

REPORT TO	ON
Standards Committee	13 December 2018



TITLE	REPORT OF
Annual Report and Update	Interim Monitoring Officer

1. PURPOSE OF THE REPORT

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

2. RECOMMENDATIONS

2.1 Committee is asked to note the contents of the report prior to it being referred to full Council

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Excellence and Financial Sustainability	x
Health and Wellbeing	
Place	

Projects relating to People in the Corporate Plan:

People	
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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.

In this context we introduced a new Code of Conduct for Members in 2012 and a new Investigation and Hearing procedure was also introduced.

Under these 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 one of our Independent Persons.

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

5. STANDARDS COMMITTEE WORK

In the year 2017 – 2018 a great deal of work was done to strengthen the standards work of the standards regime in the Council.

This included:

- The development of a Social Media Protocol
- A review of the Council's Code of Conduct for Elected Members
- The development of revised terms of reference for Standards committee
- The amending and updating of our Hearing and Investigation Procedure for Dealing with Complaints
- Considering a report into the development of a Member Officer Protocol.

As a consequence of the above there was not a great deal of "policy" work that the Standards Committee needed to do during the calendar year of 2018.

Nevertheless this year the full Committee has:

- Reviewed and updated the protocol relating to Independent Persons
- Agreed a response to consultation relating to a review of Local Government Ethical standards being carried out by the Committee on Standards in Public Life

Last year we updated our Hearing and Investigation Procedure to enable the Monitoring Officer 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."

This new procedure has proved most useful.

So far during 2018 there have been 3 such meetings of a Hearings Panel. They considered 4 separate complaints – one complaint was directed at three members. The likelihood is that there will be a further meeting of the Hearings Panel before the year has ended.

6. MEMBER AND OFFICER PROTOCOL

On the 21st of March 2018 full Council adopted the Member and Officer protocol.

This document had been through a detailed and thorough consultation process.

All members have now signed up to it.

The Protocol is a very useful support to our Code of Conduct. It is regularly referenced in standards complaints.

7. COMPLAINTS

For the year 1st of November 2017 to 31st of October 2018 there were 23 formal standards complaints about members.

By way of comparison for the year 1st of November 2016 to 31st of October 2017 there were also 23 such complaints. There had been 12 such complaints in the earlier 12 month period.

In addition to the 23 formal complaints in the last 12 month period there has been a small number (3) of cases where issues have been raised about the conduct of certain members but for whatever reason no formal complaints were ever actually submitted.

For the sake of clarity – for the purpose of these figures – where a complaint is brought against two councillors that is treated as two separate complaints even though there may only be one document. Further it should also be understood that the one issue/incident can generate complaints from more than one person.

As in previous years the comfortable majority of the complaints brought have been submitted by councillors against fellow councillors – for the last 12 month period 17 of the 23 complaints were complaints made by councillors. The other 6 complaints were brought by members of the public. No complaints were brought by officers of the council.

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

Of these 23 cases a number of them were brought relatively late in the year and hence at the time of writing have not been resolved yet. This is true of 6 of the 23 complaints.

Of the remaining 17 cases:

- A decision to take no action was made in 10 cases
- An apology was sought in 7 cases.

In those cases where an apology was sought in some cases further action was also required. In one case a member agreed to cease to use social media for the purposes of his political work. A requirement to undergo training was also sometimes coupled with an apology.

There have been no cases where a formal investigation has been ordered. Given the extremely limited powers of sanction at the disposal of Standards committee and the time and expense

involved in a formal investigation it is considered desirable – if at all possible – to resolve cases by some kind of informal resolution such as apology or training.

There are various themes that occur in these complaints. The most common issue raised is a failure to treat others with respect.

Other issues that occasionally are relevant include:

- Bringing the Council into disrepute
- Disclosing confidential information
- Abuse of position

8. 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 1st of April 2017 to 31st of March 2018 20 complaints were made to the Ombudsman about the council. This compares with 16 complaints being made against the council in the previous 12 month period. The number of complaints has increased slightly in recent years but it should be pointed out that:

1. The numbers are still low
2. It is understood that there is a national picture of complaints being on the rise.

Of these 20 complaints 3 related to Benefits and Tax, 4 to Environmental services, 1 to Housing services and 12 related to Planning and Development.

During the same period (1st of April 2017 to 31st of March 2018) 19 decisions were made with regard to the complaints submitted against the council.

Of these 19 decisions:

- 1 was rejected because it was incomplete or invalid
- 10 were referred back for local resolution – i.e. for the council to look into
- 5 were closed after initial inquiries
- 1 was not upheld
- 2 were upheld (last year 4 complaints had been upheld).

Of the 2 complaints that were upheld no action was required in one of them as whilst fault was found on the part of the council no injustice was caused which required a remedy. In terms of the other case this was resolved by way of the giving of an apology and the payment of financial redress (£200). This latter case related to a Council Tax/Benefit matter.

9. 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 the period 23rd of November 2017 to 9th of November 2018 attendance figures for councillors attending meetings is as follows:

- 8 councillors attended 100% of council and committee meetings (committees that they were a member of)
- 14 councillors attended between 90% and 99% of such meetings
- 18 councillors attended between 80% and 89% of such meetings
- 5 councillors attended between 70% and 79% of such meetings
- 3 councillors attended between 60% and 69% of such meetings
- 1 councillor attended between than 50% and 59% of such meetings

10. TRAINING

During the last 12 months:

- An in house training session on assessing complaints has been provided to members of standards committee
- The Monitoring officer has attended a Monitoring Officer session.

It is considered that it is desirable to arrange some general training/awareness for all members. Any such sessions could also be extended to members of parish councils within our borough. Consideration is being given to instructing an external expert to provide such training.

After the Council elections in May 2019 there will clearly be a need to provide some further standards training particularly for any new members who have been elected. This will be delivered as part of a general induction programme.

11. MOVING FORWARD

The last 12 months has been a period of consolidation.

There has not been a need to update many policy documents as much of the necessary work was done in the preceding 12 months.

The use of Hearings Panels (in appropriate circumstances) to carry out an initial assessment of complaints has proved to be a successful innovation.

11. CONSULTATION CARRIED OUT AND OUTCOME OF CONSULTATION

Not relevant to this report

12. COMMENTS OF THE STATUTORY FINANCE OFFICER

There are no financial implication arising from this report.

13. 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.

14. OTHER IMPLICATIONS:

▶ HR & Organisational Development	There are no implications here
▶ ICT / Technology	There are no implications here
▶ Property & Asset Management	There are no implications here
▶ Risk	There are no implications here
▶ Equality & Diversity	There are no implications here

15. There are no background papers to this report

16. There are no appendices to this report

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