

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



please ask for Martha Clampitt
direct line 0300 300 4032
date 17 May 2012

NOTICE OF MEETING

STANDARDS COMMITTEE

Date & Time

Friday, 25 May 2012 9.30 a.m.

Venue at

Room 15, Priory House, Monks Walk, Shefford

Richard Carr
Chief Executive

To: The Chairman and Members of the STANDARDS COMMITTEE :-

Councillors: L Birt, Mrs J G Lawrence(Vice-Chairman), N Warren
and P Williams,
Independent Mr K Ford(Chairman), Mr J Dann, Mr K Frazer,
Persons: Mr M Jones and Miss D C Maggs (Vice-Chairman)
Town and Parish Mr B Collier, Dr W J Eilbeck, Mr J Lewis and
Representatives: Mr B Saunders

Other Members of the Council – as requested.

All other Members of the Council - on request

**MEMBERS OF THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THIS
MEETING**

AGENDA

1. **Apologies for Absence**

Apologies for absence and notification of substitute members.

2. **Minutes**

To approve as a correct record, the Minutes of the meeting of the Standards Committee held on 16 March 2012.

(attached)

3. **Members' Interests**

To receive from Members declarations and their nature thereof in relation to:-

- (a) Personal Interests in any Agenda item
- (b) Personal and Prejudicial Interests in any Agenda item

4. **Public Participation**

To deal with general questions and statements from members of the public in accordance with the scheme of public participation set out in Annex 1 to Part A4 of the Constitution.

REPORTS

Item	Subject	Page Nos.
5	Update on current Standards Matters To advise Members on the latest position relating Assessment, Reviews and Hearings.	* 7 - 10
6	Oral Report on the Implementation of the Standards Elements of the Localism Act To receive an oral report from the Monitoring Officer on the implementation of the Standards Elements of the Localism Act and including consideration of the draft complaints process.	* 11 - 16

STD/11/22 **Public Participation**

There were no applications from members of the public to speak under the Public Participation Procedure allowed for under Part A4 of the Constitution.

STD/11/23 **Notifications of Gifts and Hospitality declared by Central Bedfordshire Members**

The Committee received and considered the report which provided an update on the gifts and hospitality declared by Central Bedfordshire Members since the last meeting.

RESOLVED

that the declarations of gifts and hospitality received by Central Bedfordshire Members as set out in Appendix "A" to the report of the Monitoring Officer be noted.

STD/11/24 **Update on Current Standard Matters**

The Committee considered the report of the Monitoring Officer which advised Members of the latest position relating to Assessments, Reviews and Hearings. In presenting the report, the Monitoring Officer provided additional information about several cases which had not been available at the time the agenda was printed.

The Committee and Officers were thanked for their time and consideration of the cases to date.

RESOLVED

that the Update on Current Standards Matters be noted.

STD/11/25 **Update on the future of Standards**

The Committee received a verbal update from the Monitoring Officer and the Vice-Chairman (Elected Representative) regarding the future of Standards and the work of the Ethical Standards Task Force.

The Monitoring Officer confirmed that the current Standards arrangements would cease on 30 June 2012. Any complaints, which had not been completed prior to 1 July 2012 would be dealt with under the new arrangements.

It was noted that the Independent Members and the Town and Parish Representatives appointments had been extended indefinitely and so the existing membership of the Standards Committee would remain in place until the end of the current Standards arrangements on 30 June 2012. It was anticipated that the Elected Members would be reappointed at the AGM until 30 June 2012.

The Vice-Chairman (Elected Representative) provided the Committee with an overview of the work which had been carried out by the Task Force and provided a copy of the draft Code of Conduct to apply from 1 April 2012.

The Task Force had met in January and February to determine how Standards would be delivered in future. It was proposed that responsibility for ethical standards would be one of the functions of a new Governance and Audit Committee, which would incorporate the functions of the Audit, General Purposes, Standards Committees and the Constitution Advisory Group (CAG).

The Governance and Audit Committee would establish a sub-committee with specific responsibility for Standards with a membership of 6 elected members and 3 Independent persons.

Under the provisions of the Localism Act 2011 Independent Persons would replace Independent Members. It was noted that the current Independent Members were ineligible to serve as Independent Persons for this Council. However, Central Government was considering the option of introducing transitional arrangements for 12 months. The transitional arrangements would allow the existing Independent Members to serve on the new Committee for a limited period whilst the Independent Persons positions were advertised.

The new arrangements would allow for an initial review of the less serious complaints to be undertaken by the Monitoring Officer in consultation with the Independent Person. If it was determined that a complaint should be considered for investigation then it would need to be considered by a panel to confirm the need of an investigation.

The Ethical Standards Task Force was minded to include provision for either the complainant or the Member to seek a review of a decision, but this process would be different from the current format for reviews and appeals.

The new Code of Conduct had been drafted in consultation with Bedfordshire Rural Charities Commission (BRCC) and the Task Force hoped that it might be adopted by all of the Town and Parish Councils as well as Central Bedfordshire Council.

The Committee asked for consideration to be given to the following changes to the Code of Conduct:-

- amend paragraph 1.4 to read “The Code is consistent with the following Nolan principles:”
- the removal of the worked “should” and replace with “must” or “shall”
- amend paragraph 4.1 to read “Members must always act in the public interest.”
- Sanctions would be included in a separate document which was not available at the time of the meeting
- Consideration be given to Town and Parish members being co-opted onto the new Standards Sub-Committee

- There should be a revised version of the Code for Town and Parish Councils as not all terms of the draft Code applied. In particular, in paragraph 4.7 references to the Head of Paid Service and Chief Finance Officer to should be replaced by the clerk and responsible financial officer.

The Committee noted that the legislation included no specific Sanctions, except in relation to non-compliance with the registration of disclosable pecuniary interests. However, censure, publishing the findings of conduct, reporting of findings to the Council and arranging training for the Member were possible courses of action. It was noted that 'informal resolution' was also a possible outcome,.

The Committee queried the possibility of sharing Independent Persons with another Local Authority or with Police & Fire Authorities. The Monitoring Officer confirmed that talks had begun with neighbouring Local Authorities and that the Fire Authority could also be contacted. The Police Authority was in a different position as they would cease to exist in November 2012, at which time over the legislation would cease to apply to Police Authorities or the Police and Crime Commissioner..

Finally, the Committee asked for confirmation that a full description of the role would be provided to candidates seeking appointment to the position of Independent Person, so that they understood exactly what was expected of them.

(Note: The meeting commenced at 9.30 a.m. and concluded at 10.50 a.m.)

Chairman

Dated

Meeting: Standards Committee
Date: 25 May 2012
Subject: Update on Current Standard Matters
Report of: Monitoring Officer
Summary: To advise Members on the latest position relating Assessment, Reviews and Hearings

Contact Officer: John Atkinson, Monitoring/Head of Democratic & Legal Services
Public/Exempt: Public
Wards Affected: All
Function of: Non-executive
Reason for urgency (if appropriate) N/A

RECOMMENDATION:

That the Committee receive and note the report.

1. The report set out at Appendix "A" shows the current position relating to code of conduct cases, together with information about any further complaints received by the Standards Committee.
2. Members are requested to receive and note this report.

CORPORATE IMPLICATIONS

Council Priorities:

Contributes to all Council priorities to ensure good governance

Financial:

N/A

Legal:

To ensure high ethical conduct within the Council in accordance with the requirements of the Ethical Framework as set out in the Local Government Act 2000

Risk Management:

N/A

Staffing (including Trades Unions):

N/A

Equalities/Human Rights:

None

Community Development/Safety:

N/A

Sustainability:

N/A

Location of papers: Priory House, Chicksands

CBC Ref	Name of Case	Complainant	Date Complaint rec'd	Breach of Code of Conduct Alleged	Legal Officer dealing with initial assessment	Elected Member dealing with initial assessment	Town & Parish Member dealing with initial assessment	Independent Member chairing initial assessment	Date of initial Assessment	Outcome of initial Assessment	Investigating Legal Officer	Pre-Hearing Date	Hearing Date
CBC26	Arlesey Town Council Member	Mrs E Hare	17/03/11	paragraphs 3(1), 2(b)(c) and (d), 5 and 6(a) of the Town Council's	Andrew Emerton	Cllr R Johnstone	Dr J Eilbeck	Mr J Dann	07/07/11	to be investigated			
CBC30	Arlesey Town Council Member	Mrs E Hare	21/04/11	paragraphs 3(1), 2(b)(c) and (d), 5 and 6(a) of the Town Council's Code of conduct	Andrew Emerton	Cllr R Johnstone	Dr J Eilbeck	Mr J Dann	07/07/11	to be investigated			
CBC31	CBC Member	Mr & Mrs Bolter	initial information rec'd 06/04/11 awaiting complaint form		Andrew Emerton	Cllr R Johnstone	Dr J Eilbeck	Mr J Dann	07/07/11	to be investigated	Mark Woolsey	27/04/12	01/06/12
CBC35	Stondon Parish Council Member	Mrs Trevena	04/10/11	5, 6a, 3(i), 3(2)(a)	John Atkinson	Cllr P Williams	Mr J Lewis	Mr M Jones	28/10/11	to be investigated			
CBC36	Stondon Parish Council member	K Goode	08/10/11	5 and 6(b)(i)	John Atkinson	Cllr P Williams	Mr J Lewis	Mr M Jones	28/10/11	to be investigated			

CBC Ref	Name of Case	Complainant	Date Complaint rec'd	Breach of Code of Conduct Alleged	Legal Officer dealing with initial assessment	Elected Member dealing with initial assessment	Town & Parish Member dealing with initial assessment	Independent Member chairing initial assessment	Date of initial Assessment	Outcome of initial Assessment	Investigating Legal Officer	Pre-Hearing Date	Hearing Date
CBC38	CBC Member	Messrs Boyle	31/03/11	paragraphs 3(2), 5, 6(a) and 12(1)©	John Atkinson	Cllr Mrs J Lawrence	Dr J Eilbeck	Mr K Ford	06/01/12	refer to Standards for England - SfE decision was insufficient time to determine refer to MO for determination - reconvened original panel referred for investigation			
CBC45	Northill Parish Council Member	Anonymous	10/04/12	failure to declare personal or personal and prejudicial interest at meetings	Andrew Emerton	Cllr Mrs J Lawrence	Mr J Lewis	Mr M Jones	27/04/12	Other action - refer to monitoring officer to write to Cllr			
CBC46	Marston Moreteyne Parish Council Member	Mr Toland	19/04/11		John Atkinson	Cllr P Williams	Mr B Collier	Miss D Maggs	21/05/12				
CBC47	Marston Moreteyne Parish Council Member	Mr Roberts	19/04/11		John Atkinson	Cllr P Williams	Mr B Collier	Miss D Maggs	21/05/12				

CENTRAL BEDFORDSHIRE COUNCIL

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 decided to investigate.

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

APPENDIX A

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. 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 within 5 working days of receiving it, and will keep complainants informed about the progress of their complaint.

5 Initial Assessment

The Monitoring Officer will assess every 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.

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 the member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the authority. 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.

If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.

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.

APPENDIX A

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 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 which 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.

6 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 accepting that his/her conduct was unacceptable and offering an apology and/or 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.

APPENDIX A

8. Hearings

If the Monitoring Officer considers that local resolution is not appropriate, 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.

The Council has agreed a procedure for hearings, which is attached as Appendix B to these arrangements.

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 Chair 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 Hearings Panel will give the member an opportunity to make representations and will consult the Independent Person.

9 Sanctions

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

- 9.1 Censure the member.
- 9.2 Publish its findings in respect of the member's conduct;
- 9.3 Report its findings to the Council (or to the Parish Council) for information;
- 9.4 Instruct the Monitoring Officer to (or recommend that the Parish Council) arrange training for the member;

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.

APPENDIX A

10 Reviews

If either the complainant or the member against whom a complaint has been made is dissatisfied with the outcome, they may ask for the decision to be reviewed. A 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.

11 Revision of these arrangements

The Council has delegated its responsibilities under Chapter 7 of the Localism Act 2011 to the General Purposes Committee and the General Purposes Committee may therefore decide to amend these arrangements.

Appendix A Central Bedfordshire Council's Code of Conduct

Appendix B Procedure for Hearings

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