

Central Bedfordshire Council

COUNCIL

17 November 2016

Recommendations from General Purposes Committee

Report of Cllr Mrs Jane Lawrence, Chairman of General Purposes Committee

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Purpose of this report

1. The report sets out the recommendations agreed by General Purposes Committee to refer to Council, together with some background explanation.

RECOMMENDATIONS

Council is asked to:

1. approve the amendment of the Constitution to enable the Monitoring Officer to publish decisions relating to complaints against Council Members, as set out at Appendix B;
2. approve the extension of the contract for four Independent Persons until 2020.

Overview and Scrutiny Comments/Recommendations

1. The matters detailed below, which are the subject of recommendation to Council, fall within the remit of the General Purposes Committee rather than overview and scrutiny.

Consideration by General Purposes Committee of ethical standards

2. At its meeting on 27 October, 2016 the General Purposes Committee considered a report on the Council's arrangements for ethical standards.

Publication of reports on the outcome of complaints against Councillors

3. General Purposes Committee noted that currently the Council does not make public any details of complaints against Council Members. The Committee considered that publication of the outcome of complaints made against Members would demonstrate that there is a robust procedure to deal with such complaints and also enable transparency. It was also noted that the name of the person making the complaint would be included in the decision.
4. It was considered that making decisions made under the Council's Code of Conduct easily accessible to the public would be in accordance with the Nolan Principles of openness and transparency and would also enhance the public confidence in the ethical governance arrangements within Central Bedfordshire Council.

Amendment of the Constitution

5. To enable the Monitoring Officer to publish decisions following the conclusion of a complaint about a Town, Parish or Central Bedfordshire Council member, it is necessary to amend the Constitution. The proposed amendment is set out in **Appendix B**, attached.

Independent Persons

6. The Council is required to appoint at least one Independent Person for the purposes of consultation as part of the process for investigating a complaint against a member of the Council. A Member who is the subject of a complaint may also consult an appointed Independent Person.
7. The Council has in the past worked in collaboration with other bodies such as neighbouring local authorities and fire and rescue services, and previously appointed seven Independent Persons to serve them. The period of the appointments was extended to March 2017 and a permanent extension to September 2020 is now required.
8. New arrangements provide that the Council is working in collaboration with four bodies, that is Luton Borough Council, Milton Keynes Council, Buckinghamshire County Council and Milton Keynes Fire Authority. In view of the reduced number of complaints being made, and a reduction in the use of Independent Persons, it is appropriate to reduce the number of Independent Persons from seven to four. This would also reduce the associated costs.
9. Council is therefore asked to approve the extension of the appointment of four Independent Persons until September 2020. The names will be provided at the I meeting.

Council Priorities

10. The proposed action supports the Council's priorities as follows:
 - a. publication of reports arising from the investigation of complaints against council members (including town and parish councils): this would enable stronger communities by ensuring transparency about complaints.
 - b. the extension of the appointment of four Independent Persons: this would enable a more efficient and responsive Council by reducing the costs but maintaining the appropriate level of service.

Corporate Implications

Legal Implications

11. The proposed arrangements support the legal and ethical frameworks within which the Council is required to operate.

Financial and Risk Implications

12. A reduction in the number of Independent Persons would reduce the costs of retaining Independent Persons with no loss to the service provided.

Equalities Implications

13. To ensure that any decision does not unfairly discriminate, public authorities must be rigorous in reporting to Members the outcome of an equality impact assessment and the legal duties.
14. Public Authorities must ensure that decisions are made in a way which minimises unfairness, and without a disproportionately negative effect on people from different ethnic groups, disabled people, women and men. It is important that Councillors are aware of this duty before they take a decision.
15. When decisions are made, decision makers must have the relevant data, including the results of equality impact assessment, and of consultation and involvement, to ensure they reach an informed decision.
16. Enabling the Monitoring Officer, through powers set in the Constitution, to publish the outcome of investigations following allegations about

conduct, would enable transparency and encourage fair rather than disproportionate levels of complaints.

17. The extension of the appointment of appropriate numbers of Independent Persons is in line with the duty to ensure fairness of investigations into allegations of breach of the Code of Conduct.

Implications for Work Programming

18. There are no implications for work programming.

Conclusion and next Steps

19. Further to the agreement of the recommendations by Council, the next steps are as follows:
 - a. amendment of the Constitution to enable the Monitoring Officer to publish decisions relating to the outcome of allegations of breach of the Code of Conduct
 - b. the extension of the appointment of four, rather than seven, Independent Persons, from March 2017 to September 2020.

Appendices

The following Appendices are attached:

- (i) **Appendix A** - The relevant draft minute of General Purposes Committee 27 October 2016 relating to the matters addressed in this report (page 25)
- (ii) **Appendix B** - The proposed amendment to the Constitution (page 27)

Background Papers

20. The following background papers, not previously available to the public, were taken into account and are available on the Council's website:
None