



## 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>	15 March 2021
<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 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

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#### 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, March 2019, June 2019, September 2019, December 2019, June 2020 and November 2020.

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 November 2020 or have been received since the November 2020 Committee meeting.

3.1.5

#### **a) Complaint against Parish Councillors**

##### **1) Complaint received on 29 May 2018**

This file is now closed.

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 was to 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:

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

A Hearings Panel was held on 23 July 2019 and it was resolved that:

In order to provide the subject Member with a further opportunity to attend a future Panel Hearing into the complaints against him and to consider the relevant and disclosable correspondence in relation the Investigating Officer's report the Hearing Panel resolved to adjourn the Hearing and reconvene at a later date. The subject Member to be provided with a copy of this Decision Notice.

The Hearings Panel re-convened on 18 November 2019 and it was resolved that the Hearing Panel would adjourn to a later date. The date of the Hearing Panel has not as yet been scheduled.

However, it has been brought to the attention of the Monitoring Officer that the subject member has not attended a meeting of the Parish Council for over six months. He is therefore no longer a Parish Councillor and the complaint is now closed.

2) Complaints received 1 March 2021

Two complaints were received against the same Parish Councillor and an initial assessment with the Independent Person will be arranged. Further details will be provided to the meeting of the Standards Committee, as applicable.

**b) Complaint against Borough Councillors**

1) Complaint received on 25 March 2017

As reported to the December, March, June, September, December 2018 March, June 2019, September, December 2019 and June 2020 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) Complaint received on 4 October 2020

This file is closed.

An initial assessment, with the Deputy Monitoring Officer, in consultation with the Independent Person took place.

The determination of the initial assessment of the complaint was that the subject member was not acting in the capacity of a Councillor in respect of the complaint and therefore no action was taken. In addition, shortly after the initial assessment had taken place, the complainant confirmed that they wanted to withdraw their complaint.

3) Complaint received 1 March 2021

A complaint was received against a Councillor and an initial assessment with the Independent Person will be arranged. Further details will be provided to the meeting of the Standards Committee, as applicable.

### **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 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**

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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**