



Standards Committee

Date: 24 January 2012
Time: 6.15 pm
Venue: Council Chamber
District Council Offices, Queen Victoria Road, High Wycombe Bucks

Membership

Chairman Mrs E Springford
Vice Chairman Mr D Sainsbury

Councillors: D J Carroll, Mrs G A Jones, J A Savage and Ms J D Wassell

Independent Members: Revd G Hargrove and Mr B Morgan-Timms

Parish Council Members: D Banfield, J Sherlock and Mrs V Smith

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**For further information, please contact Peter Druce 01494 421210,
peter_druce@wycombe.gov.uk**

Agenda Item 1

APOLOGIES FOR ABSENCE

To receive apologies for absence.

Agenda Item 2

DECLARATIONS OF INTEREST

To receive any declarations of personal or prejudicial interest by Members relating to the Agenda. If any Member is uncertain as to whether an interest should be disclosed, he or she is asked if possible to contact the District Solicitor prior to the meeting.

Members are reminded that if they are declaring an interest, whether personal or personal and prejudicial, then (subject to paragraph 14 of the Code of Conduct) they should state the nature of that interest, whether or not they leave the meeting.

Agenda Item 3

MINUTES OF PREVIOUS MEETING – 7 JUNE 2011

To confirm the Minutes of the meeting held on 7 June 2011

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Agenda Item 4

THE LOCALISM ACT 2011 – THE NEW STANDARDS REGIME

Officer Contact: David Ruddock DDI: 421252
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What is the Committee being asked to do?

To note the report and attached documents in respect of model arrangements for dealing with standards issues under the Localism Act 2011.

Corporate Implications

This report outlines the new Standards Regime coming into force under the Localism Act 2012 Sections 26-37 and Schedule 4.

Executive Summary

The report and the attached documents are submitted as a matter of information and to afford the opportunity to the Committee to discuss future standards arrangements coming into force from July 1 this year under the Localism Act 2011.

Sustainable Community Strategy/Council Priorities - Implications

A robust and effective standards regime to ensure high standards of conduct amongst elected Members both at District and Parish Council level, is essential to ensure probity in all decision making of the authorities of the District. Such probity unifies all the work of the Council and Parishes in attaining the 5 common themes of both the Sustainable Community Strategy of:

- Thriving economy
- Sustainable environment
- Safe communities
- Health and wellbeing
- Cohesive and strong communities

The Localism Act 2011 - The new Standards Regime

The new standards provisions relating to local authorities in England are set out in Part 1 Chapter 7 Sections 26 – 37 of and Schedule 4 to, the Localism Act.

Every authority will be under a duty to promote and maintain high standards of conduct by elected and co-opted members of the authority.

The provisions apply to elected members and co-opted members when acting as members. There are no requirements in relation to private life, though disqualification as a result of a sentence of imprisonment for three months or more (whether suspended or not) in s 80 of the Local Government Act 1972 remains. The definition of “co-opted member” does not include non-voting members.

Transitional provisions

The Government has now clarified the timetable for abolition of Standards for England, although this is still subject to formal confirmation through regulations. It is the Government’s intention that abolition will take effect on 31 March 2012. Prior to this, the regulatory role in handling cases and issuing guidance will stop from a date that will be set out in regulations but anticipated to be 31 January 2012. From this date, Standards for England will no longer have powers to accept new referrals from local standards committees or conduct investigations into complaints against members. Any existing referrals or investigations will be transferred back to the relevant authority for completion. However, any complaints which are being handled locally on that date will need to continue through to a conclusion; and similarly any matters relating to completed investigations or appeals that have been referred to the First Tier Tribunal will continue to conclusion.

The Government intend that the remaining local elements of the current regime, including statutory standards committees with the power to suspend councillors, will be abolished on 1 July 2012.

From 1 July forward, all standards matters – including consideration and determination of outstanding complaints made during the period the Standards Board regime was operating - will be the responsibility of local authorities, to be handled under the new arrangements. 1 July will also see the new standards arrangements, which include a ‘Nolan-based’ code, the involvement of an independent person in allegations of misconduct, and a new criminal offence for failing to declare or register interests, coming into force.

The Government believe that such a timetable would seem appropriate given the timing of councils’ elections and annual meetings. It also recognises that local authorities will have to take action to implement the changes to the standards arrangements and will need sufficient time to adopt any new code and procedures. Moreover, they will need time to advertise for and then

appoint an 'independent person' and put in place arrangements for handling allegations of breaches of their code. Finally, principal authorities will have to put in place, and agree, arrangements with parish councils for both a code and register of interest related activity.

Standards Committees

The statutory Standards Committees are to be abolished. Any voluntary Standards Committee or Sub-committee established by the authority will be an ordinary committee or sub-committee established under s101 and s102 of the Local Government Act 1972. The new Independent Persons would not be able to be voting members, unless the committee or sub-committee was merely advisory. Any such Standards Committee would be subject to the normal proportionality rules and to the same requirements on confidential and exempt information as any other Council Committee. The Standards Committee would assist in discharging the duty of the authority to promote and maintain high standards of conduct and along with arrangements for regulation, albeit this is limited in scope.

The Code of Conduct

Each authority is required to adopt a Code of Conduct, which can only apply to members and co-opted members when acting in their capacity as a member or co-opted member. Private life is not covered. The powers of the Secretary of State to specify general principles and issue a model code are revoked, along with the current 10 General Principles of Conduct and the Model Code, but the Act requires an authority's Code to be consistent with the seven Nolan principles of conduct in public life.

Authorities are free to determine what they put in or leave out of a Code except that provisions must be included which the authority considers appropriate in respect of the registration (in its register) and disclosure, of interests. Any decision to adopt a local Code must be taken at full Council, and all standards matters are to be non-executive functions.

The abolition of the Model Code means that different authorities may have different Codes. A councillor who is a member of more than one authority is likely to be subject to different Codes, according to which authority he/she is currently acting on. Different members of the same joint committee will be subject to the varied Codes of their different parent authorities.

The requirement for members to give an undertaking to comply with the Code of Conduct is removed, although it might be considered reasonable to expect members to comply. The previous consequence of not being able to act as a member where the undertaking was not provided, has been removed.

The District Council (but not parish councils) must have in place arrangements to deal with complaints of breach of its Code of Conduct, including arrangements for investigation of complaints and arrangements "under which decisions on allegations can be made". This also applies to

allegations in respect of parish councillors. A Standards Committee of some kind is likely to be needed to undertake these functions at member level, even if some sanctions, such as removal from Committees, would have to be applied by full Council.

District Councils will be responsible for having arrangements in place to investigate and determine allegations against Parish Councillors, but the Act does not provide how this might be done (other than requiring the views of an Independent Person). Parish Councils are under no obligation to have regard to any findings of the district or unitary authority or its Standards Committee.

Authorities have discretion to set their own processes and to delegate more of the process. There is no requirement for a review stage. There is no longer any statutory requirement to hold a hearing. There is greater scope for the Monitoring Officer to seek local resolution of a complaint before a decision is taken as to whether the complaint merits investigation. This may enable the more minor or tit-for-tat complaints to be taken out of the system without the full process previously required. The Act gives no explicit powers to undertake investigations or to conduct hearings. So there will be no power to require access to documents or to require members or officers to attend interviews, and no power to require the member to attend a hearing. The Act gives authorities no explicit powers to take any action in respect of a breach of the local Code, but there is case law confirming that the Council can take action to secure the proper administration of its affairs.

It is understood that work is taking place to produce some form of uniform recommended Code.

The Independent Person

The District Council must appoint one or more Independent Persons. They are to be appointed by advertisement and application and there are very strict rules preventing a person from being appointed if they are a friend or relative of any member or officer of the authority or of any Parish Council within the District Council's area. They can they be paid a fee and/or expenses and the Act provides that a person does not cease to be independent merely because such payments are made.

The Independent Person:

- must be consulted and his or her views taken into account before the District Council takes a decision on any allegation it has decided to investigate
- may be consulted by the District Council in respect of a standards complaint at any other stage
- may be consulted by a District or Parish councillor against whom an allegation has been made.

Legal advice obtained by ACSeS has confirmed that a person cannot be appointed as an Independent Person if he or she has within the past 5 years

been a co-opted voting member of a Committee of the Council. Unfortunately this means that all existing independent co-opted members of the Standards Committee are ineligible to be appointed as Independent Persons.

Members' Interests

The Monitoring Officer is required to establish a register of members' interests for each authority including for parish councils within their area. The content of any such register must be approved by full Council. It must contain "disclosable pecuniary interests" (to be defined in Regulations) but the Act also provides that an authority's Code must require registration of non-disclosable pecuniary interests and non-pecuniary interests, for which no definition has been provided as yet.

The Monitoring Officer is responsible for ensuring that each authority's register of interests is kept within the principal authority's area (e.g. at the principal authority's offices) and on the authority's website. For parish councils, the Monitoring Officer must ensure that every parish council's register is available for inspection within the principal authority's, rather than the parish council's area and, if the parish council has a website, the parish council must ensure that the register is accessible on that website.

Every elected or co-opted member will be required to notify the Monitoring Officer (within 28 days of being elected or co-opted onto the authority) of all current "disclosable pecuniary interests" of which they are aware, and update the register within 28 days of being re-elected or re-appointed. The Act provides that this will cover the interests not just of the member, but also of his/her spouse, civil partner or person with whom he/she lives, in so far as the member is aware of his/her partner's interests.

A member may ask the Monitoring Officer to exclude from the public register any details which, if disclosed, might lead to a threat of violence or intimidation to the member or any person connected with the member, and allow the member merely to recite at the meeting that he /she has a disclosable pecuniary interest, rather than giving details of that interest.

Failure to register any such interest, failure to register within 28 days of election or co-option, or the provision of misleading information on registration without reasonable excuse, will be criminal offences, potentially carrying a Scale 5 fine and/or disqualification from being a councillor for up to five years. Prosecution is at the instigation of the Director of Public Prosecutions. Once a member has made the initial registration, there is no requirement to update such registrations for changes of circumstances, such as the acquisition of development land, unless and until a relevant item of business arises at a meeting which the member attends.

The requirement for disclosure of interests at meetings will apply to the same range of "disclosable pecuniary interests" as the initial registration requirement, plus any non-disclosable pecuniary interests and non-pecuniary interests which the authority's Code requires to be disclosed. The duty to

disclose will only arise if the member is aware of the interest. However, where the interest is already on the authority's register of interests, or is in the process of entry onto the register having been notified to the Monitoring Officer, the member is under no obligation to disclose the interest at the meeting. Where it is an unregistered interest, the member is required both to disclose it at the meeting and to register it within 28 days of the meeting at which relevant business is considered.

The duty to disclose arises if the member attends the meeting, as opposed to the present code requirement to disclose "at the commencement of" consideration of the matter in which the member has an interest. In future the member cannot avoid the need to disclose merely by withdrawing during that part of the meeting when the particular item of business is considered. Failure to disclose a disclosable pecuniary interest is a criminal offence. There is no such sanction for failing to disclose non-disclosable pecuniary interests or non-pecuniary interests, even where disclosure is required by the authority's Code of Conduct.

Disclosure and withdrawal, is required to cover a member's disclosable pecuniary interest in any item of business at a meeting, or in any matter which he/she would deal with as a single executive member or ward councillor. If he/she has a disclosable pecuniary interest in such a matter, he/she is simply barred from participating in discussion or voting on the matter at the meeting, or (as a single member) taking any steps in respect of the matter, other than referring it to someone else for determination. Participation in the discussion of the matter, or taking steps in respect of the matter, in the face of these prohibitions is made a criminal offence. The Council's Code will make some provision for disclosure of non-disclosable pecuniary interests and of non-pecuniary interests.

Dispensations

The previous grounds for dispensations, allowing members with a pecuniary interest to get the consent of Standards Committee to participate, are extended. The ground that more than 50% of the members of the body were conflicted out remains, but now effectively restricted to a circumstance where the number of members unable to participate would make the meeting inquorate. The second ground, that exclusion would disturb the political composition of the meeting and so affect the outcome of the vote remains but now dispensations may also be granted if:

- every member of the authority's executive is otherwise precluded from participating;
- it would be in the interests of persons living in the authority's area; and
- the authority considers that it is otherwise appropriate to grant a dispensation.

The process starts with a written request by a member or co-opted member, to the proper officer. An officer will therefore need to be designated for the purpose; this could be the Monitoring Officer or the Head of Paid Service.

Pre-determination

Section 25 of the Localism Act (which came into effect on 15 January) introduces provisions for dealing with allegations of bias or pre-determination or matters that otherwise raise an issue about the validity of a decision, where the decision-maker(s) had or appeared to have a closed mind (to any extent) when making the decision. It provides that the decision maker(s) is not to be taken to have had a closed mind “just because” (sic) the decision-maker(s) had previously done anything relevant to the decision, that directly or indirectly, indicated what view the decision-maker took, or would or might take, in relation to a matter.

Whilst the provision on predetermination in the Act might be useful in giving councillors confidence about making their views on particular issues known, in a situation where a member says something like “over my dead body” in respect of voting a particular way on an issue, this does not change the legal position that if a member could be shown to have approached a decision with a closed mind, that could affect the validity of the decision. Equally, if a member had expressed views on a particular issue but could show that when taking the decision they had approached this with an open mind and taken account of all the relevant information, they could reasonably participate in a valid decision. If a member has expressed particularly extreme views, it will be more difficult in practice to be able to get away from the impression that they would approach the decision with a closed mind.

The Way Forward

Messrs. Bevan Brittan have helpfully circulated two documents interpreting these suggested new arrangements, which are attached for information:

- Model Arrangements for dealing with standards allegations under the Localism Act 2011 (**appendix a**); and
- A model report to Standards Committee regarding new Standards arrangements (**appendix b**).

At present it is considered that as a number of key issues have not yet been clarified it would be premature to draw up the model report (**appendix a**) as a full report to the Standards Committee with recommendations to Full Council in respect of Standards arrangements.

Next Steps

It is proposed that this report should be amended appropriately and submitted to the next scheduled Standards Committee meeting of 27 March 2012. The discussion held tonight by the Committee will inform those amendments.

Background Papers

Papers held by District Solicitor and Democratic Services.

Model Arrangements for dealing with standards allegations under the Localism Act 2011

1 Context

These “Arrangements” set out how you may make a complaint that an elected or co-opted member of this authority *[or of a parish council within its area]* has failed to comply with the authority’s Code of Conduct, and sets out how the authority will deal with allegations of a failure to comply with the authority’s Code of Conduct.

Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a member or co-opted member of the authority *[or of a parish council within the authority’s area]*, or of a Committee or Sub-Committee of the authority, has failed to comply with that authority’s Code of Conduct can be investigated and decisions made on such allegations.

Such arrangements must provide for the authority to appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by a member *[or a member or co-opted member of a parish council]* against whom an allegation as been made.

2 The Code of Conduct

The Council has adopted a Code of Conduct for members, which is attached as Appendix One to these arrangements and available for inspection on the authority’s website and on request from Reception at the Civic Offices.

[Each parish council is also required to adopt a Code of Conduct. If you wish to inspect a Parish Council’s Code of Conduct, you should inspect any website operated by the parish council and request the parish clerk to allow you to inspect the parish council’s Code of Conduct.]

3 Making a complaint

If you wish to make a complaint, please write or email to –

“The Monitoring Officer
Civic Offices
Barchester
BA7 3ED”

Or –

monitoringofficer@barchester.gov.uk

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 system in respect of complaints of member misconduct.

In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the model complaint form, which can be downloaded from the authority's website, next to the Code of Conduct, and is available on request from Reception at the Civic Offices.

Please do provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case we will not disclose your name and address to the member against whom you make the complaint, without your prior consent. The authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it, and will keep you informed of the progress of your complaint.

4 Will your complaint be investigated?

The Monitoring Officer will review every complaint received and, after consultation with the Independent Person, take a decision as to whether it merits formal investigation. This decision will normally be taken within 14 days of receipt of your complaint. Where the Monitoring Officer has taken a decision, he/she will inform you of his/her decision and the reasons for that decision.

Where he/she requires additional information in order to come to a decision, he/she may come back to you for such information, and may request information from the member against whom your complaint is directed. *[Where your complaint relates to a Parish Councillor, the Monitoring Officer may also inform the Parish Council of your complaint and seek the views of the Parish Council before deciding whether the complaint merits formal investigation.]*

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 the member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the authority. Where the member or the authority make a reasonable offer of local resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.

5 How is the investigation conducted?

The Council has adopted a procedure for the investigation of misconduct complaints, which is attached as Appendix Two to these arrangements.

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 you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

The Investigating Officer would normally write to the member against whom you have complained and provide him/her with a copy of your complaint, and ask the member to provide his/her explanation of events, and to identify what documents he needs to see and who he needs to interview. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the member might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the member, or delay notifying the member until the investigation has progressed sufficiently.

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 you and to the member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

6 What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and, if he is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the member concerned [*and to the Parish Council, where your complaint relates to a Parish Councillor*], notifying you that he is satisfied that no further action is required, and give you both a copy of the Investigating Officer's final report. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he may ask the Investigating Officer to reconsider his/her report.

7 What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for local hearing before the Hearings Panel or, after consulting the Independent Person, seek local resolution.

7.1 Local Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and with you as complainant and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the authority. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee [*and the Parish Council*] for information, but will take no further action. However, if you tell the Monitoring Officer that any suggested resolution would not be adequate, the Monitoring Officer will refer the matter for a local hearing.

7.2 Local Hearing

If the Monitoring Officer considers that local resolution is not appropriate, or you are not satisfied by the proposed resolution, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel which will conduct a local hearing 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 member.

The Council has agreed a procedure for local hearings, which is attached as Appendix Three to these arrangements.

Essentially, the Monitoring Officer will conduct a "pre-hearing process", requiring the member to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chair of the Hearings Panel may issue directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Hearings Panel. The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Hearings Panel as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

If the Hearings Panel, 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 dismiss the complaint. If the Hearings Panel concludes that the member did fail to comply with the Code of Conduct, the Chair will inform the member of this finding and the Hearings Panel will then consider what action, if any, the Hearings Panel should take as a result of the member's failure to comply with the Code of Conduct. In doing this, the Hearings Panel will give the member an opportunity to make representations to the Panel and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter..

8 What action can the Hearings Panel take where a member has failed to comply with the Code of Conduct?

The Council has delegated to the Hearings Panel such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Hearings Panel may –

- 8.1 Publish its findings in respect of the member's conduct;
- 8.2 Report its findings to Council [*or to the Parish Council*] for information;
- 8.3 Recommend to the member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- 8.4 Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- 8.5 Instruct the Monitoring Officer to [*or recommend that the Parish Council*] arrange training for the member;

- 8.6 Remove *[or recommend to the Parish Council that the member be removed]* from all outside appointments to which he/she has been appointed or nominated by the authority *[or by the Parish Council]*;
- 8.7 Withdraw *[or recommend to the Parish Council that it withdraws]* facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
- 8.8 Exclude *[or recommend that the Parish Council exclude]* the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

The Hearings Panel has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

9 What happens at the end of the hearing?

At the end of the hearing, the Chair will state the decision of the Hearings Panel as to whether the member failed to comply with the Code of Conduct and as to any actions which the Hearings Panel resolves to take.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Panel, and send a copy to you, to the member *[and to the Parish Council]*, make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

10 Who are the Hearings Panel?

The Hearings Panel is a Sub-Committee of the Council's Standards Committee. The Standards Committee has decided that it will comprise a maximum of five members of the Council, including not more than one member of the authority's Executive and comprising members drawn from at least 2 different political parties. Subject to those requirements, it is appointed on the nomination of party group leaders in proportion to the strengths of each party group on the Council.

The Independent Person is invited to attend all meetings of the Hearings Panel and his views are sought and taken into consideration before the Hearings Panel takes any decision on whether the member's conduct constitutes a failure to comply with the Code of conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

11 Who is the Independent Person?

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the members of Council.

A person cannot be "independent" if he/she –

- 11.1 Is, or has been within the past 5 years, a member, co-opted member or officer of the authority;

11.2 *[Is or has been within the past 5 years, a member, co-opted member or officer of a parish council within the authority's area], or*

11.3 Is a relative, or close friend, of a person within paragraph 11.1 or 11.2 above. For this purpose, "relative" means –

11.3.1 Spouse or civil partner;

11.3.2 Living with the other person as husband and wife or as if they were civil partners;

11.3.3 Grandparent of the other person;

11.3.4 A lineal descendent of a grandparent of the other person;

11.3.5 A parent, sibling or child of a person within paragraphs 11.3.1 or 11.3.2;

11.3.6 A spouse or civil partner of a person within paragraphs 11.3.3, 11.3.4 or 11.3.5; or

11.3.7 Living with a person within paragraphs 11.3.3, 11.3.4 or 11.3.5 as husband and wife or as if they were civil partners.

12 Revision of these arrangements

The Council may by resolution agree to amend these arrangements, and has delegated to the Chair of the Hearings Panel the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

13 Appeals

There is no right of appeal for you as complainant or for the member against a decision of the Monitoring Officer or of the Hearings Panel

If you feel that the authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

Appendix One The authority's Code of Conduct

Appendix Two Procedure for Investigations

Appendix Three Procedure for Hearings

Peter Keith-Lucas
Local Government Partner
Bevan Brittan LLP
1 December 2011.

Middleton District Council

Report to Standards Committee / Council

The Localism Act 2011 – The Amended Standards Regime

Report of the Head of Legal Services and Monitoring Officer

1 The Localism Act 2011

The Localism Act 2011 makes fundamental changes to the system of regulation of standards of conduct for elected and co-opted Councillors. The date for implementation of these changes was proposed to be 1st April 2012, but may yet be effective from the Annual Meeting of Council in May 2012.

This report describes the changes and recommends the actions required for the Council to implement the new regime.

2 Duty to promote and maintain high standards of conduct

The authority will remain under a statutory duty to promote and maintain high standards of conduct for its elected and co-opted members.

3 Standards Committee

The Act repeals Section 55 of the Local Government Act 2000, which provides for the current statutory Standards Committee. So, there will be no requirement for a Standards Committee. However, there will still be a need to deal with standards issues and case-work, so that it is likely to remain convenient to have a Standards Committee, it will be a normal Committee of Council, without the unique features which were conferred by the previous legislation. As a result –

- 3.1 The composition of the Committee will be governed by proportionality, unless Council votes otherwise with no member voting against. The present restriction to only one member of the Executive on the Standards Committee will cease to apply;
- 3.2 The current co-opted independent members will cease to hold office. The Act establishes for a new category of Independent Persons (see below) who must be consulted at various stages, but provides that the existing co-opted independent members cannot serve as Independent Persons for 5 years. The new Independent Persons may be invited to attend meeting so the Standards Committee, but are unlikely to be co-opted onto the Committee;

- 3.3 The District Council will continue to have responsibility for dealing with standards complaints against elected and appointed members of Parish Councils, but the current Parish Council representatives cease to hold office. The District Council can choose whether it wants to continue to involve Parish Council representatives and, if so, how many Parish Council representatives it wants. The choice is between establishing a Standards Committee as a Committee of the District Council, with co-opted but non-voting Parish Council representatives (which could then only make recommendations in respect of Parish Council members), or establishing a Standards Committee as a Joint Committee with the Parish Councils within the District (or as many of them as wish to participate) and having a set number of Parish Council representatives as voting members of the Committee (which could then take operative decisions in respect of members of Parish Councils, where the Parish Council had delegated such powers to such a Joint Standards Committee).

Issue 1 – The District Council must decide what set up a Standards Committee, and how it is to be composed.

Recommendation 1 –

- a. That the Council establish a Standards Committee comprising 8 elected members of the District Council, appointed proportionally;**
- b. That the Leader of the Council be requested to nominate to the Committee only one member who is a member of the Executive;**
- c. That the Parish Councils be invited to nominate a maximum of 3 Parish Councillors to be co-opted as non-voting members of the Committee;**

4 The Code of Conduct

The current ten General Principles and Model Code of Conduct will be repealed, and members will no longer have to give an undertaking to comply with the Code of Conduct. However, the Council will be required to adopt a new Code of Conduct governing elected and co-opted member's conduct when acting in that capacity. The Council's new Code of Conduct must, viewed as a whole, be consistent with the following seven principles –

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

The Council has discretion as to what it includes within its new Code of Conduct, provided that it is consistent with the seven principles. However, regulations to be made under the Act will require the registration and disclosure of "Disclosable Pecuniary Interests" (DPIs), broadly equating to the current prejudicial interests. The provisions of the Act also require an authority's code to contain appropriate requirements for the registration (and disclosure) of other pecuniary interests and non-pecuniary interests. The result is that it is not possible yet to draft Code provisions which reflect the definition of DPIs which will appear in regulations, but it is possible to give an indicative view of what the Council might consider that it might be appropriate to include in the Code in respect of the totality of all interests, including DPIs, other pecuniary interests and non-pecuniary interests. Accordingly, it might

be sensible at this stage to instruct the Monitoring Officer to prepare a draft Code which requires registration and disclosure for those interests which would today amount to personal and/or prejudicial interests, but only require withdrawal as required by the Act for DPIs.

The Act prohibits members with a DPI from participating in authority business, and the Council can adopt a Standing Order requiring members to withdraw from the meeting room.

So the Council's new Code of Conduct will have to deal with the following matters –

- General conduct rules, to give effect to the seven principles. This corresponds broadly with Paragraphs 3 to 7 of the current Code of Conduct. In practise, the easiest course of action would be simply to re-adopt Paragraphs 3 to 7 of the existing Code of Conduct. The Council can amend its Code of Conduct subsequently if the need arises; and
- Registration and disclosure of interests other than DPIs – effectively, replacing the current personal interests provisions. The Act requires that the Code contains “appropriate” provisions for this purpose, but, until the regulations are published, defining DPIs, it is difficult to suggest what additional disclosure would be appropriate.

Issue 2 – The Council has to decide what it will include in its Code of Conduct

Recommendation 2 -

- a. **That the Monitoring Officer be instructed to prepare and present to Council for adoption a draft Code of Conduct. That draft Code should –**
 - i. **equate to Paragraphs 3 to 7 of the current Code of Conduct applied to member conduct in the capacity of an elected or co-opted member of the Council or its Committees and Sub-Committees; and**
 - ii. **require registration and disclosure of interests which would today constitute personal and/or prejudicial interests, but only require withdrawal as required by the Act in relation to Disclosable Pecuniary Interests.**
- b. **That, when the Disclosable Pecuniary Interests Regulations are published, the Monitoring Officer, after consultation with the Chair of Standards Committee and the Chair of Council, add to that draft Code provisions which he considers to be appropriate for the registration and disclosure of interests other than DPIs.**

5 Dealing with Misconduct Complaints

5.1 “Arrangements”

The Act requires that the Council adopt “arrangements” for dealing with complaints of breach of Code of Conduct both by District Council members and by Parish Council members, and such complaints can only be dealt with in accordance with such “arrangements”. So the “arrangements” must set out in some detail the process for dealing with complaints of misconduct and the actions which may be taken against a member who is found to have failed to comply with the relevant Code of Conduct.

The advantage is that the Act repeals the requirements for separate Referrals, Review and hearings Sub-Committees, and enables the Council to establish its own process, which can include delegation of decisions on complaints. Indeed, as the statutory provisions no longer give the Standards Committee or Monitoring Officer special powers to deal with complaints, it is necessary for Council to delegate appropriate powers to any Standards Committee and to the Monitoring Officer.

5.2 Decision whether to investigate a complaint

In practice, the Standards for England guidance on initial assessment of complaints provided a reasonably robust basis for filtering out trivial and tit-for-tat complaints. It is sensible to take advantage of the new flexibility to delegate to the Monitoring Officer the initial decision on whether a complaint requires investigation, subject to consultation with the Independent Person and the ability to refer particular complaints to the Standards Committee where he feels that it would be inappropriate for him to take a decision on it, for example where he has previously advised the member on the matter or the complaint is particularly sensitive. These arrangements would also offer the opportunity for the Monitoring Officer to seek to resolve a complaint informally, before taking a decision on whether the complaint merits formal investigation. If this function is delegated to the Monitoring Officer, it is right that he should be accountable for its discharge. For this purpose, it would be appropriate that he make a quarterly report to Standards Committee, which would enable him to report on the number and nature of complaints received and draw to the Committee's attention areas where training or other action might avoid further complaints, and keep the Committee advised of progress on investigations and costs.

5.3 "No Breach of Code" finding on investigation

Where a formal investigation finds no evidence of failure to comply with the Code of Conduct, the current requirement is that this is reported to Referrals Sub-Committee and the Sub-Committee take the decision to take no further action. In practice, it would be reasonable to delegate this decision to the Monitoring Officer, but with the power to refer a matter to Standards Committee if he feels appropriate. It would be sensible if copies of all investigation reports were provided to the Independent Person to enable him to get an overview of current issues and pressures, and that the Monitoring Officer provide a summary report of each such investigation to Standards Committee for information.

5.4 "Breach of Code" finding on investigation

Where a formal investigation finds evidence of failure to comply with the Code of Conduct, there may yet be an opportunity for local resolution, avoiding the necessity of a local hearing. Sometimes the investigation report can cause a member to recognise that his/her conduct was at least capable of giving offence, or identify other appropriate remedial action, and the complainant may be satisfied by recognition of fault and an apology or other remedial action. However, it is suggested that at this stage it would only be appropriate for the Monitoring Officer to agree a local resolution after consultation with the Independent Person and where the complainant is satisfied with the outcome, and subject to summary report for information to the Standards Committee.

In all other cases, where the formal investigation finds evidence of a failure to comply with the Code of Conduct, it would be necessary for the Standards Committee (in practice a Hearings Panel constituted as a Sub-Committee of

Standards Committee) to hold a hearing at which the member against whom the complaint has been made can respond to the investigation report, and the Hearing Panel can determine whether the member did fail to comply with the Code of Conduct and what action, if any, is appropriate as a result.

5.5 Action in response to a Hearing finding of failure to comply with Code

The Act does not give the Council or its Standards Committee any powers to impose sanctions such as suspension or requirements for training or an apology on members. So, where a failure to comply with the Code of Conduct is found, the range of actions which the authority can take in respect of the member is limited and must be directed to securing the continuing ability of the authority to continue to discharge its functions effectively, rather than “punishing” the member concerned. In practice, this might include the following –

- 5.5.1 Reporting its findings to Council [*or to the Parish Council*] for information;
- 5.5.2 Recommending to the member’s 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;
- 5.5.3 Recommending to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- 5.5.4 Instructing the Monitoring Officer to [*or recommend that the Parish Council*] arrange training for the member;
- 5.5.5 Removing [*or recommend to the Parish Council that the member be removed*] from all outside appointments to which he/she has been appointed or nominated by the authority [*or by the Parish Council*];
- 5.5.6 Withdrawing [*or recommend to the Parish Council that it withdraws*] facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
- 5.5.7 Excluding [*or recommend that the Parish Council exclude*] the member from the Council’s offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

There is a particular difficulty in respect of Parish Councils, as the Localism Act gives the Standards Committee no power to do any more in respect of a member of a Parish Council than make a recommendation to the Parish Council on action to be taken in respect of the member. Parish Councils will be under no obligation to accept any such recommendation. The only way round this would be to constitute the Standards Committee and Hearings Panels as a Joint Committee and Joint Sub-Committees with the Parish Councils, and seek the delegation of powers from Parish Council to the Hearings Panels, so that the Hearings Panels can effectively take decisions on action on behalf of the particular Parish Council.

5.6 Appeals

There is no requirement to put in place any appeals mechanism against such decisions. The decision would be open to judicial review by the High Court if it was patently unreasonable, or if it were taken improperly, or if it sought to impose a sanction which the authority had no power to impose.

Issue 3 – The Council has to decide what “arrangements” it will adopt for dealing with standards complaints and for taking action where a member is found to have failed to comply with the Code of Conduct.

Recommendation 3A – That the Monitoring Officer be instructed to prepare and submit to Council for approval “arrangements” as follows -

- a. **That the Monitoring Officer be appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct;**
- b. **That the Monitoring Officer be given delegated power, after consultation with the Independent Person, to determine whether a complaint merits formal investigation and to arrange such investigation. He be instructed to seek resolution of complaints without formal investigation wherever practicable, and that he be given discretion to refer decisions on investigation to the Standards Committee where he feels that it is inappropriate for him to take the decision, and to report quarterly to Standards Committee on the discharge of this function;**
- c. **Where the investigation finds no evidence of failure to comply with the Code of Conduct, the Monitoring Officer be instructed to close the matter, providing a copy of the report and findings of the investigation to the complainant and to the member concerned, and to the Independent Person, and reporting the findings to the Standards Committee for information;**
- d. **Where the investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer in consultation with the Independent Person be authorised to seek local resolution to the satisfaction of the complainant in appropriate cases, with a summary report for information to Standards Committee. Where such local resolution is not appropriate or not possible, he is to report the investigation findings to a Hearings Panel of the Standards Committee for local hearing;**
- e. **That Council delegate to Hearings Panels such of its powers as can be delegated to take decisions in respect of a member who is found on hearing to have failed to comply with the Code of Conduct, such actions to include –**
 - **Reporting its findings to Council [or to the Parish Council] for information;**
 - **Recommending to the member’s 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;**
 - **Recommending to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;**

- **Instructing the Monitoring Officer to *[or recommend that the Parish Council]* arrange training for the member;**
- **Removing *[or recommend to the Parish Council that the member be removed]* from all outside appointments to which he/she has been appointed or nominated by the authority *[or by the Parish Council]*;**
- **Withdrawing *[or recommend to the Parish Council that it withdraws]* facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or**
- **Excluding *[or recommend that the Parish Council exclude]* the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.**

Recommendation 3B – That a meeting be arranged between the Chair of Standards Committee and the Group Leaders for the District Council and representatives of Parish Councils to discuss how the new system can best operate.

6 Independent Person(s)

The “arrangements” adopted by Council must include provision for the appointment by Council of at least one Independent Person.

6.1 “Independence”

The Independent Person must be appointed through a process of public advertisement, application and appointment by a positive vote of a majority of all members of the District Council (not just of those present and voting).

A person is considered not to be “independent” if –

- 6.1.1 he is, or has been within the last 5 years, an elected or co-opted member or an officer of the District Council or of any of the Parish Councils within its area;
- 6.1.2 he is, or has been within the last 5 years, an elected or co-opted member of any Committee or Sub-Committee of the District Council or of any of the Parish Councils within its area (which would preclude any of the current co-opted independent members of Standards Committee from being appointed as an Independent Person); or
- 6.1.3 he is a relative or close friend of a current elected or co-opted member or officer of the District Council or any Parish Council within its area, or of any elected or cop-opted member of any Committee or Sub-Committee of such Council.

For this purpose, “relative” comprises –

- (a) the candidate's spouse or civil partner;
- (b) any person with whom the candidate is living as if they are spouses or civil partners;
- (c) the candidate's grandparent;
- (d) any person who is a lineal descendent of the candidate's grandparent;

- (e) a parent, brother, sister or child of anyone in Paragraphs (a) or (b);
- (f) the spouse or civil partner of anyone within Paragraphs (c), (d) or (e); or
- (g) any person living with a person within Paragraphs (c), (d) or (e) as if they were spouse or civil partner to that person.

6.2 Functions of the Independent Person

The functions of the Independent Person(s) are –

- They must be consulted by the authority before it makes a finding as to whether a member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that member (this means on a decision to take no action where the investigation finds no evidence of breach or, where the investigation finds evidence that there has been a breach, on any local resolution of the complaint, or on any finding of breach and on any decision on action as a result of that finding);
- They may be consulted by the authority in respect of a standards complaint at any other stage; and
- They may be consulted by a member or co-opted member of the District Council or of a Parish Council against whom a complaint has been made.

This causes some problems, as it would be inappropriate for an Independent Person who has been consulted by the member against whom the complaint has been made, and who might as a result be regarded as prejudiced on the matter, to be involved in the determination of that complaint.

6.3 How many Independent Persons?

The Act gives discretion to appoint one or more Independent Persons, but provides that each Independent Person must be consulted before any decision is taken on a complaint which has been investigated. Accordingly, there would appear to be little advantage in appointing more than one Independent Person, provided that a couple of reserve candidates are retained and can be activated at short notice, without the need for re-advertisement, in the event that the Independent Person is no longer able to discharge the function.

6.4 Remuneration

As the Independent Person is not a member of the authority or of its Committees or Sub-Committees, the remuneration of the Independent Person no longer comes within the scheme of members' allowances, and can therefore be determined without reference to the Independent Remuneration Panel.

In comparison to the current Chair of Standards Committee, the role of Independent Person is likely to be less onerous. He/she is likely to be invited to attend all meetings of the Standards Committee and Hearings Panels, but not to be a formal member of the Committee or Panel (he/she could be co-opted as a non-voting member but cannot chair as the Chair must exercise a second or casting vote). He/she will need to be available to be consulted by members against whom a complaint has been made, although it is unclear what assistance he/she could offer. Where he/she has been so consulted, he/she would be unable to be involved in the determination of that complaint. This report suggests that the Independent Person also be involved in the local resolution of complaints and in the grant of

dispensations. However, it would be appropriate to undertake a proper review of the function before setting the remuneration.

Issue 4 – How many Independent Persons are required?

Recommendation 4 –

- a. That the Monitoring Officer, in consultation with the Chair of Standards Committee and the Chair of Council, and with the advice of the Head of HR, be authorised to set the initial allowances and expenses for the Independent Person and any Reserve Independent Persons, and this function subsequently be delegated to the Standards Committee**
- b. That the Monitoring Officer advertise a vacancy of the appointment of 1 Independent Person and 2 Reserve Independent Persons**
- c. That a Committee comprising the Chair and three other members of Standards Committee be set up to short-list and interview candidates, and to make a recommendation to Council for appointment.**

7 The Register of Members' Interests

7.1 The register of members' interests

The Localism Act abolishes the concepts of personal and prejudicial interests. Instead, regulations will define "Disclosable Pecuniary Interests" (DPIs). The Monitoring Officer is required to maintain a register of interests, which must be available for inspection and available on the Council's website. The Monitoring Officer is also responsible for maintaining the register for Parish Councils, which also have to be open for inspection at the District Council offices and on the District Council's website.

At present we do not know what Disclosable Pecuniary Interests will comprise, but they are likely to be broadly equivalent to the current prejudicial interests. The intention was to simplify the registration requirement, but in fact the Act extends the requirement for registration to cover not just the member's own interests, but also those of the member's spouse or civil partner, or someone living with the member in a similar capacity.

The provisions of the Act in respect of the Code of Conduct require an authority's code to contain appropriate requirements for the registration (and disclosure) of other pecuniary interests and non-pecuniary interests.

The Monitoring Officer is required by the Act to set up and maintain registers of interest for each Parish Council, available for inspection at the District Council offices and on the District Council's website and, where the Parish Council has a website, provide the Parish Council with the information required to enable the Parish Council to put the current register on its own website.

7.2 Registration on election or co-option

Each elected or co-opted member must register all DPIs within 28 days of becoming a member. Failure to register is made a criminal offence, but would not prevent the member from acting as a member.

In so far as the Code of Conduct which the Council adopts requires registration of other interests, failure to do so would not be a criminal offence, but merely a failure to comply with the Code of Conduct.

There is no continuing requirement for a member to keep the register up to date, except on re-election or re-appointment, but it is likely that members will register new interests from time to time, as this avoids the need for disclosure in meetings. When additional notifications are given, the Monitoring Officer has to ensure that they are entered into the register.

The preparation and operation of the register, not just for this authority but also for each Parish Council, is likely to be a considerable administrative task, especially where different Parish Councils adopt different Code requirements for registration and disclosure in respect of interests other than DPIs. There is no provision for the District Council to recover any costs from Parish Councils.

Issue 5 – Preparation of the Registers

Recommendation 5 –

- a. That the Monitoring Officer prepare and maintain a new register of members interests to comply with the requirements of the Act and of the Council’s Code of Conduct, once adopted, and ensure that it is available for inspection as required by the Act;**
- b. That the Monitoring Officer ensure that all members are informed of their duty to register interests;**
- c. That the Monitoring Officer prepare and maintain new registers of members’ interests for each Parish Council to comply with the Act and any Code of Conduct adopted by each Parish Council and ensure that it is available for inspection as required by the Act; and**
- d. That the Monitoring Officer arrange to inform and train Parish Clerks on the new registration arrangements.**

8 Disclosure of Interests and Withdrawal from Meetings

As set out above, DPIs are broadly equivalent to prejudicial interests, but with important differences. So –

- 8.1 The duty to disclose and withdraw arises whenever a member attends any meeting of Council, a committee or sub-committee, or of Cabinet or a Cabinet committee, and is aware that he/she has a DPI in any matter being considered at the meeting. So it applies even if the member would be absent from that part of the meeting where the matter in question is under consideration.
- 8.2 Where these conditions are met, the member must disclose the interest to the meeting (i.e. declare the existence and nature of the interest). However, in a change from the current requirements, the member does not have to make such a disclosure if he/she has already registered the DPI, or at least sent off a request to the Monitoring Officer to register it (a “pending notification”). So, members of the public attending the meeting will in future need to read the register of members’ interests, as registered interests will no longer be disclosed at the meeting.

- 8.3 Where the member does make a disclosure of a DPI, he/she must then notify it to the Monitoring Officer within the next 28 days, so that it can go on the register of interests.
- 8.4 If a member has a DPI in any matter, he/she must not –
- 8.4.1 Participate in any discussion of the matter at the meeting. The Act does not define “discussion”, but this would appear to preclude making representations as currently permitted under paragraph 12(2) of the model Code of Conduct; or
- 8.4.2 Participate in any vote on the matter,
- unless he/she has obtained a dispensation allowing him/her to speak and/or vote.
- 8.5 Failure to comply with the requirements (paragraphs 8.2, 8.3 or 8.4) becomes a criminal offence, rather than leading to sanctions;
- 8.6 The Council’s Code of Conduct must make “appropriate” provisions for disclosure and withdrawal for interests other than DPIs, but failure to comply with these requirements would be a breach of Code of Conduct but not a criminal offence.
- 8.7 The requirement to withdraw from the meeting room can be covered by Standing Orders, which would apply not just to Council, Committees and Sub-Committees, but can apply also to Cabinet and Cabinet Committee meetings, so that failure to comply would be neither a criminal offence nor a breach of Code of Conduct, although the meeting could vote to exclude the member.

Issue 6 – What Standing Order should the Council adopt in respect of withdrawal from meetings for interests?

Recommendation 6 – The Monitoring Officer be instructed to recommend to Council a Standing Order which equates to the current Code of conduct requirement that a member must withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of business in which he/she has a DPI, except where he is permitted to remain as a result of the grant of a dispensation.

9 Disclosure and Withdrawal in respect of matters to be determined by a Single Member

- 9.1 Matters can be decided by a single member acting alone where the member is a Cabinet Member acting under Portfolio powers, or where the member is a Ward Councillor and the Council chose to delegate powers to Ward Councillors.
- 9.2 The Act provides that, when a member becomes aware that he/she will have to deal with a matter and that he/she has a DPI in that matter –
- 9.2.1 Unless the DPI is already entered in the register of members’ interests or is subject to a “pending notification”, he/she has 28 days to notify the Monitoring Officer that he/she has such a DPI; and
- 9.2.2 He/she must take no action in respect of that matter other than to refer it another person or body to take the decision.

- 9.3 Standing Orders can then provide for the exclusion of the member from any meeting while any discussion or vote takes place on the matter.
- 9.4 Note that the Act here effectively removes the rights of a member with a prejudicial interest to make representations as a member of the public under Paragraph 12(2) of the current Code of Conduct

Issue 7 – In what circumstances should Standing Orders exclude single members from attending meetings while the matter in which they have a DPI is being discussed or voted upon?

Recommendation 7 – The Monitoring Officer be instructed to recommend to Council a Standing Order which equates to the current Code of conduct requirement that a member must withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of business in which he/she has a DPI, except where he is permitted to remain as a result of the grant of a dispensation.

10 Sensitive Interests

The Act effectively re-enacts the existing Code of Conduct provisions on Sensitive Interests.

So, where a member is concerned that disclosure of the detail of an interest (either a DPI or any other interest which he/she would be required to disclose) at a meeting or on the register of members' interests would lead to the member or a person connected with him/her being subject to violence or intimidation, he/she may request the Monitoring Officer to agree that the interest is a "sensitive interest".

If the Monitoring Officer agrees, the member then merely has to disclose the existence of an interest, rather than the detail of it, at a meeting, and the Monitoring Officer can exclude the detail of the interest from the published version of the register of members' interests.

11 Dispensations

11.1 The provisions on dispensations are significantly changed by the Localism Act.

11.2 At present, a member who has a prejudicial interest may apply to Standards Committee for a dispensation on two grounds –

11.2.1 That at least half of the members of a decision-making body have prejudicial interests (this ground is of little use as it is normally only at the meeting that it is realised how many members have prejudicial interests in the matter, by which time it is too late to convene a meeting of Standards Committee); and

11.2.2 That so many members of one political party have prejudicial interests in the matter that it will upset the result of the vote on the matter (this ground would require that the members concerned were entirely predetermined, in which case the grant of a dispensation to allow them to vote would be inappropriate).

11.3 In future, a dispensation will be able to be granted in the following circumstances –

- 11.3.1 That so many members of the decision-making body have DPIs in a matter that it would “impede the transaction of the business”. In practice this means that the decision-making body would be inquorate as a result;
 - 11.3.2 That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter. This assumes that members are predetermined to vote on party lines on the matter, in which case, it would be inappropriate to grant a dispensation to enable them to participate;
 - 11.3.3 That the authority considers that the dispensation is in the interests of persons living in the authority’s area;
 - 11.3.4 That, without a dispensation, no member of the Cabinet would be able to participate on this matter (so, the assumption is that, where the Cabinet would be inquorate as a result, the matter can then be dealt with by an individual Cabinet Member. It will be necessary to make provision in the scheme of delegations from the Leader to cover this, admittedly unlikely, eventuality); or
 - 11.3.5 That the authority considers that it is otherwise appropriate to grant a dispensation.
- 11.4 Any grant of a dispensation must specify how long it lasts for, up to a maximum of 4 years.
- 11.5 The next significant change is that, where the Local Government Act 2000 required that dispensations be granted by Standards Committee, the Localism Act gives discretion for this power to be delegated to Standards Committee or a Sub-Committee, or to the Monitoring Officer. Grounds 11.3.1 and 11.3.4 are pretty objective, so it may be appropriate to delegate dispensations on these grounds to the Monitoring Officer, with an appeal to the Standards Committee, thus enabling dispensations to be granted “at the door of the meeting”. Grounds 11.3.2, 11.3.3 and 11.2.5 are rather more objective and so it may be appropriate that the discretion to grant dispensations on these grounds remains with Standards Committee, after consultation with the Independent Person.

Issue 8 – What arrangements would be appropriate for granting dispensations?

Recommendation 8 – That Council delegate the power to grant dispensations –

- a. on Grounds set out in Paragraphs 11.3.1 and 11.3.4 of this report to the Monitoring Officer with an appeal to Standards Committee, and
- b. on Grounds 11.3.2, 11.3.3 and 11.3.5 to the Standards Committee, after consultation with the Independent Person.

12 Transitional Arrangements

Regulations under the Localism Act will provide for –

- a. transfer of Standards for England cases to local authorities following the abolition of Standards for England;

- b. a transitional period for the determination of any outstanding complaints under the current Code of Conduct. The Government has stated that it will allow 2 months for such determination, but it is to be hoped that the final Regulations allow a little longer;
- c. removal of the power of suspension from the start of the transitional period; and
- d. removal of the right of appeal to the First Tier Tribunal from the start of the transitional period.

Peter Keith-Lucas
Local Government Partner
Bevan Brittan LLP
1 December 2011.



Latest news

Arrangements relating to the abolition of Standards for England

06 December 2011

As you will already no doubt be aware, it is the government's intention to effect the abolition of the "Standards Board Regime" through the Localism Act 2011. This means that, under the standards provisions of the Act, Standards for England is to be abolished.

The government has now clarified the timetable for our abolition in response to a parliamentary question from Lord Greaves, although this is still subject to formal confirmation through regulations. It is the government's intention that our abolition will take effect on 31 March 2012.

Prior to this, our regulatory role in handling cases on your behalf and issuing guidance will stop from a date that will be set out in regulations but, as noted in the government's response to Lord Greaves, is anticipated to be 31 January 2012.

From this date, Standards for England will no longer have powers to accept new referrals from local standards committees or conduct investigations into complaints against members. Any existing referrals or investigations we have at that time will be transferred back to the relevant authority for completion. However, any complaints which are being handled locally on that date will need to continue through to a conclusion; and similarly any matters relating to completed investigations or appeals which have been referred to the First Tier Tribunal will continue to conclusion.

As stated, this means we will be returning, to local authorities, any existing referrals or open investigations which we have been unable to complete by 31 January. We currently have a number of cases which we expect will not be completed by this date, and we have already contacted the monitoring officers in question to agree handover arrangements.

You may also wish to note that - while we can continue to receive referrals of new cases up to 31 January, and we will continue to assess whether it is in the public interest to take them on or not for the short time remaining - it will become increasingly unlikely that we will feel in a position to take a case where the investigation is likely to go beyond the end of January.

Standards for England staff will, of course, continue to be on-hand between now and the end of January to facilitate the transfer of existing referrals and open cases back to

local standards committees, as well as to provide advice and guidance on the current framework.

Please note that these arrangements relate only to the role of Standards for England in the current standards framework. It is for DCLG to confirm when the other standards elements of the Localism Act 2011, such as the removal of powers from existing local standards committees, the requirement to adopt a local Code and to appoint an independent member, will come into force.

Any questions about future standards arrangements should therefore be referred to the Local Government Standards team in the Conduct and Council Constitutions Division at the Department for Communities and Local Government (DCLG). They can be contacted via the DCLG switchboard on 0303 444 0000. We will be working closely with DCLG to ensure an orderly handover and closure of our organisation.

We take this opportunity to thank you for your support and co-operation in recent months. Please do not hesitate to contact us if you require further details about any of the above information. Our enquiries line is 0845 078 8181.

The above has now been outlined in a letter to all local authority Monitoring Officers. To view a copy, please [Click Here](#).

For media enquiries, contact the press office on 0161 817 5400 or email press.enquiries@standardsforengland.gov.uk.

Agenda Item 5

COMPLAINTS/COMMENTS/COMPLIMENTS – INFORMATION AND IMPROVEMENTS

Contact Officer: Jean Roberts
Ext: 3202

Recommendation

The Standards Committee is asked to:

Note the attached data and charts for the periods 1 April-30 June 2011 (Quarter 1), and 1 July-30 September 2011 (Quarter 2).

Corporate Implications

The establishment and maintenance of complaints procedures is conducive to the discharge of the Council's various functions and as such are authorised by Section 111 of the Local Government Act 1972.

There are no financial implications.

A robust complaints procedure assists in minimising the risks to the Council arising from complaints.

Policy/Community Plan Implications

This report is relevant to the Council's organisational focussed priority of 'delivering value for money' and the sub section in respect of transforming the way we deliver services to ensure they are customer focused and perform well. This report proves an effective and important auditing tool in ensuring this priority is delivered.

Background

Quarterly information is supplied to all business units which record complaints, comments or compliments on ServiceMail, and after consultation with managers, composite information for each Management Team and the Strategic Management Board. Further complaints statistics are also incorporated as Local Performance Indicators by the Policy and Research Unit.

Report

The information and charts for the quarters are attached herewith and additional information has been added to the graphs to show the targets in place for the relevant time periods, as well as a spreadsheet showing a comparison with the quarters in the previous year for key indicators.

The information and charts for the quarter are attached herewith and additional information has been added to the graphs to show the targets in place for the relevant time periods. In addition a summarised report on LG Ombudsman complaints is also attached. The target in place for complaints responded to in target is 90% for this year, and feedback on customer satisfaction with response, customer satisfaction with outcome, and satisfaction with complaint handling are also now all 90%. The following are the priority areas for improvement and the results for this quarter for all business units within the Council:

- 1. Answering complaints within our corporate timescale of 10 working days**

Quarter 1: This quarter there was a total percentage of complaints within target of 87.34%, below target and a decrease from the last quarter.

Quarter 2: This quarter there was a total percentage of complaints within target of 86.6%, still below target (although within 5% of target).

2. Review of Complaints by business units to “Learn Lessons” and Improvements Made

Quarter 1: For this quarter 70 complaints were received with only 9 complaints/comments reviewed by business units, and 3 improvements logged.

Quarter 2: For this quarter 67 complaints were received with 16 complaints/comments reviewed by business units, but only 1 improvement logged. It is still disappointing not to have more improvements as a result of complaints, but more complaints have been reviewed.

3. Customer Feedback Cards - Complaints

The numbers of customer feedback responses will always be lower than the number of complaints received as these are sent out after our response.

Quarter 1: The numbers of customer feedback responses will always be lower than the number of complaints received as these are sent out after our response. This quarter has seen feedback logged for 23 out of the 70 items received. Feedback for this quarter with regard to outcome and complaint handling and speed of response all stands at 96%.

Quarter 2: The numbers of customer feedback responses will always be lower than the number of complaints received as these are sent out after our response. This quarter has seen feedback logged for 23 out of the 67 items received. Feedback for this quarter with regard to outcome stands at 87% satisfaction, complaint handling 96%, and speed of response stands at 100%. I have asked managers to try to make sure that more feedback is logged for the complaints from feedback cards sent out.

4. Complaints to the LG Ombudsman

Quarter 1: There have been no findings of maladministration. There were 5 ongoing Ombudsman investigations.

Quarter 2: There have been no findings of maladministration. There are 2 current ongoing Ombudsman enquiries.

5. Compliments Logging

Quarter 1: The total for compliments logged is 78 for this quarter. The single service area with the most compliments for this quarter is the CSC again with 12, with Development Management a close second with 11 and Environmental Services with 9.

Quarter 2: The total for compliments logged is 94 for this quarter, an increase of 17% from Q1. It is gratifying to see that we still have more compliments received than complaints. The single service area with the most

compliments for this quarter is Development Management with 20, then the CSC with 11, and Environmental Health with 8.

Comments from Management Teams

Quarter 1:

Comments from Team 1 :

There has been a change of personnel within Housing with responsibility for ServiceMail and ST agreed to discuss with the individual. All Heads of Service to reinforce with teams (i) the need to put complaints 'on hold' when a response is not going to be made within target (and complainant informed of new date), and (ii) the need to keep complainants informed.

Comments from Team 2 :

It is good to see the high level of satisfaction from people who have been through the complaints process as to speed, understandability and complaints handling.

Quarter 2:

Comments from Team 1 :

Staff have been asked to ensure that feedback received on complaints is logged, as this is an important source of information when seeking service improvements.

Comments from Team 2 :

It is good that no complaints were responded to out of time, but it is noted that we may be losing an opportunity to share learning through low feedback and improvements arising from the complaints.

Conclusion/Future Work

- (a) Following review of the statistics for Quarter 1, Housing will focus on improving their performance with regard to achieving a larger number of complaints responded to within target; and also to logging all compliments receive onto the ServiceMail system.
- (b) As with the Directors' comments above, I think that managers and teams need to focus on feedback from complaints, as more items should be logged on the records, and secondly that this feedback is reviewed, as well as the complaints themselves to see where improvements can be made as a result of the complaints.

- (c) Plans are being put in place with regard to the complaints procedure place for Red Kite Community Housing so that customers will be informed and have easy access to their new complaints procedure.
- (d) The Complaints Officer recently attended a presentation showing potential website improvements and how our mapping system could link in to a web form for complaints and service requests. This will be piloted shortly and if it is successful it is hoped to expand this to incorporate customer complaints.

LGO Wycombe DC Annual Review

Please note the attached letter and LGO final statistics for the 2010-11 year. It should be noted that the LG Ombudsman received a 21% increase in complaints overall, but our figures show a decrease in investigations from 20 to 17 from 2009-10 to 2010-11.

Background Papers

“Have We Got It Right” leaflet for the public.

Agenda Item 5 Appendix 5a

Council: Items by Type by Business Unit by In Target Responses between 01/04/2011-30/06/2011

Business Unit	In/Out of Target (Target: 10 working days)	Total
Comments		
Customer Service Centre	In Target	2
Projects & Development (Community)	In Target	1
Refuse	In Target	1
Total for Comments		4
Complaints		
Communications	In Target	1
Council Tax	In Target	12
Customer Service Centre	In Target	4
Development Management	Out of Target	1
	In Target	9
Environmental Health	Out of Target	2
	In Target	4
Green Space Contracts	In Target	2
Housing Applications	In Target	1
Housing Benefit	Out of Target	1
	In Target	6
Housing Maintenance	Out of Target	2
	In Target	1
Housing Management	Out of Target	2
	In Target	1
Housing Repairs	Out of Target	3
	In Target	7
Housing Transfers	In Target	1
Housing Welfare	In Target	2
Parking - Off-street	Out of Target	1
	In Target	1
Parking - On-street	Out of Target	1
	In Target	2
Refuse	In Target	1

Council: Items by Type by Business Unit by In Target Responses between 01/04/2011-30/06/2011

Business Unit	In/Out of Target (Target: 10 working days)	Total
Spatial Planning	In Target	1
Sports Centres Client	In Target	1
Total for Complaint		70
Compliments		
Building Control	In Target	6
Cleansing	In Target	4
Cohesion	In Target	3
Community Safety	In Target	4
Council Secretariat	In Target	5
Housing Welfare	In Target	1
Customer Service Centre	In Target	12
Demo & Legal HoS & PA/Complaints Officer	In Target	2
Development Management	In Target	11
Elections/Land Charges	In Target	4
Environmental Health	In Target	9
Green Space Contracts	In Target	2
Parking - Off-street	In Target	2
Projects & Development (Community)	In Target	2
Ranger Services	In Target	5
Recycling	In Target	1
Refuse	In Target	4
Regeneration (Community Services)	In Target	1
Total for Compliment		78

Complaints in target from 01/04/11 to 30/06/11

Team: I WESTGATE TEAM

Business Unit	In Target	Out of Target
Development Management	9	1
Environmental Health	4	2
Green Space Contracts	2	0
Housing Applications	1	0
Housing Maintenance	1	2
Housing Management	1	2
Housing Repairs	7	3
Housing Transfers	1	0
Housing Welfare	2	0
Parking - Off-street	1	1
Parking - On-street	2	1
Spatial Planning	1	0
Sports Centres Client	1	0
Refuse	1	0

Total for I WESTGATE TEAM

In target:	34
Out of target:	12

Team: L SMITH TEAM

Business Unit	In Target	Out of Target
Communications	1	0
Council Tax	12	0
Customer Service Centre	4	0
Housing Benefit	6	1

Total for L SMITH TEAM

In target:	23
Out of target:	1

TOTAL FOR WYCOMBE DC

In target:	57	81.4%
Out of target:	13	18.6%

Complaint Feedback from 01/04/11 to 30/06/11

Business Unit:	Communications		
Speed - Yes:	0	Speed - No:	1
Easily Understood - Yes:	0	Easily Understood - No:	1
Outcome - Yes:	0	Outcome - No:	1
Complaint Handling - Yes:	0	Complaint Handling - No:	1

Business Unit:	Council Tax		
Speed - Yes:	7	Speed - No:	0
Easily Understood - Yes:	7	Easily Understood - No:	0
Outcome - Yes:	7	Outcome - No:	0
Complaint Handling - Yes:	7	Complaint Handling - No:	0

Business Unit:	Customer Service Centre		
Speed - Yes:	2	Speed - No:	0
Easily Understood - Yes:	2	Easily Understood - No:	0
Outcome - Yes:	2	Outcome - No:	0
Complaint Handling - Yes:	2	Complaint Handling - No:	0

Business Unit:	Housing Benefit		
Speed - Yes:	5	Speed - No:	0
Easily Understood - Yes:	5	Easily Understood - No:	0
Outcome - Yes:	5	Outcome - No:	0
Complaint Handling - Yes:	5	Complaint Handling - No:	0

Business Unit:	Housing Repairs		
Speed - Yes:	1	Speed - No:	0
Easily Understood - Yes:	1	Easily Understood - No:	0
Outcome - Yes:	1	Outcome - No:	0
Complaint Handling - Yes:	1	Complaint Handling - No:	0

Business Unit:	Parking - Off-street		
Speed - Yes:	2	Speed - No:	0
Easily Understood - Yes:	2	Easily Understood - No:	0
Outcome - Yes:	2	Outcome - No:	0
Complaint Handling - Yes:	2	Complaint Handling - No:	0

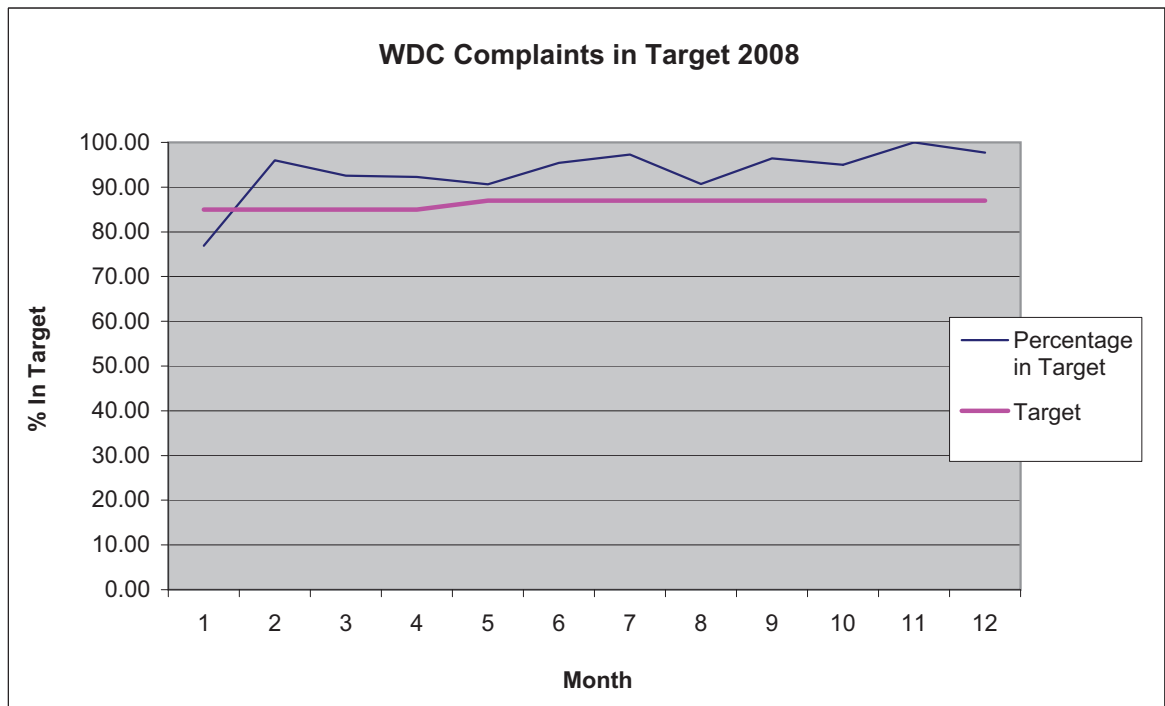
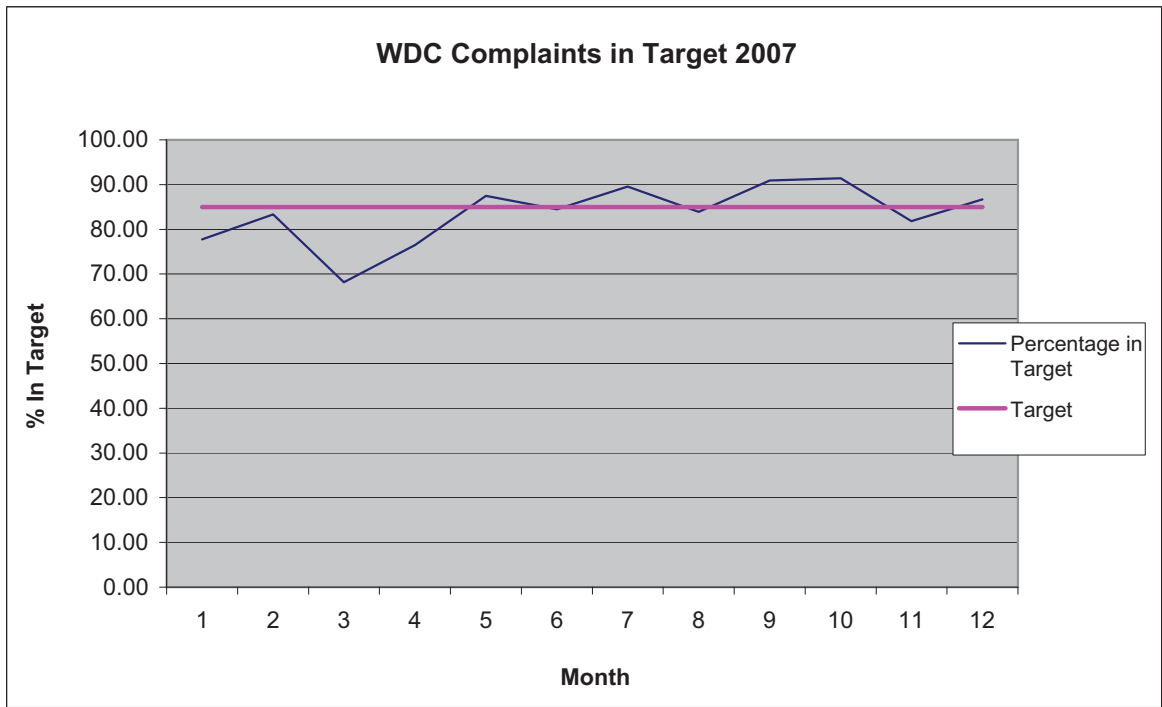
Business Unit:	Parking - On-street		
Speed - Yes:	3	Speed - No:	0
Easily Understood - Yes:	3	Easily Understood - No:	0
Outcome - Yes:	3	Outcome - No:	0
Complaint Handling - Yes:	3	Complaint Handling - No:	0

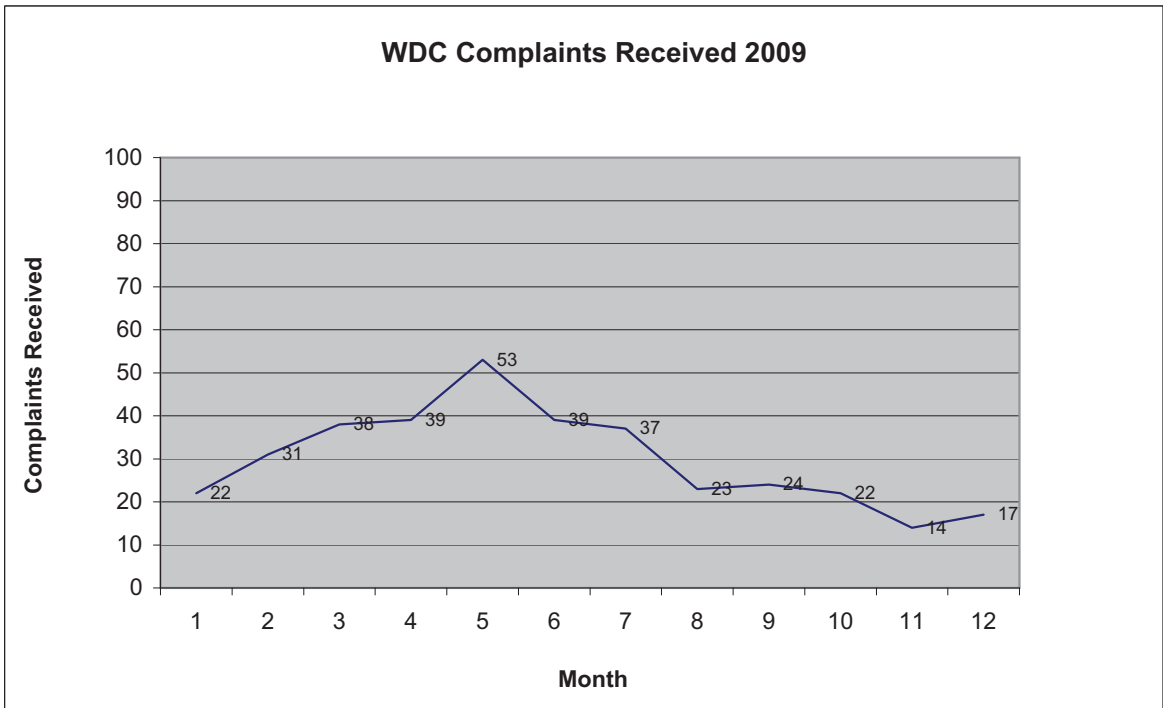
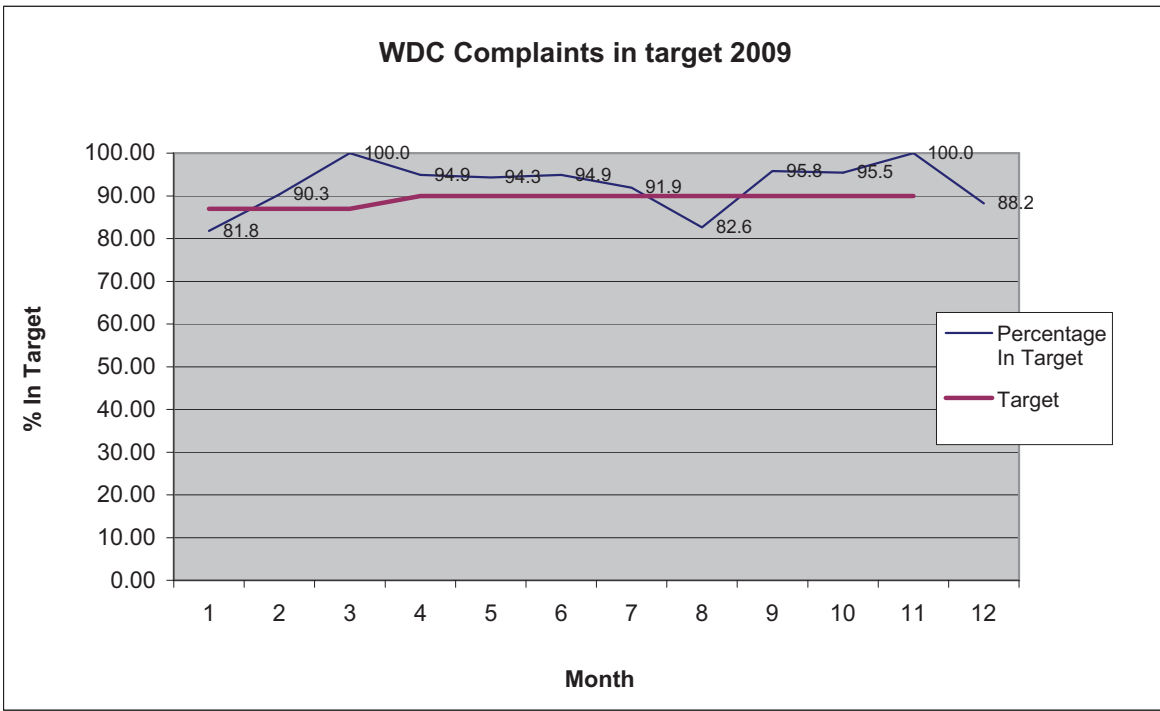
Business Unit:	Spatial Planning		
Speed - Yes:	1	Speed - No:	0
Easily Understood - Yes:	1	Easily Understood - No:	0
Outcome - Yes:	1	Outcome - No:	0
Complaint Handling - Yes:	1	Complaint Handling - No:	0

Business Unit:	Sports Centres Client		
Speed - Yes:	1	Speed - No:	0
Easily Understood - Yes:	1	Easily Understood - No:	0
Outcome - Yes:	1	Outcome - No:	0
Complaint Handling - Yes:	1	Complaint Handling - No:	0

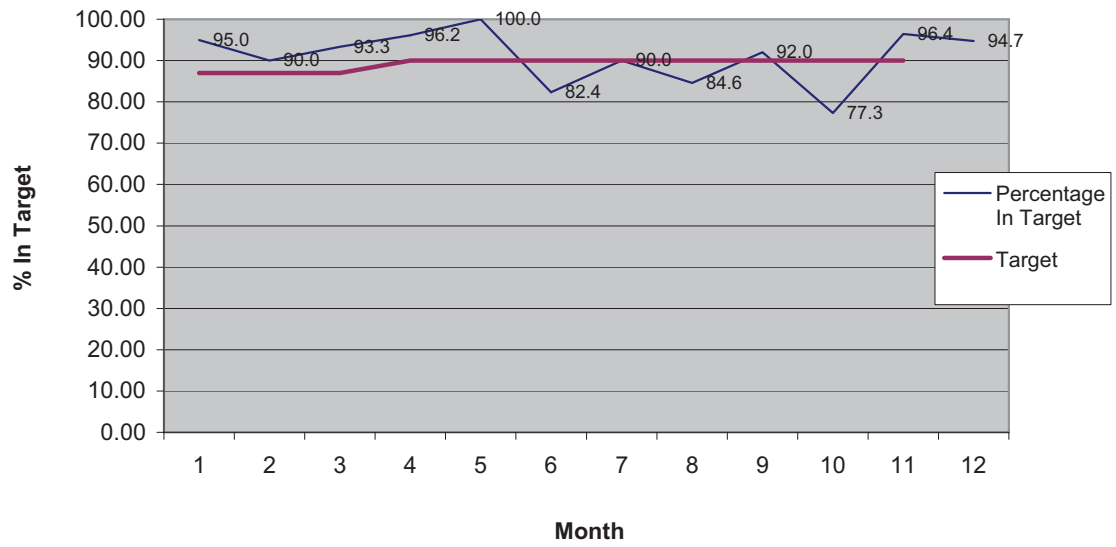
Total:			
Speed - Yes:	22	Speed - No:	1
Easily Understood - Yes:	22	Easily Understood - No:	1
Outcome - Yes:	22	Outcome - No:	1
Complaint Handling - Yes:	22	Complaint Handling - No:	1

Speed - Yes:	96%
Easily Understood - Yes:	96%
Outcome - Yes:	96%
Complaint Handling - Yes:	96%

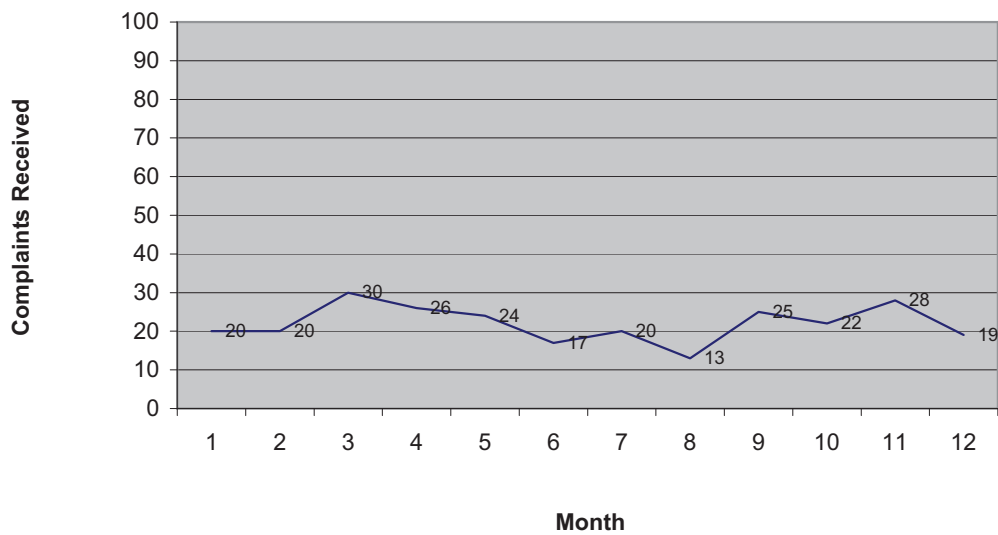


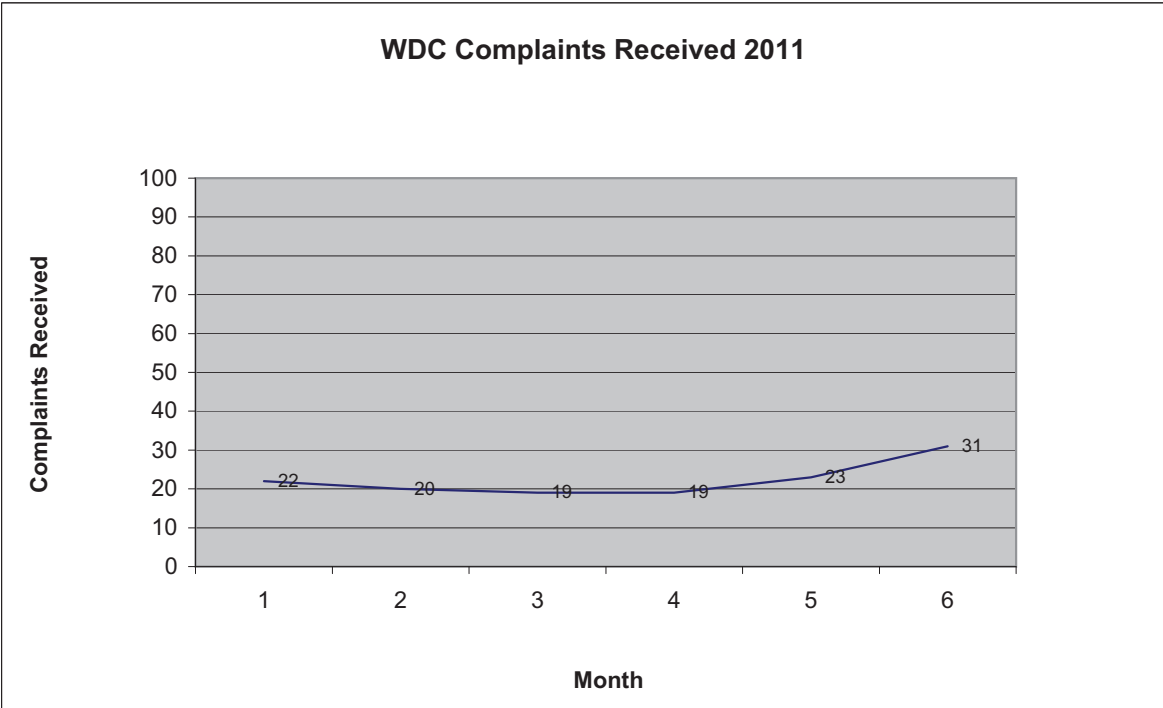
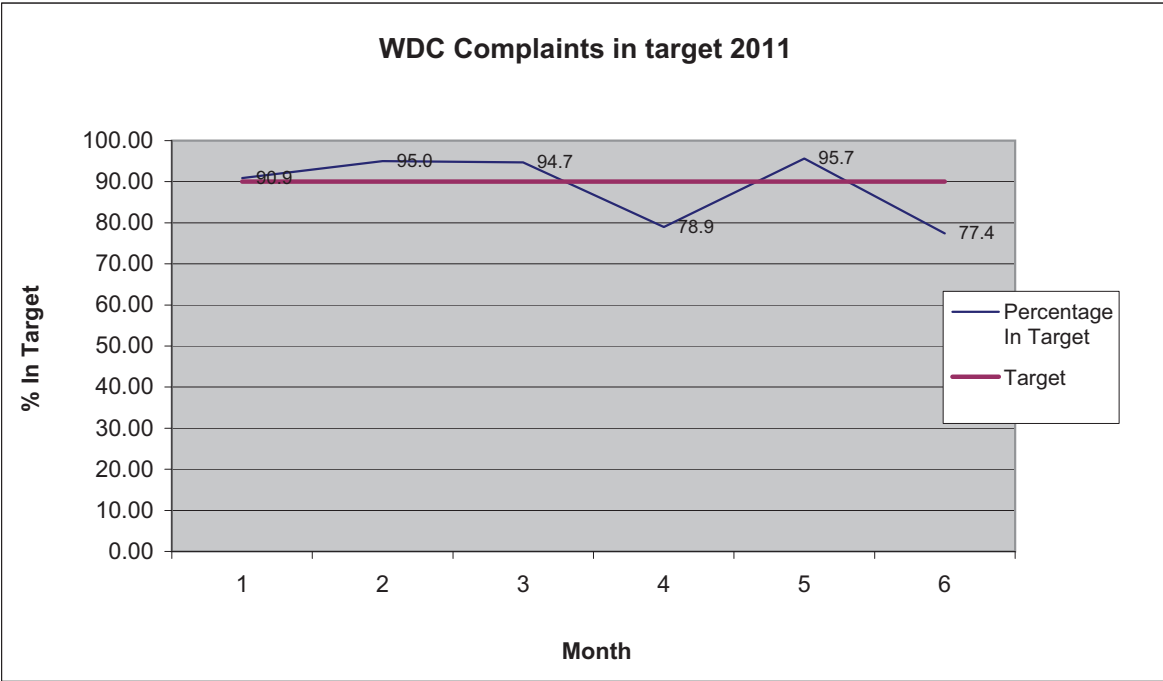


WDC Complaints in target 2010

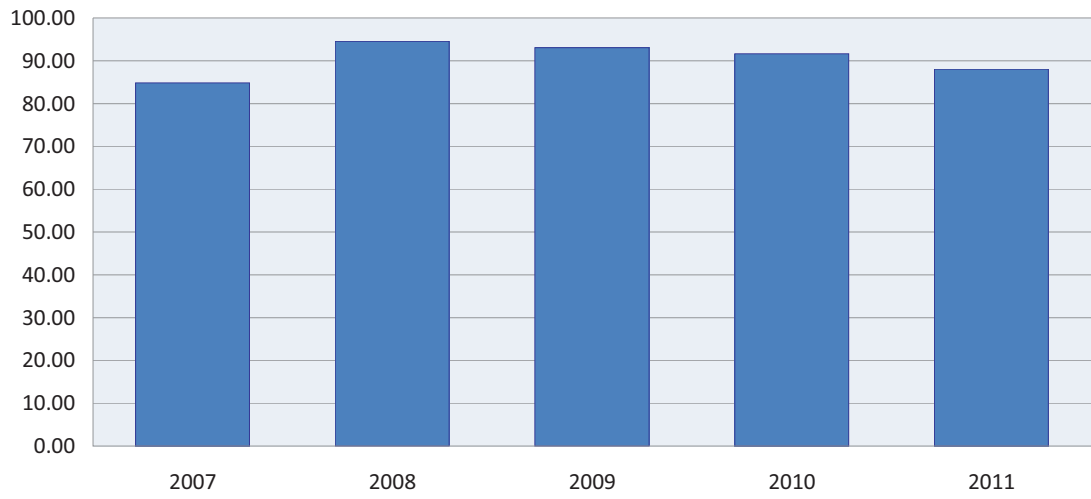


WDC Complaints Received 2010





WDC Complaints In Target 2007 - 2011



Service Improvements from 01/04/11 to 30/06/11

Service	Item Type	ServiceMail No	Subject	Improvement
Communications				
Green Space Contracts	Complaint	8696	WDC Publicity Material	Improved monitoring of mailboxes for publication feedback.
Housing Maintenance	Complaint	8902	Grass Cutting	Inspector to monitor. Possible placing of litter bins
	Complaint	8852	Contractor Issues - Maintenance	Works made good

Agenda Item 5 Appendix 5b

Council: Items by Type by Business Unit by In Target Responses between 01/07/2011 and 30/09/2011

Business Unit	In/Out of Target (Target: 10 working days)	Total
Comments		
Customer Service Centre		
	In Target	1
Museum - Wycombe		
	In Target	1
Parking - Off-street		
	In Target	1
Parking - On-street		
	Out of Target	1
Total for Comments		4
Complaints		
Building Control	In Target	1
Council Tax	In Target	5
Customer Service Centre	In Target	5
Development Control	In Target	4
Development Management	Out of Target	1
	In Target	10
Elections/Land Charges	In Target	1
Environmental Health	Out of Target	1
	In Target	7
Green Space Contracts	Out of Target	1
Homelessness	Out of Target	1
	In Target	1
Housing Applications	In Target	6
Housing Benefit	In Target	2
Housing Maintenance	In Target	1
Housing Management	In Target	1
Housing Repairs	Out of Target	1
	In Target	3
Parking - Off-street	Out of Target	1
	In Target	3
Parking - On-street	Out of Target	3

Council: Items by Type by Business Unit by In Target Responses between 01/07/2011 and 30/09/2011

Business Unit	In/Out of Target (Target: 10 working days)	Total
	In Target	1
Property Services	In Target	2
Refuse	In Target	3
Visiting and Investigation	In Target	2
Total for Complaint		67
Compliments		
Building Control	In Target	6
Cleansing	In Target	2
Cohesion	In Target	4
Community Safety	In Target	4
Corporate Administration	In Target	5
Customer Service Centre	In Target	11
Development Management	In Target	20
Environmental Health	In Target	8
Green Space Contracts	In Target	6
Homelessness	In Target	3
Housing Maintenance	In Target	1
Housing Management	In Target	2
Housing Welfare	In Target	5
Parking - Off-street	In Target	2
Planning & Sustainability HoS & PA	In Target	1
Ranger Services	In Target	5
Recycling	In Target	1
Refuse	In Target	1
Regeneration (Community Services)	In Target	1
Spatial Planning	In Target	4

Council: Items by Type by Business Unit by In Target Responses between 01/07/2011 and 30/09/2011

Business Unit	In/Out of Target (Target: 10 working days)	Total
Sports Centres Client	In Target	1
Sports Development	In Target	1
Total for Compliment		94

Complaints in target from 01/07/11 to 30/09/11

Team: I WESTGATE TEAM

Business Unit	In Target	Out of Target
Building Control	1	0
Development Control	4	0
Development Management	10	1
Environmental Health	7	1
Green Space Contracts	0	1
Homelessness	1	1
Housing Applications	6	0
Housing Maintenance	1	0
Housing Management	1	0
Housing Repairs	3	1
Parking - Off-street	3	1
Parking - On-street	1	3
Refuse	3	0

Total for I WESTGATE TEAM

In target:	41
Out of target:	9

Team: L SMITH TEAM

Business Unit	In Target	Out of Target
Council Tax	5	0
Customer Service Centre	5	0
Elections/Land Charges	1	0
Housing Benefit	2	0
Property Services	2	0
Visiting and Investigation	2	0

Total for L SMITH TEAM

In target:	17
Out of target:	0

TOTAL FOR WYCOMBE DC

In target:	58	86.6%
Out of target:	9	13.4%

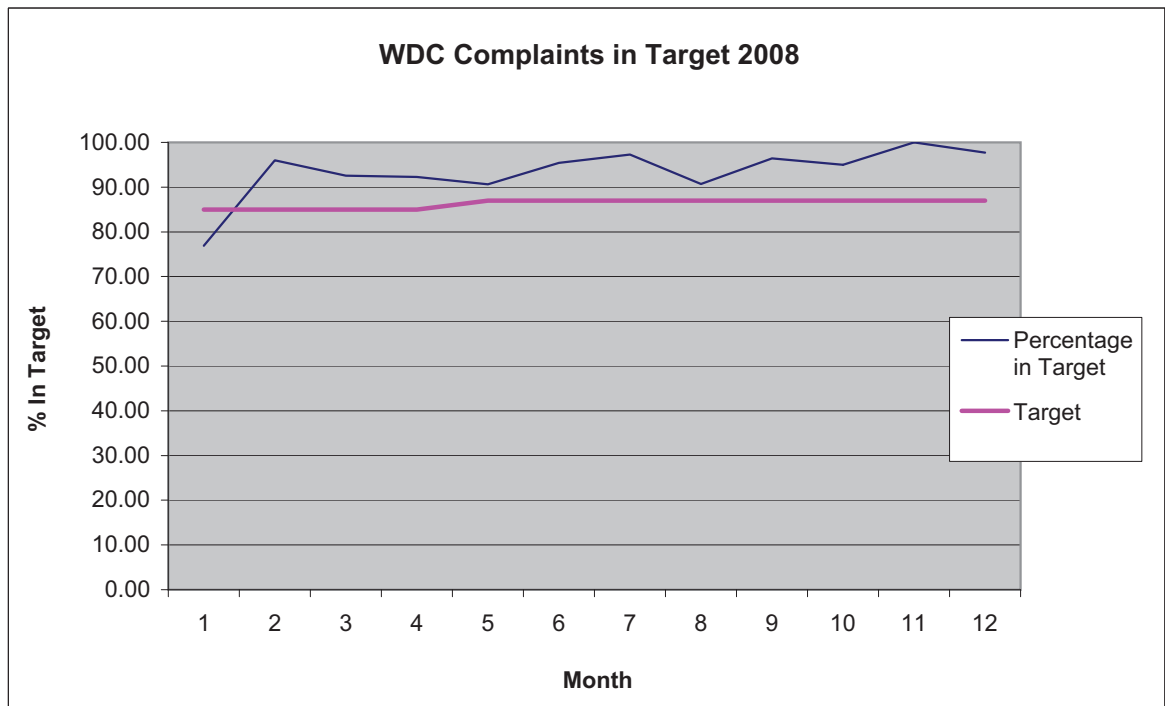
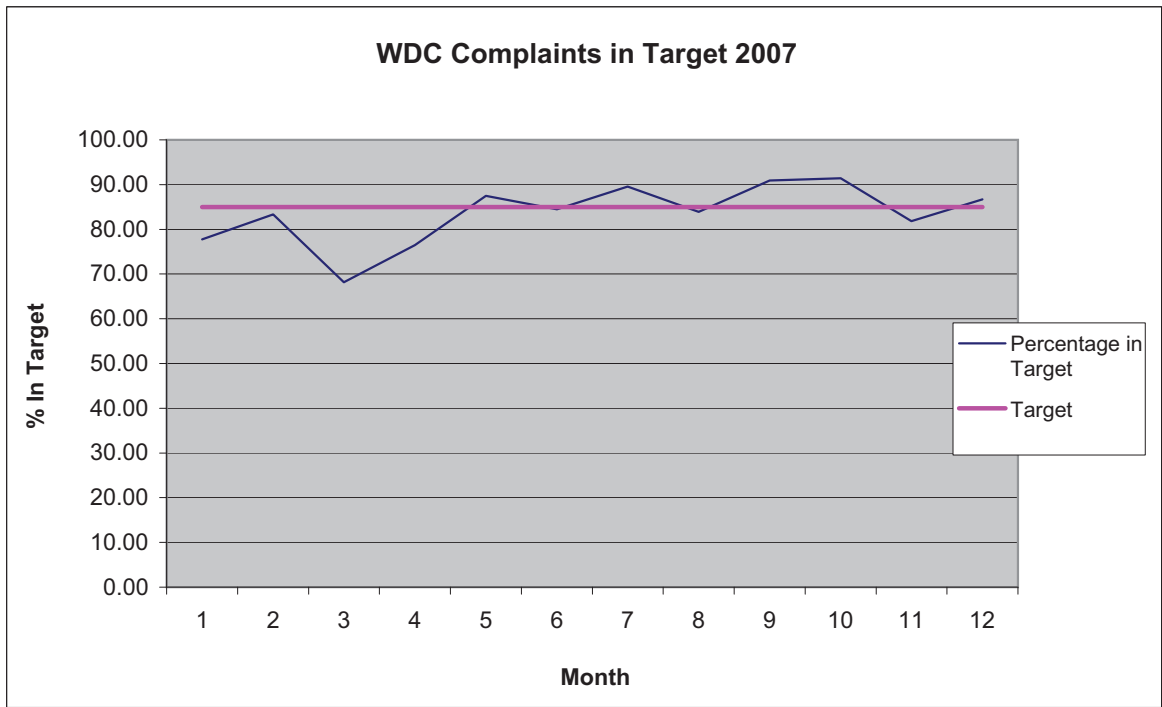
Complaint Feedback from 01/07/11 to 30/09/11

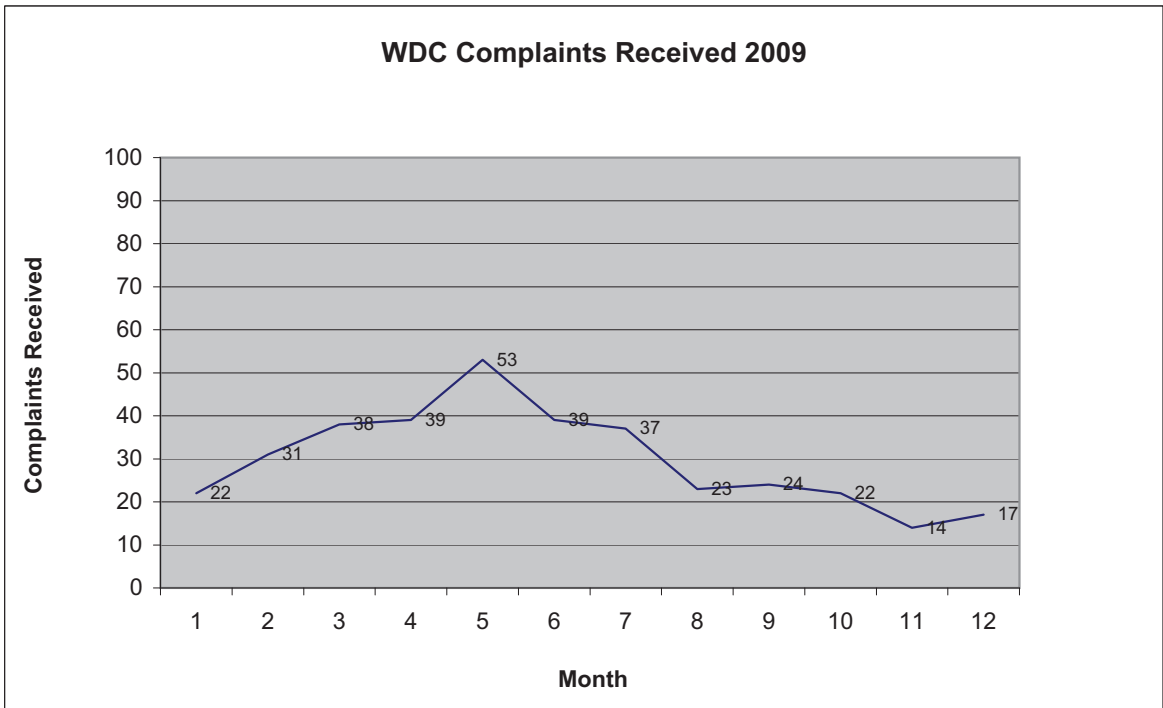
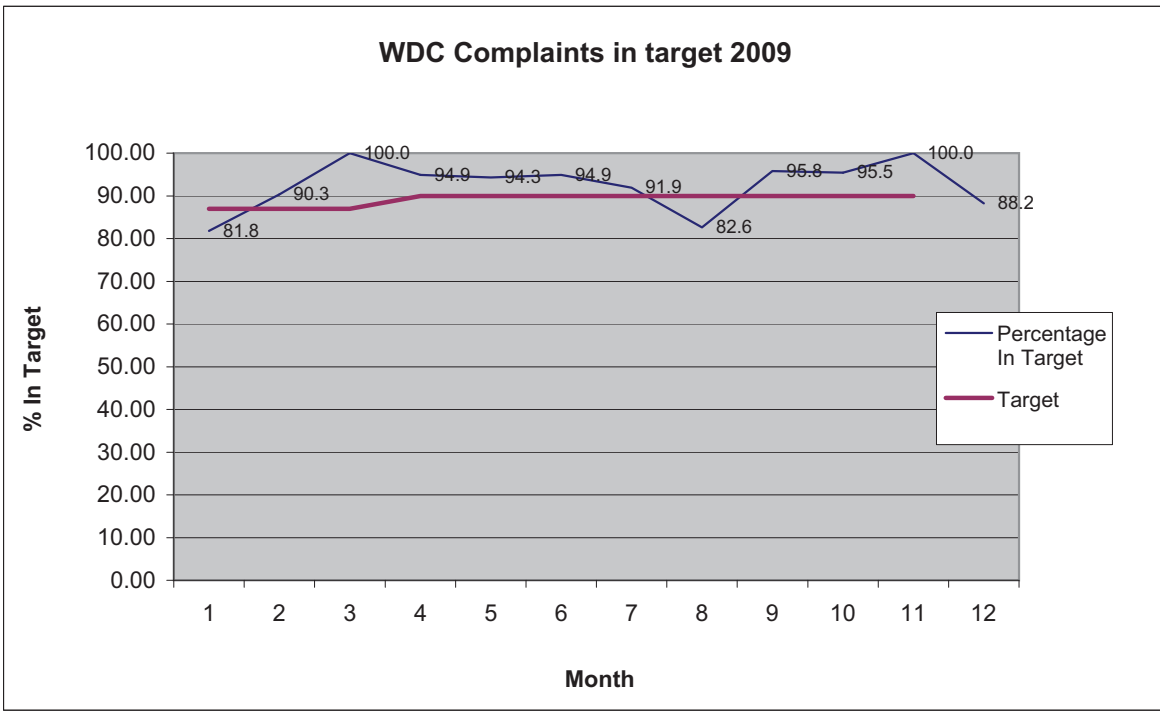
Business Unit:	Council Tax		
Speed - Yes:	4	Speed - No:	0
Easily Understood - Yes:	4	Easily Understood - No:	0
Outcome - Yes:	4	Outcome - No:	0
Complaint Handling - Yes:	4	Complaint Handling - No:	0
Business Unit:	Development Control		
Speed - Yes:	3	Speed - No:	0
Easily Understood - Yes:	3	Easily Understood - No:	0
Outcome - Yes:	0	Outcome - No:	3
Complaint Handling - Yes:	2	Complaint Handling - No:	1
Business Unit:	Development Management		
Speed - Yes:	2	Speed - No:	0
Easily Understood - Yes:	2	Easily Understood - No:	0
Outcome - Yes:	2	Outcome - No:	0
Complaint Handling - Yes:	2	Complaint Handling - No:	0
Business Unit:	Environmental Health		
Speed - Yes:	4	Speed - No:	0
Easily Understood - Yes:	4	Easily Understood - No:	0
Outcome - Yes:	4	Outcome - No:	0
Complaint Handling - Yes:	4	Complaint Handling - No:	0
Business Unit:	Housing Benefit		
Speed - Yes:	2	Speed - No:	0
Easily Understood - Yes:	2	Easily Understood - No:	0
Outcome - Yes:	2	Outcome - No:	0
Complaint Handling - Yes:	2	Complaint Handling - No:	0
Business Unit:	Housing Maintenance		
Speed - Yes:	1	Speed - No:	0
Easily Understood - Yes:	1	Easily Understood - No:	0
Outcome - Yes:	1	Outcome - No:	0
Complaint Handling - Yes:	1	Complaint Handling - No:	0
Business Unit:	Housing Management		
Speed - Yes:	1	Speed - No:	0
Easily Understood - Yes:	1	Easily Understood - No:	0
Outcome - Yes:	1	Outcome - No:	0
Complaint Handling - Yes:	1	Complaint Handling - No:	0
Business Unit:	Parking - Off-street		
Speed - Yes:	2	Speed - No:	0
Easily Understood - Yes:	2	Easily Understood - No:	0
Outcome - Yes:	2	Outcome - No:	0
Complaint Handling - Yes:	2	Complaint Handling - No:	0
Business Unit:	Parking - On-street		
Speed - Yes:	4	Speed - No:	0
Easily Understood - Yes:	4	Easily Understood - No:	0
Outcome - Yes:	4	Outcome - No:	0
Complaint Handling - Yes:	4	Complaint Handling - No:	0

Total:			
Speed - Yes:	23	Speed - No:	0
Easily Understood - Yes:	23	Easily Understood - No:	0
Outcome - Yes:	20	Outcome - No:	3
Complaint Handling - Yes:	22	Complaint Handling - No:	1

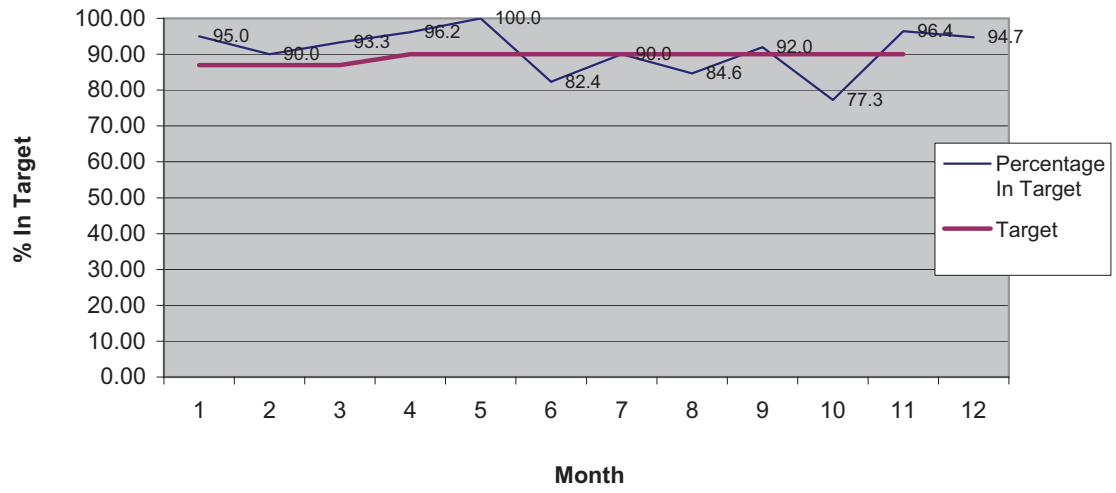
Q2 – Complaints and Feedback logged

Business Unit	Total Complaints	Total Feedback logged
Building Control	1	0
Council Tax	5	4
Customer Service Centre	5	0
Development Control	4	3
Development Management	11	2
Elections/Land Charges	1	0
Environmental Health	8	4
Green Space Contracts	1	0
Homelessness	2	0
Housing Applications	6	0
Housing Benefit	2	2
Housing Maintenance	1	1
Housing Management	1	1
Housing Repairs	4	0
Parking - Off-street	4	2
Parking - On-street	4	4
Property Services	2	0
Refuse	3	0
Visiting and Investigation	2	0
Total for Complaint	67	23

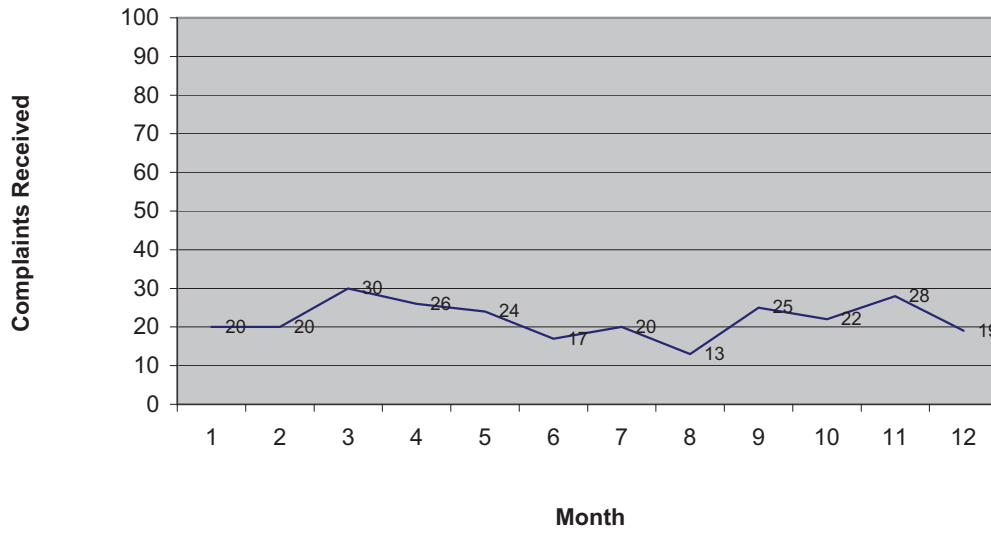


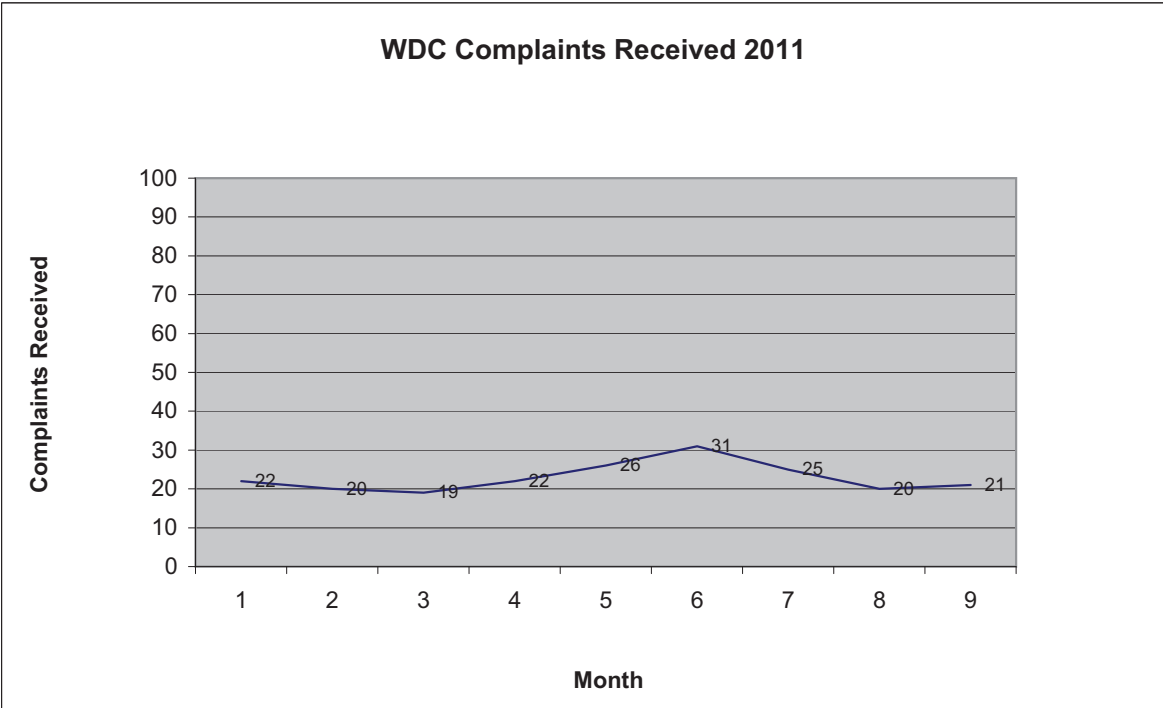
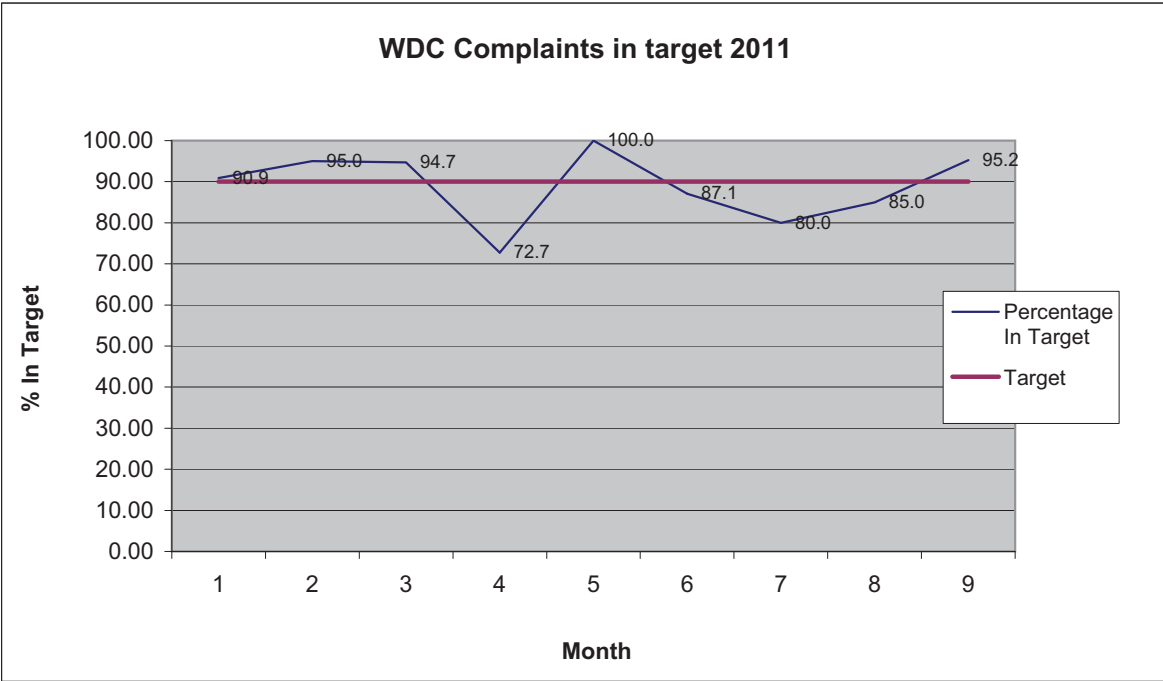


WDC Complaints in target 2010

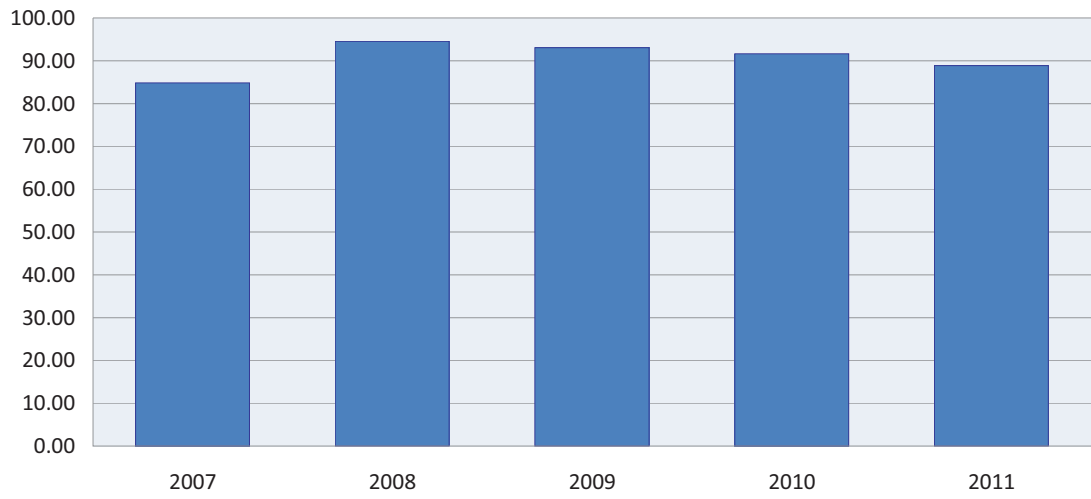


WDC Complaints Received 2010





WDC Complaints In Target 2007 - 2011



Service Improvements from 01/07/11 to 30/09/11

Service	Item Type	ServiceMail	Subject
Parking - On-street			
	Complaint	9261	Staff Attitude - Car Parks On-Street

Improvement
Addressed during meeting

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OMBUDSMAN ONGOING CASES – 2011/12

Cllrs Notified: Service Mail Ref	Date Received	Ombudsman Ref	Summary of complaint	Comments
D Carroll, D Morgan, A G Jones TBA	20/10/11	11 012 779/DS	Complaint that the Council has delayed unreasonably in completing its inquiries and issuing a decision on the homelessness application made on 28 June 2011.	Response due by 16/11/11
TBA	20/10/11	11 007 986	The complainant is unhappy that the Council has changed its household waste collection service. It has ceased collecting refuse sacks of household waste from her home in place of collecting waste deposited in wheeled bins.	Response due by 16/11/11
				2

P/BC	Local Tax	ASB	Hsg	Env Service	Hsg	Benefits	Transport & Highways	Licensing	Other
					1				
			1						
					1				
					1				
1									
4	0	0	3	1	1	1	0	0	1

Service Mail Ref	Date Received (Date closed)	Ombudsman Ref	Summary of complaint	Comments	NIM	ID (LS)	OJ	ID (OD)	MJ	TOTAL
9097	08.08.11 (08.08.11)	11 008 106 CK	Parking Ticket appeal - now sent to Traffic Enforcement Centre at Northampton County Court	Outside Jurisdiction			1			
8519	22.02.11 25.08.11	10 019 303/sxp	Complaint that Council has not placed complainant in suitable temporary homelessness accommodation with regard to his disability etc. Complainant now residing elsewhere.	No Maladministration	1					
8894	15.06.11 & 29.07.11 (31.08.11)	10 022 925/DS	Complaint that Council provided incorrect advice and deemed complainant intentionally homeless, and followed incorrect procedures with regard to homelessness application	Investigation Discontinued - Injustice remedied						
8618	01.08.2011 (10.11.11)	10 021 902	Inadequate housing repairs; ASB behaviour causing complainant to leave property; and problems with Housing Benefit payments causing rent arrears.	Not in Jurisdiction (OJ) and discretion not exercised		1				
8056	24.06.11 (15.07.11)	10 022 810	Neighbour's planning applications to extend and re-build their house have resulted in a ridge height that is 400mm higher than it should be and windows directly facing the complainant's property - not been fixed shut and obscure glazed - in breach of planning conditions. The proximity of the new flank wall means that his boiler flue needs re-positioning.	Investigation Discontinued			1			
					2	1	4	4	0	11

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24 June 2011

Ms Karen Satterford
Chief Executive
Wycombe District Council
Queen Victoria Road
High Wycombe HP11 1BB

Dear Ms Satterford

Annual Review Letter

I am writing with our annual summary of statistics on the complaints made to me about your authority for the year ending 31 March 2011. I hope the information set out in the enclosed tables will be useful to you.

The statistics include the number of enquiries and complaints received by our Advice Team, the number that the Advice Team forwarded to my office and decisions made on complaints about your council. Not all complaints are decided in the same year that they are received. This means that the number of complaints received and the number decided will be different.

The statistics also show the time taken by your authority to respond to written enquiries and the average response times by type of authority.

Communicating decisions

We want our work to be transparent and our decisions to be clear and comprehensible. During the past year we changed the way we communicate our decisions and reasons. We now provide a stand-alone statement of reasons for every decision we make to both the citizen who has complained and to the council. These statements replace our former practice of communicating decisions by letter to citizens that are copied to councils. We hope this change has been beneficial and welcome comments on this or any other aspect of our work.

In April 2011 we introduced a new IT system for case management and revised the brief descriptions of our decisions. My next annual letter will use the different decision descriptions that are intended to give a more precise representation of complaint outcomes and also add further transparency to our work.

Extended powers

During 2010/11 our powers were extended to deal with complaints in two significant areas.

In October 2010 all complaints about injustice connected to adult social care services came under our jurisdiction. The greater use of direct payments and personalised budgets mean that it is particularly important for us to be able to deal with such complaints irrespective of whether a council has arranged the care. The increasing number of people who arrange and pay for their own

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Anne Seex
Local Government Ombudsman
Nigel Ellis
Deputy Ombudsman

social care now have the right to an independent and impartial examination of any complaints and concerns they may have about their care provider.

In the six months to April 2011 we received 89 complaints under our new adult social care powers. Between 2009/10 and 2010/11 complaints about care arranged or funded by councils doubled from 657 to 1,351.

The Apprenticeships, Skills, Children & Learning Act 2009 introduced powers for us to deal with complaints about schools by pupils or their parents. This was to be introduced in phases and currently applies in 14 council areas. By the end of 2010/11 we had received 169 complaints about schools in those areas and 183 about schools in other areas where we had no power to investigate. The Education Bill currently before Parliament proposes to rescind our new jurisdiction from July 2012.

Our new powers coincided with the introduction of Treasury controls on expenditure by government departments and sponsored bodies designed to reduce the public spending deficit. This has constrained our ability to inform care service users, pupils and their parents of their new rights.

Assisting councils to improve

For many years we have made our experience and expertise available to councils by offering training in complaint handling. We regard supporting good complaint handling in councils as an important part of our work. During 2010/11 we surveyed a number of councils that had taken up the training and some that had not. Responses from councils where we had provided training were encouraging:

- 90% said it had helped them to improve their complaint handling
- 68% gave examples of how the knowledge and skills gained from the training had been applied in practice
- 55% said that complaints were resolved at an earlier stage than previously
- almost 50% said that citizens who complained were more satisfied.

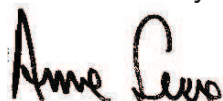
These findings will inform how we develop and provide training in the future. For example, the survey identified that councils are interested in short complaint handling modules and e-learning.

Details of training opportunities are on our web site at www.lgo.org.uk/training-councils/

More details of our work over the year will be included in the 2010/11 Annual Report. This will be published on our website at the same time as the annual review letters for all councils (14 July).

If it would be helpful to your Council I should be pleased to arrange for me or a senior manager to meet and explain our work in greater detail.

Yours sincerely



Anne Seex
Local Government Ombudsman

For information on interpretation of statistics click on this link to go to www.lgo.org.uk/Councils/Performance

LGO Advice Team

Enquiries and complaints received	Benefits & Tax	Corporate & Other Services	Environmental Services & Public Protection & Regulation	Highways & Transport	Housing	Other	Planning & Development	Total
Formal/informal premature complaints	6	1	0	1	3	0	4	15
Advice given	0	0	1	0	1	0	3	5
Forwarded to investigative team (resubmitted)	0	0	0	0	1	0	1	2
Forwarded to investigative team (new)	1	1	1	0	3	0	10	16
Total	7	2	2	1	8	0	18	38

Investigative Team

Decisions	Reports: maladministration and injustice	Local settlements (no report)	Reports: Maladministration no injustice	Reports: no Maladministration	No Maladministration (no report)	Ombudsman's discretion (no report)	Outside jurisdiction	Total
2010 / 2011	0	2	0	0	9	4	2	17

No adult social care decisions were made in the period

Provisional comparative response times 01/04/2010 to 31/03/20 11



















Response times	First enquiries	
	No of first Enquiries	Avg no of days to respond
01/04/2010 / 31/03/2011	8	33.9
2009 / 2010	13	26.9
2008 / 2009	13	24.2

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District councils	65	23	12
Unitary authorities	59	28	13
Metropolitan authorities	64	19	17
County councils	66	17	17
London boroughs	64	30	6
National parks authorities	75	25	0




**Wycombe District Council
Complaints/Compliments - Year on Year
Comparison**

		Quarter 1			Quarter 2			Quarter 3			Quarter 4				
		Target for Q1	Outturn Apr - Jun	▲ ● ★	Target for Q2	Outturn Jul - Sep	▲ ● ★	Target for Q3	Outturn Oct - Dec	▲ ● ★	Target for Q4	Outturn Jan-Mar	Year to date	% variance against target	▲ ● ★
Compliments and Complaints															
2010-11 Year	Number of compliments received	n/a	97	n/a	n/a	74	n/a	n/a	87	n/a	n/a	88	346	n/a	n/a
2011-12 Year	Number of compliments received	n/a	79	n/a	n/a	94	n/a	n/a		n/a	n/a		173	n/a	n/a
2010-11 Year	Number of complaints received	n/a	65	n/a	n/a	54	n/a	n/a	69	n/a	n/a	64	252	n/a	n/a
2011-12 Year	Number of complaints received	n/a	79	n/a	n/a	67	n/a	n/a		n/a	n/a		146	n/a	n/a
2010-11 Year	Percentage of complaints answered within 10 working days	90%	93.85%	●	90%	90.74%	●	90%	88.41%	●	90%	93.75%	91.62%	1.62%	●
2010-11 Year	Number answered within 10 working days		61			49			61			60	231		
2010-11 Year	Number of complaints		65			54			69			64	252		
2011-12 Year	Percentage of complaints answered within 10 working days	90%	87.34%	●	90%	86.57%	●	90%			90%		86.99%	-3.01%	●
2011-12 Year	Number answered within 10 working days		69			58							127		
2011-12 Year	Number of complaints		79			67							146		
2010-11 Year	Satisfaction with complaints handling: SPEED OF RESPONSE	90%	96.77%	★	90%	86.21%	●	90%	91.67%	●	90%	100.00%	94.12%	4.12%	●
2010-11 Year	Number of people satisfied with SPEED		30			25			22			35	112		
2010-11 Year	Number of responses		31			29			24			35	119		
2011-12 Year	Satisfaction with complaints handling: SPEED OF RESPONSE	90%	96.43%	★	90%	100.00%	★	90%			90%		97.78%	7.78%	★
2011-12 Year	Number of people satisfied with SPEED		27			17							44		

**Wycombe District Council
Complaints/Compliments - Year on Year
Comparison**

		Quarter 1			Quarter 2			Quarter 3			Quarter 4				
		Target for Q1	Outturn Apr - Jun	  	Target for Q2	Outturn Jul - Sep	  	Target for Q3	Outturn Oct - Dec	  	Target for Q4	Outturn Jan-Mar	Year to date	% variance against target	  
2011-12 Year	Number of responses logged		28			17						45			
2010-11 Year	Satisfaction with complaints handling: OUTCOME	90%	90.32%		90%	75.86%		90%	79.17%		90%	88.57%	84.03%	-5.97%	
2010-11 Year	Number of people satisfied with OUTCOME		28			22			19			31	100		
2010-11 Year	Number of responses		31			29			24			35	119		
2011-12 Year	Satisfaction with complaints handling: OUTCOME	90%	96.43%		90%	82.35%		90%			90%		91.11%	1.11%	
2011-12 Year	Number of people satisfied with OUTCOME		27			14						41			
2011-12 Year	Number of responses logged		28			17						45			
2010-11 Year	Satisfaction with complaints handling: COMPLAINT HANDLING	90%	96.77%		90%	75.86%		90%	83.33%		90%	94.29%	88.24%	-1.76%	
2010-11 Year	Number of people satisfied with COMPLAINT HANDLING		30			22			20			33	105		
2010-11 Year	Number of responses		31			29			24			35	119		
2011-12 Year	Satisfaction with complaints handling: COMPLAINT HANDLING	90%	96.43%		90%	95.56%		90%			90%		95.89%	5.89%	
2011-12 Year	Number of people satisfied with COMPLAINT HANDLING		27			43						70			
2011-12 Year	Number of responses logged		28			45						73			

Symbols Used:

	Exceeds target by more than 5%
	Within +/- 5% of target
	More than 5% below target

Agenda Item 6

LOCAL STANDARDS HEARING PANELS

To receive the minutes of the Local Standards Hearing Panels held on:

- 16 March 2011 (**appendix A**);
- 20 June 2011 (**appendix B**);
- 22 September 2011 (**appendix C**); and
- 18 October 2011 (**appendix D**)

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Agenda Item 6 Appendix 6a

APPENDIX 5

Local Standards Hearing Panel


WYCOMBE
DISTRICT COUNCIL

Date: Wednesday 16 March 2011

Time: 10.00 am – 10.30 am

PRESENT: Town Councillor L Benifer, Mr B Morgan-Timms and Councillor J A Savage

In attendance: Mr D M Dongray (Monitoring Officer / Legal Advisor to the Panel) and Mr P Druce (Panel Support Officer)

There were no apologies for absence.

1. **APPOINTMENT OF CHAIRMAN**

RESOLVED: That Mr B Morgan-Timms be appointed Chairman of the meeting.

Mr B Morgan-Timms in the Chair

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

3. **QUORUM**

The Chairman confirmed that the meeting was quorate.

EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That pursuant to Section 100B(2) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of minute 4 because of its reference to matters which contain exempt information as defined as follows:

Minute No 4 – Outcome of referral of cases IA33 and IA35 for 'other action'

Information presented to a standards committee, or sub-committee of a standards committee, set up to consider any matter under regulations 13 or 16 to 20 of The Standards Committee (England) Regulations 2008, or referred under section 58(1)(c) of the Local Government Act 2000 (Paragraph 7c of Part 1g Schedule 12A to the Local Government Act 1972).

Information in any of the categories within Schedule 12A which is not prevented from being exempt by virtue of paragraphs 8 and 9 of the Schedule is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. It is not considered in the present circumstances that the public interest in disclosure outweighs the authority's need to withhold the information, having regard to the distress that would be caused to the individuals concerned.

4. OUTCOME OF REFERRAL OF CASES IA33 AND IA35 FOR 'OTHER ACTION'

The Local Standards Hearing Panel was asked to consider whether it was satisfied with the 'other action' taken by the Monitoring Officer in respect of cases reference IA33 and IA 35.

The report before the Panel noted that on 7 December 2010, the Complaints Initial Assessment Sub Committee (CIAASC) had considered complaint ref: IA 35 and on 5 January 2011, it had considered complaint ref: IA33.

In each case the CIAASC had referred the allegations to the Monitoring Officer for "other action", with a view to arranging training and in each case the member concerned agreed to attend a training session.

Members noted that a referral for other action closes any opportunity for investigation and that any such referral does not involve any finding as to whether or not the subject member had failed to comply with the Code of Conduct as alleged.

The Monitoring Officer had presented the training personally in each case.

The training session in the case of IA 33 had been held on 18 January 2011, and the training session in the case of IA 35 on 17 February 2011.

Both sessions were well received by both the subject members and the Clerk.

The Local Standards Hearing Panel also had before it details of the points covered at these training sessions.

The Panel were satisfied with the outcome of the other action in each case, and

RESOLVED: That the Panel was satisfied with the "other action" taken by the Monitoring Officer in cases ref: IA33 and IA35 and that the Monitoring Officer give notice of this in each case to the subject member, the complainant and the Clerk of the Parish Council concerned.

Local Standards Hearing Panel Minutes

Date: Monday, 20th June, 2011

Time: 4.30 - 4.40 pm

PRESENT:

Parish Councillor D Banfield, Revd G Hargrove and District Councillor Ms J D Wassell

1 APPOINTMENT OF CHAIRMAN

RESOLVED: That Revd G Hargrove be appointed Chairman of the meeting.

Revd Hargrove in the Chair

2 APOLOGIES FOR ABSENCE

There were no apologies for absence.

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

4 QUORUM

The Chairman confirmed that the meeting was quorate.

EXCLUSION OF PRESS AND PUBLIC

5 RESOLUTION RE ITEM 6 EXPECTED TO BE TAKEN IN EXEMPT SESSION

RESOLVED: That pursuant to Section 100B(2) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of minute 6 because of its reference to matters which contain exempt information as defined as follows:

Minute No 6 – Consideration of Investigating Officer’s Report into Standards Complaint

Information presented to a Sub-Committee of a Standards Committee set up to consider any matter under Regulations 16 to 30 of the Standards Committee (England) Regulations

2008. (Paragraph 7 of Part 1 of Schedule 12A to the Local Government Act 1972).

Information in any of the categories within Schedule 12A which is not prevented from being exempt by virtue of paragraphs 8 and 9 of the Schedule is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. It was not considered in the present circumstances that the public interest in disclosure outweighed the authority's need to withhold the information because the distress caused to the individual concerned would outweigh the public interest in disclosure.

6 CONSIDERATION OF INVESTIGATING OFFICER'S REPORT RE STANDARDS COMPLAINT IA34

The Members of the Panel confirmed that they had read in detail the report of the Investigating Officer as appended, and considered the summary of findings contained therein.

The Panel felt that a Local Hearing into the allegations should be scheduled, referral of the matter to the Adjudication Panel for determination was not appropriate.

RESOLVED: That the matter should be considered at a hearing of the Local Standards Panel conducted under Regulation 18 of the Standards Committee (England) Regulations 2008.

The following officers were in attendance at the meeting:

David Dongray - District Solicitor / Monitoring Officer
Peter Druce - Democratic Services

Local Standards Hearing Panel Minutes

Date: Thursday, 22nd September, 2011

Time: 2.30 - 4.40 pm

PRESENT:

Parish Councillor D Banfield, Revd G Hargrove and District Councillor Ms J D Wassell

Also Present:

- Mr J Osman Investigating Officer, Messrs Wansbroughs
- The Subject Member

7 APPOINTMENT OF CHAIRMAN

RESOLVED: That Revd G Hargrove be appointed Chairman of the Meeting.

Revd Hargrove in the Chair

8 APOLOGIES FOR ABSENCE

There were no apologies for absence.

9 DECLARATION OF INTEREST

There were no declarations of interest.

10 QUORUM

The Chairman confirmed that the meeting was quorate.

EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That pursuant to Section 100B(2) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of minute 11 because of its reference to matters which contain exempt information as defined as follows:

Minute No 11 – Outcome of Referral of Case IA50 for ‘Other Action’.

Information presented to a Sub-Committee of a Standards Committee set up to consider any matter

under Regulations 16 to 30 of The Standards Committee (England) Regulations 2008. (Paragraph 7(c) of Part 1 of Schedule 12A to the Local Government Act 1972).

It was considered that the public interest in maintaining the exemption outweighed the public interest in disclosing the information as the distress that might be caused to the individuals concerned outweighed the public interest in disclosure.

11 OUTCOME OF REFERRAL OF CASE IA50 FOR 'OTHER ACTION'

On 27 June 2011, the Complaints Initial Assessment Sub Committee considered complaint ref: IA 50.

The sub committee referred the allegation to the Monitoring Officer for “other action” namely with a view to arranging for the subject member to attend a brief training session, to be arranged by the Monitoring Officer on the Code of Conduct for Members.

Members noted that a referral for other action closes any opportunity for investigation.

Additionally, Members noted that any such referral does not involve any finding as to whether or not the subject member had failed to comply with the Code of Conduct as alleged.

The Monitoring Officer presented the training personally and he took the subject Member through the entire Code, insofar as it applied to the Parish Council concerned. He also referred to Standards for England’s Case Review 2010, which provided useful guidance. The training session was held on 6 July 2011. The notes prepared by the Monitoring Officer and provided to the subject member were attached to the agenda for the Members information.

The session was well received by the subject member who found the training very useful.

In response to the report to this meeting the Panel:

RESOLVED: to express satisfaction with the action taken and that the Monitoring Officer give notice of this to the subject member, the complainant and the Clerk of the Parish Council concerned.

12 DETERMINATION OF ALLEGATIONS AGAINST A COUNCILLOR (CASE REF:IA 34)

The Chairman received confirmation from all present that they were aware of the procedure which the Panel would be following in determining the matter.

After consulting the subject member, the investigating officer and the monitoring officer, all of whom were present, the Panel agreed to exclude the Press and Public from its consideration of this matter as it appeared likely that exempt information would be disclosed in the course of its consideration.

RESOLVED: That pursuant to Section 100B(2) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of minute 12 because of its reference to matters which contain exempt information as defined as follows:

Minute No 12 – Determination of Allegations against a Councillor (Case Ref IA34).

Information presented to a Sub-Committee of a Standards Committee set up to consider any matter under Regulations 13 or 16 to 30 of The Standards Committee (England) Regulations 2008. (Paragraph 7(c) of Part 1 of Schedule 12A to the Local Government Act 1972).

It was considered that the public interest in maintaining the exemption outweighed the public interest in disclosure given that relations between the public and the Parish Council had settled down since the events in question and that publicity might have a detrimental effect on such relations.

The Chairman received confirmation from the Subject Member that he maintained the position as set out in the Pre-Hearing Summary report, in that he did not agree with the Investigating Officers' assertion that he had breached Section 3(1) of the Members Code of Conduct in that he did not believe that he was acting in an official capacity at the time of the alleged incident.

Following this, the Monitoring Officer then presented his Pre-Hearing Summary Report, again focussing the Panel's attention on the matter of whether or not the Subject Member was or was not acting in an official capacity.

The Investigating Officer then took the Panel through his report, confirming that the he believed that the Subject Member had not breached the other two sections of the Code of Conduct which may have been relevant to the complaint, namely paragraphs 3(ii)(b) (bullying) and 5 (bringing a member's office or authority into disrepute).

In respect of section 3(i) (failing to treat others with respect) the Investigating Officer considered the Subject Member to have breached the code, but added that there were mitigating factors to be taken into account in this matter.

The Investigating Officer then explained the history of conflict and communication issues leading up to the alleged incident along with the events of the day concerned. He also stressed the mitigating circumstances in this case and stated his reasons for concluding that the subject member was acting in an official capacity at the time.

Panel Members viewed the short DVD of the incident which clarified points made in the Investigating Officers report.

The Subject Member then had the opportunity, which was taken, to ask a number of questions of the Investigating Officer. Similarly Panel Members took the opportunity to question the Subject Member on the incident.

The Panel then retired to consider the matter.

Upon returning to the Committee Room the Chairman indicated that the panel felt that a breach of Section 3(1) of the Members Code of Conduct had occurred.

The Panel also felt that it wished to make a recommendation to the Parish Council that

- (i) their meeting procedures should be reviewed to make it clearer when the formal meetings are in progress and when they are suspended, closed or reopened; and
- (ii) they address (e.g. through a risk assessment and action plan) the issues, including health and safety issues, that might arise when a number of members of the public are present at meetings in a comparatively confined space.”

The Panel then invited the Investigating Officer to give his opinion as to whether the Panel should now impose a sanction, and if so what would be the appropriate sanction.

The Panel then retired again to consider whether or not a sanction should be imposed.

Upon returning again to the Committee Room the Panel confirmed to all present that it did not feel a sanction in this case was appropriate. A copy of the Summary Notice of this finding (with reasons) was then circulated to all present.

RESOLVED: That in respect of Investigation IA 34 the subject member had failed to comply with paragraph 3(1) of the Code of Conduct for Members of the authority concerned but that no action needed to be taken in respect of the matters which were considered at the hearing.

The Chairman thanked all present for their patience in respect of the hearing which had been completed in a polite and businesslike fashion.

The following officers were in attendance at the meeting:

- David Dongray - District Solicitor / Monitoring Officer
- Peter Druce - Democratic Services

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Local Standards Hearing Panel Minutes

Date: Tuesday, 18th October, 2011

Time: 10.00 - 10.25 am

PRESENT:

Mr Barry Morgan-Timms, Cllr John Savage and Parish Councillor John Sherlock

13 APPOINTMENT OF CHAIRMAN

RESOLVED: That Mr B Morgan-Timms be appointed Chairman of the Meeting.

14 APOLOGIES FOR ABSENCE

There were no apologies for absence.

15 DECLARATIONS OF INTEREST

There were no declarations of interest.

16 QUORUM

The Chairman confirmed that the meeting was quorate.

EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That pursuant to Section 100B(2) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of Minutes 17 & 18 because of their reference to matters which contain exempt information as defined as follows:

Minute No 17 – Outcome of referral of cases ref IA51 & IA52 for ‘other action’.

Information presented to a standards committee, or sub-committee of a standards committee, set up to consider any matter under regulations 13 or 16 to 20 of The Standards Committee (England) Regulations 2008, or referred under section

58(1)(c) of the Local Government Act 2000 (Paragraph 7C of Part 1 of Schedule 12A to the Local Government Act 1972).

It was considered that the public interest in maintaining the exemption outweighs the public interest in disclosure because the distress caused to the individual would outweigh the public interest in disclosure.

Minute No 18 – Consideration of Investigating Officer’s Report re Standards Complaint IA 40.

Information presented to a standards committee, or sub-committee of a standards committee, set up to consider any matter under regulations 13 or 16 to 20 of The Standards Committee (England) Regulations 2008, or referred under section 58(1)(c) of the Local Government Act 2000 (Paragraph 7C of Part 1 of Schedule 12A to the Local Government Act 1972).

It was considered that the public interest in maintaining the exemption outweighs the public interest in disclosure because the distress caused to the individual would outweigh the public interest in disclosure.

17 OUTCOME OF REFERRAL OF CASES REF IA51 & IA52 FOR 'OTHER ACTION'

On 21 July 2011, the Complaints Initial Assessment Sub Committee considered complaint ref: IA 51.

The sub committee referred the allegation to the Monitoring Officer for “other action” namely with a view to arranging for the subject member to attend a brief training session, to be arranged by the Monitoring Officer on the Code of Conduct for Members, but conducted by an external trainer.

On 14 September 2011 Mr P Keith Lucas of Bevan Brittan Solicitors conducted training for the subject member and a report on this session was appended to the agenda and read by the Panel.

In respect of complaint ref: IA 52, the Complaints Initial Assessment Sub Committee had considered this case at its meeting of 4 August 2011 and had similarly referred the allegation to the Monitoring Officer for “other action” namely with a view to arranging for the subject member to attend a brief training session on the Code of Conduct for Members, but this time to be arranged and carried out by the Monitoring Officer himself.

The Monitoring Officer presented the training personally and he took the subject Member through the entire Code, insofar as it applied to the Parish Council concerned. He also referred to Standards for England's Case Review 2010, which provided useful guidance. The training session was held on 22 September 2011. The notes prepared by the Monitoring Officer and provided to the subject member were attached to the Panel agenda for the Members' information.

The session was well received by the subject member who found the training very useful.

Members noted that in both these cases a referral for other action closes any opportunity for investigation.

Additionally, Members noted that any such referral does not involve any finding as to whether or not the subject members had failed to comply with the Code of Conduct as alleged.

In response to the report to this meeting the Panel:

RESOLVED: to express satisfaction with the actions taken and that the Monitoring Officer give notice of this to the subject members, the complainants and the Clerks of the Parish/Town Councils concerned.

18 CONSIDERATION OF INVESTIGATING OFFICER'S REPORT RE STANDARDS COMPLAINT IA40

The Members of the Panel confirmed that they had read in detail the report of the Investigating Officer as appended, and considered the summary of findings contained therein.

The Panel felt that a Local Hearing into the allegations should be scheduled, referral of the matter to the Adjudication Panel for England for determination was not appropriate.

RESOLVED: That the matter should be considered at a hearing of the Local Standards Hearing Panel conducted under Regulation 18 of The Standards Committee (England) Regulations 2008.

The following officers were in attendance at the meeting:

David Dongray - District Solicitor / Monitoring Officer
Peter Druce - Democratic Services

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Agenda Item 7

SUPPLEMENTARY ITEMS (IF ANY)

Agenda Item 8

URGENT ITEMS (IF ANY)

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