

Appendices: 0



NORTHAMPTON
BOROUGH COUNCIL

STANDARDS COMMITTEE REPORT

Report Title	Update of level and outcomes of standards complaints
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AGENDA STATUS: PUBLIC

Committee Meeting Date: 17th February 2014

Policy Document: No

Directorate: Borough Secretary

1. Purpose

1.1 To update the Standards Committee on the current level of standards complaints and the number and outcome of complaints dealt with since the last update was provided in December 2012.

2. Recommendations

2.1 The Standards Committee is recommended to note the update provided in this Report.

3. Issues and Choices

3.1 Report Background

3.1.1 The Localism Act 2011 (the “2011 Act”) made significant changes to the standards regime in local government.

3.1.2 The Act required Councils including Parish Councils to adopt locally agreed Codes of Conduct governing elected and co-opted members’ conduct which are consistent with principles contained in the 2011 Act. Parish Councils may adopt the same Code that their district Council has adopted.

3.1.3 The Localism Act required that the Council adopt “arrangements” for dealing with complaints of breaches of the Code of Conduct both by Northampton Borough Council Members and by Members of Parish Councils within the Borough.

3.1.4 On 21st June 2012, the Council therefore adopted:

- a new Code of Conduct; and
- *Arrangements for dealing with allegations of breaches of the Council's Code of Conduct and of Codes of Conduct adopted by Parish Councils* (the "Arrangements").

3.1.5 The Code of Conduct and the Arrangements came into effect on 1st July 2012.

3.1.6 The Council's Arrangements for dealing with complaints of alleged Councillor misconduct require the Monitoring Officer to make an initial assessment of any complaint received and decide whether:

- it warrants investigation
- it may be suitable for alternative resolution without investigation; or
- it doesn't warrant any further action.

3.1.7 The Monitoring Officer can consult with an "Independent Person" in making this initial assessment. The Council currently has two Independent Persons who were appointed by Full Council in accordance with the provisions of the 2011 Act.

3.2 Current level of complaints

3.2.1 There are various aspects of the initial assessment stage. The Monitoring Officer ordinarily informs the Councillor concerned of the receipt and nature of the complaint and invites their comments in response to it. Where the Monitoring Officer requires additional information in order to come to an initial assessment decision, they may refer back to the complainant for such information, and may request information from the Councillor who is the subject of the complaint. Therefore, some of the complaints referred to in paragraph 3.2.2 below have been recently received, whereas others have been subject to a preliminary review and are now awaiting receipt of further information to enable the Monitoring Officer to make an initial assessment decision.

3.2.2 There are currently 4 complaints at initial assessment stage (ie. where the initial assessments have not yet been concluded):

- 2 of these complaints are complaints about Parish Councillors.
- The remaining 2 complaints are about Northampton Borough Councillors.

3.2.3 In addition, the initial assessment of a complaint against a Borough Councillor has recently concluded that the complaint should be referred for an independent investigation.

3.3 Details of other complaints received since the last update

3.2.1 In addition to the current complaints outlined in paragraphs 3.2.2 and 3.2.3 above, the Council has received and dealt with 14 other standards complaints since the last update was provided to Members of the Committee on 10th

December 2012. A breakdown of these 14 complaints and their outcomes is set out below:

- 7 of these complaints were about Borough Councillors:
 - In 6 of these cases, the Monitoring Officer concluded at the initial assessment stage that the complaint did not warrant any further action.
 - The 7th complaint was resolved through alternative resolution.
- 7 of these complaints were about Parish Councillors:
 - In each of these 7 cases, the Monitoring Officer concluded at the initial assessment stage, that the complaint did not warrant any further formal action.
 - 3 of these complaints were considered to be outside the scope of the standards Arrangements.

3.4 Update on the outcome of complaints that were in progress at the time of the last update

3.4.1 When the last update was provided to the Committee on 10th December 2012, there were 9 cases outstanding for initial assessment. A summary of the outcomes of these cases is set out below:

6 of these 9 complaints were about Northampton Borough Councillors:

- 4 of these complaints were related and referred to the same Councillor. The Monitoring Officer referred these complaints to an independent investigator to carry out a combined investigation. The finding was that there was no failure by the Councillor to comply with the Code of Conduct.
- In each of the remaining 2 complaints, the Monitoring Officer concluded at initial assessment stage that the complaint warranted no further action.

3 of these cases were about Parish Councillors:

- 2 of these complaints, whilst separate, related to the same Parish Council. (1 of these complaints referred to 2 Parish Councillors). Both complaints were referred to an independent investigator. The finding of the investigator in each case was that there was no failure by any of the Councillors to comply with the Parish Council's Code of Conduct.
- The Monitoring Officer concluded that no further action should be taken in relation to the final complaint.

3.4.2 At the time of the last update, one complaint about a Borough Councillor was the subject of an investigation. The investigation has since concluded. There was no finding of a breach of the Code of Conduct by the Councillor.

4. Implications (including financial implications)

4.1 Policy

4.1.1 N/A

4.2 Resources and Risk

4.2.1 None specifically arising from this Report.

4.3 Legal

4.3.1 Legal implications are contained in the body of the Report.

4.4 Equality

4.4.1 4.4.1 None specifically arising from this Report.

4.5 Consultees (Internal and External)

4.5.1 Not applicable.

4.6 Other Implications

4.6.1 Not applicable.

5. Background Papers

5.1 None

6. Report Author

6.1 Francis Fernandes
Borough Secretary & Monitoring Officer