

AGENDA



- Committee - **STANDARDS PANEL**
- Date & Time - Wednesday, 22 March 2017 at 6.30 pm
- Venue - Meeting Room 1, Council Offices, Priory Road

Membership of the Standards Panel:

Councillors: B Alcock, G R Aley (Chairman), M G Chandler, R Clark (Vice-Chairman), P C Foyster and J L King

Independent Person: Mr Tony Wicks

No substitutions permitted. Revised quorum 4.

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

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

Date: 14 March 2017

AGENDA

- 1) Apologies for Absence
- 2) Declarations of Interest
(Where a Councillor has a Disclosable Pecuniary Interest the Councillor must declare the interest to the meeting and leave the room without participating in any discussion or making a statement on the item, except where a Councillor is permitted to remain as a result of a dispensation.)
- 3) Minutes (Pages 1 - 2)
To agree the minutes of the meeting held on 12 April 2016 (copy enclosed).
- 4) Review of Standards Arrangements and Code of Conduct (Pages 3 - 26)
To give consideration to the review of Standards Arrangements and Code of Conduct (report of the Executive Director – Governance is enclosed).
- 5) Standards Annual Report 2016-17 (Pages 27 - 30)
To note the Standards Annual Report 2016-17 (report of the Executive Manager – Governance is enclosed).
- 6) Any other items which the Chairman decides are urgent by reason of special circumstances.

Minutes of a meeting of the **STANDARDS PANEL** held in the Meeting Room 1, Council Offices, Priory Road, on Tuesday, 12 April 2016 at 6.30 pm.

PRESENT

G R Aley (Chairman)
R Clark (Vice-Chairman)

M G Chandler

P C Foyster

Apologies for absence were received from Councillors B Alcock and J L King

In Attendance: Independent Person, Executive Manager – Governance, Principal Democratic Services Officer and Democratic Services Officer.

10) **DECLARATIONS OF INTEREST**

There were no declarations of interest.

11) **MINUTES**

The panel considered the minutes of the meeting held on 29 September 2015.

DECISION:

The minutes were agreed as a correct record and signed by the Chairman.

12) **STANDARDS ANNUAL REPORT 2015-16**

The panel received a report by the Executive Manager - Governance that set out the work undertaken since the previous Annual Report in April 2015.

It was highlighted to the panel that the figure within the report table 2013/14 under complaints received should read 13 rather than 1.

The panel noted that 6 complaints in 2013/14 had been forwarded to the Police and it was explained that whenever there was a suggestion that a Councillor had not registered a disclosable pecuniary interest it was automatically referred to the Police.

Members discussed with Tony Wicks, the Independent Person issues regarding the use of social media. Tony Wicks enquired what was already in place and it was agreed that Mark Stinson would make enquiries into social media training and council policy.

The panel discussed how complaints were managed. Mark Stinson reported that he would be undertaking a review of the complaints procedure to address difficulties in certain steps in the process, especially in respect of seeking local settlement where there were more than one complainant in the same complaint, or where legal proceedings were also being pursued by one of the parties.

STANDARDS PANEL - 12 April 2016

AGREED:

- a) That the Standards Annual Report 2015/16 is noted;
- b) Amanda Taylor, Democratic Services Officer – to make enquiries into social media training for members for the Social Media Policy to be reviewed and a report made back to the chairman of the Standards Panel.

13) **ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT BY REASON OF SPECIAL CIRCUMSTANCES.**

There were no urgent items.

(The meeting ended at 6.50 pm)

(End of minutes)

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Maxine O'Mahony, Executive Director Strategy & Governance & Monitoring Officer

To: Standards Panel – 22 March 2017

Author: Mark Stinson, Executive Manager - Governance

Subject: Review of Standards Arrangements and Code of Conduct

Purpose: To review the existing Standards Arrangements and Code of Conduct to ensure that they are proportionate and otherwise fit for purpose.

Recommendation(s):

- 1) To recommend to Council the adoption of a revised set of Local Arrangements for dealing with Standards Complaints, subject to consultation with the Independent Person and the adoption of amendments to the Code of Conduct

1.0 BACKGROUND

- 1.1 The Localism Act 2011 contains the current legislative arrangements for elected Member standards of conduct within local authorities. This superseded the previous arrangements contained in the Local Government Act 2000. The Localism Act also abolished Standards for England (earlier known as the Standards Board) and the associated regulatory framework. The Act also removed the obligation for members to agree to adhere to a model Code applicable across the country. The obligation to have a statutory Standards Committee and for Members to provide an undertaking to comply with a Code were also repealed, along with the sanctions of disqualification and suspension from office.
- 1.2 Nonetheless, there remains a duty on Councils under Sections 27 and 28 of the Localism Act 2011 to promote and maintain high standards of conduct by elected and co-opted members when acting in that capacity; to adopt a Code of Conduct which is consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership; to have arrangements in place for the investigation of allegations and for the making of decisions on allegations. How this is achieved in each Council now involves a much greater degree of local choice than was available under the previous regime. The Council's current arrangements were adopted by Council on 15 May 2013.
- 1.3 South Holland District Council's current code (Appendix A) is published in part 5 of its Constitution, and is also available on the Council's website together with a copy of the current Standards Arrangements.
- 1.4 The Act also required the appointment of one or more "Independent Persons", whose role is both to act as consultee before the Monitoring Officer makes a decision on any allegation s/he has decided to investigate, and also to be consulted by the Monitoring Officer at any other appropriate stage. Tony Wicks was appointed in 2012 and re-appointed in 2015.
- 1.5 The current arrangements have been in place for almost five years and, whilst appropriate at the time, are now on occasions cumbersome and unnecessarily complicated. The

current arrangements were largely based on a model set of arrangements that were adopted by a number of authorities at the time. Many of the authorities, including others in Norfolk, have subsequently reviewed and in most cases simplified the arrangements to allow greater flexibility for the Monitoring Officer to deal with a complaint in a timely and efficient manner.

1.6 With this in mind, a review of the current arrangements is now appropriate, and the proposed revised arrangements together with a revamped Complaints Form and proposed Hearing Procedures for both District and Parish Councillor complaints can be found at Appendices B to E.

1.7 The Code of Conduct which has also been in place for the same period of time.

2.0 **KEY POINTS**

2.1 The revised arrangements reduces the number of steps involved in dealing with Complaints, particularly where the Monitoring Officer considers that there has not been a breach of the Code of Conduct.

2.2 The requirement for the Monitoring Officer to seek local resolution at each stage is removed. Local resolution still remains an important option, but recognises that in some instances this may not always be the best option and allows greater flexibility for the Monitoring Officer to decide how best to proceed with a complaint.

2.3 The revised arrangements highlight the type of complaints that the Monitoring Officer cannot investigate; hopefully reducing the number of complaints which are outside of the jurisdiction of the Monitoring Officer.

2.4 The Monitoring Office will be able to consider whether a complaint should be progressed at the outset, having taken into account a number of factors listed in the revised arrangements.

2.5 Procedures for Hearing Panels are formalised for hearings in respect of both District and Parish Councillors, should complaints reach this stage.

2.6 The Code of Conduct has been amended as highlighted in yellow. The amendments provide clarity for members on non pecuniary interests and reduce the value when notification should be given to the Monitoring Officer of receipt of a gift, benefit or hospitality as is standard practice in other Local Authorities.

3.0 **OPTIONS**

3.1 Agree the revised arrangements and Code of Conduct and recommend to Council.

3.2 Agree the revised arrangements and Code of Conduct with amendments.

3.3 Do nothing and continue with the current arrangements and Code of Conduct

4.0 **REASONS FOR RECOMMENDATION(S)**

4.1 The procedure will allow the complaints to be dealt with in a more timely and efficient manner, thereby reducing the cost of the service.

4.0 **EXPECTED BENEFITS**

4.1 Reduced administrative burden in the process and speedier response to complaints and subject members.

5.0 **IMPLICATIONS**

5.2 **Constitution & Legal**

Elected members and co-optees are required to act in accordance with the Council's Code of Conduct and the Council must have appropriate arrangements in place, in accordance with the Localism Act 2011

5.3 **Equality and Diversity / Human Rights**

No issues to raise.

6.0 **WARDS/COMMUNITIES AFFECTED**

6.1 All wards

Background papers:-

Lead Contact Officer

Name and Post: Sarah Wolstenholme-Smy, Interim Legal Services Manager
Telephone Number: 07970 248422
Email: sarah.wolstenholme-smy@breckland-sholland.gov.uk

Key Decision: No

Exempt Decision: No

This report refers to a Mandatory Service

Appendices attached to this report:

Appendix A South Holland District Councils Code of Conduct
Appendix B How to make a complaint about a District, Town or Parish Councillor in South Holland
Appendix C Complaint Form
Appendix D Hearing Procedures – District Councillor
Appendix E Hearing Procedures – Parish Councillors

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South Holland District Council

Code of Conduct

1. Expected behaviours

- 1.1 South Holland District Council has adopted this Code setting out the expected behaviours required of its members or co-opted members, acknowledging that they each have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.
- 1.2 In accordance with the Localism Act provisions, when acting in this capacity all Councillors must be committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this Authority.

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

- 1.3 As a Member of South Holland District Council your conduct will in particular address the statutory principles of the code of conduct by:
- I. Championing the needs of residents – the whole community and in a special way your constituents, including those who did not vote for you - and putting their interests first.
 - II. Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
 - III. Not allowing other pressures, including the financial interests of yourself or others connected to you, to deter you from pursuing constituents' casework, the interests of the South Holland District area or the good governance of the Authority in a proper manner.
 - IV. Exercising independent judgement and not compromising your position by placing yourself under obligations to outside individuals or organisations who might seek to influence the way you perform your duties as a member/co-opted member of this Authority.
 - V. Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
 - VI. Being accountable for your decisions and co-operating when scrutinised internally and externally, including by local residents.
 - VII. Contributing to making this Authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding you and other members to account but restricting access to information when the wider public interest or the law requires it
 - VIII. Behaving in accordance with all your legal obligations, alongside any requirements contained within this Authority's policies, protocols and procedures, including on the use of the Authority's resources.
 - IX. Valuing your colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between you that is essential to good local government.
 - X. Always treating people with respect, including the organisations and public you engage with and those you work alongside.
 - XI. Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Authority.

2. Declaration of Pecuniary Interests

2.1 The Localism Act 2011 provides for registration and disclosure of pecuniary interests and in South Holland District Council this will be done as follows:

- On taking up office a member or co-opted member must, within 28 days of becoming such, notify the Monitoring Officer of any 'disclosable pecuniary interests', as prescribed by the Secretary of State.
- On re-election or re-appointments, a member or co-opted member must, within 28 days, notify the Monitoring Officer of any 'disclosable pecuniary interests' not already included in his or her register of interests.
- If a member or co-opted member is aware that they have a 'disclosable pecuniary interest' in a matter they must not participate in any discussion or vote on the matter at a meeting.
- If a member or co-opted member is aware of a 'disclosable pecuniary interest' in a matter under consideration at a meeting but such interest is not already on the Council's register of interests or in the process of entry onto the register having been notified to the Monitoring Officer, the member or co-opted member must disclose the 'disclosable pecuniary interest' to the meeting and register it within 28 days of the meeting at which it is first disclosed.

2.2 The duties to register, disclose and not to participate for the entire consideration of the matter, in respect of any matter in which a member has a disclosable pecuniary interest are set out in Chapter 7 of the Localism Act 2011. Members are also required to withdraw from the room as stated in the Standing Orders of this Council.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Personal Interests) Regulations 2012 No.1464 as follows:

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the member in carrying out duties as a member, or towards the election expenses of the member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(1).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—

	(a) under which goods or services are to be provided or works are to be executed; and
	(b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the member's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to the member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

2.3 Other Interests

Members must also avoid any situation in which their objectivity and impartiality may have been (or may appear to have been) compromised even though they may not have a disclosable pecuniary interest. There are many examples of how a non-pecuniary interest may arise, but examples include decisions made in respect of a body or organisation that you have a connection to (such as an outside body to which you have been appointed by the Council), or decisions that affect an individual who you have a close personal connection with.

2.4 Gifts and Hospitality

- 2.4.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a member from any person or body other than the Authority.
- 2.4.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.
- 2.4.3 This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Authority for this purpose.

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How to make a complaint about a District, Town or Parish Councillor in South Holland.

Guidance

This document explains how to make a complaint if you are unhappy about behaviour of an elected Councillor or co-opted Member (both referred to as 'Members' in this document) of South Holland District Council or a Town or Parish Council.

It also explains:-

- What you can complain about;
- What will happen to your complaint.

Code of Conduct

South Holland District Council has adopted a Code of Conduct for its members, which is available for inspection on the authority's website www.sholland.gov.uk and on request from the Council Offices.

Each town / parish council is also required to adopt a Code of Conduct. If anyone wishes to inspect a town / parish council's Code of Conduct, they should visit any website operated by the town / parish council or request the town / parish clerk to allow inspection of the relevant Code of Conduct.

How to make a complaint

Your complaint needs to be made in writing using the Councillors' Code of Conduct Complaint Form. The form can be found on the Council's website at www.sholland.gov.uk. If you do not have access to a computer a form may be obtained by contacting Democratic Services on 01775 764626 or standards@sholland.gov.uk.

Once completed please send your complaint form together with any documents that support your complaint to

The Monitoring Officer

Democratic Services
South Holland District Council
Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

or email: standards@sholland.gov.uk

The following sections of this document are intended to help you make sure you are sending us all the information we need.

If you cannot write your complaint in English, we can arrange to have it translated for you.

If you have any questions about the form, please contact the Monitoring Officer in writing.

What we cannot investigate

There are some complaints we will not investigate as a Councillor Code of Conduct complaint, including:-

- Complaints where a Member is not named;
- Complaints that are not in writing;
- Incidents or actions that are not covered by the Code of Conduct;
- Incidents that are about a fault in the way the Council rather than an individual member has or has not done something.
- Matters relating to the policies or performance of the Council generally. This is known as maladministration and may be a matter for the Local Government Ombudsman (www.lgo.org.uk); but should first be sent to us under our Corporate Complaints process at www.sholland.gov.uk.
- Complaints about employees;
- Incidents that happened before a Member was elected.
- Matters which occurred when the Member was not acting in their official capacity as a member.

The Complaint Form

Section 1 – Your contact details

- Please provide your full name, address, contact telephone number and E-mail address if you have one.

Section 2 – About you

- Please tell us whether you are complaining as an Officer of the Council, member of the public etc.

Section 3 – Details of the Member you are complaining about

You can complain about Members of South Holland District Council, or members of a Town or Parish Council within the district of South Holland. A full list of current Council Members are available on the Council's web page at (www.sholland.gov.uk.)

Section 4 – What you can complain about: breach of the Code of Conduct.

You can complain about a Member breaking any part of their Council's Code of Conduct for Members. A copy of the Code of Conduct for South Holland District Council Members can be found on the Council's website (www.sholland.gov.uk) Each Town and Parish Council has its own Code of Conduct. The majority are the same or based on the District Council's Code but you will need to consider the provisions of the Code of the relevant Town or Parish Council before completing this form. Copies of the relevant codes can be found on the South Holland District Council Website, or alternatively contact the relevant Town or Parish Clerk to obtain a copy of the Code adopted by that Council.

Evidence

If you believe a Member has breached their Code of Conduct, please attach any evidence that you feel is relevant to your complaint. For example, details of any witnesses or copies of relevant documents. We can only consider a complaint on the evidence that has been provided or made available to us.

Section 5 – Confidential information

In the interests of fairness and natural justice, we believe Members who are complained about have a right to know who has made the complaint. We will usually give them a copy of the complaint. We are unlikely therefore to withhold your identity or the details of your complaint unless the Monitoring Officer is of the opinion that it is in the public interest to do so. For example, where the disclosure of your personal details may result in the evidence being compromised or destroyed by the subject Member, or if there is a real possibility of intimidation of the complainant or witnesses by the Subject Member.

What happens to your complaint?

When you submit your complaint we will write to you to let you know we have received it. We will give you our summary of what we consider the key issues to be. We will also tell the member that you are complaining about that we have received your complaint and the relevant part(s) of the Code of Conduct that it is alleged may have been breached.

The Monitoring Officer will then consider your complaint and decide whether it should be progressed. If it is progressed, it may be referred for investigation or other

action. As part of this process the Monitoring Officer will consult the District Council's Independent Person for their views on the merits of the complaint. If the complaint is not progressed, we will write to you giving our reasons.

Failure to register or declare a Disclosable Pecuniary Interest

A Disclosable Pecuniary Interest is an interest that is defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. These include (but are not limited to) interests such as paid employment, sponsorship, contracts, land and securities. When there is a failure to declare a Disclosable Pecuniary Interest or where there is other evidence of criminality then we may refer the complaint to the Police

What is meant by 'Other Action'

The Monitoring Officer may decide to refer your complaint for 'other action'. This is a broad term that may include options such as seeking an agreed resolution, which might involve the member giving an apology or attending mediation.

What factors will be taken into account in deciding what to do with your complaint?

The Monitoring Officer may take the following into account in deciding whether to investigate the complaint:

- is this a matter for the police?
- is the matter serious enough to warrant the time and expense of further investigation?
- does the complaint appear to be politically motivated?
- does the complaint appear to be malicious, vexatious or repetitive?
- is it about something that happened so long ago that there would be little benefit in taking action now?
- is the outcome, including the availability of any likely sanction sought by the complainant, one that the Authority is empowered to deliver?
- if proven, would a finding of breach of the Code assist the Authority in its duty to promote and maintain high standards of conduct?
- had the Member acted on the advice of an officer or the Independent Person in relation to the conduct complained of?
- did the conduct arise from lack of experience or training?
- had the Member apologised for the conduct or was he or she willing to apologise?
- is the subject matter of the complaint being dealt with through any other complaints, legal or regulatory process?

Please note: There is no provision for appeal or review of this decision not to investigate the complaint further, but reasons for the decision will be provided.

If a conflict of interest arises the Monitoring Officer or the Independent person may consult an Independent third person.

Investigation

If your complaint is investigated we will write to you and inform you of the timescales for completing the investigation. You will also have an opportunity to provide the investigator with any further information or documents that you consider relevant. If the complaint relates to a parish councillor, depending on the nature of the allegation, in the first instance we may ask the parish council to assist with the investigation by locating and providing evidence. Responsibility for the investigation and the final decision on the outcome of the complaint will remain with the Monitoring Office. The Monitoring Officer may delegate an investigation to any officer of this Council, and may also commission an investigation by an external investigator.

At the end of an investigation

If the conclusion of the investigation is that there has been no breach of the Code and the Monitoring Officer considers that this is a reasonable conclusion, the Monitoring Officer will write to you and the person complained about to inform you that there will be no further action.

There is no provision for appeal or review of this decision but reasons for the decision will be provided.

If the investigation concludes that there is evidence of a breach of the Code then the Monitoring Officer will consult the Independent Person and make a decision either to:-

- resolve the matter without the need for a hearing or
- To convene a meeting of the Council's Hearing Panel to hear the matter.

If a hearing takes place and concludes that there has been no breach of the Code then that is the end of the matter. There is no provision for appeal or review of that decision.

If the hearing concludes that there has been a breach of the Code the panel will consider whether and what sanction it might be appropriate to impose on the member found to be in default.

These are as follows:-

- Censure or reprimand.
- Report to a meeting of the District Council in respect of a district councillor.
- Report to a meeting of the Parish Council in respect of a parish councillor
- Recommendation to the subject member's Political Group Leader (or in the case of un-grouped members, recommend to Council or to Committee) to remove the member from membership of Committees or Sub-Committees.
- Recommendation to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities.
- Require the member to undergo training.

- Recommendation of removal of the member from external nominations or appointments.
- Withdrawal of facilities or services from the member including access to Council premises and/or IT facilities.

Please Note: In respect of certain sanctions against parish councillors (such as removal from committees, removal from external appointments and withdrawal of facilities, access or services), the Hearing Panel can only make a recommendation to the Town/Parish Council. Town/Parish Councils will be under no obligation to accept any such recommendation – though they are under a duty to maintain high standards of conduct and must have regard to that duty when considering any recommendation of the Council. They will also be bound by the Monitoring Officer's determination of whether there has been a breach of the Code of Conduct as stated above.

Revision of these Arrangements

The Council may by resolution agree to amend these arrangements

Appeals

There is no right of appeal either as the complainant or the subject member against a decision of the Monitoring Officer or of the Hearings panel.

If it is felt that the authority has failed to deal with the complaint in accordance with these arrangements, a complaint can be made through the Corporate Complaints procedure (www.sholland.gov.uk) or the Local Government Ombudsman (www.lgo.org.uk)



COUNCILLORS' CODE OF CONDUCT COMPLAINT FORM

ONCE COMPLETED PLEASE RETURN TO: The Monitoring Officer, Democratic Services, South Holland District Council, Council Offices, Priory Road, Spalding, Lincolnshire, PE11 2XE

Your details

1 Please provide us with your name and contact details

Title:	
First name:	
Last name:	
Address:	
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	
Signature:	
Date:	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However if your complaint is referred for assessment, we will tell the following people that you have made this complaint:

- the Councillor(s) you are complaining about
- the Parish or Town Clerk (if applicable)



If you need this document in large print, audio Braille, alternative format or in a different language, please contact Democratic Services on 01362 656295

We will tell them your name and give them details of your complaint. We will give them the full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about releasing your name and a summary, or details of your complaint, please complete section 5 of this form.

2 Please tell us whether you are making this complaint as:

- A Member of the public
 An elected or co-opted Member of an Authority
 Other Council Officer or Authority employee
 Other, please state ()

Making your complaint

3 Please provide us with the name of the Councillor(s) you believe have breached the Code of Conduct and the name of their Council:

Title	First name	Last name	Council name

4 Please explain in this section (or on separate sheets) what the Councillor has done that you believe breaches the Code of Conduct and the specific paragraph(s) of the Code. If you are complaining about more than one Councillor you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the Monitoring Officer when she decides whether to take any action on your complaint. For example:

- You should be specific, wherever possible; about exactly what you are alleging the Councillor said or did. For instance, instead of writing that the Councillor insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information. (e.g. minutes of meetings)

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

DRAFT

Only complete this next section if you are requesting that your identity is kept confidential

- 5 In the interests of fairness and natural justice, we believe Councillors who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a copy the complaint.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Monitoring Officer will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

Empty text box for providing details of why you believe we should withhold your name and/or the details of your complaint.

Additional Help

Complaints must be submitted in writing. This includes electronic submissions. However, in line with the requirements of the Disability Discrimination Act 2005, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible.

Further information to help you complete this form can be found on the accompanying guidance notes.

Standards Hearing Procedure (District Councillor)

<p>1. Formal Introductions of those present by the Chairman</p> <ul style="list-style-type: none"> • Members introduced • Officers introduced – Monitoring Officer (MO) (or his/her Deputy) and Independent Person
<p>2. Preliminary Issues</p> <ul style="list-style-type: none"> • Confirm Members interests disclosed in accordance with Code of Conduct (if relevant) • Confirm meeting is quorate • If the subject member is not present, decide whether to proceed • Confirm whether the meeting will be held in public or in private session. If the meeting will be held in public session, confirmation that the Panel may decide to make their determination in private. • Determine whether any additional witnesses are present, and whether they have been presented by the Subject member or Complainant. Determine whether the witnesses will be allowed to speak.
<p>3. Hearing of complaint and findings</p> <ul style="list-style-type: none"> • MO to present their report. • Complainant to make any further comments and invite any of their own witnesses to speak. The Panel may determine the amount of time the complainant, or witnesses, are provided to speak. • Panel may cross-examine the complainant and witnesses • Subject member to make any further comments and invite any of their own witnesses to speak. The Panel may seek to clarify the amount of time the complainant, or witnesses, are provided to speak. • Panel may cross-examine the subject or witnesses. • The Independent Person to present their views to the Panel • The Panel may ask further questions of the Independent Person, and any of the other parties present.
<p>4. Determination</p> <ul style="list-style-type: none"> • The Panel may resolve to close the meeting to deliberate in private. • If so, the Panel to ask the Subject member, Complainant and any witnesses, members of the public and press to leave the room. • Panel to determine whether the member failed to follow the Code of Conduct • Panel to determine any sanctions or recommendations in light of their findings as to whether the member breached the Code of Conduct <p>It should be noted that the Independent Person is not a member of the Panel and does not take part in determination of the matter.</p>
<p>5. Confirmation</p> <ul style="list-style-type: none"> • All parties are recalled to the meeting • The Chairman to summarise the Panels' deliberations and announce their finding as to whether the member has breached the Code of Conduct • The Chairman to confirm any sanctions to be undertaken • The Chairman to confirm that a decision notice will be placed on the Council's website and available for public inspection. • Chairman to close the meeting

Notes on the outcomes of the Hearing Panel:

The decision of the Hearing Panel is final. There are no further rights of appeal.

The Panel may decide on the following Sanctions where they identify that a Councillor has breached the Code of Conduct:

- 1 Publish its findings in respect of the subject member's conduct;
- 2 Report its findings to Council for information;
- 3 Recommend to the subject member's Political Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- 4 Recommend to the Leader of the Council that the subject member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- 5 Instruct the Monitoring Officer to arrange training for the subject member;
- 6 Recommend the subject Member be removed from any or all outside appointments to which he/she has been appointed or nominated by the authority.
- 7 Withdrawal of facilities or services from the member including access to Council premises and/or IT facilities

When determining the sanctions that should be employed, the Panel may take into account any subsequent action undertaken by the Councillor to remedy the breach (for example, receipt of training or apology)

In respect of District Councillors, the Monitoring Officer is charged with ensuring that the necessary action is undertaken, including making recommendations to Council where necessary. The subject member will receive formal written notification within two weeks of the hearing as to the outcome of the meeting and any sanctions to be undertaken.

Standards Hearing Procedure - (Parish Councillor)

<p>1. Formal Introductions of those present by the Chairman</p> <ul style="list-style-type: none"> • Members introduced • Officers introduced – Monitoring Officer (MO) (or his/her Deputy) and Independent Person
<p>2. Preliminary Issues</p> <ul style="list-style-type: none"> • Confirm Members interests disclosed in accordance with Code of Conduct (If Relevant) • confirm meeting is quorate • if the subject member is not present, decide whether to proceed • Confirm whether the meeting will be held in public or in private session. If the meeting will be held in public session, confirmation that the Panel may decide to make their determination in private. • Determine whether any additional witnesses are present, and whether they have been presented by the Subject member or Complainant. Determine whether the witnesses will be allowed to speak.
<p>3. Hearing of complaint and findings</p> <ul style="list-style-type: none"> • MO to present their report. • Complainant to make any further comments and invite any of their own witnesses to speak. The Panel may determine the amount of time the complainant, or witnesses, are provided to speak. • Panel may cross-examine the complainant and witnesses • Subject member to make any further comments and invite any of their own witnesses to speak. The Panel may seek to clarify the amount of time the complainant, or witnesses, are provided to speak. • Panel may cross-examine the subject or witnesses. • The Independent Person to present their views to the Panel • The Panel may ask further questions of the Independent Person, and any of the other parties present.
<p>4. Determination</p> <ul style="list-style-type: none"> • The Panel may resolve to close the meeting to deliberate in private. • If so, the Panel to ask the Subject member, Complainant and any witnesses, members of the public and press to leave the room. • Panel to determine whether the member failed to follow the Code of Conduct • Panel to determine any sanctions or recommendations in light of their findings as to whether the member breached the Code of Conduct <p>It should be noted that the Independent Person is not a member of the Panel and does not take part in determination of the matter.</p>
<p>5. Confirmation</p> <ul style="list-style-type: none"> • All parties are recalled to the meeting • The Chairman to summarise the Panel's deliberations and announce their finding as to whether the member has breached the Code of Conduct • The Chairman to confirm any sanctions to be imposed or recommended to the Parish Council • The Chairman to confirm that a decision notice will be placed on the Council's website and available for public inspection. • Chairman to close the meeting

Notes on the outcomes of Hearing Panels:

The decision of the Hearing Panel is final. There are no further rights of appeal.

The Panel may decide on the following Sanctions where they identify that a Councillor has breached the Code of Conduct:

1. Publish its findings in respect of the subject member's conduct;
2. Report its findings to the Town / Parish Council for information;
3. Recommend that the Town/Parish council arrange training for the subject member;
4. Recommend to the Town / Parish council that the subject member be removed from any or all outside appointments to which he/she has been appointed or nominated by the town / parish Council.

When determining the sanctions that should be employed, the Panel may take into account any subsequent action undertaken by the Councillor to remedy the breach (for example, receipt of training or apology)

In respect of Parish Councillors, the Monitoring Officer will notify the Parish Clerk within two weeks of the hearing of the outcome. The Parish Council is required to consider the Panel's findings, and determine whether they agree with the findings or propose other action to be taken.

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Executive Manager – Governance

To: Standards Panel – 22 March 2017

Author: Lynn Eldred, Lead Democratic Services Officer

Subject: Standards Annual Report – 2016/17

Purpose: The Panel is asked to note the Standards Annual Report 2016/17

Recommendation(s):

To note the Standards Annual Report for 2016/17.

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 and implemented with effect from 1 July 2012.
- 1.2 As part of the arrangements, it was agreed that the role of monitoring Standards issues would be delegated to a Standards Panel. The Standards arrangements adopted by the Council also require that an annual report is presented to the Standards Panel. This report provides information relating to work undertaken since the previous annual report made to the Standards Panel in April 2016.
- 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. Mr Tony Wicks undertakes this role for South Holland District Council.
- 1.4 The following table details the number of complaints that have been received in 2016/17 and the relevant outcomes along with figures from recent years:

Stages of complaint	2013/14	2014/15	2015/16	2016/17
Complaints received	1	10	6	5
Complaints not relevant to Code of Conduct	2	4		3
Complaints withdrawn				1
Resolved under informal resolution and matter closed				
Referred to Police	6			
Initial information in the process of being sought	2	2	3	1

Stage 2 (Formal consideration of a complaint)				
Considered by Monitoring Officer to not merit further consideration	3	4	2	
Referred to Standards Panel as deemed inappropriate for Monitoring Officer to consider				
Resolved through informal resolution			1	
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				
Hearing Panel finds failure to comply				
Hearing Panel finds <u>no</u> failure to comply				
Cases where sanctions recommended and accepted by District / Parish Council				

2016/17 figures include 4 District Complaints and 1 Parish Complaint.

1.5 **REPORT OF THE INDEPENDENT PERSON – MR TONY WICKS**

During the past twelve months, I have, on several occasions acted as Independent Person for Breckland District Council. This came about as a result of the Independent Person there registering a conflict of interest with either the subject member or the complainant. It was a useful exercise and gave an insight into the type of issues raised elsewhere. One of the issues has not been resolved and has resulted in a standards hearing which is due later this month.

I attended an Independent Person workshop recently and two main issues were discussed one being the lack of sanctions and the second relating to the ongoing problems with the misuse of social media. The matter of sanctions is to be raised nationally with the appropriate body in the near future.

Apart from the above my involvement in South Holland District Council issues has been relatively quiet.

2.0 **OPTIONS**

2.1 The report is for noting.

3.0 **REASONS FOR RECOMMENDATION(S)**

3.1 The Standards arrangements adopted by the Council require that an annual report is presented to the Standards Panel.

4.0 **EXPECTED BENEFITS**

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 **Constitution & Legal**

5.1 The report ensures that the Council complies with its Standards arrangements and the roles and responsibilities of the Standards Panel as set out in the Constitution. The Council's arrangements are in line with the requirements placed upon it by the Localism Act 2011.

6.0 **WARDS/COMMUNITIES AFFECTED**

6.1 All.

7.0 **ACRONYMS**

7.1 None.

Background papers:- None.

Lead Contact Officer

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Key Decision: No

Exempt Decision: No

This report refers to a Mandatory Service

Appendices attached to this report:

None.

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