

AGENDA



- Committee - **STANDARDS PANEL**
- Date & Time - Wednesday, 24 April 2013 at 6.30 pm
- Venue - Meeting Room 1, Council Offices, Priory Road

Membership of the Standards Panel:

Councillors: G R Aley, M G Chandler, R J H Creese, M Howard, A M Newton and R Perkins

No substitutions permitted. Revised quorum 4.

Persons attending the meeting are requested to turn mobile telephones to silent mode

Member Services
Council Offices, Priory Road
Spalding, Lincs PE11 2XE

Date: 16 April 2013

A G E N D A

- 1) Appointment of Chairman
Members are requested to appoint a Panel Chairman.
- 2) Appointment of Vice-Chairman
Members are requested to appoint a Panel Vice-Chairman.
- 3) Standards Annual Report (Pages 1 - 4)
The Panel is requested to note the Standards Annual Report 2012-2013 (report of the Assistant Director – Democratic Services and Monitoring Officer is enclosed).
- 4) Standards Arrangements (Pages 5 - 8)
The Panel is requested to make recommendations to Council regarding alterations to the Standards Arrangements approved by Council on 27 June 2012 and also to give consideration to extending the appointment of the current Independent Person (report of the Assistant Director – Democratic Services and Monitoring Officer is enclosed).
- 5) Any other items which the Chairman decides are urgent

NOTE: No other business is permitted unless by reason of special circumstances, which shall be specified in the minutes, and the Chairman is of the opinion that the items should be considered as a matter of urgency.

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Assistant Director – Democratic Services and Monitoring Officer

To: Standards Panel – 24 April 2013

(Author: Vicky Thomson, Assistant Director – Democratic Services and Monitoring Officer)

Subject: Standards Annual Report – 2012/2013

Purpose: The Panel is asked to note the Standards Annual Report

Recommendation(s):

a) To note the Standards Annual Report for 1 July 2012 – 31st March 2013.

1.0 BACKGROUND

- 1.1 At the meeting of full Council on 27 June 2012, the arrangements for dealing with complaints against members were approved in line with the requirements of the Localism Act 2011.
- 1.2 As part of the arrangements, it was agreed that the role of monitoring Standards issues would be delegated to a Standards Panel. This report provides information relating to work undertaken since the implementation of the new standards regime on 1 July 2012.
- 1.3 The Localism Act 2011 introduced a new role of Independent Person to provide advice and guidance to the Monitoring Officer and members who are the subject of an allegation. It was agreed at the meeting of full Council on 27 June 2012 that Mr Tony Wicks would be appointed as the Independent Person from 1 July 2012 until the Annual Council meeting in May 2013. The appointment was for an initial term of 1 year to enable a review of the arrangements for this new role to take place.
- 1.4 The new Standards arrangements were agreed by full Council and implemented from 1 July 2012. The Regulations made provision for transitional arrangements for complaints that were already being considered under the old Standards regime.
- 1.5 On 1 July 2012, at the time the standards arrangements were implemented, the Monitoring Officer had 4 complaints in the system. The Regulations allowed for existing complaints to be considered under the new arrangements. Details of the complaints considered under the transition arrangements are as follows:

As at 1 st July 2012		
Stage	Number of complaints	Outcome
Awaiting referral for investigation	3	1 complaint withdrawn
		1 complaint not referred due to length of time since alleged breach
		1 complaint not referred but 'advisory letter' sent to subject member by Monitoring Officer
Referred for Investigation	0	
Investigation complete	1	Matter ongoing
Hearing Panel	0	

- 1.6 From 1 July 2012 onwards, the new Standards arrangements have been implemented in full. The following table details the number of complaints that have been received and the relevant outcomes.

1 July 2012 – 31 March 2013	
	Number of complaints
Stage 1 (Initial consideration of a complaint)	
Complaints received	4
Complaint does not relate to a breach of the code	1
Resolved under informal resolution and matter closed	1
Referred to Police	1
Initial information in process of being sought	1
Stage 2 (Formal consideration of a complaint)	
Considered by Monitoring Officer to not merit further consideration	
Referred to Standards Panel as deemed inappropriate for Monitoring Officer to consider	
Resolved through informal resolution	
Stage 3 (Investigation)	
Referred for Investigation and failure to comply found	
Referred for Investigation and <u>no</u> failure to comply found	
Hearing Panel's held	
Resolved through informal resolution	
Hearing panel finds failure to comply	
Hearing Panel finds <u>no</u> failure to comply	
Cases where sanctions recommended and accepted by District / Town / Parish council	

- 1.7 No conflicts of interests have been raised regarding the Monitoring Officer or Independent Person.

2.0 **OPTIONS**

2.1 The report is for noting.

3.0 **REASONS FOR RECOMMENDATION(S)**

3.1 The new Standards arrangements require that an Annual Report is presented to the Standards Panel.

4.0 **EXPECTED BENEFITS AND TIMELINES**

4.1 In receiving an Annual Report, Members of the Standards Panel are kept informed of complaints received and are able to identify trends.

5.0 **IMPLICATIONS**

5.1 **Carbon Footprint & Environmental Issues**

5.1.1 The implication has been considered and it is the opinion of the report author that there are none.

5.2 **Constitution & Legal**

5.2.1 The implication has been considered and it is the opinion of the report author that there are none.

5.3 **Contracts**

5.3.1 The implication has been considered and it is the opinion of the report author that there are none.

5.4 **Crime and Disorder**

5.4.1 The implication has been considered and it is the opinion of the report author that there are none.

5.5 **Equality and Diversity & Human Rights**

5.5.1 The implication has been considered and it is the opinion of the report author that there are none.

5.6 **Financial**

5.6.1 The implication has been considered and it is the opinion of the report author that there are none.

5.7 **Risk Management**

5.7.1 The implication has been considered and it is the opinion of the report author that there are none.

5.8 Staffing

5.8.1 The implication has been considered and it is the opinion of the report author that there are none.

5.9 Stakeholders / Consultation

5.9.1 The implication has been considered and it is the opinion of the report author that there are none.

5.10 Other

5.10.1 The implication has been considered and it is the opinion of the report author that there are none.

6.0 WARDS/COMMUNITIES AFFECTED

6.1 All.

Background papers:- None.

Lead Contact Officer

Name/Post: Lynn Eldred, Principal Member Services Officer

Telephone Number: 01775 764626

Email: leldred@sholland.gov.uk

Key Decision:

No.

Exempt Decision:

No.

Appendices attached to this report:

None.

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Assistant Director – Democratic Services and Monitoring Officer

To: Standards Panel – 24 April 2013

(Author: Vicky Thomson, Assistant Director – Democratic Services and Monitoring Officer)

Subject: Standards Arrangements

Purpose: To seek approval to changes to the arrangements and to seek to extend the appointment of the current Independent Person.

Recommendation to Standards Panel:

- a) That members note the content of this report and make the following recommendations to Council:

Recommendations to Council:

- b) That the following alterations be made to the Standards Arrangements as previously approved by Council on 27 June 2012:
- i) That the Monitoring Officer be granted the authority to seek further resolution or other action where appropriate to resolve the complaint without a hearing, when an investigation has been conducted and a breach has been found.
 - ii) That the Monitoring Officer be granted the authority to not pursue a complaint at any stage if it is deemed to no longer merit consideration under the arrangements.
 - iii) That on receipt of a complaint against all or the majority of the members of a parish council, the Monitoring Officer be granted authority to notify the members named within the complaints and seek their comments as per current arrangements, but be authorised to refer the complaints back to the town / parish council to be dealt with under its own complaints procedure.
- c) That Council agree to extend the appointment of the current Independent Person, Mr. Tony Wicks, until the Annual Meeting of Council in May 2015.

1.0 BACKGROUND

- 1.1 At the meeting of full Council on 27 June, 2012, the arrangements for dealing with complaints against members were approved in line with the requirements of the Localism Act 2011. This report details requested amendments to those arrangements.
- 1.2 As the new Standards regime is implemented, lessons have been learnt and potential refinements identified. The Monitoring Officer therefore offers the following recommendation to Council for the Standards Panel to consider:
- a) That the following alterations be made to the Standards Arrangements as previously approved by Council on 27 June, 2012:
 - i) That the Monitoring Officer be granted the authority to seek further resolution or other action where appropriate to resolve the complaint without a hearing, when an investigation has been conducted and a breach has been found.
 - ii) That the Monitoring Officer be granted the authority to not pursue a complaint at any stage if it is deemed to no longer merit consideration under the arrangements.
 - iii) That on receipt of a complaint against all or the majority of members of a parish council, the Monitoring Officer be granted authority to notify the members named within the complaints and seek their comments as per current arrangements, but be authorised to refer the complaints back to the town / parish council to be dealt with under its own complaints procedure.
- 1.3 The Localism Act 2011 introduced a new role of Independent Person to provide advice and guidance to the Monitoring Officer and members who are the subject of an allegation. It was agreed at the meeting of full Council on 27 June 2012 that Mr Tony Wicks would be appointed as the Independent Person from 1 July 2012 until the annual meeting in May 2013. The appointment was for an initial term of one year to enable a review of the arrangements for this role to take place. This report seeks to extend the appointment of the current Independent Person.
- b) That the appointment of the Independent Person be extended until the Annual Meeting of Council in May 2015.

2.0 OPTIONS

- 2.1 Members are invited to note the contents of the report and to provide any recommendations on changes to the arrangements to full Council.

2.2 Members are also invited to recommend to full Council that Mr Tony Wicks is reappointed as the Independent Person until the Annual meeting of Council in May 2015.

2.2.1 To reappoint for an alternative time period.

2.2.2 To not reappoint and to re-recruit to the position of Independent Person.

3.0 REASONS FOR RECOMMENDATION(S)

3.1 It is recommended that the changes to the arrangements be agreed to ensure they minimise bureaucracy and maintain fairness.

3.2 It is recommended that the Independent Person, Mr Tony Wicks, is reappointed until the Council's Annual meeting in May 2015 to ensure stability and retain the experience accumulated to date.

4.0 EXPECTED BENEFITS AND TIMELINES

4.1 It is expected that the changes will minimise bureaucracy and retain the experience already accumulated by the Independent Person.

5.0 IMPLICATIONS

5.1 Carbon Footprint & Environmental Issues

5.1.1 There are no direct implications.

5.2 Constitution & Legal

5.2.1 The Localism Act 2011 received Royal Assent on 15 November, 2011. Part 1, Chapter 7 sets out the law on Standards.

5.3 Contracts

5.3.1 There are no direct implications.

5.4 Crime and Disorder

5.4.1 There are no direct implications.

5.5 Equality and Diversity & Human Rights

5.5.1 There are no direct implications.

5.6 Financial

5.6.1 There are no direct implications.

5.7 Risk Management

5.7.1 There are no direct implications.

5.8 Staffing

5.8.1 There are no direct implications.

5.9 Stakeholders / Consultation

5.9.1 There are no direct implications.

5.10 Other

5.10.1 None

6.0 WARDS/COMMUNITIES AFFECTED

6.1 All wards in the District are affected by this report

Background papers:- None.

Lead Contact Officer

Name/Post: Lynn Eldred, Principal Member Services Officer

Telephone Number: 01775 764626

Email: leldred@sholland.gov.uk

Key Decision:

No.

Exempt Decision:

No.

Appendices attached to this report:

None.