



STANDARDS COMMITTEE REPORT

Report Title	STATISTICS – CODE OF CONDUCT ARRANGEMENTS COMPLAINTS
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AGENDA STATUS: PUBLIC

Committee Meeting Date:	24 June 2019
Policy Document:	No
Directorate:	Borough Secretary and Monitoring Officer

1. Purpose

- 1.1 The purpose of the Report is to provide the Committee with information by reporting on the statistics regarding the number of complaints received and dealt with under 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*”.
- 1.2 At its meeting of 18 December 2017, the Standards Committee requested that statistical information be presented to each meeting of the Committee; with updates on the live complaints, new complaints and complaints that have been actioned and closed since the last meeting.

2. Recommendations

- 2.1 To note the statistics in relation to the number of complaints received, and dealt with, under the Code of Conduct Arrangements.
- 2.2 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 each meeting of the Committee.

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 under the Code of Conduct Arrangements would be presented to the

Committee at its next meeting in October. This information was presented to the Committee in October 2017.

- 3.1.2 The Committee requested that the data presented to it was elaborated upon to include further statistics regarding the complaints, such as the time taken to resolve the complaints and the outcomes of each complaint.
- 3.1.3 Further information was provided to the Standards Committee at its meetings in December 2017, March 2018, June 2018, September 2018, December 2018 and March 2019.
- 3.1.4 The data in paragraph 3.1.5 below relates to all Code of Conduct complaints that are still live, have been closed since the last Committee in March 2019 or have been received since the March 2019 Committee papers were published.
- 3.1.5

a) Complaints against a Parish Councillor

1) Complaint received on 29 May 2018

This file is open.

An initial assessment made by the Solicitor, on behalf of the Monitoring Officer, in consultation with the Independent Person, was held on 24 July 2018. The determination of the initial assessment of the complaint was that the complaint would be referred to an investigation. An Investigator has been appointed and the investigation has been concluded. The Investigator's conclusion was:

It is the view of the Investigating Officer that the Subject Member acting in his capacity as a Councillor and that there is a case to answer by the Subject Member for failure to comply with the Council's Code of Conduct.

The Solicitor on behalf of the Monitoring Officer, has in consultation with the Independent Person reviewed the Investigator's report, and decided to refer the matter to the Standards Committee.

Therefore, a Hearings Panel of the Standards Committee will be established to conduct a Local Hearing in accordance with the Council's 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 Hearings Panel will conduct a Local Hearing to decide whether the Parish Councillor failed to comply with the Parish Council's Code of Conduct and, if so whether any action should be taken in respect of the Councillor.

Membership of the Hearings Panel was agreed at the March 2019 meeting of the Standards Committee:

Councillors Patel, Oldham, Marriott, Mr Rumsey (Co-Optee (Independent) and Parish Councillor Lewis (Co Optee). Councillor B Markham (substitute).

The Hearings Panel will be notified regarding a date for the Hearing.

b) Complaint against Borough Councillors

1) Complaint received on 25 March 2017

As reported to the December, March, June, September, December 2018 and March 2019 meetings of the Standards Committee, this file is still open.

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

2) Four complaints received about the same Councillor on 11 February 2019 (2), 27 February 2019, and 11th March 2019

These files are now closed.

While each of these four complaints relates to the same Councillor, the subject matter of each complaint is different. An initial assessment meeting took place at the end of March 2019 to consider each of these complaints.

The determination of the initial assessment of these four complaints was that they should be dealt with by an alternative form of resolution:

The Solicitor will provide a verbal update to the Committee at the meeting.

3) Complaint received on 11 March 2019

This file is now closed.

The complainant alleged that the subject Member had not responded to her emails; however, upon investigation a response had been issued. The file was therefore closed.

3.2 Choices

3.2.1 Members are asked to note the information provided.

4. Implications (including financial implications)

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 dealt with 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* which were adopted pursuant to the Localism Act 2011.

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

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