but who is nevertheless thought to pose a risk of harm to the public in the UK and/or children or vulnerable adults abroad.

**Q1. Do you agree that an individual who is subject to the notification requirements set out in the Sexual Offences Act 2003 (i.e. who is on the sex offenders register) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?**

**Q2. Do you agree that an individual who is subject to a Sexual Risk Order should not be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?**

# Anti-Social Behaviour

16. Anti-social behaviour blights people's lives and can leave victims feeling powerless. These are a range of powers to the courts, police and local authorities to tackle the problems in the table below.

17. The Government considers that an individual who is subject to an anti-social behaviour sanction that has been issued by the court, i.e. a Civil Injunction or a Criminal Behaviour Order, should be barred from standing for election, or holding office, as a local authority member, directly-elected mayor or member of the London Assembly. The period of time for which they would be barred would end once they were no longer subject to the injunction or Order.

## Anti-Social Behaviour (ASB) Powers

Type	Power	Description
Issued by the court to deal with individuals	<b>Civil Injunction</b>	A civil order with a civil burden of proof. The injunction can include both prohibitions and positive requirements to tackle the underlying causes of the behaviour. Applications can be made by police, councils, social landlords, Transport for London, Environment Agency, Natural Resources Wales and NHS Protect.
	<b>Criminal Behaviour Order</b>	A court order available on conviction. The order can be issued by any criminal court against a person who has been convicted of an offence. It is aimed at tackling the most persistently anti-social individuals who are also engaged in criminal activity. The order can include both prohibitions and positive requirements. Applications are made by the prosecution, in most cases by the Crown Prosecution Service, either at its own initiative or following a request from the police or council.
Used by the police to move problem groups or individuals on	<b>Dispersal Power</b>	A flexible power which the police can use in a range of situations to disperse anti-social individuals and provide immediate short-term respite to a local community. It allows the police to deal instantly with someone's behaviour and prevent it escalating. The use of the power must be authorised by an officer of at least inspector rank, to be used in a specific locality for up to 48 hours or on a case by case basis. This is to ensure that the power is used fairly and proportionately and only in circumstances in which it is necessary.

Issued by councils, the police and social landlords to deal with problem places	<b>Community Protection Notice</b>	A notice designed to deal with particular problems which negatively affect the community's quality of life. The Notice can be issued to anyone aged 16 or over, businesses or organisations. This is a two-stage power and a written warning has to be issued first. Failure to stop the behaviour or take action to rectify the problem would lead to the notice being issued. The power can be used by councils, police and social landlords (if designated by the council).
	<b>Public Spaces Protection Order</b>	Designed to deal with anti-social behaviour in a public place and apply restrictions to how that public space can be used to stop or prevent anti-social behaviour. The order is issued by the council. Before the order can be made, the council must consult with the police and whatever community representatives they think appropriate, including regular users of the public space. Before the order is made the council must also publish the draft order.
	<b>Closure Power</b>	A fast and flexible two-stage power. Can be used to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder, including residential, business and licensed premises. The police and councils are able to issue Closure Notices for up to 48 hours and the courts are able to issue Closure Orders for up to six months if satisfied that the legal tests have been met. Following the issue of a Closure Notice, an application must be made to the magistrates' court for a closure order.

**Q3. Do you agree that an individual who has been issued with a Civil Injunction (made under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014) or a Criminal Behaviour Order (made under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?**

**Q4. Do you agree that being subject to a Civil Injunction or a Criminal Behaviour Order should be the only anti-social behaviour-related reasons why an individual should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?**

# Retrospection

18. Legislation does not generally apply retrospectively, the principle being that the law should operate in a clear and certain manner and the public is entitled to know the state of the law at a particular time.
19. The proposals in this consultation would not apply retrospectively, i.e. any incumbent local authority member, directly-elected mayor or member of the London Assembly, who is on the sex offenders register or subject to a Civil Injunction or Criminal Behaviour Order at the time the changes come into force would not be affected.
20. Such individuals would of course be prevented from standing for re-election after the changes came into force.

# Questions

**Q1. Do you agree that an individual who is subject to the notification requirements set out in the Sexual Offences Act 2003 (i.e. is on the sex offenders register) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?**

**Q2. Do you agree that an individual who is subject to a Sexual Risk Order should not be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or the London Mayor?**

**Q3. Do you agree that an individual who has been issued with a Civil Injunction (made under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014) or a Criminal Behaviour Order (made under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?**

**Q4. Do you agree that being subject to a Civil Injunction or a Criminal Behaviour Order should be the only anti-social behaviour-related reasons why an individual should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?**

**Q5. Do you consider that the proposals set out in this consultation paper will have an effect on local authorities discharging their Public Sector Equality Duties under the Equality Act 2010?**

**Q6. Do you have any further views about the proposals set out in this consultation paper?**

# About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004.

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department for Communities and Local Government will process your personal data in accordance with DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.  
Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](#).

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REPORT TO	ON
Standards Committee	7 December 2017

September 2017



TITLE	REPORT OF
COMPLAINT FORM FOR COMPLAINTS UNDER THE CODE OF CONDUCT	Interim Corporate Governance Manager

Is this report confidential?	No
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## 1. PURPOSE OF THE REPORT

To seek members approval to the use of a form for complaints under the Member Code of Conduct in future.

## 2. RECOMMENDATIONS

That members approve the use of the Complaint Form at Appendix A for complaints under the Member Code of Conduct.

## 3. CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Clean, green and safe		Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	√

## 5. BACKGROUND TO THE REPORT

**5.1** Over the last 12 months in particular there has been an increase in the number of complaints received under the Council's Code of Conduct for Members.

**5.2** Generally complaints are sent in by email but vary considerably in the amount of detail provided, sometimes meaning it is necessary for the Monitoring Officer to send a number of further emails in order to ascertain the details and exact nature of the matters complained of. Obviously this can be time consuming and is unproductive.

**5.3** Other Councils have addressed this issue by drafting a short complaint form for use by both the public and other elected members whenever a complaint under the Code of Conduct is submitted. This is designed to capture all the required information in a logical and clear format which helps in processing the complaint.

**5.4** A suggested draft complaint form is attached at Appendix A. It will be available on line and will hyperlink to the Code of Conduct and Guidance on the Code.

**5.6** Members views are sought.

### 6.1 Comments of the Statutory Finance Officer

There are no financial implications arising directly from this report.

### 6.2 Comments of the Monitoring Officer

There are no specific legal implications arising from this report which need bringing to members attention.

<b>Other implications:</b>	
▶ <b>Risk</b>	There are no specific risk implications arising from this report
▶ <b>Equality &amp; Diversity</b>	There are no specific equality implications arising from this report
▶ <b>HR &amp; Organisational Development</b>	There are no specific HR implications arising from this report
▶ <b>Property &amp; Asset Management</b>	There are no specific Property or asset management implications arising from this report
▶ <b>ICT / Technology</b>	ICT will be asked to assist in setting up the online form

## 8. THERE ARE NO BACKGROUND PAPERS TO THIS REPORT

**Caroline Elwood**  
**Interim Governance Manager**

Report Author:	Telephone:	Date:
Caroline Elwood	705454	27 November 2017

# South Ribble Borough Council

## Complaints Form

**This form is to be completed if you wish to make a complaint about a Councillor's behaviour.**

This complaints form is only to be used if you feel a South Ribble Borough Councillor or a Parish Councillor from a Parish Council within the South Ribble area has breached the Member's Code of Conduct. If you have another complaint, for example regarding a decision made by South Ribble Borough Council that complaint should be made under our complaints scheme (insert web address).

Please send completed forms to:

[Monitoring.Officer@southribble.gov.uk](mailto:Monitoring.Officer@southribble.gov.uk)

The Monitoring Officer  
South Ribble Borough Council  
Civic Centre, West Paddock  
Leyland PR25 1DH

### **Your Details:**

#### **1. Please provide us with your name and contact details:**

Title:	
First Name:	
Surname:	
Address:	
Contact number:	
Email address:	

In the interests of fairness and natural justice, the Council will normally inform the Councillor (s) who are the subject of the complaint that a complaint has been made together with the name of the complainant. On rare occasions it may be appropriate keep the details of the individual making the complaint confidential. The decision whether to keep the complaint anonymous will be made by the Monitoring Officer at his/her absolute discretion.

If you wish to have your details kept confidential and to remain anonymous, please complete the box below and provide the reason for this request.

An example of a reason why the Monitoring Officer might agree to do so is:

- Where the complainant has reasonable grounds to believe that they will be at risk of physical harm if their identity is disclosed.

## **2. Would you like your details to be kept confidential?**

Yes .....

No.....

If yes, please explain the reasons why you would like your details to be kept confidential. Continue on a separate sheet if necessary.

## **3. Please tell us which best describes you:**

Member of the public

An elected or co opted member of any authority

An independent member of the standards committee

Member of Parliament

Council Employee

Other (please state)

**4. Please provide us with the details of the Councillors you believe have breached the Code of Conduct:**

<b>Title</b>	<b>First Name</b>	<b>Surname</b>	<b>Council</b>

**5. Please identify which specific paragraphs of the Code of Conduct (insert hyperlink) you believe have been breached:**

**6. COMPLAINT DETAILS**

**Please provide us with details of what the Councillor has done that you believe has breached the Code of Conduct.**

It is important to provide as much information as possible about the alleged conduct as this will help the Monitoring Officer decide whether or not to take any action on your complaint. For example:

- Provide the date, time and location of the incident
- Be specific about what was said or done
- Give names and details of any witnesses
- Provide any relevant background information
- Provide any evidence of conduct eg correspondence (NB please do not send original documents as we cannot guarantee safekeeping)

If you are complaining about more than one Councillor please be specific about what each has done.

Please do not provide large amounts of background information as this will make it more difficult to assess the complaint accurately.

You should continue on a separate sheet if necessary.



## **Arrangements Defining the Role of the Independent Person and Their Involvement in the Investigation of Complaints**

This protocol is to make clear the relationships between the Independent Person (IP) and the various parts of South Ribble Borough Council involved in the process of handling standards complaints and wider promotion of standards. Its aim is to ensure that responsibility is clear at each stage of the process and set out the expectations and rights of the IP.

This document shall be read in conjunction with the Investigation and Hearing Procedure

### Considering written allegations

1. The Monitoring Officer (MO) will seek the views of the Independent Person (IP) before reaching a decision on whether any action should be taken on a written complaint.
2. When issuing the decision letter, the MO will record that the IP has been consulted and that their views have been taken into account.

### Arrangements for contact with Independent Person – Summary

3. All requests for contact with the IP should be made (if possible in writing) to the MO.
4. The MO will then decide whether an appointment is required.
5. If an appointment is deemed necessary arrangements will be made and notified to those concerned.
6. A contemporaneous note will be made of any conversations.
7. This note will be disclosed to any appointed investigator and may form part of any Committee papers (if appropriate) if a hearing becomes necessary.

### Matters under investigation

8. A member of South Ribble Borough Council or a member of any town or parish council within this borough who is the subject of a complaint may seek the views of the IP. A member wishing to contact the IP should do so via the MO as outlined above.
9. Where the IP has given views to the subject member, those views shall be put in writing and made available to all relevant parties in the case.
10. The IP will need to agree in advance with the subject member rules of confidentiality but it will be up to the IP to decide whether matters should remain confidential.
11. The complainant may also seek the views of the IP. As with the subject member, contact should be arranged through the MO and any views expressed should be made available to all relevant parties in the case.

12. The MO may consult the IP at any stage during the process, particularly on matters which relate to the procedures for handling complaints and vice versa.
13. Where a matter has been referred to a Standards Committee for determination, the committee must seek the views of the IP before reaching its conclusions. The IP's views should be recorded in any decision notice and, where those views do not reflect the final outcome, reasons must be given for any differences. However, it must be clear that it is the standards committee and not the IP who is the decision-maker.
14. The IP shall not make any comments to the media.
15. The IP may be requested by the MO to assist in mediation or conciliation in order to resolve complaints where that is considered the most appropriate course of action.
16. The IP may be requested by the MO to assist in any training on conduct issues as appropriate.
17. The IP shall inform the MO as soon as possible after becoming aware of any conflict of interest.

#### Relationship with the standards committee

18. The IP shall receive agendas and minutes and be invited to all meetings of the Standards Committee.
19. The IP is not a member of the Standards Committee and therefore is not part of the formal business of the meeting and cannot vote on any matters put to the meeting.

#### Other matters

20. The IP has the right to raise any concerns about standards issues or implementation of the process with the MO.
21. The Council, through its Standards Committee and MO, is responsible for ensuring that the Council meets its duty to promote and maintain high standards. However, the IP will be consulted on any proposed changes to the Code of Conduct or procedures for handling allegations.
22. The IP will be provided with any relevant information required to carry out their role. Such information shall be treated as confidential at all times.
23. The IP has the right of access to council buildings in order to carry out their role.
24. The IP is to be considered an office-holder of the authority in accordance with the duty under s28(7) of the Localism Act 2011 and is therefore entitled to be covered by the council's indemnity insurance provided they act reasonably and within the terms of this Protocol.

25. The MO, in consultation with the Chair of Standards Committee, may amend these arrangements at any time.

The IP has been consulted in the relation to the production and revision of this document and agrees to abide by its terms.

### **C. Implementation and Review**

The protocols are intended to act as a guide for both members and officers. Any difficulties of interpretation which arise should be referred to the Chief Executive (or other designated officer) for resolution.

The protocols will be reviewed from time to time in line with the Council's Constitution to ensure they are up-to-date and appropriate.

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