

## **Report to Standards Committee**

16<sup>th</sup> June 2021

Sharon Evans, Monitoring Officer

### **INFORMATION REPORT**

Not Exempt

<h2><b>Standards Update (June 2021) &amp; Review of Procedure/Arrangements dealing with Standards Complaints</b></h2>
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### **Executive Summary**

This report is to inform and update Members of the Council about recent developments in Local Assessment and Investigations in relation to Standards complaints. It also provides information and an update on the review of the procedures / arrangements in dealing with Standards complaints.

### **Recommendations**

The Committee is recommended to note the matters set out in the report.

### **Reasons for Recommendations**

- (i) To ensure that the Committee, the Members of the Council and others to whom the report is circulated are kept up to date with developments in the ethical framework;  
and
- (ii) To promote and maintain high standards of conduct amongst members.

### **Background Papers**

The Localism Act 2011

### **Wards affected:**

ALL

**Contact:** Sharon Evans, Monitoring Officer 01403 215538

## **Background Information**

### **1 Introduction and Background**

- 1.1 The purpose of this report is to inform and update Members of the Council on matters of interest relating to ethical standards and the Code of Conduct.

### **2 Relevant Council policy**

- 2.1 The statutory background can be found in the Localism Act 2011, Part 1 Chapters 6 and Chapter 7 and the Regulations made under that Act.

### **3 Details**

#### **Local assessment and investigations**

- 3.1 During the last financial year, from 1st April 2020 to 31st March 2021 there was a total of twenty Code of Conduct complaint cases received by the Monitoring Officer.

These were official written complaints where the required complaint form had been completed and there were allegation(s) of a breach of the code of conduct.

All complaints were made against Parish Councillors and the breakdown of the Code of Conduct complaints between the Parish Councils are detailed below:

#### 2020 / 2021

Steyning Parish Council –	11
Nuthurst Parish Council -	6
West Grinstead Parish Council -	1
Henfield Parish Council -	1
Slinfold Parish Council -	1

Out of these twenty cases, five were referred for investigation and breaches of the code were determined in three of those cases. In one case, no breach was found, and the remaining case where an investigation was referred, has yet to be determined. The remaining fifteen cases were dealt with at the assessment stage with either local resolution or no further action.

- 3.2 The complaint figures are similar to the previous year with twenty complaint cases also received in 2019 / 2020, with twelve of those cases relating to Steyning Parish Council.

So far this year (since 1<sup>st</sup> April 2021) we have received six further cases, five of which relate to Steyning Parish Councillors.

The current position is there are four outstanding active cases to be assessed, and as detailed above, one investigation still to be determined.

## **Review of procedure / arrangements dealing with Standards Complaints**

- 3.3 There has been an ongoing review of the procedure / arrangements in dealing with Standards complaints and with the adoption of the new Code of Conduct, it is considered the right time to introduce new arrangements and a revised process / procedure in dealing with Standards complaints.
- 3.4 Generally, due to the volume and level of detail and information within the complaints currently received and the surrounding work involved, standards complaints are taking up a large amount of the Legal Department's time and resource.
- 3.5 Whilst the current arrangements and the published process and procedure in dealing with standards complaints is comprehensive and very detailed, it is difficult to follow and can be confusing as it is spread across different guidance and documents. Currently there is a detailed complaint form which includes other information, together with guidance for potential complainants, guidance for Members and a procedure for Local Investigation of assessed complaints.
- 3.6 The aim is to introduce a streamlined approach distinguishing early, those cases where no action is necessary or where it may be dealt with by Local Resolution with those that are in the Public interest to full investigate, determine, and sanction and publish if appropriate.
- 3.7 A draft of the revised arrangements condensed as just one document and a new complaint form will be shared with Members of the Standards Committee, Independent Persons, Parish Representatives and a selection of Parish Councils. A working group can be formed to finalise the documentation, taking into account best practice and considering all representations.

## **4 Next Steps**

- 4.1 The Committee is asked to note the contents of the report.

## **5 Outcome of Consultations**

- 5.1 A draft of the revised arrangements and new complaint form will be shared with Members of the Standards Committee, Independent Person, Parish Representatives and a selection of Parish Councils.

## **6 Resource Consequences**

- 6.1 Following the revision of arrangements it is anticipated that standards complaint cases will be dealt with quickly, more effectively and efficiently and with less resource implications to the Legal Department.

## **7 Legal Considerations and Implications**

- 7.1 The Council has a statutory duty to promote and maintain high standards of conduct. The Council, under Section 28(6) and (7) must have in place “arrangements” under which allegations of failures to comply with the Code of Conduct can be investigated and decisions made on such allegations.

## **8 Risk Assessment**

- 8.1 There is a risk that if the Council does not have appropriate and clear arrangements, then a challenge might be brought and public trust in local democracy could be undermined.

## **9 Procurement implications**

- 9.1 There are no procurement implications stemming from this recommendation.

## **10. Equalities and Human Rights implications / Public Sector Equality Duty**

- 10.1 There is no detrimental impact on any group, a full Equalities Impact Assessment is not needed.

## **11 Environmental Implications**

- 11.1 There are no environmental implications from this recommendation.

## **12 Other Considerations**

- 12.1 There are no GDPR, Data Protection or Crime & Disorder consequences foreseen from this recommendation.