

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

**This meeting may
be filmed.***



**Central
Bedfordshire**

please ask for Leslie Manning

direct line 0300 300 5132

date 7 January 2015

NOTICE OF MEETING

GENERAL PURPOSES COMMITTEE

Date & Time

Thursday, 15 January 2015 10.00 a.m.

Venue at

Room 15, Priory House, Monks Walk, Shefford

Richard Carr
Chief Executive

To: The Chairman and Members of the GENERAL PURPOSES COMMITTEE:

Cllrs P Hollick (Chairman), R C Stay (Vice-Chairman), A L Dodwell,
J G Jamieson, D Jones, M R Jones, D J Lawrence, Mrs J G Lawrence,
K C Matthews, J Murray, R B Pepworth and M A G Versallion

[Named Substitutes:

P N Aldis, D Bowater, N B Costin, D J Hopkin, A Shadbolt, I Shingler and
J N Young]

All other Members of the Council - on request

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

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AGENDA

1. **Apologies for Absence**

To receive apologies for absence and notification of substitute Members.

2. **Minutes**

To approve as a correct record the minutes of the meeting of the General Purposes Committee held on 20 November 2014 (copy attached).

3. **Members' Interests**

To receive from Members any declarations of interest.

4. **Chairman's Announcements and Communications**

To receive any announcements from the Chairman and any matters of communication.

5. **Petitions**

To receive petitions from members of the public in accordance with the Public Participation Procedure as set out in Annex 2 of Part A4 of the Constitution.

6. **Questions, Statements or Deputations**

To receive any questions, statements or deputations from members of the public in accordance with the Public Participation Procedure as set out in Annex 1 of Part A4 of the Constitution.

Reports

Item	Subject	Page Nos.
7.	Pay Policy Statement 2015/16 To consider the proposed Pay Policy Statement for 2015/16.	* 13 - 20
8.	Councillor Code of Conduct Complaints To consider proposed changes to the councillor Code of Conduct complaints processes and procedures.	* 21 - 40
9.	Work Programme To consider the Committee's work programme.	* 41 - 44

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CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **GENERAL PURPOSES COMMITTEE** held at Council Chamber, Priory House, Monks Walk, Shefford on Thursday, 20 November 2014

PRESENT

Cllr P Hollick (Chairman)
Cllr R C Stay (Vice-Chairman)

Cllrs A L Dodwell
J G Jamieson
M R Jones
D J Lawrence
Mrs J G Lawrence

Cllrs K C Matthews
J Murray
R B Pepworth
M A G Versallion

Members in Attendance: Cllrs D Bowater

Officers in Attendance:

Ms J Clarke	– Social Work Student
Mrs M Clay	– Chief Legal and Democratic Services Officer
Mr B Dunleavy	– Democratic Services Manager
Mr R Gould	– Head of Financial Control
Mr G Jones	– Assistant Director Children's Services Operations
Mr L Manning	– Committee Services Officer
Ms A Munt	– Senior Practitioner
Ms S Tobzic	– Social Worker

GPC/14/27. **Minutes**

RESOLVED

that the minutes of the meeting of the General Purposes Committee held on 17 July 2014 be confirmed and signed by the Chairman as a correct record.

GPC/14/28. **Members' Interests**

None.

GPC/14/29. **Chairman's Announcements and Communications**

The Chairman welcomed three social workers who were attending the meeting in connection with the update on social worker recruitment (agenda item 8). The Chairman stated that each of the social workers would comment from their own perspective on this issue.

In order to allow the social workers to return to work as quickly as possible the Chairman stated that agenda item 8 would be brought forward for consideration before agenda item 7 (Review of Polling Districts and Polling Places).

GPC/14/30. **Petitions**

No petitions were received from members of the public in accordance with the Public Participation Procedure as set out in Annex 2 of Part A4 of the Constitution.

GPC/14/31. **Questions, Statements or Deputations**

No questions, statements or deputations were received from members of the public in accordance with the Public Participation Procedure as set out in Annex 1 of Part A4 of the Constitution.

GPC/14/32. **Social Worker Recruitment Update**

Members received a presentation on children's social worker recruitment by the Assistant Director Children's Services Operations which provided an update to the presentation on this topic submitted to the Committee on 29 May 2014 (minute GPC/14/9 refers).

The Assistant Director stressed the importance of securing a greater percentage of in-house social workers because it provided stability in the provision of the service to those who were most vulnerable as well as being financially beneficial to the Council. He added that nationally it was envisaged that demand for social workers would not match supply until 2022. The meeting was also advised that the average career span was only seven years, with one in three social workers leaving their local authority in 2012/13. The Assistant Director referred to the difficulties faced by social workers in achieving a work/life balance and the recruitment challenges which had arisen as a result of the recent high profile national failures in local authority social care and the resulting publication of highly critical reports on children's social care standards.

The Assistant Director Children's Services Operations then introduced his presentation which was entitled 'Recruiting, Retaining and Inspiring Children's Social Workers in Central Bedfordshire'. The presentation covered the following issues:

- What we are trying to achieve
- National context
- Local context and impact
- Impact
- Actions since May 2014
- Current recruitment campaign

- Recruiting and developing newly qualified social workers (ASYE's)
- Inspire! – the Social Work and Early Intervention Academy
- Outcomes by November 2014
- Challenges
- Next Steps
- Future developments
- Case example: H Family
- Financial costs of family breakdown

At the end of the presentation the Chairman invited three social workers, who were all at different stages of their careers, to speak to the Committee about their roles and their professional experience of working in Central Bedfordshire. At the conclusion the Vice-Chairman then thanked the Assistant Director Children's Services Operations and the social workers for helping him to understand the essential role of Market Rate Supplements in this context.

Members then considered a range of issues relating to children's social worker recruitment. Consideration was given in particular to the issue of staff retention. In response the Assistant Director referred to the import role played by training and career development. Concern was expressed that the Council was training staff only for them to leave and work elsewhere but a Member emphasised that the problem of staff shortages could not be answered by local authorities appropriating each other's employees but only by training sufficient numbers. Members were aware of Central Bedfordshire's Social Work and Early Intervention Academy and the meeting noted the efforts of other authorities to implement a similar approach to training provision. The meeting was also advised that the Academy provided training for social workers from outside Central Bedfordshire thus helping to increase the pool of qualified persons.

Members expressed their thanks to the Assistant Director and the accompanying social workers for their contributions. The Chairman added his personal thanks to them for assisting him to understand the challenges faced by their profession. He asked that they take back the Committee's support to their colleagues and Members' appreciation of the difficult job they carried out.

NOTED

the presentation by the Assistant Director Children's Services Operations which updated Members on the recruitment, retention and inspiring of children's social workers.

GPC/14/33. **Review of Polling Districts and Polling Places**

Members considered a report of the Executive Member for Corporate Resources which advised the Committee of the requirement under the Electoral Administration Act 2006 for all councils to review their UK Parliamentary polling districts and polling places at least once every four years. The meeting was also advised that, under Section 17 of the Electoral Registration and Administration Act 2013, a review had to be carried out within

the sixteen month period beginning on 1 October 2013 and be completed in time for the Parliamentary elections scheduled for 7 May 2015. It was noted that future reviews would be required to be completed every fifth year to coincide with Parliamentary elections.

The Committee noted that public notice of the start of the review in Central Bedfordshire was given on 21 October 2013 with the closing date for the submission of comments being 31 December 2013. Although the review was of polling districts and polling places it was accepted that polling stations, which were chosen by the Returning Officer, were inextricably linked to the review and comments were also invited on those proposed or any suggested alternatives.

An article had been placed in News Central and documents published on the Council's website. All Central Bedfordshire councillors, Members of Parliament and Members of the European Parliament, all local town and parish councils, political parties and Returning Officers for Parliamentary constituencies wholly or partly in the Council's area were consulted. In addition polling station inspectors at the European election held in May 2014 were asked to provide feedback regarding each of the current polling places. The review also sought representations from people or organisations with particular expertise in relation to access to premises or facilities by persons with a disability.

The Committee was informed that all proposed new polling station venues had been visited by election officers and had been considered suitable.

A summary of the Acting Returning Officer's recommendations regarding polling districts was attached at Appendix A to the report and a summary of the Acting Returning Officer's decisions regarding polling stations was attached at Appendix B. Evaluations of the various responses received were set out in the scheduled contained at Appendix C to the report.

Following an introduction by the Democratic Services Manager a Member expressed concern at the proposed extensive use of Astral Park Community Centre as the main polling station for the Grovebury Polling District within the Leighton Buzzard South Ward. She commented that this would not only generate traffic issues but the Community Centre's distance from some of the electorate would effectively disenfranchise them.

In response the Democratic Services Manager set out the reasons for the use of Astral Park Community Centre and reminded the meeting that the decisions with regard to polling stations rested with the Acting Returning Officer. He indicated that, in view of the concerns expressed, he could write to local residents offering them the opportunity to be issued with postal ballot papers should they feel that they would be unable to attend the Community Centre because of the travel distance. Following discussion the Committee was of the opinion that further consideration of this matter should be given outside of the meeting.

Members emphasised that schools should not, if possible, be used for polling stations because of the disruption this caused to children's education. However, the Democratic Services Manager explained that, whilst approaches

were made to alternative venues such as village halls, there were occasions when these were not available and it was necessary to make use of school premises.

RESOLVED

that the recommendations of the Acting Returning Officer in relation to polling districts and polling places, as set out in Appendices A and C to the report of the Executive Member for Corporate Resources, be approved.

GPC/14/34. Local Government Pension Scheme Update

The Committee considered a report by the Section 151 Officer which provided an update on recent developments with regard to the Local Government Pension Scheme (LGPS).

The meeting was reminded that the previous report to the Committee on the LGPS and the Bedfordshire Fund had detailed the governance of the Bedfordshire LGPS, the results of 2013 Actuarial valuation, the implementation of the LGPS 2014 and the Fund's investment strategy. The current report before Members provided information on the following:

- the development of mechanisms for cost capping across Public Service Pension Schemes
- the implementation of Local Pension Boards
- the Fund's asset management.

The Head of Financial Control then worked through the report highlighting issues of particular importance.

The Chairman referred to the proposed national referendum on UK membership of the European Union in 2017 and queried what preparations Bedford Borough Council's Pensions Committee might consider in view of the possibility of a run on UK equities should there be a vote in favour of the UK leaving. In response a Member, who also sat on the Pensions Committee, explained that authority was delegated to the Fund's Investment Managers who would monitor the situation. He added, however, that risk management was due to be considered by the Pensions Committee.

The Chairman requested that the next update report on the LGPS to the General Purposes Committee include risk management.

NOTED

the report of the Section 151 Officer on recent developments with regard to the Local Government Pension Scheme.

RESOLVED

that the next report of the Section 151 Officer on recent developments to the LGPS include the issue of risk management.

GPC/14/35. Work Programme

Members considered a report by the Chief Legal and Democratic Services Officer which set out the Committee's proposed work programme for the remainder of the 2014/15 municipal year.

The Committee was advised of the concerns raised by some Members the day before regarding the comprehensiveness of the minutes of meetings. Although Members had been reminded that the forthcoming introduction of webcasting would capture any debate in full and that they already had the opportunity to influence the content of minutes it was felt that further consideration of this issue was required. On this basis it had been agreed that Members' concerns would be reported to the General Purposes Committee with the intention that consideration would be given to the possible inclusion of an item on this issue on the Committee's work programme.

In response a Member reminded the meeting that this matter had already been discussed on a prior occasion. He added that if a Member felt that a particular point of debate should be recorded in the minutes of a meeting then he or she could request that this be done at the time the item was being considered. Alternatively, should a Member feel that the minutes of a meeting failed to satisfactorily reflect the debate, the Member could request, at the time that the minutes of the meeting were being confirmed, that they be amended accordingly.

The General Purposes Committee was of the view that verbatim minutes were unnecessary.

Members then turned to consider items scheduled for the next meeting of the Committee and the Chairman queried the possible submission of an update on Standards complaints. In response the Chief Legal and Democratic Services Officer explained that she would not be submitting a report to the General Purposes Committee but that she would be submitting a report to Corporate Resources Overview and Scrutiny Committee regarding the costs incurred to Central Bedfordshire Council as a result of Town and Parish Council Code of Conduct complaints and the processes which had been adopted to minimise costs to Central Bedfordshire Council.

Following a query from a Member regarding the possible recouping of costs from town and parish councils for undertaking work related to standards issues the Chief Legal and Democratic Services Officer stated that there was no statutory basis to enable this to take place. She added that an emphasis was being placed on the resolution of such issues at the local level which had the benefit of reducing costs to this authority.

A Member emphasised the need to empower ward councillors with information they could use when attending local town and parish council meetings and, in addition, placing this on the Council’s website. In response the Chief Legal and Democratic Services Officer assured the meeting that these issues were under consideration.

RESOLVED

- 1 that, subject to deleting the reference to a six month update on standards complaints in January 2015, the proposed General Purposes Committee Work Programme for the remainder of the 2014/15 municipal year, as attached at Appendix A to the report of the Chief Legal and Democratic Services Officer, be approved;**
- 2 that no further action be taken with regard to revising the style or comprehensiveness of the minutes of the authority’s meetings but that Members be reminded that they could request that specific points be included within the minutes at the time an item was under consideration and that they could also request that the minutes of a meeting be amended to include specific points at the time that the minutes were being considered for approval.**

(Note: The meeting commenced at 10.00 a.m. and concluded at 11.55 a.m.)

Chairman

Dated

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Central Bedfordshire Council

GENERAL PURPOSES COMMITTEE

15 January 2015

PAY POLICY STATEMENT 2015/16

Report of Deb Broadbent Clarke, Director of Improvement and Corporate Services (deb.broadbent-clarke.centralbedfordshire.gov.uk)

Advising Officers:

Catherine Jones, Acting Chief People Officer
(catherine.jones@centralbedfordshire.gov.uk)

Purpose of this report

The report sets out the details of the Pay Policy Statement 2015/16 which is a requirement for the Council to adopt by 31 March 2015.

RECOMMENDATIONS

The Committee is asked to:

1. Approve the attached Pay Policy Statement for 2015/16
2. Recommend to Full Council that the Pay Policy be adopted and published on the Council's website with effect from 1 April 2015.

Overview and Scrutiny Comments/Recommendations

This report is not scheduled to be considered by Overview and Scrutiny.

Issues

1. The Localism Act which came into force in November 2011 sets out requirements for all Local Authorities to publish a comprehensive Pay Policy Statement which is reviewed and updated annually.
2. The legislation extends further the existing requirements under the Code of Transparency to publish Chief Officer remuneration on the website and ensure that Full council has the opportunity to approve senior appointments or severance arrangements outside of existing approved policies and pay arrangements.
3. The attached draft Pay Policy 2015/16 (Appendix A) reflects existing terms and conditions that have been agreed either through the Shadow Executive, Full Council or subsequently agreed by the General

Purposes Committee or Corporate Management Team where applicable.

4. The Constitution sets out that for all chief officer level senior appointments must be made by the Appointments panel and this provides the necessary checks within the Council to ensure that salary packages are appropriate and proportionate to the roles and responsibilities held, market forces and take into account the existing pay arrangements in place.
5. The Pay Policy Statement also sets out that in the event of an exceptional discretionary payment being proposed as part of a severance package, which is outside of our statutory or contractual arrangements, General Purposes Committee would need to make a recommendation to Full Council for approval.
6. The Pay Policy Statement 2015/16 has also been updated to reflect the impact of the pay award recently approved for all employees on local government terms and conditions of employment. It should be noted that no national pay award has been approved for either the Chief Executive or Directors who are covered by separate negotiating bodies.

Responsibility for decision on remuneration

7. The provisions of the Localism Act bring together accountability, transparency and fairness in setting local pay. Councillors are required to take a greater role in determining pay ensuring that decisions are taken by those who are directly accountable to local people.
8. Under the existing terms of reference for the General Purposes Committee the attached Policy Statement would be approved by the Committee and no further consideration would be required.
9. However one of the requirements of the Localism Act is the Pay Policy and any subsequent amendments must be approved by Full Council and this should be in time for publication from 1 April each year.
10. The recommendation set out in this report deals with this requirement.
11. Alongside the existing Code on Transparency, the Act's provisions will ensure that communities have access to the information they need to determine whether remuneration, particularly senior remuneration is appropriate and commensurate with responsibility.
12. The Act ensures that policies and decisions on the pay and reward of the most senior staff are set clearly within the context of the pay of the wider workforce.

Reason/s for decision

13. To meet the statutory requirement to publish annually a Pay Policy Statement that has been approved by Full Council.

Council Priorities

14. This report and the attached Pay Policy does not directly support the Council's priorities but meets the requirements of the Localism Act. The Pay Policy sets out how the Council pays and rewards its employees in a fair and equitable manner taking account of market pressures so that the council is able to attract and retain the resources required to support the delivery of its priorities.

Corporate Implications

Legal Implications

15. The attached Pay Policy complies with Sections 38-43 of the Localism Act which requires that all authorities publish a Pay Policy to enable greater transparency towards Chief Officer pay.

Financial Implications

16. There are no direct implications from this report or the attached Pay Policy Statement.

Equalities Implications

17. The Pay Policy will apply to all employees regardless of age, disability, gender, race, sexual orientation, religion/belief (or any other protected characteristic) as appropriate to their level in the organisation and the relevant terms and conditions of their employment.
18. The Pay Policy brings together information from existing policies and documents. These documents have previously been scrutinised to ensure that they comply with the council's equalities duties and equality impact assessments carried out as appropriate.
19. Where the recommendations under the Localism Act regarding the disclosure of data relates to individuals, this is permitted by Article 8 (2) of the Human Rights Act and Section 35 (1) of the Data Protection Act. The Council will not publish more data than is required to comply with the legislation.

Appendices

Appendix A – Draft Pay Policy 2015/16

Background Papers

None

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 31st 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 spot salary is determined 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 7:1

Appendix A

For the period 2015/1, the ratio of pay of the Chief Executive to that of the mean average salary is approx 17:1

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.

Central Bedfordshire Council

GENERAL PURPOSES COMMITTEE

15 January 2015

COUNCILLOR CODE OF CONDUCT COMPLAINTS

Advising Officers:

Melanie Clay, Chief Legal and Democratic Services Officer and Monitoring Officer (melanie.clay@centralbedfordshire.gov.uk)

Ifty Ali, Locum Corporate Lawyer (ifty.ali@centralbedfordshire.gov.uk)

Purpose of this report:

The purpose of this report is to introduce a report by the Chief Legal and Democratic Services Officer and Monitoring Officer, originally submitted to the Corporate Resources Overview and Scrutiny Committee, on proposed changes to the councillor Code of Conduct complaints processes and procedures and to seek the support of the General Purposes Committee for the Overview and Scrutiny Committee's recommendations.

RECOMMENDATIONS

1. That the General Purposes Committee support the Corporate Resources Overview and Scrutiny Committee recommendation that a specific seminar be held by no later than spring 2015 to address the issues raised in the officer's report with Town and Parish Councillors and Clerks;
2. That the General Purposes Committee support the Corporate Resources Overview and Scrutiny Committee recommendation that Part F2 of the Constitution be amended as set out at Appendix A(i) to the officer's report and that the Councillor Code of Conduct Complaints Procedure Flowchart be amended as set out at Appendix A(ii) to the officer's report and a recommendation be made to Council that the proposed amendments be approved and adopted.

Overview and Scrutiny Comments/Recommendations

1. This item was originally considered by Corporate Resources Overview and Scrutiny Committee on 16 December 2014. The report submitted to that Committee is attached in full at Appendix A.

Background

2. The report submitted to the Overview and Scrutiny Committee arose as a consequence of concerns regarding time and cost resource implications to the Council relating to the processing of Councillor Code of Conduct complaints, which is a statutory function.
3. The Committee understood that the report was seeking changes to the 'Arrangements for Dealing with Standards Allegations Under the Localism Act 2011' that sits within Part F2 of the Council's Constitution. The aim was to find a better way to manage the complaints process, improve turnaround times in respect of complaints and, in essence, to streamline the process in light of experience whilst ensuring that the relevant checks and balances remained.
4. Part of the above also sought the managing of expectations by raising awareness of the likely outcomes as the available sanctions were limited.
5. The Overview and Scrutiny Committee was of the view that there should be more awareness of the issues amongst Town and Parish Councils and recommended that a seminar be held to help address this.

Corporate Implications

6. All corporate implications (legal, financial and equalities) are covered within the attached Overview and Scrutiny report.

Conclusion and next Steps

7. Members are asked to note specifically the content of paragraphs 37 to 41 of the Overview and Scrutiny report which details the steps and development taking place.
8. The Monitoring Officer welcomes and endorses the Overview and Scrutiny recommendations.

Appendices

The following appendix is attached:

Appendix A – Councillor Code of Conduct Complaints (submitted to the Corporate Resources Overview and Scrutiny Committee on 16 December 2014)

Background Papers

None

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

CORPORATE IMPLICATIONS	
Council Priorities:	
1.	The effectiveness of the Council’s governance arrangements contributes to the overall achievement of all Council priorities.
Financial:	
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.
Legal:	
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.**

APPENDIX A

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.

APPENDIX A

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

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APPENDIX A (i)

**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 or take no further action or to decide upon some form of local resolution.

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 that 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

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. ~~There may be a situation for example w~~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 to the Monitoring Officer to resolve without a full investigation or reject the complaint.

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. **The Member and the Complainant do not have the right to reject the Monitoring Officer's suggested resolution and any non –acceptance by either will be reported back to the Standards-Sub Committee. 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.**

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 appealreview** 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 being wrongly applied;**
- **New evidence has come to light since the hearing; or**
- **A misdirection in law**

The Appeal will be heard on the papers only
A new Independent Person will also be asked to give their views

The Standards Appeals Sub-Committee may:-

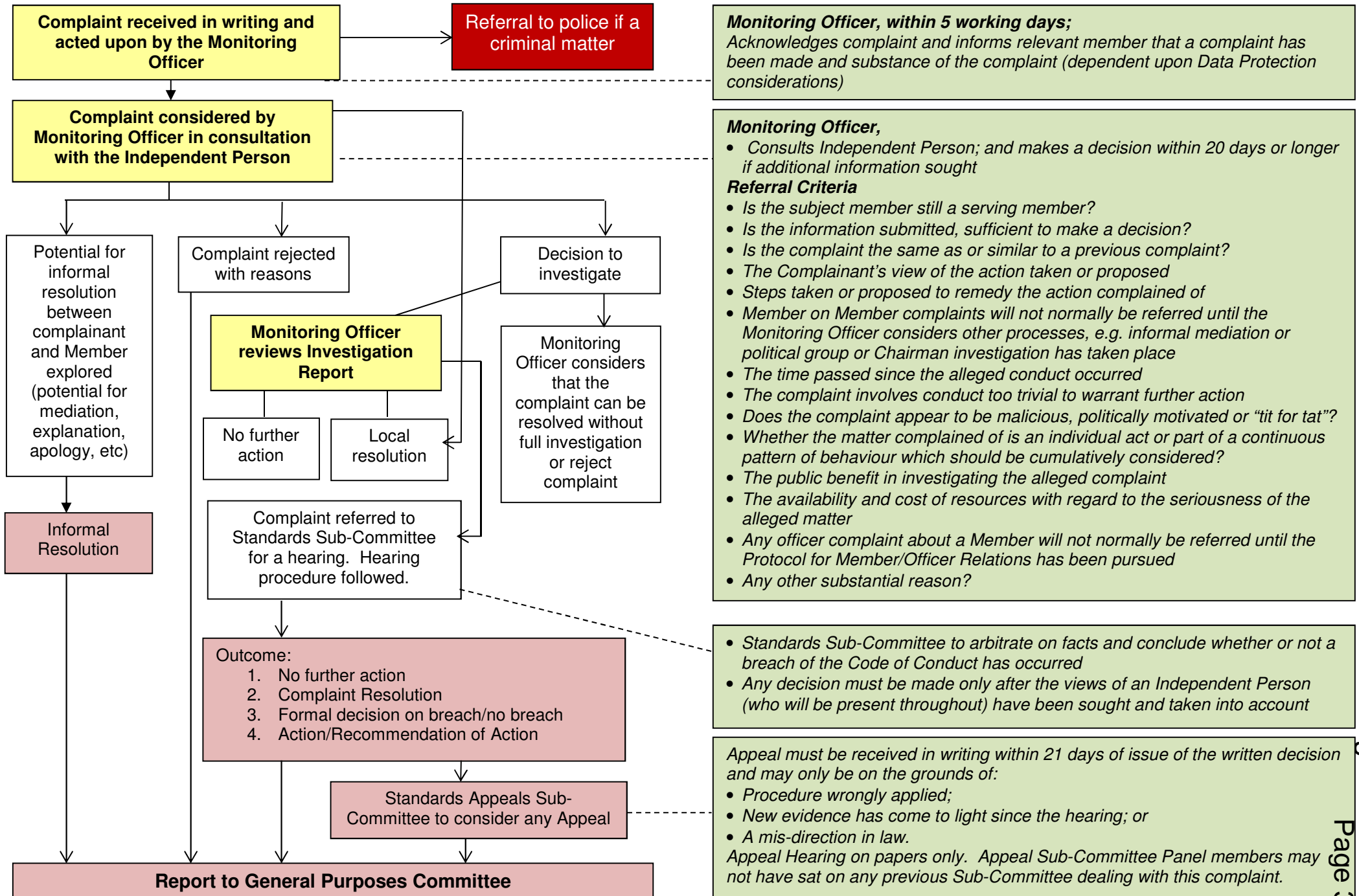
- **Set aside the original decision if it considers it to be unreasonable and substitute its own decision**
- **Confirm the original decision**

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 17th 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.**

Councillor Code of Conduct Complaint Procedure Flowchart



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.

Agenda Item 8
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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

*Includes one complaint which was re-opened

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Central Bedfordshire Council

GENERAL PURPOSES COMMITTEE

15 January 2015

WORK PROGRAMME

Advising Officers:

Mel Peaston, Committee Services Manager
(mel.peaston@centralbedfordshire.gov.uk)

Leslie Manning, Committee Services Officer
(leslie.manning@centralbedfordshire.gov.uk)

Purpose of this report

The purpose of this report is to assist the General Purposes Committee in discharging its responsibilities by providing a proposed work programme for consideration.

RECOMMENDATION

That the Committee considers the proposed work programme attached at Appendix A.

Overview and Scrutiny Comments/Recommendations

1. This report is not scheduled to be considered by Overview and Scrutiny because the General Purposes Committee has full delegated powers to deal with all non-Executive functions which are not reserved to the full Council or are not otherwise delegated.

Background

2. To assist the General Purposes Committee a work programme is attached at Appendix A to this report. The work programme contains the known agenda items that the Committee will need to consider.
3. Additional items will be identified as the municipal year progresses. The work programme is therefore subject to change.

Council Priorities

4. The activities of the General Purposes Committee are crucial to the governance arrangements of the organisation.

Corporate Implications

Legal Implications

5. There are no legal implications.

Financial Implications

6. There are no financial implications.

Equalities Implications

7. There are no equalities implications.

Conclusion and next Steps

8. This report will assist the General Purposes Committee in discharging its responsibilities. Any amendments approved by the Committee will be incorporated in the work programme.

Appendices

Appendix A – General Purposes Committee Work Programme

Background Papers

None

Appendix A

General Purposes Committee Work Programme

2014/15 Municipal Year	
15 January 2015	<ul style="list-style-type: none"> • Pay Policy Statement 2015/16 (CJ) • Councillor Code of Conduct Complaints (MC) • Work Programme (LM)
5 March 2015	<ul style="list-style-type: none"> • Work Programme (LM)
2015/16 Municipal Year	
25 June 2015 (proposed date)	<ul style="list-style-type: none"> • Market Rate Supplement Payments – Annual Update (CJ) • Local Government Pension Scheme Update (RG) • Children’s Social Worker Recruitment Update (GJ) • Work Programme (LM)
27 August 2015 (proposed date)	<ul style="list-style-type: none"> • Standards Complaints – Annual Report (MC) • Work Programme (LM)
5 November 2015 (proposed date)	<ul style="list-style-type: none"> • Work Programme (LM)
17 December 2015 (proposed date)	<ul style="list-style-type: none"> • Local Government Pension Scheme Update (RG) • Children’s Social Worker Recruitment Update (GJ) • Pay Policy Statement 2016/17 (CJ) • Constitution Update (MP) • Work Programme (LM)
24 March 2016 (proposed date)	<ul style="list-style-type: none"> • Standards Complaints – Six Month Update (submitted only if exceptional circumstances arise) (MC) • Work Programme (LM)

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