

NORTHAMPTON BOROUGH COUNCIL

STANDARDS COMMITTEE

Your attendance is requested at a meeting to be held at the The Jeffrey Room, St. Giles Square, Northampton, NN1 1DE. on Monday, 17 February 2014 at 5:00 pm.

**D. Kennedy
Chief Executive**

AGENDA

1. APOLOGIES
2. MINUTES
3. DEPUTATIONS / PUBLIC ADDRESSES
4. DECLARATIONS OF INTEREST
5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED
6. OPENNESS AND TRANSPARENCY ON PERSONAL INTERESTS - DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT GUIDANCE
7. UPDATE OF LEVEL AND OUTCOMES OF STANDARDS COMPLAINTS
8. EXCLUSION OF PUBLIC AND PRESS

THE CHAIR TO MOVE:

“THAT THE PUBLIC AND PRESS BE EXCLUDED FROM THE REMAINDER OF THE MEETING ON THE GROUNDS THAT THERE IS LIKELY TO BE DISCLOSURE TO THEM OF SUCH CATEGORIES OF EXEMPT INFORMATION AS DEFINED BY SECTION 100(1) OF THE LOCAL GOVERNMENT ACT 1972 AS LISTED AGAINST SUCH ITEMS OF BUSINESS BY REFERENCE TO THE APPROPRIATE PARAGRAPH OF SCHEDULE 12A TO SUCH ACT.”

Public Participation

Members of the public may address the Committee on any non-procedural matter listed on this agenda. Addresses shall not last longer than three minutes. Committee members may then ask questions of the speaker. No prior notice is required prior to the commencement of the meeting of a request to address the Committee.

NORTHAMPTON BOROUGH COUNCIL

STANDARDS COMMITTEE

Monday, 10 December 2012

PRESENT: Councillor Yates (Chair); Councillor Capstick (Deputy Chair); Councillors Glynane, Oldham, Patel and Sargeant

1. APOLOGIES

Apologies were received from Councillors Eales and Flavell.

2. MINUTES

The minutes of the meetings of the Committee held on 18 June and 15 October 2012 were agreed and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

Ms Sweetser commented that she had submitted a standards complaint on 2 June 2012 and had understood that under the transitional arrangements from the old system to the new it would be dealt with under the old process. She had been advised that her complaint would be dealt with under the new arrangements.

The Borough Secretary and Monitoring Officer reported that the Localism Act 2011 had abolished the old arrangements for dealing with standards complaints but that transitional arrangements which had been enacted meant that cases being dealt with under the old system, had to be completed in accordance with the new system. He confirmed that Ms Sweetser's complaint was still alive and would be dealt with under the new arrangements.

4. DECLARATIONS OF INTEREST

None.

5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED

None.

6. STANDARDS TRAINING UPDATE

The Borough Secretary and Monitoring Officer submitted a report that provided an update of the Member training sessions held on 19 November 2012 and elaborated thereon. He reported that some aspects of the new arrangements remained confused: at a recent meeting of District Secretaries no consensus had emerged as to the need for Councillors to declare interests or seek dispensations when taking part in and voting on budget/Council Tax decisions.

Mr Hughes remarked on a similar situation at Billing Parish Council where they had received conflicting advice from a number of bodies concerning the ability of Parish Councillors to take part in and vote on the parish budget.

In answer to questions the Borough Secretary and Monitoring Officer stated:

- It was a legal requirement that Disclosable Pecuniary Interests of a Member included those of a spouse or civil partner but did not have to be separately identified as such;
- Further advice was available in respect of interests through "close family members";

- Members of the Committee would, in effect, become champions for Standards within their Groups; and
- Copies of the training presentation would be circulated to all members.

RESOLVED: That the report be noted and that further consideration be given to further specific training for Committee Members following the circulation of the training course presentation.

7. CURRENT LEVEL OF COMPLAINTS

The Borough Secretary and Monitoring Officer submitted a report that set out an update on outstanding standards complaints and elaborated thereon. He noted that under the transitional arrangements Council had appointed Ian Harley, the former Chair of the previous Standards Committee, as the Independent Person but that this only lasted until July 2013. Further recruitment, probably of more than one Independent Person, would be necessary. To date, the Independent Person had been involved in all of the initial assessments and although no-one could step in to undertake this role for any reason of unavailability, Mr Harley had agreed to remain contactable.

In answer to questions the Borough Secretary and Monitoring Officer commented that:

- The Localism Act 2011 had simplified the old system. The Monitoring Officer was empowered to carry out initial assessments but hearings following an investigation into alleged breaches of the Code of Conduct would be conducted by the Committee;
- Any investigation that showed a potential criminal offence would be referred to the Police and subject to advice from them any consequent investigation by them would run in parallel to any investigation into an alleged breach of the Code of Conduct by the Monitoring Officer. Such circumstances were likely to be rare; and
- Timely arrangements would be put in hand for the recruitment of Independent Persons before the transitional arrangements ended in July 2013 and would include seeking applications from as broad a spectrum of the general public as possible and the consideration of appropriate remuneration (any final decision on appointment would be made by Council via a recommendation from the Committee).

RESOLVED: That the report be noted and that the Committee consider at its next meeting the arrangements for the recruitment of Independent Persons.

The meeting concluded at 17.41

Appendices: 1



NORTHAMPTON
BOROUGH COUNCIL

STANDARDS COMMITTEE REPORT

| | |
|---------------------|---|
| Report Title | Openness and Transparency on Personal Interests – Department for Communities and Local Government Guidance |
|---------------------|---|

AGENDA STATUS: PUBLIC

| | |
|--------------------------------|--------------------------------|
| Committee Meeting Date: | 17 th February 2014 |
| Policy Document: | No |
| Directorate: | Borough Secretary |

1. Purpose

- 1.1 To provide the Standards Committee with the most recent Guide for Councillors on Openness and Transparency on Personal Interests issued by the Department for Communities and Local Government.

2. Recommendations

- 2.1 The Standards Committee is recommended to note the content of this Report and the September 2013 Guide for Councillors on Openness and Transparency on Personal Interests at Appendix 1 (the “Guide”).

3. Issues and Choices

3.1 Report Background

- 3.1 The Localism Act 2011 (the “Act”) introduced a new regime from 1st July 2012, for the registration by Councillors of personal interests.
- 3.2 The Act repealed the concept of personal interests and personal and prejudicial interests. Instead the Act requires Councillors to register Disclosable Pecuniary Interests (which are statutory) and any other types of personal interests that are locally determined as requiring registration. The current Northampton Borough Council Members’ Code of Conduct, which came into effect on 1st July 2012 incorporates these requirements of the Act.

3.3 The Guide was first published by DCLG in August 2012 after the new regime for registration of interests had come into force, and has been updated by DCLG twice since then. The Guide:

- provides Councillors with practical information about how to be open and transparent about their personal interests;
- covers which personal and pecuniary interests should be declared by Councillors and entered in the authority's Register of Interests;
- sets out what having a disclosable pecuniary interest will prevent a Councillor from doing and how a dispensation from these restrictions can be applied for;
- clarifies issues such as how pecuniary interests of spouses and partners should be declared and dealt with and how sensitive interests are dealt with;
- sets out the penalty for failing to declare a Disclosable Pecuniary Interest;
- sets out DCLG's view that there is not a requirement for Councillors to apply for a dispensation to take part in the business of setting council tax or a precept - the Guide was updated in this regard following national debate and publicity on this issue in the period leading up to budget setting in 2013; and
- makes it clear in this most recent version that Councillors should register their membership of any trade union as a personal interest. (The Northampton Borough Council Members' Code of Conduct does already specifically require this).

3.4 Councillors are asked to note the general principles referred to in the Guide and continue to refer any specific queries regarding the registration and disclosure of personal interests to the Monitoring Officer.

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



Department for
Communities and
Local Government

Openness and transparency on personal interests

A guide for councillors

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The Guide

This guide on personal interests gives basic practical information about how to be open and transparent about your personal interests. It is designed to help councillors, including parish councillors, now that new standards arrangements have been introduced by the Localism Act 2011¹.

Why are there new rules?

Parliament has abolished the Standards Board regime and all the rules under it. It has done this because that centrally-imposed, bureaucratic regime had become a vehicle for petty, malicious and politically-motivated complaints against councillors. Rather than creating a culture of trust and openness between councillors and those they represent, it was damaging, without justification, the public's confidence in local democratic governance.

The new standards arrangements that Parliament has put in place mean that it is largely for councils themselves to decide their own local rules. It is essential that there is confidence that councillors everywhere are putting the public interest first and are not benefiting their own financial affairs from being a councillor. Accordingly, within the new standards arrangements there are national rules about councillors' interests.²

Such rules, in one form or another, have existed for decades. The new rules are similar to the rules that were in place prior to the Standards Board regime. Those rules, originating in the Local Government Act 1972 and the Local Government and Housing Act 1989, involved local authority members registering their pecuniary interests in a publicly available register, and disclosing their interests and withdrawing from meetings in certain circumstances. Failure to comply with those rules was in certain circumstances a criminal offence, as is failure to comply in certain circumstances with the new rules.

Does this affect me?

Yes, if you are an elected, co-opted, or appointed member of:

- a district, unitary, metropolitan, county or London borough council
- a parish or town council
- a fire and rescue authority
- a transport or other joint authority
- a combined authority or an economic prosperity board
- the London Fire and Emergency Planning Authority
- the Broads Authority

¹ The Guide should not be taken as providing any definitive interpretation of the statutory requirements; those wishing to address such issues should seek their own legal advice.

² The national rules are in Chapter 7 of the Localism Act 2011 and in the secondary legislation made under the Act, particularly in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (S.I. 2012/1464).

- a National Park authority
- the Greater London Authority
- the Common Council of the City of London
- the Council of the Isles of Scilly

How will there be openness and transparency about my personal interests?

The national rules require your council or authority to adopt a code of conduct for its members and to have a register of members' interests.

The national rules require your council's code of conduct to comply with the Seven Principles of Public Life, and to set out how, in conformity with the rules, you will have to disclose and register your pecuniary and your other interests. Within these rules it is for your council to decide what its code of conduct says. An illustrative text for such a code is available on the Department's web site.³

Your council's or authority's monitoring officer (or in the case of a parish council the monitoring officer of the district or borough council) must establish and maintain your council's register of members' interests. Within the requirements of the national rules it is for your council or authority to determine what is to be entered in its register of members' interests.

What personal interests should be entered in my council's or authority's register of members' interests?

Disclosable pecuniary interests, and any other of your personal interests which your council or authority, in particular through its code of conduct, has determined should be registered.

Any other of your personal interests which you have asked the monitoring officer, who is responsible for your council's or authority's register of members' interests, to enter in the register.

As explained in the following section, your registration of personal interests should be guided by your duty to act in conformity with the seven principles of public life. You should ensure that you register all personal interests that conformity with the seven principles requires. These interests will necessarily include your membership of any Trade Union.

What must I do about registering my personal interests?

Under your council's code of conduct you must act in conformity with the Seven Principles of Public Life. One of these is the principle of integrity – that 'Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in

³ <https://www.gov.uk/government/publications/illustrative-text-for-local-code-of-conduct--2>

order to gain financial or other material benefits for themselves, their family, or their friends. **They must declare and resolve any interests and relationships.**⁴.

Your registration of personal interests should be guided by this duty and you should give the monitoring officer who is responsible for your council's or authority's register of members' interests any information he or she requests in order to keep that register up to date and any other information which you consider should be entered in the register.

All sitting councillors need to register their declarable interests – both declarable pecuniary interests, and other interests that must be declared and registered as required by your authority's code, or your duty to act in conformity with the Seven Principles of Public Life, such as your membership of any Trade Union. Any suggestion that you should tell the monitoring officer about your pecuniary interests only in the immediate aftermath of your being elected is wholly incompatible with this duty, with which you must comply.

If you have a disclosable pecuniary interest which is not recorded in the register and which relates to any business that is or will be considered at a meeting where you are present, you must disclose⁵ this to the meeting and tell the monitoring officer about it, if you have not already done so, so that it can be added to the register. You must tell the monitoring officer within 28 days of disclosing the interest. For this purpose a meeting includes any meeting of your council or authority, of its executive or any committee of the executive, and of any committee, sub-committee, joint committee or joint sub-committee of your authority.

If you have a disclosable pecuniary interest which is not shown in the register and relates to any business on which you are acting alone, you must, within 28 days of becoming aware of this, tell the monitoring officer about it, if you have not already done so, so that it can be added to the register. You must also stop dealing with the matter as soon as you become aware of having a disclosable pecuniary interest relating to the business.

When you are first elected, co-opted, or appointed a member to your council or authority, you must, within 28 days of becoming a member, tell the monitoring officer who is responsible for your council's or authority's register of members' interests about your disclosable pecuniary interests. If you are re-elected, re-co-opted, or reappointed a member, you need to tell the monitoring officer about only those disclosable pecuniary interests that are not already recorded in the register.

What are pecuniary interests?

A person's pecuniary interests are their business interests (for example their employment, trade, profession, contracts, or any company with which they are associated) and wider

⁴ <http://www.public-standards.gov.uk/about-us/what-we-do/the-seven-principles/>

⁵ If the interest is a sensitive interest you should disclose merely the fact that you have such a disclosable pecuniary interest, rather than the interest. A sensitive interest is one which the member and the monitoring officer, who is responsible for the register of members' interests, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation.

financial interests they might have (for example trust funds, investments, and assets including land and property).

Do I have any disclosable pecuniary interests?

You have a disclosable pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest listed in the national rules (see annex). Interests or your spouse or civil partner, following the approach of the rules under the 1972 and 1989 Acts, are included to ensure that the public can have confidence that councillors are putting the public interest first and not benefiting the financial affairs of themselves or their spouse or civil partner from which the councillor would stand to gain. For this purpose your spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Does my spouse's or civil partner's name need to appear on the register of interests?

No. For the purposes of the register, an interest of your spouse or civil partner, which is listed in the national rules, is **your** disclosable pecuniary interest. Whilst the detailed format of the register of members' interests is for your council to decide, there is no requirement to differentiate your disclosable pecuniary interests between those which relate to you personally and those that relate to your spouse or civil partner.

Does my signature need to be published online? Won't this put me at risk of identity theft?

There is no legal requirement for the personal signatures of councillors to be published online.

Who can see the register of members' interests?

Except for parish councils, a council's or authority's register of members' interests must be available for inspection in the local area, and must be published on the council's or authority's website.

For parish councils, the monitoring officer who is responsible for the council's register of members' interests must arrange for the parish council's register of members' interests to be available for inspection in the district of borough, and must be published on the district or borough council's website.

Where the parish council has its own website, its register of members' interests must also be published on that website.

This is in line with the Government's policies of transparency and accountability, ensuring that the public have ready access to publicly available information.

Is there any scope for withholding information on the published register?

Copies of the register of members' interests which are available for inspection or published must not include details of a member's sensitive interest, other than stating that the member has an interest the details of which are withheld. A sensitive interest is one which the member and the monitoring officer, who is responsible for the register of members' interests, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation.

When is information about my interests removed from my council's register of members' interests?

If you cease to have an interest, that interest can be removed from the register. If you cease to be a member of the authority, all of your interests can be removed from the register.

What does having a disclosable pecuniary interest stop me doing?

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

In certain circumstances you can request a dispensation from these prohibitions.

Where these prohibitions apply, do I also have to leave the room?

Where your council's or authority's standing orders require this, you must leave the room. Even where there are no such standing orders, you must leave the room if you consider your continued presence is incompatible with your council's code of conduct or the Seven Principles of Public Life.

Do I need a dispensation to take part in the business of setting council tax or a precept?

Any payment of, or liability to pay, council tax does not create a disclosable pecuniary interest as defined in the national rules; hence being a council tax payer does not mean that you need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support.

If you are a homeowner or tenant in the area of your council you will have registered, in accordance with the national rules, that beneficial interest in land. However, this disclosable pecuniary interest is not a disclosable pecuniary interest in the matter of setting the council tax or precept since decisions on the council tax or precept do not materially affect your interest in the land. For example, it does not materially affect the value of your home, your prospects of selling that home, or how you might use or enjoy that land.

Accordingly, you will not need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support, which is in any event a decision affecting the generality of the public in the area of your council, rather than you as an individual.

When and how can I apply for a dispensation?

The rules allow your council or authority in certain circumstances to grant a dispensation to permit a member to take part in the business of the authority even if the member has a disclosable pecuniary interest relating to that business. These circumstances are where the council or authority considers that:

- without the dispensation so great a proportion of the council or authority would be prohibited from participating in that business as to impede the council's or authority's transaction of that business,
- without the dispensation the representation of different political groups dealing with that business would be so upset as to alter the likely outcome of any vote,
- the granting of the dispensation is in the interests of people living in the council's or authority's area,
- without the dispensation each member of the council's executive would be prohibited from participating in the business, or
- it is otherwise appropriate to grant a dispensation.

If you would like your council or authority to grant you a dispensation, you must make a written request to the officer responsible for handling such requests in the case of your council or authority.

What happens if I don't follow the rules on disclosable pecuniary interests?

It is a criminal offence if, without a reasonable excuse, you fail to tell the monitoring officer about your disclosable pecuniary interests, either for inclusion on the register if you are a newly elected, co-opted or appointed member, or to update the register if you are re-elected or re-appointed, or when you become aware of a disclosable pecuniary interest which is not recorded in the register but which relates to any matter;

- that will be or is being considered at a meeting where you are present, or
- on which you are acting alone.

It is also a criminal offence to knowingly or recklessly provide false or misleading information, or to participate in the business of your authority where that business involves a disclosable pecuniary interest. It is also a criminal offence to continue working on a matter which can be discharged by a single member and in which you have a disclosable pecuniary interest.

If you are found guilty of such a criminal offence, you can be fined up to £5,000 and disqualified from holding office as a councillor for up to five years.

Where can I look at the national rules on pecuniary interests?

The national rules about pecuniary interests are set out in Chapter 7 of the Localism Act 2011, which is available on the internet here:

<http://www.legislation.gov.uk/ukpga/2011/20/part/1/chapter/7/enacted>

and in the secondary legislation made under the Act, in particular The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 which can be found here:

<http://www.legislation.gov.uk/uksi/2012/1464/contents/made>

Annex A

Description of Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. The relevant period is the 12 months ending on the day when you tell the monitoring officer about your disclosable pecuniary interests following your election or re-election, or when you became aware you had a disclosable pecuniary interest relating to a matter on which you were acting alone.
- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.
- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where –
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either –
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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

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|--------------------------------|--------------------------------|
| Committee Meeting Date: | 17 th 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