

**NORTHAMPTON BOROUGH COUNCIL  
STANDARDS COMMITTEE**

Your attendance is requested at a meeting to be held in The Jeffrey Room,  
The Guildhall, St. Giles Square, Northampton, NN1 1DE on  
Monday, 18 December 2017 at 5:00 pm.

**Simon Bovey  
Interim Chief Executive**

**AGENDA**

1. APOLOGIES
2. MINUTES  
The Standards Committee to approve the minutes of the meeting that took place on 9 October 2017.
3. DEPUTATIONS / PUBLIC ADDRESSES
4. DECLARATIONS OF INTEREST
5. RECRUITMENT OF PARISH COUNCILLOR CO OPTES TO THE STANDARDS COMMITTEE.  
A verbal update to be given on the recruitment of Parish Councillor Co Optees to the Standards Committee.
6. CODE OF CONDUCT AND ARRANGEMENTS FOR INVESTIGATING ALLEGED BREACHES  
The Standards Committee to review the draft proposals for streamlining the Code of Conduct and Arrangements for investigating alleged breaches
7. CODE OF CONDUCT ARRANGEMENTS COMPLAINTS  
The Committee to consider a report detailing statistics in relation to complaints made in accordance with the Code of Conduct Arrangements.
8. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED
9. EXCLUSION OF PUBLIC AND PRESS

**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.

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, 9 October 2017

**PRESENT:** Councillor Suresh Patel (Chair); Councillor Brian Oldham (Deputy Chair); Councillors Alan Bottwood, Andrew Kilbride, Brian Markham, Les Marriott, Cathrine Russell and Zoe Smith and Kim Holland, Co-Optee (Independent Member)

#### 1. APOLOGIES

There were none.

At this point, the Chair welcomed Kim Holland, Co-Optee (Independent Member) to the Standards Committee.

#### 2. MINUTES

The Chair signed the minutes of the meeting held on 17 July 2017 as a true and accurate record.

#### 3. DEPUTATIONS / PUBLIC ADDRESSES

There were none.

#### 4. DECLARATIONS OF INTEREST

Councillor Alan Bottwood declared a personal interest as a Parish Councillor for Duston Parish Council.

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

There were none.

#### 6. RECRUITMENT OF INDEPENDENT MEMBER(S) CO-OPTEE(S) TO THE STANDARDS COMMITTEE

The Standards Committee was apprised of the applications and recent interviews that had taken place for the vacancy of co-optee to the Committee – Independent Member.

The Chair advised that three interviews had been held for the role of Independent Member Co-Optee. The Standards Working Group had felt that just one of the applicants (Applicant A) met the criteria for the role of Independent Member Co Optee; it did not recommend the other applicants for the vacancies. It was suggested that Applicant A is offered the role of Independent Member Co-Optee to the Standards Committee.

Resolved: That:

- (1) Applicant A is offered the role of Independent Member Co-Optee to the Standards Committee.

#### 7. DRAFT COMMUNICATIONS STRATEGY

The Standards Committee was asked to consider adopting a Communications Strategy in relation to Ethical and Governance Matters for all Councillors.

The draft Communications Strategy in relation to Ethical and Governance Matters was considered by the Standards Working Group (Work Plan) at its meeting on 2 October 2017. The Working Group felt that the draft Strategy was wide-ranging and supported all topics included within it.

- RESOLVED:
- 1) That the Communications Strategy – Ethical and Governance Matters for all Councillors is approved.
  - 2) That The Borough Secretary is instructed to make arrangements for the promotion of Communications Training Strategy in relation to Ethical and Governance Matters.

## **8. STATISTICS**

The Standards Committee considered the report that detailed the statistical data in relation to Code of Conduct Arrangements complaints.

In discussing the data, the Committee asked for further statistics to be presented to its next meeting regarding the complaints, such as the time taken to resolve the complaints and the outcomes of each complaint.

The Code of Conduct Arrangements is scheduled to be an agenda item at the next meeting of the Standards Committee also.

It was queried whether Councillors should complete a DBS form.

- RESOLVED:
- (1) That the statistics in relation to the number of complaints received, and dealt with, in respect of the Code of Conduct Arrangements is noted.
  - (2) That further information on the statistical data, in relation to the number of complaints received, and dealt with, in respect of the Code of Conduct Arrangements is presented to the Committee at its next meeting in December 2017.
  - (3) That statistical data, in relation to the number of complaints received, and dealt with, in respect of the Code of Conduct Arrangements is presented to the Committee on an annual basis.

## **9. STANDARDS COMMITTEE WORK PLAN**

The Standards Committee Work Plan for 2017 – 2018 was noted.

RESOLVED: That:

- (1) The Standards Work Plan for 2017 -2018 is noted.

The meeting concluded at 5:17 pm

M8491

Appendices: 1



## STANDARDS COMMITTEE REPORT

<b>Report Title</b>	<b>CODE OF CONDUCT ARRANGEMENTS FOR INVESTIGATING ALLEGED BREACHES</b>
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**AGENDA STATUS: PUBLIC**

<b>Committee Meeting Date:</b>	18 December 2017
<b>Policy Document:</b>	No
<b>Directorate:</b>	Borough Secretary and Monitoring Officer

### 1. Purpose

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- 1.1 The purpose of the report is to present to the Standards Committee proposed streamlined arrangements for investigating alleged breaches of the Members Code of Conduct.

### 2 Recommendation

- 2.1 That the proposed streamlined arrangements for investigating alleged breaches of the Members Code of Conduct.
- 2.2. That the Borough Secretary and Monitoring Officer is instructed to make arrangements for updating and publishing the arrangements for investigating alleged breaches of the Members Code of Conduct.

### 3. Issues and Choices

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#### 3.1 Report Background and Issues

- 3.1.1 At its meeting held on 19 December 2016, the Standards Committee set up a Working Group to put together a draft Work Plan for the Standards Committee for 2017/2018. The establishment of a Work Plan will ensure that the Committee can meet all of its responsibilities and objectives during the year. It is good practice for the Standards Committee to produce an annual Work Plan.
- 3.1.2 Membership of the Working Group consists of Councillors Suresh Patel, Brian Oldham, Brian Markham and Zoe Smith.

## **1 CODE OF CONDUCT ARRANGEMENTS FOR INVESTIGATION ALLEGED BREACHES**

- 1.1 Appended to this briefing note is the Council's current Standards Arrangements that deals with complaints against Councillors, including Parish Councillors within the borough of Northampton (*Arrangements for dealing with allegations of breaches of the Northampton Borough Council Members' Code of Conduct and of Codes of Conduct adopted by Parish Councils*) (the Arrangements).
- 1.2 The Localism Act changed the standards regime in local government. These changes came into effect from 1st July 2012.
- 1.3 Each Parish Council is responsible for adopting a code of conduct for its Parish Councillors.
- 1.4 The Council has appointed two Independent Persons, whose views must be sought by the authority before it takes a decision on an allegation which it has decided warrants investigation, and whose views can be sought by the authority at any other stage, or by a Member against whom an allegation has been made.

## **2 CURRENT ARRANGEMENTS**

### **2.1 Initial Assessment of Complaints Received**

- 2.2 The Monitoring Officer will review all complaints received by the authority and may consult with the Independent Person at this stage. If a complaint has been made but does not fall within the scope or intent of these arrangements, the Monitoring Officer may still decide to take informal action in order to resolve the matter. In assessing the complaint the Monitoring Officer will determine whether the complaint is admissible and, if so, decide whether:

- a) it warrants investigation or,
- b) it may be suitable for alternative resolution without investigation or,
- c) it doesn't warrant any further action. For the complaint to be admissible it must be in a legible format and relate to an existing Member of the authority.

- 2.3 The complaint and subject Member are informed of the outcome of the assessment; and should further investigation or alternative resolution be the outcome; the relevant processes are put in place such as the appointment of an independent Investigating Officer.
- 2.4 Should the Investigating Officer conclude that there is evidence of a failure to comply with the Code of Conduct, there are two potential resolutions that the Monitoring Officer and the Independent Person may consider:

Local Resolution - The matter can be resolved without the need for a hearing

- Local Hearing - The Monitoring Officer will report the Investigating Officer's report to a Hearings Panel that will conduct a local hearing to decide whether the Member has failed to comply with the Code of Conduct and if so, whether to take any action in respect of the Member. At the end of the Hearing, the Chair will state the decision of the Hearing Panel and what actions, the Hearings Panel resolved to take. The Member and the complainant will be informed of the decision; the decision notice will be made available for public inspection and the decision reported to next convenient meeting of full Council.

## **PROPOSED STREAMLINING OF THE ARRANGEMENTS**

- 2.5 The Arrangements work well and a number of Local Authorities use similar arrangements to that of Northampton Borough Council. However, it is felt that there is a need for the Arrangements to be streamlined so that complaints received can be resolved expediently and the process for resolving complaints is as effective as possible. It needs to be borne in mind, however, that on occasions due to the nature of individual complaints, some can often take longer to resolve. For example, some complaints have taken a few months to come to a resolution. However, it would be beneficial for there not to be a set time scale communicated as to when the complaint will be resolved.
- 2.6 Currently the complainant and the subject Member are informed that the complaint will be resolved within 28 days. This is not always possible. It is therefore proposed that the complaint is acknowledge, as it is currently, but reference to 28 days is removed from the acknowledgement and replaced with the wording "as soon as possible." The initial communication with the complainant and the subject Member should always include wording along the lines of "whilst the Council will use its best endeavours to speedily resolve the complaint, on occasions the issues can be complex and take longer to investigate. You will be kept informed on progress throughout the process."
- 2.7 The subject Member is notified of the complaint received and asked to provide a response, if they so wish to, within 15 working days. It is felt that this timeframe could be shortened to 10 working days.
- 2.8 The current process allows for all information to be received regarding the complaint, such as the response from the subject Member. Upon receipt of this information the Assessment meeting between the Monitoring Officer and Independent Person is scheduled. It is proposed that this meeting is scheduled shortly after contact has been made with the subject Member notifying of them of the alleged complaint. It would be aimed that this Assessment Meeting would be held within 15 working days of receipt of the complaint.
- 2.9 The initial assessment process is an extremely important aspect of the Arrangements. The Monitoring Officer occupies a pivotal position and working with the Independent Person, the Monitoring Officer gives an opportunity to

resolve the complaint speedily. The initial assessment will determine whether the complaint is admissible.

- 2.10 It is emphasised that once a complaint has been referred to investigation, the process will then take its own course. An independent investigator is appointed to carry out the investigation and report their findings and conclusion to the Monitoring Officer.
- 2.11 At the Assessment meeting, comprehensive information packs are provided for the Monitoring Officer and the Independent Person, which include the Member Code of Conduct that has been adopted by the Borough Council or Parish Council, the subject Member's completed Declaration of Interest form; proof that the subject Member is a current Member of the relevant Parish Council or Northampton Borough Council. Following discussions with Independent Person, it was felt that this information does not need to be provided to each Assessment Meeting but the relevant checks made by the Office of the Monitoring Officer. The only information that would need to be provided to the Assessment Meeting is the complaint received and any response from the subject Member. A file copy would still be held that would contain all background information. The outcome of the Assessment meeting would then be communicated to the complainant and subject Member within 7 working days of the Assessment meeting taking place.
- 2.12 Other proposed administrative changes to the Arrangements are suggested such as a short precis of the complaint being provided to the subject Member rather than a more detailed account.
- 2.13 An efficient process is one that results in fewer complaints being referred to the Standards Committee.
- 2.14 The Standards Working Group (Work Plan) considered the draft proposed administrative changes that aim to streamline the Arrangements, and provided comment and suggestions.

## **3.2 Choices**

- 3.2.1 Members are asked to consider approving the proposed streamlining of the arrangements for investigating alleged breaches of the Members Code of Conduct.

## **4. Implications (including financial implications)**

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### **4.1 Policy**

- 4.1.1 This report does not have any direct policy implications.

### **4.2 Resources and Risk**

- 4.2.1 This report does not have any direct resource implications.



### **4.3 Legal**

- 4.3.1 Complaints received are in accordance with the Arrangements for dealing with allegations of breaches of the Northampton Borough Council Members' Code of Conduct and of Codes of Conduct adopted by Parish Councils

### **4.4 Equality**

- 4.4.1 There are no direct equality and diversity implications arising from this report.

### **4.5 Consultees (Internal and External)**

- 4.5.1 Not applicable.

### **4.6 Other Implications**

- 4.6.1 None.

## **5. Background Papers**

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- 5.1 Complaints received in respect of the Arrangements for dealing with allegations of breaches of the Northampton Borough Council Members' Code of Conduct and of Codes of Conduct adopted by Parish Councils

**Francis Fernandes**  
**Borough Secretary and Monitoring Officer**



## Northampton Borough Council

### Arrangements for dealing with allegations of breaches of the Northampton Borough Council Members' Code of Conduct and of Codes of Conduct adopted by Parish Councils

#### 1. Context

These "Arrangements" set out how you may make a complaint that an elected or co-opted Member of this Council has failed to comply with the authority's Code of Conduct, and sets out how the authority will deal with it. These Arrangements also apply to Parish Councils within the Borough of Northampton. You may make a complaint under these Arrangements that a Parish Councillor has failed to comply with the Code of Conduct adopted by the Parish Council. A complaint about a Parish Councillor will be dealt with by Northampton Borough Council in accordance with these Arrangements. References to "Member" in these Arrangements should therefore be read to include reference to a Parish Councillor.

These Arrangements include the appointment of at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided warrants investigation, and whose views can be sought by the authority at any other stage, or by a Member against whom an allegation as been made.

#### 2. The Code of Conduct

The Council has adopted a Code of Conduct for Members, which is attached as Appendix A to these arrangements and is available for inspection on the authority's website [insert link] and on request from the One Stop Shop at the Guildhall

##### Making a complaint

If you wish to make a complaint, please write to:

The Monitoring Officer  
Northampton Borough Council  
The Guildhall  
St Giles Square  
Northampton  
NN1 1DE

or e-mail the Monitoring Officer at:

ffernandes@northampton.gov.uk

The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the Register of Members' Interests and who is responsible for administering the process in respect of complaints of alleged Member misconduct.

In order to ensure that we have all the information which we need to be able to process your complaint, please use the complaint form, which can be downloaded from the

authority's website, next to the Code of Conduct, and is available on request from the One Stop Shop at the Guildhall.

You are required to provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case we will not disclose your name and address to the Member against whom you make the complaint, without your prior consent. The authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

The Monitoring Officer will acknowledge receipt of your complaint within ten working days of receiving it and will keep you informed of the progress of your complaint.

#### **4. Initial Assessment of Complaints Received**

The Monitoring Officer will review all complaints received by the authority and may consult with the Independent Person (see section 11 below) at this stage. If a complaint has been made but does not fall within the scope or intent of these arrangements, the Monitoring Officer may still decide to take informal action in order to resolve the matter. In assessing the complaint the Monitoring Officer will determine whether the complaint is admissible and, if so, decide whether:

- a) it warrants investigation or,
- b) it may be suitable for alternative resolution without investigation or,
- c) it doesn't warrant any further action.

For the complaint to be admissible it must be in a legible format and relate to an existing Member of the authority.

In determining whether or not the complaint should be referred for investigation or to seek alternative resolution the Monitoring Officer (and Independent Person if involved at this point) will have regard to a range of factors including the following:-

- i) Whether there is sufficient information upon which to base a decision.
- ii) How serious is the alleged complaint.
- iii) Is the complaint politically motivated, vexatious or tit for tat;
- iv) Did the action complained about occur recently or not;
- v) Do the allegations relate to actions occurring whilst the Member was acting in their official capacity or do they relate to their private life;
- vi) Whether the matter is considered suitable for alternative resolution and either the Member concerned or the complainant is not prepared to accept this as a solution.

The initial assessment of the complaint will normally be taken within twenty eight days of receipt of your complaint and you will be informed, in writing, of the outcome by the Monitoring Officer.

Unless exceptional circumstances exist that indicate otherwise, the Monitoring Officer will inform the Member concerned of the receipt and nature of the complaint and invite their comments.

Where the Monitoring Officer requires additional information in order to come to a decision, they may come back to you for such information, and may request information from the Member against whom your complaint is directed.

### **Alternative Resolution**

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. The Monitoring Officer may consult with the Independent Person about this course of action. Such informal resolution may involve the Member accepting that their conduct was unacceptable and offering an apology, or other remedial action by the authority. Where the Member or the authority makes a reasonable offer of informal resolution, but you are not willing to accept that offer, the Monitoring Officer (and Independent Person, if appropriate) will take account of this in deciding whether the complaint warrants a formal investigation.

If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.

## **5. If the Complaint is Referred for Investigation how is the investigation conducted?**

If the Monitoring Officer decides that a complaint merits formal investigation, they will appoint an Investigating Officer, who may be another senior officer of the authority, an officer of another authority or an external investigator. The Monitoring Officer will agree an investigation plan with the Investigating Officer. The Investigating Officer will decide whether they need to meet or speak to you to understand the nature of your complaint. If so, then you can explain your understanding of events and suggest what documents the Investigating Officer needs to see and who the Investigating Officer needs to interview. The Monitoring Officer may consult with the Independent Person about the need for a formal investigation.

The Investigating Officer would normally write to the Member against whom you have complained and provide them with a copy of your complaint. The Member would be asked to provide their explanation of events, and to identify what documents he needs to see and who he needs to interview. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the Member might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the Member, or delay notifying the Member until the investigation has progressed sufficiently.

At the end of their investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the Member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires further consideration.

Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send it to the Monitoring Officer.

**6. What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?**

The Monitoring Officer will, in consultation with the Independent Person, review the Investigating Officer's report and, if they are satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the Member concerned, notifying you that no further action is required.

**7. What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?**

The Monitoring Officer will, in consultation with the Independent Person, review the Investigating Officer's report and will then either send the matter for local hearing before the Hearings Panel made up of Councillors from the Council's Standards Committee and any appropriate co-optees or seek an alternative resolution.

**7.1 Local Resolution**

The Monitoring Officer and Independent Person may consider that the matter can be resolved without the need for a hearing. Such resolution may include the Member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the authority. If the Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee for information, but will take no further action.

**7.2 Local Hearing**

If the Monitoring Officer and Independent Person consider that local resolution is not appropriate or it isn't possible to achieve, the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel which will conduct a local hearing to decide whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the Member.

In summary, the Monitoring Officer will conduct a "pre-hearing process", requiring the Member to give their response to the Investigating Officer's report. This is in order to identify what is likely to be agreed and what is likely to be in contentious at the hearing. The Chair of the Hearings Panel may issue directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present their report, call such witnesses as they consider necessary and make representations to substantiate their conclusion that the Member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Hearings Panel.

The Member will then have an opportunity to give their evidence, to call witnesses and to make representations to the Hearings Panel as to why they consider that they did not fail to comply with the Code of Conduct.

The Hearings Panel, with the benefit of any advice from the Independent Person, may conclude that the Member did not fail to comply with the Code of Conduct and so dismiss the complaint. Alternatively, if the Hearings Panel finds that the Member did fail to comply with the Code of Conduct, the Chair will inform the Member of this finding and the Hearings Panel will then consider what action, if any, the Hearings Panel should take as a result of the Member's failure to comply with the Code of Conduct. In doing this, the Hearings Panel will give the Member an opportunity to make representations to the Panel and will consult the Independent Person.

If the Member wishes to make representations to the Panel and/or consult with the Independent Person the Hearing will adjourn, normally for one week, and reconvene to hear any representation or statement from the Member before either confirming or amending their decision. If the Member does not wish to make representations to the Panel, or consult with the Independent Person, the decision of the Panel will stand as announced.

## **8. What action can the Hearings Panel take where a Member has failed to comply with the Code of Conduct?**

The Hearings Panel may:

- 8.1 Publish its findings in respect of the Member's conduct;
- 8.2 Report its findings to Council for information;
- 8.3 Recommend that Council remove the Member from any or all Committees or Sub-Committees of the Council for a specified period of time;
- 8.4 Recommend to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities for a specified period of time;
- 8.5 Instruct the Monitoring Officer to arrange training for the Member;
- 8.6 Instruct the Monitoring Officer to mediate between the complainant and the Member;
- 8.7 Recommend to Full Council that the Member be removed from any or all outside appointments to which they have been appointed or nominated by the authority where the complaint relates to that appointment and for a specified period of time;
- 8.8 Withdraw any facilities provided to the Member by the Council that may have been abused or improperly used; or
- 8.9 Exclude the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

There are no powers that allow Council or the Standards Committee to suspend or disqualify the Member or to withdraw Members' basic allowances. (Although removing a Member from Cabinet or a Committee would lead to a loss of any Special Responsibility Allowance that position was entitled to for the period of the suspension.)

## **9. What happens at the end of the hearing?**

At the end of the hearing, the Chair will state the decision of the Hearings Panel as to whether the Member failed to comply with the Code of Conduct and as to any actions which the Hearings Panel resolves to take.

As soon as reasonably practicable thereafter and subject to any adjournment as set out in 7.2 above, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Panel and send a copy to you and to the Member. The decision notice will be made available for public inspection and the decision reported to the next convenient meeting of the Council.

## **10. Appeals**

There is no right of appeal for you as complainant or for the Member against a decision of the Monitoring Officer or of the Hearings Panel

If you feel that the authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman or take your own legal advice as to options that might be open to you.

## **11. Who are the Hearings Panel?**

The Hearings Panel is a panel of the Council's Standards Committee. It will comprise three Members of the Standards Committee. If the conduct of a Parish Councillor is to be considered a Parish Council Member will form an additional Member of the Panel.

The Independent Person is invited to attend all meetings of the Hearings Panel and their views are sought and taken into consideration before the Hearings Panel takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

## **12. Who is the Independent Person?**

Council has appointed three Independent Persons.

\* A person cannot be "independent" if they:

12.1 are, or have been within the past five years, a Member, co-opted Member or officer of the authority or of a parish council within the authority's area;

12.2 Is a relative or close friend, of a person within paragraph 12/1. For this purpose, "relative" means:

2.1 Spouse or civil partner;

12.2.2 Living with the other person as husband and wife or as if they were civil partners;

12.2.3 Grandparent of the other person;

12.2.4 A lineal descendent of a grandparent of the other person;

12.2.5 A parent, sibling or child of a person within paragraphs 12.2.1 or 12.2.2;

12.2.6 A spouse or civil partner of a person within paragraphs 12.2.3, 12.2.4 or 12.2.5; or

12.2.7 Living with a person within paragraphs 12.2.3, 12.2.4 or 12.2.5 as husband and wife or as if they were civil partners.

\* Note: This definition applies post the Transitional Arrangements period.

## **12. Revision of these arrangements**

The Council may by resolution agree to amend these arrangements and has delegated to the Chair of the Hearings Panel the right to depart from these arrangements where they

consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

Appendix A            The authority's Members Code of Conduct



Appendices: 0



## STANDARDS COMMITTEE REPORT

<b>Report Title</b>	<b>STATISTICS – CODE OF CONDUCT ARRANGEMENTS COMPLAINTS</b>
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**AGENDA STATUS: PUBLIC**

<b>Committee Meeting Date:</b>	18 December 2017
<b>Policy Document:</b>	No
<b>Directorate:</b>	Borough Secretary and Monitoring Officer

### 1. Purpose

- 1.1 The purpose of the report is to report on the statistics regarding the number of complaints received, and dealt with, in respect of the Code of Conduct Arrangements for the Committee for its information.

### 2 Recommendation

- 2.1 To note the statistics in relation to the number of complaints received, and dealt with, in respect of the Code of Conduct Arrangements.
- 2.2 That statistical data in relation the number of complaints received, and dealt with, in respect of the Code of Conduct Arrangements is presented to the Committee on an annual basis.

### 3. Issues and Choices

#### 3.1 Report Background and Issues

- 3.1.1 It was resolved at the meeting of the Standards Committee held on 17 July 2017 that information regarding the number of complaints received, and dealt with, in respect of the Code of Conduct Arrangements for the Committee for its information at its October meeting.
- 3.1.2 Statistical data in relation to the number of complaints received and dealt with in respect of the Code of Conduct Arrangements was received by the Standards Committee at its meeting in October 2017.

- 3.1.3 The Committee requested that this data is elaborated upon to include further statistics regarding the complaints, such as the time taken to resolve the complaints and the outcomes of each complaint.

Data has been provided from 2015/2016 to 2016/2017. Details of complaints received during 2017/2018 to date are also provided.

### **2015/2016**

One complaint against a Parish Councillor. This complaint has been dealt with and the file closed.

The complaint was received on 26 June 2015 and the file close on 17 August 2015.

The determination of the initial assessment of the complaint was that this matter did not warrant any formal action.

### **2016/2017**

Twelve complaints. Eight against Parish Councillors and four in respect of Northampton Borough Councillors. All complaints have been dealt with and the files closed.

#### **Complaints against a Parish Councillor**

(a)

The complaint was received on 4 November 2016 and the file close on 6 July 2017.

The determination of the initial assessment of the complaint was that the complaint should be referred for alternative resolution in the form of mediation. Mediation was arranged for 6 July 2017. This did not take place as the complainant withdrew their complaint. The file was therefore closed.

(b)

The complaint was received on 23 January 2017 and is currently the subject of an investigation.

The determination of the initial assessment of the complaint was that the complaint should be referred to investigation. An investigator was appointed and the final report of the investigator is awaited.

(d)

The complaint was received on 15 February 2017 and the file is closed. The file was closed on 10 August 2017.

The determination of the initial assessment of the complaint was that this matter did not warrant any formal action.

(f)

The complaint was received on 10 March 2017 and the file is closed. The file was closed on 23 May 2017.

The determination of the initial assessment of the complaint was that the complaint should be dealt with by alternative resolution - in order to prevent any similar problems in the future, training regarding the registration of personal interests for Parish Councillors would be put in place.

(g)

The complaint was received on 23 March 2017 and the file is still open.

The determination of the initial assessment of the complaint was that the complaint would be referred to an investigation. The investigation has taken place and the Investigator's final report is awaited.

### **Complaint against a Borough Councillor**

(c)

The complaint was received on 3 February 2017. The Monitoring Officer reviewed the complaint and took informal action as set out below to resolve the issues that the complainant raised:

The Monitoring Officer undertook to speak personally to both Councillors about the complaint.

In terms of a complaint submitted as part of the Arrangements, the file was closed on 24 March 2017. The complainant referred his complaint to the Council's corporate complaints system.

(e)

The complaint was received on 22 February 2017.

The determination of the initial assessment of the complaint was that this matter did not warrant any formal action.

The file was closed on 5 June 2017.

### **2017/2018**

To date seven complaints have been received. Two against Parish Councillors and five in respect of Northampton Borough Councillors.

Three complaints in respect of Northampton Borough Councillors are still live.

**Borough Councillor**

(i)

The complaint was received on 25 March 2017. The file is still open.

The determination of the initial assessment of the complaint was that the complaint is held in abeyance pending the outcome of a separate investigation.

(iv)

The complaint was received on 4 September 2017. The file was closed on 7 November 2017.

The determination of the initial assessment of the complaint was that the complaint should be dealt with by alternative resolution, a facilitated discussion between the Monitoring Officer's representative, the complainant and the complainant's representative took place.

(v)

The complaint was received on 20 September 2017. The file was closed on 17 October 2017.

The determination of the initial assessment of the complaint was that this matter did not warrant any formal action.

(vi)

The complaint was received on 13 September 2017. The file is still live.

The determination of the initial assessment of the complaint was that the complaint would be referred to an investigation. An Investigator has been appointed.

(vii)

The complaint was received on 17 November 2017. The file is still live.

The initial assessment has been held recently and the determination of this was that the complaint should be dealt with by alternative resolution. The subject Member will be asked to provide a written apology to the complainant.

## **Parish Councillor**

(ii)

The complaint was received on 2 May 2017. The file was closed on 23 May 2017.

The determination of the initial assessment of the complaint was that this matter did not warrant any formal action.

(iii)

The complaint was received on 3 July 2017. The file was closed on 6 July 2017.

The complaint was outside the scope of the Arrangements. The complainant was advised to redirect their complaint to the Parish Council

### **3.2 Choices**

3.2.1 Members are asked to note the information provided.

## **4. Implications (including financial implications)**

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### **4.1 Policy**

4.1.1 This report does not have any direct policy implications.

### **4.2 Resources and Risk**

4.2.1 This report does not have any direct resource implications.

### **4.3 Legal**

4.3.1 Complaints received are in accordance with the Arrangements for dealing with allegations of breaches of the Northampton Borough Council Members' Code of Conduct and of Codes of Conduct adopted by Parish Councils

### **4.4 Equality**

4.4.1 There are no direct equality and diversity implications arising from this report.

### **4.5 Consultees (Internal and External)**

4.5.1 Not applicable.

### **4.6 Other Implications**

4.6.1 None.

## **5. Background Papers**

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- 5.1 Complaints received in respect of the Arrangements for dealing with allegations of breaches of the Northampton Borough Council Members' Code of Conduct and of Codes of Conduct adopted by Parish Councils

**Francis Fernandes**  
**Borough Secretary and Monitoring Officer**