

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



TO EACH MEMBER OF THE COUNCIL

15 November 2016

Dear Councillor

COUNCIL - Thursday 17 November 2016

Further to the agenda and papers for the above meeting previously circulated, please find attached the following:-

Please note: this replaces the report and appendices which are shown on the published agenda.

10. Recommendations from General Purposes Committee

To consider recommendations from the meeting of the General Purposes Committee, held on 27 October 2016 and answer questions asked under Rule No. 13.1.

(attached pages 21 to 28)

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

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Central Bedfordshire Council

COUNCIL

17 November 2016

Recommendations from General Purposes Committee

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

Advising Officers: Chief Finance Officer, Charles Warboys

charles.warboys@centralbedfordshire.gov.uk

Mel Peaston, Committee Services Manager,

mel.peaston@centralbedfordshire.gov.uk

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 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
- (ii) **Appendix B** - The proposed amendment to the Constitution

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

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **GENERAL PURPOSES COMMITTEE** held at Room 15, Priory House, Chicksands, Shefford on Thursday, 27 October 2016

PRESENT

Cllr Mrs J G Lawrence (Chairman)
Cllr G Perham (Vice-Chairman)

Cllrs L Birt
Mrs C F Chapman MBE
P Hollick
M R Jones

Cllrs K C Matthews
R D Wenham
A Zerny

Apologies for Absence: Cllrs Mrs A L Dodwell
J G Jamieson
N Warren

Substitutes: Cllrs E Ghent
D J Lawrence

Officers in Attendance: Mr Q Baker – Assistant Director Legal and Monitoring Officer
Ms M Damigos – Corporate Lawyer
Mr B Dunleavy – Democratic Services Manager
Ms M Peaston – Committee Services Manager

GPC/16/20. Report on the Arrangements for Ethical Standards

The Committee received a report summarising the Council's ethical governance and arrangements since March 2016. The report included explanations relating to the following:

- the Council's Code of Conduct, including the sanctions available when a breach is found
- an update on the maintenance of the Register of Interests
- the maintenance of an appropriate number of Independent Persons
- a proposal to publish the outcomes of decisions following complaints against Central Bedfordshire Council members
- training of Clerks to parish and town councils in respect of ethical matters.

Points and comments were made, as follows:

- the range of information included in published decisions following a complaint against a member of Central Bedfordshire Council could vary, depending on the circumstances, but would generally include the name

of the Council member and the person who made the complaint with brief details of the complaint and the decision.

- a recommendation should be made to Council to amend the Constitution to enable the Monitoring Officer to publish such decisions
- A reduction in the number of Independent Persons from seven to four was appropriate and the proposal to extend the appointment of four existing Independent Persons to September 2020 should be the subject of a recommendation from this Committee to Council.

RESOLVED:

- 1. to note how the Council has complied with its obligations in respect of ethical standards under the Localism Act for the eight months since March 2016;**
- 2. that the number of Independent Persons maintained on the Panel be reduced from seven to four.**

RECOMMENDED TO COUNCIL

- 1. that the outcome of reports relating to complaints made under the Councillor Code of Conduct be published, and that the Constitution be amended to enable the Monitoring Officer to publish such decisions;**
- 2. to extend the appointment of four Independent Persons to September 2020.**

APPENDIX B

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 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.

[Complaints against Central Bedfordshire Council Members](#)

[At the conclusion of a complaint against a Central Bedfordshire Council member a notice detailing the decision will be placed on the relevant page on the Council's website.](#)