

Central  
Bedfordshire  
Council  
Priory House  
Monks Walk  
Chicksands,  
Shefford SG17 5TQ



## TO EACH MEMBER OF THE COUNCIL

23 January 2015

Dear Councillor

### **COUNCIL - Thursday 29 January 2015**

Further to the Agenda and papers for the above meeting, previously circulated, please find attached the report which was marked to follow:

**10. Recommendations from the General Purposes Committee**

Please see attached Item 10 (i) Pay Policy Statement 2015/16.  
Please note there will be an additional update in relation to  
Appendix A, Section 5.

Please see attached item 10 (ii) Councillor Code of Conduct  
Complaints.

Should you have any queries regarding the above please contact Democratic Services on  
Tel: 0300 300 4040.

Yours sincerely

Helen Bell,  
Committee Services Officer  
email: [helen.bell@centralbedfordshire.gov.uk](mailto:helen.bell@centralbedfordshire.gov.uk)

This page is intentionally left blank

|   |  |                   |
|---|--|-------------------|
| <b>Recommendation to Council on 29 January 2015</b> | <b>From: General Purposes Committee on 15 January 2015</b>   | <b>Item 10(i)</b> |
|   | <b>Pay Policy Statement 2015/16</b>  |                   |
| 1.  | Council is asked to approve the following recommendations:-  |                   |
|   | <p><b>1 that the draft Pay Policy Statement 2015/16, as set out at Appendix A, be approved and adopted;</b></p> <p><b>2 that, following approval and adoption, the Pay Policy Statement 2015/16 be published on the Council's website.</b></p>   |                   |
|   | <b>Background</b>  |                   |
| 2.  | The General Purposes Committee considered a report by the Director of Improvement and Corporate Services which set out the draft Pay Policy Statement for 2015/16. Members were reminded that the Localism Act 2011 required local authorities to adopt a comprehensive Pay Policy Statement by 31 March every year and publish it on the council's website with effect from 1 April.  |                   |
| 3.  | The Committee recalled that the Localism Act had extended the requirements under the Code of Transparency to publish Chief Officer remuneration on the Council website, and also to ensure that full Council had the opportunity to approve senior appointments or severance arrangements outside of existing approved policies and pay arrangements.  |                   |
| 4.  | The Committee was aware that the draft Pay Policy Statement before Members had been updated to reflect the impact of the pay award recently given to all employees on Local Government terms and conditions of employment. The meeting was advised that a national pay award had not been approved for the Chief Executive or Directors and that they were covered by separate negotiating bodies.   |                   |
| 5.  | Members were also aware that the Localism Act had introduced requirements to ensure a comparison was possible between the policies adopted on the remuneration of Chief Officers and other employees. However, for the period 2015/16, the ratio of pay of the Chief Executive to that of the median earner and the ratio of pay of the Chief Executive to that of the mean average salary could not be updated until after the January 2015 payroll had been run. This information would be made available in time for consideration by full Council. |                   |
| 6.  | Full discussion had taken place on the process set out within the draft Pay Policy Statement for the determination of salary levels for  |                   |

|                   |   |   |
|-------------------|---|---|
|                   | Directors. The Committee felt that the reporting of the process was inaccurate and so, following consideration, the draft Policy was amended. |   |
| <b>Appendices</b> | Appendix A  | Draft Central Bedfordshire Council Pay Policy Statement 2015/16 (Amended) |

Appendix A

**CENTRAL BEDFORDSHIRE COUNCIL  
PAY POLICY STATEMENT 2015/16**

**1. INTRODUCTION**

This Pay Policy Statement is produced in accordance with Chapter 8 of the Localism Act 2011 and with regard to the guidance issued by the Secretary of State under Section 40 of the Act.

It is made available on the Council's website. The Council's website also includes separately published [salary information](#) relating to Chief Officers as part of the Transparency Code.

Salary ranges published in this policy are correct as at 31<sup>st</sup> March 2015.

**2. SCOPE**

The Localism Act sets out the posts that are considered to be Chief Officers. In terms of Central Bedfordshire, this will cover the Chief Executive as Head of Paid Service, Directors, the Monitoring Officer, Section 151 Officer and a number of Assistant Directors/Chief Officers/ Group Managers and Heads of Service who are regarded as Deputy Chief Officers.

In accordance with the Act, the Pay Policy Statement provides information about the remuneration paid to the Council's Chief Officers and other prescribed categories of employee. It covers all employees of Central Bedfordshire Council irrespective of legacy terms and conditions where they remain.

This policy does not apply to staff employed by local authority schools as the Localism Act does not include them.

**3. REMUNERATION OF CHIEF OFFICERS**

The Chief Executive and Directors' Terms and Conditions are in line with the JNC Conditions of Service for Chief Executives and Chief Officers.

**Chief Executive**

The Chief Executive is the Council's Head of Paid Service. The Council has set the salary range for this post and as at 31 March 2015, the annual FTE range for the grade of this post is £161,700 - £186,200. There are 5 incremental points in the grade.

Incremental progression for Chief Officers is not automatic but is awarded following the achievement of set performance objectives. The decision to award an incremental increase to the Chief Executive is made by the Leader.

Appendix A

The starting salary paid to the Chief Executive will be that determined by the Appointments Sub- Committee, taking in to consideration guidance from the JNC National Framework and market forces and subject to it being within the published salary range

Any appointment proposed above this published salary range would require a recommendation from General Purposes Committee to Full Council.

The Head of Paid Service is additionally the Council's Returning Officer. The responsibility of this role is one of a personal nature distinct from duties as an employee of the council. The fee paid to the Returning Officer is determined by legislation and the recovery of the costs of the Returning Officers' services and expenses at a UK or European Parliamentary election is met from Central Government funds and so does not constitute a cost to the Council. Where local elections occur a scale of fees and charges, approved by the Council, determines the total overall amount the Returning Officer may expend in connection with an election. The fees paid to staff who undertake election duties are broadly in line with central government rates.

#### **Directors**

When the Council was first established an incremental salary scale was created for all Directors. However to reflect the new Directorate structure now in place, the Council has moved to pay 'spot salaries' for all new appointments. The range in which the spot salary is determined is decided by the Appointments Sub- Committee, taking into consideration guidance from the JNC National Framework and market forces.

The Council will apply JNC nationally agreed cost of living pay awards to the salaries of Directors.

#### **Assistant Directors/Chief Officers/Group Managers and Heads of Service**

Terms and Conditions for Assistant Directors/Chief Officers/ Group Managers and Heads of Service are in accordance with the National Joint Council (NJC) conditions of service for Local Government Services.

The Council's pay scales for these posts are as follows:

Assistant Directors/Chief Officers/Group Managers - the salary scale is determined by the job-evaluated grade for the post but will be within the range £62,684 to £91,951 These are across 4 separate pay bands each with 3 incremental points.

Heads of Service - the salary scale is determined by the job-evaluated grade for the post but will be within the range of £48,238- £52,625 or £58,472- £62,858. Each grade has 3 incremental points.

#### **Section 151 Officer and Monitoring Officer**

The Council's Chief Finance (Section 151) Officer and Chief Legal and Democratic Services (Monitoring) Officer are graded at £85,834-£91,951 and £76,962 - £85,834

Appendix A

respectively.

Currently the Council does not have any performance related pay systems or bonus schemes in place for any Chief Officers.

#### 4. REMUNERATION OF OTHER EMPLOYEES

Terms and Conditions for Assistant Directors/ Chief Officers/ Group Managers, Heads of Service and remaining officers are in accordance with the National Joint Council (NJC) conditions of service for Local Government Services.

The pay spine used by the Council is aligned but not directly comparable to the national pay spine, following a 2% reduction to pay implemented in October 2011. In order to protect lowest earners, salaries at or below £21,519 (scp 25) were exempted from this reduction.

Pay rates are negotiated at a national level through the NJC; therefore the Council will apply any cost of living pay awards to the revised pay scales and any one off non consolidated payments as determined by the national pay awards.

All posts up to spinal column point (scp) 37 are evaluated under the NJC job evaluation scheme. Posts on and above scp 37 are evaluated under the Hay job evaluation scheme. The pay scale ranges from £13,500 - £46,786 and from 1 October 2015 following the deletion of the lowest scale point the salary range will be £13,614 - £46,786.

The Council does not have any performance related pay systems or bonus schemes in place for any employees.

Any Market Rate Supplement that is paid for specifically identified posts will be in accordance with the Council's Market Rate Supplement policy.

Employees may be eligible for a business mileage related lump sum car allowance in accordance with the published scheme.

#### 5. PAY COMPARISONS

For the purposes of the Pay Policy Statement, the Council's pay scales define the lowest paid employees as those whose salary falls within the lowest grade which at 31 March 2015 has a salary range of £13,500 -£13,614 and from 1 October 2015 it will be £13,614 to £13,871.

The current pay relationship between the highest paid employee who is the Chief Executive (Head of Paid Service) and the Council's median earner and the mean average salary has been measured.

For the period 2015/16, the ratio of pay of the Chief Executive to that of the median earner is 1

Appendix A

For the period 2015/1, the ratio of pay of the Chief Executive to that of the mean average salary is approx 1.1

Comment [CJ2]: As above.

Both these ratios are below the expected multiples of 8.1 for the public sector as identified in the Hutton Review of Fair Pay in the Public Sector (March 2011) Report.

It is the Council's policy that the salary of the Chief Executive will be no greater than 8x the median earner of the Council's workforce.

## 6. PENSIONS PROVISIONS

The Local Government Pension Scheme (LGPS) is open to all employees up to 75 years of age and with a contract of more than 3 months' duration. Details are set out on the [LGPS website](#).

No additional pension payment to the Local Government Pension Scheme is made to Chief Officers.

## 7. SEVERANCE PROVISIONS FOR ALL EMPLOYEES INCLUDING CHIEF OFFICERS

The Council will normally pay severance in redundancy situations based upon the Statutory Redundancy Payment Scheme using actual weekly salary where this is greater than statutory redundancy pay. Any council employee with 2 years' continuous service, including Chief Officers, irrespective of hours worked, is eligible for a redundancy payment should he or she be dismissed by reason of redundancy.

Any request for early retirement on the grounds of efficiency of the service must receive member approval.

The Council will meet its statutory and contractual obligations in respect of any severance package, and does not make discretionary payments. However, if in exceptional circumstances a discretionary payment is proposed, the details of the full package would require a recommendation by General Purposes Committee to Full Council for approval.

## 8. REVIEW

The Localism Act 2011 requires relevant authorities to prepare a Pay Policy Statement for each subsequent financial year. Our next Statement is scheduled to be for 2016/17 and will be submitted to Full Council for approval by 31 March 2016.

If it should be necessary to amend this 2015/16 Statement during the year that it applies, an appropriate resolution will be made by Full Council.



|  |   |                           |
|--|---|---------------------------|
| <p><b>Recommendation to Council on 29 January 2015</b></p> | <p><b>From:<br/>General Purposes<br/>Committee on 15<br/>January 2015</b></p>   | <p><b>Item 10(ii)</b></p> |
|  | <p><b>Councillor Code of Conduct Complaints</b></p>   |                           |
| <p>1.</p>  | <p>Council is asked to approve the following recommendation:-</p>   |                           |
|  | <p><b>that the proposed amendments to Part F2 of the Constitution, as set out at Appendix A(i), and to the Councillor Code of Conduct Complaints Procedure Flowchart, as set out at Appendix A(ii), be approved and adopted.</b></p>  |                           |
|  | <p><b>Background</b></p>  |                           |
| <p>2.</p>  | <p>The General Purposes Committee considered a report by the Chief Legal and Democratic Services Officer and Monitoring Officer which introduced a report, originally submitted to the Corporate Resources Overview and Scrutiny Committee on 16 December 2014, on proposed changes to the councillor Code of Conduct complaints processes and procedures. Members also had before them a copy of the slide pack for the accompanying presentation given to the Overview and Scrutiny Committee. In addition, the Chief Legal and Democratic Services Officer and Monitoring Officer took the opportunity to verbally update the summary of Councillor Code of Conduct complaints to include the figures for December 2014.</p>   |                           |
| <p>3.</p>  | <p>The General Purposes Committee noted that the report presented to the Corporate Resources Overview and Scrutiny Committee had arisen as a consequence of concerns over the time and cost resource implications to the Council with regard to the processing of town and parish councillor Code of Conduct complaints. The report explained the current arrangements and the range of issues which had generated the resource challenges. It was in response to this situation that the Chief Legal and Democratic Services Officer and Monitoring Officer sought changes to Part F2 of the Constitution ('Arrangements for dealing with Standards Allegations Under the Localism Act 2011') with the aim of improving the management of the complaints process and the turnaround times in respect of complaints and generally streamlining the process in the light of experience whilst ensuring that the relevant checks and balances remained. An emphasis on securing the local resolution of complaints, if at all possible, was made by the Chief Legal and Democratic Services and Monitoring Officer.</p> |                           |
| <p>4.</p>  | <p>The views of the General Purposes Committee on the proposed changes to the Constitution were sought. During the debate the Chief Legal and Democratic Services Officer and Monitoring Officer stated that she would welcome the clear endorsement and ownership by all</p>   |                           |

|                   |  |  |
|-------------------|--|--|
|                   | <p>members of the Council of the proposed, wider, changes to the Constitution. Following full consideration the General Purposes Committee concurred with the Corporate Resources Overview and Scrutiny Committee's proposed changes. In addition, Members approved the related Councillor Code of Conduct Complaint Procedure Flowchart, which provided a guide in pictorial form, subject to a revision to embolden the typeface of the timescales. Following further comment the Chief Legal and Democratic Services Officer and Monitoring Officer undertook to further examine the content of the Flowchart to ensure greater clarity and achieve conformity with any changes to the Constitution that were subsequently approved by Council.</p> |  |
| 5.                | <p>The General Purposes Committee considered the need to improve awareness of Code of Conduct complaints issues among town and parish councils having regard to the Corporate Resources Overview and Scrutiny Committee's recommendation that a dedicated seminar be held for this purpose. The General Purposes Committee noted that a development seminar was now scheduled to be held on 19 March 2015 for town and parish council clerks with the aim of embedding awareness on this issue within the councils. It was further noted that a second development seminar would be held for town and parish councillors following the elections on 7 May. Members indicated their full support for these arrangements.</p>                            |  |
| <b>Appendices</b> | Appendix A   | Report to Corporate Resources Overview and Scrutiny Committee – 16 December 2014   |
|                   | Appendix A(i)  | Tracked changes between the existing and proposed 'Arrangements for Dealing with Standards Allegations under the Localism Act 2011' (Part F2 of the Constitution). |
|                   | Appendix A(ii)   | Amended Councillor Code of Conduct Complaint Procedure Flowchart   |
|                   | Appendix B   | Amended Summary – Councillor Code of Conduct Complaints  |

**Meeting:** OVERVIEW AND SCRUTINY COMMITTEE  
**Date:** 16 December 2014  
**Subject:** Councillor Code of Conduct Complaints  
**Report of:** Melanie Clay, Chief Legal and Democratic Officer and Monitoring Officer  
**Summary:** The report requests the Committee to consider the changes proposed to the Councillor Code of Conduct Complaints processes and procedures by way of an update of the current position.

**Advising Officer:** Melanie Clay, Monitoring Officer  
**Contact Officer:** Melanie Clay, Monitoring Officer  
 Maria Damigos, Corporate lawyer  
**Public/Exempt:** Public  
**Wards Affected:** All  
**Function of:** Monitoring Officer

| <b>CORPORATE IMPLICATIONS</b> |  |
|-------------------------------|--|
| <b>Council Priorities:</b>    |  |
| 1.                            | The effectiveness of the Council's governance arrangements contributes to the overall achievement of all Council priorities.   |
| <b>Financial:</b>             |  |
| 2.                            | There is a limited resource available for this work and given the increase and fluctuations in the number of complaints this report is aimed at providing a more streamlined and cost effective way of managing this statutory obligation within the limited resources available.  |
| <b>Legal:</b>                 |  |
| 3.                            | Under the Localism Act 2011, the Council introduced arrangements governing ethical standards, including a Code of Conduct for members and handling complaints made against both Central Bedfordshire Councillors and Town and Parish Councillors. As reported to General Purposes (GP) Committee, (as the relevant committee) on 17 July 2014, the number of complaints has markedly increased and this has in turn generated issues with requests for advice and assistance from Town and Parish Councils (T&PCs) and their clerks on a range of procedural and legal queries, and how best these can be addressed. |

APPENDIX A

**Risk Management:**

4. It is crucial that the Council has in place an effective local framework to secure high ethical standards in its conduct of its business. It is equally important to ensure that the framework is amended (as appropriate) to manage expectations and achieve as efficient a process as possible to minimise the risks of costs and delay.

**Staffing (including Trades Unions):**

5. There are no specific staffing issues arising from this report, however members are reminded that the Councillor Code of Conduct is complemented by the Protocol for Member/Officer Relations. Any Standard Complaint made by an officer will have regard to the process under that Protocol.

**Equalities/Human Rights:**

6. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. These requirements are recognised in the accountability principle of public life which forms part of the Members Code of Conduct.

**Public Health**

7. Not applicable.

**Community Safety:**

8. Not Applicable.

**Sustainability:**

9. Not Applicable.

**Procurement:**

10. Not applicable.

**RECOMMENDATION(S):**

- 1 The Committee is asked to consider and comment on changes to the Councillor Code of Conduct processes, and documentation proposed, being in response to the need to be more efficient in addressing the increased volume of Standards Complaints.**

**Introduction:**

11. The purpose of this report is to inform Members of the various strands and themes of work in relation to Councillor Code of Conduct Complaints. It includes practical steps for moving forward, bearing in mind the Council's statutory responsibilities. The Monitoring Officer needs to ensure the robustness of the Ethical Standards process, taking into account the pressures put upon that process from the number of complaints. The efficiencies of that process are being improved to reduce costs and manage expectations due to the substantial increase in the volume of complaints and their increasingly complex nature.
12. The Monitoring Officer has delegated authority, in consultation with the Chair of General Purposes Committee, to amend the Council's Arrangements for Dealing with Standards Allegations under the Localism Act 2011. However, Members' comments and endorsement are sought on these proposals due to the scale of the changes proposed.
13. It is intended to report this Committee's comments to GP Committee at its meeting in January 2015. GP Committee will be in a position to make any recommendation to Council, as necessary.
14. T&PCs are self governing, independent, legal entities and as such are responsible for running their own business. They are financed to do so through the annual precept, and have their own governance arrangements. If they have financial queries, they have their own auditors to advise them (not CBC's statutory finance officer) and, similarly, if they require legal advice on their procedures or other query, they need to seek their own legal advice. In addition, they can also draw on the knowledge and experience of the National Association of Local Councils (NALC) (if they have membership) which provides advice notes and training to Councils to support them in their day-to-day business, and the Society of Local Council Clerks (SLCC).
15. It is not a statutory function of the Monitoring Officer to be legal adviser to T & PCs. The Monitoring Officer's role is limited to Code of Conduct issues and, as part of that role, to ensure that Councillors complete their published register of interests, and to consider complaints under the Councillor Code of Conduct.

**Complaints and how we deal with them**

16. The Arrangements for Dealing with Code of Conduct Allegations under the Localism Act 2011 is attached as Appendix A(i) and Flow Chart at A(ii).
17. The complaints procedure form has been amended so that it more clearly explains the complaints process, from initial assessment to final hearing; makes reference to the referral criteria and sanctions that can be imposed. Hopefully, this will allow us to better manage the expectations of those who are making complaints with greater clarity on timescales and possible outcomes. The amended form will be uploaded to pilot its use on the website following this Committee Meeting.
18. A summary of the number of complaints received against Councillors is attached as Appendix B.

APPENDIX A

19. The number of Councillor Code of Conduct complaints has increased significantly since the introduction of the Localism Act in summer 2012. In November 2013, there were a total of 17 open matters which steeply increased to a peak of 42 by July 2014. The average number of new cases in 2012/13 was 1.3 per month and, during 2013/14, this increased to 2.08 per month and, in 2014/15, it has more than doubled to 5.75 new complaints per month.
20. A total of 84 complaints have been considered under the current regime which were in respect of 12 T&PC's and Central Bedfordshire (CBC). It should be noted that some complaints are repeated (by more than one complainant) and, in respect of those, there are currently 14 separate complaints which relate to just two issues and 62 of those complaints were against Councillors from just 4 Councils.
21. What has emerged is that the complaints received are often a good indicator of underlying issues experienced within individual T&PCs, and a reflection of how they interact with their communities. In this respect the Monitoring Officer is working to facilitate a conciliatory approach by T&PCs to allow for swift local resolution of issues generally. It should be borne in mind that as indicated above neither the Monitoring Officer nor CBC has any separate jurisdiction over T&PCs and nor is the CBC legal team formally retained to provide legal advice to them. It is, however, in CBC's interest that T&PCs are assisted in ensuring they have effective governance in place.
22. It is anticipated that the number of complaints received may increase as more people become aware of the availability of this complaints procedure and also possibly around the time of the elections in 2015. By making better use of the available resources to deal with the most serious complaints, and supporting the T&PC's with other matters, the complaints should be dealt with in a more efficient and timely manner.

**Themes of complaints**

23. Looking at the complaints dealt with since March 2014 (69 complaints) by far the main theme of complaints received is courtesy and respect to others (34) (which includes setting an example by behaviour, bringing the council into disrepute and valuing council officers). Acting in accordance with legal obligations and Council policies (this includes voting procedures) coming out next (18). After this comes dis-closable pecuniary interests and conflicts of interest (11) with the fewest complaints being received on the themes of an improper advantage being obtained or breaches of confidentiality (3 each).

**Outcomes**

24. The majority of complaints are dealt with at the initial assessment stage. In relation to completed matters, at this stage results are fairly equal between either no breach or a potential breach/local resolution outcome (18/17 respectively) with approximately 8% of complaints not coming under the Code of Conduct (either because they relate to non-Councillors or to Councillors not acting in their capacity as a Councillor) or being withdrawn.

APPENDIX A

25. In respect of the total number of complaints, just over a quarter of complaints have proceeded to investigation. So far, only one matter has resulted in a Standards Sub Committee full hearing which lasted 2 days.

**Sanctions**

26. One of the issues that has become evident from the cases to date is that it is in the interests of all parties involved to find a means of local resolution as early as possible, i.e. where there is a potential breach of the Code a genuine apology is given and graciously accepted. Complainants' dissatisfaction and frustrations often stem from the time taken to carry out a full investigation and the limited sanctions (see Appendix A (i) – the most severe sanction available is a public censure, as suspension of a councillor is no-longer possible, if a breach is proven. Experienced external investigators/Independent Persons have advised that Code investigations generally require 4 to 6 months to complete.
27. At any stage in the process there is also opportunity for a Member to commit to refresh their understanding of Standing Orders or the Code etc. via briefings/training from their clerk, NALC or other expert, where a lack of knowledge has contributed to their breach of the Code.

**Costs**

28. Standardisation of the process will reduce costs as it will allow the process to be more administrative and focus the input of the Monitoring Officer on those instances where decisions are required:-
- (a) The revised complaints form will ensure that those who make a complaint understand the process and possible outcomes, and it should reduce the number of complaints referred that fall outside the Code of Conduct; and
  - (b) All template letters in relation to acknowledgements and service to be an administrative process as far as possible so that legal officer time is also kept to a minimum.

**Details of legal and officer time spent**

29. In addition to the time spent by the Monitoring Officer on complaints matters, resources currently are 1.2 FTE corporate lawyers, assistance from the Democratic Services Team Manager amounting to the equivalent of 1 day a week, and 1 FTE administrative assistant. In the first eight months of 2014/15, 915 c. hours have been spent on complaint files:-
- Equates to 115 c. hrs month or 0.75 FTE = c. £10k in lost potential fee earning activities.

APPENDIX A

- In 2014/15 432 officer hours on specific complaints
- A further 227 officer hours on general T&PC issues
- 256 c. hours of the Monitoring Officer time

In comparison, over the period June 12 to March 14 there were:-

- 122 officer hours recorded as directly attributable to T&P cases.
- this does include the previous Monitoring Officer's time, where he personally handled 15 complaints and we have no way to estimate this.

Therefore, we cannot make any direct comparison with previous years.

### Charging

30. Bearing in mind the impact on CBC resources officers have explored the options for recovering the costs involved where a breach is proven.

There is a charging power under Section 93 of the Local Government Act 2003 in relation to "discretionary services" only, being those "services that a local authority is not required to provide but may do so voluntarily". Under Section 27 of The Localism Act 2011, CBC is under a duty to promote and maintain high standards of conduct by members and co-opted members of the authority. In discharging that duty, a Code is to be adopted. Having done that, arrangements must be put in place under which allegations can be investigated, together with arrangements under which decisions on allegations can be made.

31. The above **does not** therefore come within the definition of a discretionary service and so there is no power to charge T&PC's, subject members or complainants in relation to officer time spent on complaints made and received.

### Future Plans

32. Although streamlining the overall procedure for dealing with complaints and refreshing the website will assist with obtaining the correct information earlier and managing expectations of both complainants and subject members, having less complaints overall is the ultimate aim.
33. Ideally, T&PC's need to manage the majority of disagreements and complaints at a local level to allow speedier and more appropriate resolution with only the most serious Code of Conduct issues being escalated and dealt with by the Monitoring Officer. Such management is outside the remit of the Monitoring Officer but much can still be done to assist and facilitate T&PC's to deal with matters as soon as they arise and to increase the knowledge of councillors across the board.
34. The benefit of this will be a reduction in the time taken for complaints to be dealt with overall, as well as a reduction in the number of complaints referred to CBC.



### **Training and Support for Town and Parish Councils**

35. NALC and SLCC for Bedfordshire already provide some training to their members with some assistance from Peter Fraser as liaison and facilitator of the Member Conferences. As well as linking into and supporting this training (e.g. by the provision of venue), further training is intended to be provided by the Monitoring Officer dealing specifically with Code of Conduct issues to follow the 2015 elections.
36. Meetings with the Chairman of SLCC have identified training needs for both Clerks and Councillors. This is currently being addressed by way of guidance notes on specific topics, as well as future provision of training.

### **Conclusions and Next Steps.**

37. T&PCs are also being encouraged to introduce best practice, in their policies, procedures and review their Standing Orders. It is important that all members are then briefed on any changes or updates to minimise the occasions when complaints arise from a lack of knowledge or mis-use of the councils' governance arrangements.
38. Again T&PCs are encouraged to link with NALC and SLCC to use their range of standard templates (together with guidance notes where appropriate).
39. The use of mediation as a tool is a further approach that the Monitoring Officer is promoting. Whether provided by the Chairman, Ward Members, or independent mediators this is a way forward for T&PC to independently resolve disagreements or, in a worse case scenario, to at least identify and collate the facts and any background information, if the matter is to be escalated to the Monitoring Officer.
40. A list of contacts who can offer mediation to T&PCs is being compiled, and specific training will also be considered, as mediation at an early stage is key to issues being effectively resolved. The involvement of Ward Members in this regard could be of great assistance to the T&PCs and Ward Members will be encouraged to liaise where appropriate.
41. To assist Ward Members in their awareness of matters in their Ward it is proposed that the statistical data of the number of case complaints per T&PC are circulated to CBC Members on a monthly basis in step with the Council's performance management "MIH Scorecard" arrangements. Details of any case will be shared as appropriate (on a case by case basis), subject to the requirements of confidentiality, data protection principles, and ensuring that the integrity of the complaints process is not compromised.

### **Appendices:**

- Appendix A (i) – Arrangements for dealing with Code of Conduct issues
- Appendix A (ii) – Flowchart
- Appendix B – Summary of number of complaints

This page is intentionally left blank

**F2 ARRANGEMENTS FOR DEALING WITH STANDARDS  
ALLEGATIONS UNDER THE LOCALISM ACT 2011**

**1. Context**

These “Arrangements” are made in accordance with section 28 (6) and (7) of the Localism Act 2011. They set out how to make a complaint that an elected or co-opted member of this Council or of a parish council within its area has failed to comply with the relevant authority’s Code of Conduct. They also set out how the Council will deal with any complaints about such failures.

**2. The Code of Conduct**

Central Bedfordshire Council has adopted a Code of Conduct for Members, and this Code is available for inspection on the Council’s website or on request from the Monitoring Officer at Priory House, Chicksands.

Each town and parish council in the area is also required to adopt a Code of Conduct. Copies of these Codes are available on the relevant council’s website or on request from the town or parish clerk.

**3. The Independent Person**

The Council is required to appoint at least one independent person. The Council must consult an independent person and take his/her views into account before making a decision on a complaint that it has investigated.

The independent person may be consulted by the Council at various stages in the complaints process and can also be consulted by a Member who is the subject of a complaint.

**4. Making a complaint**

A complaint that a member of Central Bedfordshire Council or of a town or parish council in the District has failed to observe the Council’s Code of conduct should be submitted to:

The Monitoring Officer  
Central Bedfordshire Council  
Priory House  
Monks Walk  
Chicksands  
Shefford  
Bedfordshire  
SG17 5TQ

The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of Members' interests and who is responsible for administering the arrangements for complaints about Member misconduct.

In order to ensure that the Monitoring Officer has all the information needed to process complaints, they should be submitted using the model complaint form which also explains the process and the relevant referral criteria at initial assessment. The complaint form can be downloaded from the Council's website. A copy of the form is also available on request from the Monitoring Officer.

Complainants must provide their name, postal address and, where possible, their email address. The Council will not normally investigate an anonymous complaint, unless there is a clear public interest in doing so.

The Monitoring Officer will acknowledge receipt of the complaint and will notify the Member against whom the complaint is directed ~~about the complaint~~ by providing a copy of the complaint to them within 5 working days of receiving it, and will keep both the complainant and the Member informed about the progress of the complaint.

## 5. Initial Assessment

The Monitoring Officer will assess every Councillor Code of Conduct complaint received and, after consultation with the Independent Person, will take a decision as to whether it merits formal investigation. This decision will normally be taken within 20 working days of receipt of a complaint but may take longer if additional information is sought.

Whilst each allegation will be considered on its individual merits, the following "Referral Criteria" will be used at the initial assessment to decide whether to accept a complaint for investigation, take no further action or to decide upon some form of local resolution.

Referral Criteria

The matters detailed below will be considered.

- Is the subject Member still a serving Member?
- Is the information submitted sufficient on which to make a decision?
- Is the complaint the same as or similar to a previous complaint?
- the complainant's view of the action which is proposed or has been taken.
- the steps already taken or proposed to remedy the action complained of
- complaints about a Council member by a member of the same Council will not normally be referred until the Monitoring Officer considers that other processes such as informal, political group or Chairman mediation have taken place
- the time passed since the alleged conduct occurred
- whether the complaint involves conduct too trivial to warrant further action
- whether the complaint appears to be malicious, politically motivated or tit for tat
- whether the matter complained of is an individual act or part of a continuous pattern of behaviour which should be cumulatively considered
- the public benefit in investigating the alleged complaint
- the availability and cost of resources balanced with the seriousness of the alleged matter
- Any complaint made by an officer about a Council member will normally only be referred for investigation after the protocol for Member/Officer Relations has been pursued.
- any other substantial reason.

Where the Monitoring Officer requires additional information in order to come to a decision, he/she may ask the complainant to provide further information, and may also request information from the Member against whom the complaint is directed.

Where the complaint relates to a parish councillor, the Monitoring Officer may also inform the Parish Council about the complaint, ~~and seek the views of the Parish Council before deciding whether the complaint merits formal investigation.~~

## 6. Informal Resolution

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally without the need for a formal investigation. Such informal resolution may involve, for example, the Member accepting that his/her conduct was unacceptable and offering an apology, or other appropriate remedial action. Where the member or the authority makes a reasonable offer of informal resolution, but the complainant is unwilling to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

## 7. Investigation

If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer, who may be another ~~senior~~ officer of the authority, an officer of another authority or an external investigator.

The Investigating Officer will decide whether he/she needs to meet or speak to the complainant to understand the nature of the complaint, to obtain an understanding of events, to identify what documents the Investigating Officer needs to see and who the Investigating Officer needs to interview.

The Investigating Officer will normally contact the Member against whom the complaint has been made to provide him/her with a copy of the complaint and to obtain the member's explanation of events. The Member will be invited to identify what documents the Investigating Officer needs to see and who he/she needs to interview.

In exceptional cases, where it is appropriate to keep the complainant's identity confidential or where disclosure of the details of the complaint to the member might prejudice the investigation, the Monitoring Officer may redact the complainant's name and address from the papers given to the Member, or delay notifying the Member until the investigation has progressed sufficiently.

At any point, the Investigating Officer may refer the complaint to the Monitoring Officer to resolve it without a full investigation or to reject it.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the complainant and to the Member concerned, to give them both an opportunity to identify any matter in the report with which they disagree or which requires more consideration.

Having received and taken account of any comments made on the draft report, the Investigating Officer will submit his/her final report to the Monitoring Officer.

The Monitoring Officer will review the Investigating Officer's report and will decide what action to take. There are three possible courses of action:

- **No action**
- **Local Resolution**
- **Hearing**

**8. No Action**

If the Investigating Officer concludes that there has been no breach and the Monitoring Officer is satisfied that this conclusion is sound, then he/she may decide that no further action should be taken in relation to the complaint. If the Monitoring Officer is not so satisfied, then his/her decision will be final.

**9. Local Resolution**

If the Investigating Officer concludes that there has been a breach of the Council's Code of Conduct, the Monitoring Officer may, after consulting the Independent Person, seek a local resolution of the complaint.

A local resolution may include the Member acknowledging that his/her conduct was unacceptable and offering an apology and or accepting other remedial action by the Council.

If the Member and the complainant agree to accept the suggested resolution, the Monitoring Officer will report the matter to the Standards Sub-Committee (and the Parish Council) for information, but will take no further action. ~~However, if either the complainant or the Member informs the Monitoring Officer that the suggested resolution is not acceptable, then the Monitoring Officer will refer the matter to the Standards Sub-Committee for a hearing.~~ Neither the Member nor the complainant has the right to reject the Monitoring Officer's suggested resolution and any non-acceptance by either will be reported to the Standards Sub-Committee.

## 10. Hearings

If the Monitoring Officer considers that 'local resolution' or 'no action' is not appropriate or adequate, ~~or if either the complainant or the Member are not willing to co-operate with the proposal for local resolution~~, then the Monitoring Officer will submit the Investigating Officer's report to the Standards Sub-Committee which will conduct a hearing into the complaint before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the matter.

Following the hearing, the Standards Sub-Committee, with the benefit of any advice from the Independent Person, may conclude that the Member did not fail to comply with the Code of Conduct, and so will dismiss the complaint.

If the Standards Sub-Committee concludes that the Member has failed to comply with the Code of Conduct, the Chairman will inform the Member of this finding and the Sub-Committee will then consider what action, if any, should be taken as a result of the Member's failure to comply with the Code.

Before reaching a decision, the Standards Sub-Committee will give the Member an opportunity to make representations and will consult the Independent Person.

## 11. Sanctions

The Council has delegated to the Standards Sub-Committee authority to take such action in respect of individual Members as may be available to promote and maintain high standards of conduct. Accordingly the Sub-Committee may –

- 11.1 censure the Member;
- 11.2 publish its findings in respect of the Member's conduct;
- 11.3 report its findings to the Council (or to the Parish Council) for information;
- 11.4 instruct the Monitoring Officer to (or recommend that the Parish Council) arrange training for the Member;
- 11.5 inform the Member's Group Leader

The Standards Sub-Committee has no power to suspend or disqualify the Member or to withdraw any special responsibility allowances to which the Member may be entitled under the Council's Members' Allowances Scheme.



The Independent Person is invited to attend all meetings of the Standards Sub-Committee and his/her views will be sought and taken into consideration before the Sub-Committee takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and also as to any action to be taken following a finding of failure to comply with the Code of Conduct.

**12. ReviewsAppeal**

If either the complainant or the Member against whom a complaint has been made is dissatisfied with the outcome, he/she may ask for the decision to be ~~reviewed~~appealed. ~~Any appeal review~~ will be undertaken by the Standards Appeals Sub-Committee made up of Members who have not previously been involved in the consideration of the complaint.

Any appeal request must be received in writing by the Monitoring Officer within 21 days of issue of the written decision notice and only on the grounds of:

- the procedure having been wrongly applied
- new evidence having come to light since the hearing
- a misdirection in law.

The appeal hearing will be restricted to consideration of the papers. An Independent Person who has not previously been consulted will be asked to give their view.

The Standards Sub-Committee may:

- set aside the original decision if it considers it to be unreasonable and substitute its own decision
- confirm the original decision.

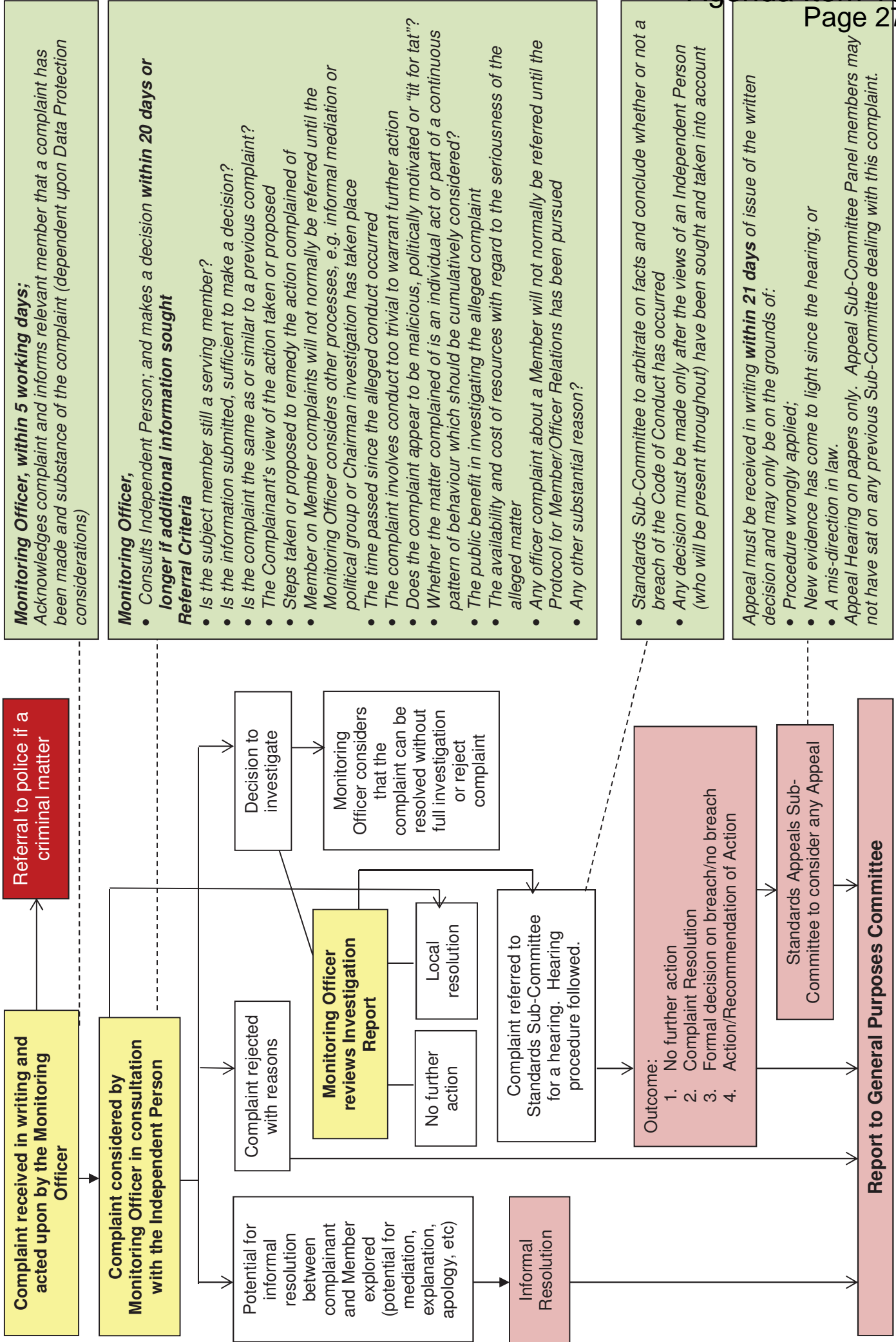
There will be no further right of appeal.

**13. Revision of these arrangements**

The Council has delegated its responsibilities under Chapter 7 of the Localism Act 2011 to the General Purposes Committee. The General Purposes Committee may therefore amend these arrangements. The General Purposes Committee resolved on 17 July 2014 that authority be delegated to the Monitoring Officer, in consultation with the Chairman of the General Purposes Committee, to amend the arrangements for dealing with Standards allegations made under the Localism Act 2011.

This page is intentionally left blank

Councillor Code of Conduct Complaint Procedure Flowchart



Referral to police if a criminal matter

Complaint received in writing and acted upon by the Monitoring Officer

Complaint considered by Monitoring Officer in consultation with the Independent Person

Potential for informal resolution between complainant and Member and Member explored (potential for mediation, explanation, apology, etc)

Informal Resolution

Complaint rejected with reasons

Monitoring Officer reviews Investigation Report

No further action

Local resolution

Complaint referred to Standards Sub-Committee for a hearing. Hearing procedure followed.

Decision to investigate

Monitoring Officer considers that the complaint can be resolved without full investigation or reject complaint

Outcome:  
1. No further action  
2. Complaint Resolution  
3. Formal decision on breach/no breach  
4. Action/Recommendation of Action

Standards Appeals Sub-Committee to consider any Appeal

Report to General Purposes Committee

**Monitoring Officer, within 5 working days;**  
Acknowledges complaint and informs relevant member that a complaint has been made and substance of the complaint (dependent upon Data Protection considerations)

**Monitoring Officer,**  
• Consults Independent Person; and makes a decision **within 20 days or longer if additional information sought**  
**Referral Criteria**

- Is the subject member still a serving member?
- Is the information submitted, sufficient to make a decision?
- Is the complaint the same as or similar to a previous complaint?
- The Complainant's view of the action taken or proposed
- Steps taken or proposed to remedy the action complained of
- Member on Member complaints will not normally be referred until the Monitoring Officer considers other processes, e.g. informal mediation or political group or Chairman investigation has taken place
- The time passed since the alleged conduct occurred
- The complaint involves conduct too trivial to warrant further action
- Does the complaint appear to be malicious, politically motivated or "tit for tat"?
- Whether the matter complained of is an individual act or part of a continuous pattern of behaviour which should be cumulatively considered?
- The public benefit in investigating the alleged complaint
- The availability and cost of resources with regard to the seriousness of the alleged matter
- Any officer complaint about a Member will not normally be referred until the Protocol for Member/Officer Relations has been pursued
- Any other substantial reason?

- Standards Sub-Committee to arbitrate on facts and conclude whether or not a breach of the Code of Conduct has occurred
- Any decision must be made only after the views of an Independent Person (who will be present throughout) have been sought and taken into account

Appeal must be received in writing **within 21 days** of issue of the written decision and may only be on the grounds of:

- Procedure wrongly applied;
- New evidence has come to light since the hearing; or
- A mis-direction in law.

Appeal Hearing on papers only. Appeal Sub-Committee Panel members may not have sat on any previous Sub-Committee dealing with this complaint.

This page is intentionally left blank

APPENDIX B

**MIH Scorecard Figures Summary – Councillor Code of Conduct Complaints**

| Month        | Cases Opened in Month | Cases closed in Month | Number of active cases being dealt with in Month |
|--------------|-----------------------|-----------------------|--|
| June 12      | 4                     | -                     | 4  |
| July 12      | 1                     | -                     | 5  |
| August 12    | 3                     | -                     | 8  |
| September 12 | 1                     | -                     | 9  |
| October 12   | -                     | -                     | 9  |
| November 12  | 2                     | 1                     | 10   |
| December 12  | -                     | -                     | 10   |
| January 13   | 2                     | -                     | 12   |
| February 13  | -                     | -                     | 12   |
| March 13     | -                     | -                     | 12   |
| April 13     | 8                     | -                     | 20   |
| May 13       | 3                     | -                     | 23   |
| June 13      | 3                     | -                     | 26   |
| July 13      | 2                     | -                     | 28   |
| August 13    | -                     | -                     | 28   |
| September 13 | -                     | -                     | 28   |
| October 13   | 2                     | -                     | 30   |
| November 13  | 1                     | 14                    | 17   |
| December 13  | 5                     | -                     | 22   |
| January 14   | -                     | -                     | 22   |
| February 14  | -                     | -                     | 22   |
| March 14     | 1                     | 1                     | 22   |
| April 14     | 11                    | -                     | 33   |
| May 14       | 6                     | 6                     | 33   |
| June 14      | 7                     | 1                     | 39   |
| July 14      | 9                     | 6                     | 42   |
| August 14    | 3                     | 8                     | 37   |
| Sept 14      | 2 *                   | 10                    | 29   |
| Oct 14       | 5                     | 7                     | 27   |
| Nov 14       | 4                     | 1                     | 30   |
| Dec 14       | 2                     | 14                    | 18   |

\*Includes one complaint which was re-opened

This page is intentionally left blank