

# AGENDA



- Committee - **STANDARDS PANEL**
- Date & Time - Wednesday, 3 April 2019 at 6.30 pm
- Venue - Meeting Room 1, Council Offices, Priory Road

**Membership of the Standards Panel:**

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

**No substitutions permitted.**

**Quorum: 3**

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

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

Date: 26 March 2019

## AGENDA

- 1) Apologies for Absence
- 2) Declarations of Interest
- 3) Minutes (Pages 3 - 6)  
To agree the minutes of the meeting held on 27<sup>th</sup> September 2017 (copy attached).
- 4) Annual Standards Report 2018-2019 (Pages 7 - 10)  
To consider the Standards Annual Report 2018-19 (report of the Executive Director – Strategy and Governance is enclosed).
- 5) Prospective Changes to the Standards Regime  
To receive a verbal update from the Executive Manager – Governance on prospective changes to the Standards regime.
- 6) Any other Business

Minutes of a meeting of the **STANDARDS PANEL** held in the Meeting Room 1, Council Offices, Priory Road, Spalding, on Wednesday, 27 September 2017 at 6.30 pm.

## PRESENT

G R Aley (Chairman)

B Alcock

M G Chandler

Apologies for absence were received from or on behalf of Councillors R Clark, P C Foyster and J L King

In Attendance: Tony Wicks –Independent Person and Executive Manager – Governance.

### 6) **DECLARATIONS OF INTEREST**

There were no declarations of interest.

### 7) **MINUTES**

The Panel considered the minutes of the meeting held on 22<sup>nd</sup> March 2017.

#### **DECISION:**

That the minutes be agreed as a correct record and be signed by the Chairman.

### 8) **REVIEW OF LOCAL ARRANGEMENTS**

The Panel considered the report by the Executive Manager - Governance inviting the Panel to review the Standards Arrangements and Code of Conduct to ensure that they are proportionate and fit for purpose.

The Localism Act 2011 contained 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 This superseded the previous arrangements contained in the local Government Act 2000.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 need to adopt a model Code. 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.

Nonetheless, there remained 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

## **STANDARDS PANEL - 27 September 2017**

investigation of allegations and for the making of decisions on allegations. How this is achieved in each Council now involved a much greater degree of local choice than was available under the previous regime.

The panel noted that the current arrangements had been in place for over four years and, whilst appropriate at the time, were 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. A number of authorities had subsequently reviewed and simplified the arrangements to allow greater flexibility for the Monitoring Officer to deal with a complaint in a timely and efficient manner.

With this in mind, a fully revised set of arrangements was presented to the Standards Panel on 22 March 2017 and it was anticipated that the proposals would be presented to the Council in April 2017. The proposed arrangements were approved by the Panel, but were subject to further investigation by the Monitoring Officer particularly as regards to certain proposed sanctions. In particular, the Independent person had suggested including a sanction that would remove powers from a member in breach in respect of their Ward Member Budget.

In order to enable the further research required, the report was withdrawn from April Council for further work. Since that time, the Deputy Monitoring Officer had attended a Monitoring Officer conference and had been able to consider examples of best practice. This had resulted in some minor amendments to the proposals considered in March and included in the report.

The Panel considered the report and the following key points emerged:

- The Panel raised a question around sharing the arrangements with parishes. The Executive Manager – Governance stated that the Parishes could adopt the Council's Code should they wish and there were plans for more engagement with Parish Clerks to help them assist their members with compliance.
- The Executive Manager for Governance was asked to make a slight amendment to the new paragraph 2.3 in the Code of Conduct (which was Appendix A to the report) to make it clear that whilst the Monitoring Officer/Deputy Monitoring Officer would provide advice, it was for the relevant member to decide whether or not it was appropriate to participate in decision-making.

## **DECISION**

1. That paragraph 2.3 in the Code of Conduct be amended to make it clear that whilst the Monitoring Officer/Deputy Monitoring Officer would provide advice, it was for the relevant member to decide whether or not it was appropriate to participate in decision-making.
2. That subject to the above amendment it be recommended that Council adopts the revised set of Local Arrangements for dealing with Standards Complaints.

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

There were no urgent items.

(The meeting ended at 7.15 pm)

(End of minutes)

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## SOUTH HOLLAND DISTRICT COUNCIL

**Report of:** Executive Director - Strategy and Governance (Monitoring Officer)

**To:** Standards Panel Wednesday, 3 April 2019

**(Author:** Lynn Eldred Lead Democratic Services Officer)

**Subject** Annual Standards Report 2018-2019

**Purpose:** To consider the Annual Standards Report 2018-2019

### **Recommendation:**

- 1) That the report be noted.

### **1.0 BACKGROUND**

1.2 The Localism Act 2011 requires Councils to have in place arrangements for dealing with complaints against members. The Council's arrangements were reviewed by the Standards Panel and thereafter adopted by full Council in November 2017.

1.3 The role of monitoring Standards issues is delegated to the 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 2018.

1.4 The Localism Act 2011 introduced the 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.

### **2 COMPLAINTS**

2.1 The following table details the number of complaints that have been received in 2018/19 and the relevant outcomes. Also included, for comparison purposes, are the figures from previous years.

<b>Stages of complaint</b>					
	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>
Complaints received	10	6	5	0	5
Complaints not relevant to Code of Conduct	4		3		
Complaints withdrawn			1		
Resolved under informal resolution and matter closed					
Referred to Police					

Initial information in the process of being sought	2	3	1		2
<b>Stage 2 (Formal consideration of a complaint)</b>					
Considered by Monitoring Officer to not merit further consideration	4	2		1	
Referred to Standards Panel as deemed inappropriate for Monitoring Officer to consider					
Resolved through informal resolution		1			
<b>Stage 3 (Investigation)</b>					
Investigation under way					2
Investigation completed - Failure to comply found					
Investigation completed - No failure to comply found					1
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					

2.2 During 2018/2019, 5 Standards complaints have been received. One complaint has been investigated and no failure to comply with the Code of Conduct found. Two complaints are under investigation and two further complaints are in the process of initial information being sought.

### 3 **REPORT OF THE INDEPENDENT PERSON – MR TONY WICKS**

3.1 The past few months have again proved to be quiet until recently when code of conduct complaints were made. I have been asked for my input and have responded accordingly.

3.2 You will recall that in the last annual report I referred to the proposal to review sanctions. For reasons unknown an Independent Person workshop was not held in Lincoln last year so I am unable to provide an update at this time.

3.3 On 27th March, 2019 the Council will consider my re-appointment as Independent Person. If successful, I look forward to continuing to work with the Monitoring Officer and Councillors.

#### 4 **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 and take action if appropriate.

#### 5 **IMPLICATIONS**

5.1 In preparing this report, the report author has considered the likely implications of the decision - particularly in terms of Carbon Footprint / Environmental Issues; Constitutional & Legal; Contracts; Corporate Priorities; Crime & Disorder; Data Protection; Equality & Diversity/Human Rights; Financial; Health & Wellbeing; Reputation; Risk Management; Safeguarding; Staffing; Stakeholders/Consultation/Timescales; Transformation Programme; Other. Where the report author considers that there may be implications under one or more of these headings, these are identified below.

#### 5.2 **Constitutional & Legal**

5.2.1 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 **WARDS/COMMUNITIES AFFECTED**

6.1 All.

#### 7 **ACRONYMS**

7.1 None.

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Background papers:- None.

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#### **Lead Contact Officer**

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**Key Decision:** No

**Exempt Decision:** No

**This report refers to a Mandatory Service**

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