

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.

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Key Decision:

No.

Exempt Decision:

No.

Appendices attached to this report:

None.