



# Standards Induction 2019

**Presented by:**

**Mark Brookes – Assistant Director (Corporate and Contracted Services) and Monitoring Officer**

**Farida Hussain – Group Manager (Legal and Corporate Services) & Deputy Monitoring Officer**



## Training Objectives

- To give Members a better understanding of :
- The role of the Standards Committee and different member roles
- Standards expected of members (Code of Conduct)
- Standards Complaints Procedure



## Standards Committee Structure

### Standards Committee

- Five elected Members of Borough Council
- Two co-opted Town and Parish Councillors
- Two co-opted Independent members – appointed by full Council
- Gloria Gillespie and Caroline Guest

### Independent Person

- Appointed by full Council for 4 year term
- Susan Johnson

### Monitoring Officer

- Council employee
- Usually the Council's Head of Legal
- Mark Brookes



## Role of Standards Committee

- Localism Act 2011 – Duty on all LA's to promote and maintain high standards of conduct
- Every council (except town and parish councils) should have in place arrangements for dealing with complaints.
- Standards Committee is responsible for complaints against Borough and Town/Parish councillors.



## Terms of Reference

- (a) promote and maintain high standards of conduct by the Members and co-opted Members of the Council;
- (b) advise and assist Parish and Town Council(s) and Councillors to maintain high standards of conduct and to make recommendations to Parish and Town Councils on improving standards or actions following a finding of a failure by a Parish or Town Councillor to comply with the Code of Conduct;
- (c) advise the Council on the adoption or revision of the Members' Code of Conduct;
- (d) receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the Council's assessment criteria;
- (e) receive reports from the Monitoring Officer and assess the operation and effectiveness of the Members' Code of Conduct;
- (f) advise, train or arrange to train Members and Co-Opted Members on matters relating to the Members' Code of Conduct;
- (g) assist Councillors and co-opted Members to observe the Members' Code of Conduct;
- (h) conduct hearings and determine complaints about Members and Co-Opted Members referred to it by the Monitoring Officer;
- (i) advise the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards of conduct throughout the Council;
- (j) maintain oversight of the Council's arrangements for dealing with complaints;
- (k) inform Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints;
- (l) report, with recommendations, to the Council and/or to the Cabinet at such times and in such manner as the Committee thinks fit.



## Roles on Standards Committee

### Independent Person:

- To give his/her views on compliance with the Borough Council and Parish and Town Council's Codes of Conduct
- To give his/her views to the Standards Committee, before a decision is taken, following investigation into alleged breaches of the Code of Conduct.
- To give his/her views where sought to Councillors if their behaviour is the subject of an allegation.
- To consider initial complaints received with the Monitoring Officer and determine if they are worthy of further investigation.
- NB the IP does not vote on the final determination of complaints

## Roles continued .....

### Independent Members

- Promoting and maintaining high standards of conduct by councillors.
- Advising the Council on the adoption or revision of the councillor's Code of Conduct.
- Receiving investigation reports into allegations of misconduct made against councillors.
- Assessing the operation and effectiveness of the Members Code of Conduct.
- Hearing and determining complaints of misconduct about councillors. NB no voting rights but advisory role.



## Roles continued....

### Borough Council Members:

- Promoting and maintaining high standards of conduct by councillors.
- Advising the Council on the adoption or revision of the councillor's Code of Conduct.
- Receiving investigation reports into allegations of misconduct made against councillors.
- Assessing the operation and effectiveness of the councillor's Code of Conduct.
- Advising, training or arranging to train councillors on matters relating to the Code of Conduct.
- Hearing and determining complaints of misconduct about councillors. If the councillor complained of is a parish or town councillor, either the parish or town council representative should take part in the hearing.
- Maintaining oversight of the Council's arrangements for dealing with complaints.
- Informing Council of relevant issues arising from the determination of Code of Conduct complaints.
- Report, with recommendations, to the Council and to the Cabinet on issues relating to councillors' standards within the Council.

### Town and Parish Members

- As above, but with no voting rights on final hearings



## Roles continued ....

### Monitoring Officer

- Statutory role – responsible for ensuring that the Council acts lawfully
- Lead officer support for the Standards Committee
- Responsible for assessing initial complaints against assessment criteria and consulting the IP.
- Seek informal resolutions if possible
- Arranging for investigations to be carried out and reported to Standards Committee where appropriate

## Code of Conduct

- **THE PRINCIPLES**
- **Selflessness** Members should only serve the public interest and should never improperly confer an advantage or disadvantage on any person
- **Integrity** Members should not place themselves in situations where their integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.
- **Objectivity** Members should make decisions on merit, including when making appointments, awarding contracts or recommending individuals for rewards or benefits.
- **Accountability** Members should be accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- **Openness** Members should be as open as possible about their actions and those of the Council and should be prepared to give reasons for those actions.
- **Honesty** Members should not place themselves in situations where their honesty may be questioned, should not behave improperly and should, on all occasions, avoid the appearance of such behaviour.
- **Leadership** Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

## Code of Conduct

- REGISTRATION AND DECLARATION OF –
- Disclosable Pecuniary Interests
- Financial interests that councillors or their spouse/partner may have, include:
- Forms of employment, contracts, interests in land, interest in a body (shares over £25K or 1/100 total issued share capital) which has place of business or land in authority
- Register within 28 days of election – rolling 28 days for changes
- Criminal offence if fail to register or declare (£5,000 fine)

## Code of Conduct

### Other **Personal Interests**:

- May/may not be Financial in Nature
- Affect your wellbeing or wellbeing of a family member or person with who you have a close association – Could be positive and negative affect

**Prejudicial Interests:** Personal Interest that is so significant that it is likely to prejudice judgement in the public interest

Examples:



- Councillor lives in same street but same proposed development is 200 yards away
- Council is about to enter into a contract with a company that your brother owns.
- Planning application is for a side extension on a house owned by a man who you occasionally talk to at the local pub

# MEMBERS' CODE OF CONDUCT

## BEHAVIOURS

- Treat others with respect
- Do not bring your office or the Council into disrepute
- Do not disclose confidential information
- Do not misuse Council resources
- Impartiality, personal advantage and compromising oneself

# MEMBERS' CODE OF CONDUCT

## COMPLAINTS:

- Public not believing that their views were properly considered.
- Treating public with respect. Accusations of members of the public feeling humiliated and bullied at meetings.
- Councillor being too close to a decision (running campaigns/ facebook pages on issues). Not advisable, any public consultation should be run by the Borough/Parish Council.
- Declaration of Interests – failing to declare a friendship with the applicant for planning permission. Take cautious approach to declaration – if not sure seek advice.



- Official capacity

## Complaints Procedure

### Assessment Criteria:

1. The complaint is not considered sufficiently serious to warrant investigation or
2. The complaint appears to be simply motivated by malice or is “tit-for-tat” or,
3. The complaint appears to be politically motivated, or
4. It appears that there can be no breach of the Code of Conduct; for example, that it relates to the Councillor’s private life or is about dissatisfaction with a Council decision; or
5. It is about someone who is no longer a Councillor
6. There is insufficient information available for a referral for investigation; or the complaint has not been received within 3 months of the alleged misconduct unless there are exceptional circumstances eg, allegation of bullying, harassment etc
7. The matter occurred so long ago that it would be difficult for a fair investigation to be carried out; or the same, or similar complaint has already been investigated and there is nothing further to be gained by seeking the sanctions available to the Standards Committee; or
8. It is an anonymous complaint, unless it includes sufficient documentary evidence to show a significant breach of the Code of Conduct
9. Where the member complained of has apologised and/or admitted making an error and the matter would not warrant a more serious sanction

### Complaints which may be referred for investigation

1. It is serious enough, if proven, to justify the range of actions available to the Standards Committee; or
2. There are individual acts of minor misconduct which appear to be part of a continuing pattern of behaviour that is unreasonably disrupting the business of the Council and there is no other avenue left to deal with it other than by way of an investigation

### Complaints which may be referred to the Standards Committee for a decision on whether it should be investigated

1. The complaint is about a high profile Member, such as the Leader of the Council, and it would be difficult for the Monitoring Officer to make a decision as to whether or not it should be investigated.
2. Such other complaints as the Monitoring Officer considers it would not be appropriate for him/her to make a decision as to whether or not it should be investigated.

## Complaints Procedure

### Sanctions:

- Publish its findings in respect of the member's conduct
- Report its findings to Council (or to the Parish/Town Council) for information but recommending that no sanction be applied.
- Recommend to Council (or to the Parish/Town Council) that he/she be issued with a formal censure or be reprimanded.
- Recommend to the member's Group Leader that he/she be removed from any or all Committees or Sub-Committees of the Council.
- Instruct the Monitoring Officer to (or recommend that the Parish/Town Council) arrange training for the member.
- Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities.
- Recommend to Council (or recommend to the Parish/Town Council) that the member be removed from all outside appointments to which he/she has been appointed or nominated by the Council (or by the Parish/Town Council).
- Recommend to Council (or recommend to the Parish/Town Council) that it withdraws facilities provided to the member by the Council, such as a computer, website and/or email and internet access; or
- Recommend to Council that it excludes 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.
- Recommend to Council (or recommend to the Parish/Town Council) that it prevents the member from having access to a particular officer or officers.
- The Sub-Committee has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.



