

STANDARDS COMMITTEE – 29 JUNE 2017

Title of paper:	The Role of the Standards Committee and the Independent Person		
Director(s)/ Corporate Director(s):	Glen O'Connell, Monitoring Officer	Wards affected: All	
Report author(s) and contact details:	Nancy Barnard, Governance Manager nancy.barnard@notinghamcity.gov.uk 0115 876 4312		
Other colleagues who have provided input:			
Date of consultation with Portfolio Holder(s) (if relevant)	N/A		
Relevant Council Plan Key Theme:			
Strategic Regeneration and Development			<input type="checkbox"/>
Schools			<input type="checkbox"/>
Planning and Housing			<input type="checkbox"/>
Community Services			<input type="checkbox"/>
Energy, Sustainability and Customer			<input type="checkbox"/>
Jobs, Growth and Transport			<input type="checkbox"/>
Adults, Health and Community Sector			<input type="checkbox"/>
Children, Early Intervention and Early Years			<input type="checkbox"/>
Leisure and Culture			<input type="checkbox"/>
Resources and Neighbourhood Regeneration			<input checked="" type="checkbox"/>
Summary of issues (including benefits to citizens/service users):			
<p>This report outlines the role of the Standards Committee and the Independent Person in the Standards process the benefit of Committee members. The recently appointed Independent Person, Nigel Cullen, will also be in attendance at this meeting.</p> <p>A procedure for Committee Members, the Independent Person, and colleagues to follow in the event that any complaints are made that a Councillor or Co-opted member has breached the Code of Conduct has been drafted and is attached to this report as appendix A. The Committee is asked to consider and approve this procedure.</p>			
Recommendation(s):			
1	Note the information contained within this report outlining the role of this Committee and the Independent Person.		
2	As outlined in the Committee's Terms of Reference, approve the draft procedure for managing complaints that allege a Councillor or Co-opted Member has breached the Code of Conduct.		
3	Note the intention to publish the approved complaints procedure, together with a simplified leaflet advising citizens on how to complain if they feel a Councillor or Co-opted Member has breached the Code of Conduct, on the Council's website.		
4	Consider whether to appoint a Standards (Hearings) Sub-Committee to consider any complaints that a Councillor or Co-opted Member has breached the Code of Conduct.		

1 REASONS FOR RECOMMENDATIONS

- 1.1 To ensure that Standards arrangements in Nottingham are compliant with legislation.
- 1.2 To ensure the Committee is familiar with its role and that of the appointed Independent Person.
- 1.3 To ensure citizens know how to complain that a Councillor or Co-opted Member has breached the code of Conduct.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

2.1 Revised Standards Arrangements and Draft Complaints Procedure

The Localism Act 2011 abolished the previous Standards regime, including the Standards Board for England and required Council to adopt a revised Code of Conduct for Councillors and Co-opted Members and to manage complaints that a Councillor or Co-optee has breached the Code.

- 2.2 The revised Code, as adopted by Full Council, has been in place for some time and, as required by the Act, is consistent with the principles of:

- a) selflessness,
- b) integrity,
- c) objectivity,
- d) accountability
- e) openness,
- f) honesty, and
- g) leadership.

All Councillors agree to abide by the Code of Conduct on their assumption of office and uphold its principles for the duration of their term. A copy of the Code is attached as Appendix A to this report for information.

- 2.3 If a complaint is received that a Councillor or Co-opted Member has breached the Code the Council has a duty to deal with that complaint. Changes to the complaints procedure are required to comply with national guidelines and best practice and a revised procedure has been drafted and is attached as Appendix B. The draft procedure seeks to ensure complaints are dealt with fairly and consistently. It emphasises informal resolution where possible and appropriate.
- 2.4 Dealing with complaints that a Councillor or Co-optee has breached the Code of Conduct is the responsibility of the Council's Monitoring Officer. Under the draft procedure s/he may take the complaint through a series of steps, both informal and formal, to try to resolve the complaint prior to it, if necessary, being formally investigated and, if necessary, reaching a hearing at Standards Committee. The Monitoring Officer will inform the relevant Group Whip and the Independent Person (and may consult the Independent Person) as the case progresses.
- 2.5 If the complaint cannot be resolved in these stages, following investigation, the Monitoring Officer will refer the complaint to the Standards Committee, or a sub-committee appointed for the purpose of conducting hearings. That body will meet within 28 days of the referral being made and will consider a report prepared by the Monitoring Officer outlining the facts of the complaint and the action taken to date. The subject of the complaint and the complainant will be invited to attend the meeting to present submissions. Witnesses may also be invited.

- 2.6 The Committee or sub-committee will determine, on the balance of probability, whether the subject of the complaint has breached the Code of Conduct. In the event of a breach, it will determine whether and what action to take against the subject of the complaint. Decisions of the Standards Committee and the sub-committee, if appointed, will be published on the Council's website. Actions that can be taken are outlined in paragraph 38 of the draft complaints procedure.

The Independent Person

- 2.7 Legislation requires the Council to appoint an Independent Person to support the Monitoring Officer and the Committee or sub-committee in the consideration of complaints, providing an independent perspective on the matters under consideration. Council has appointed Nigel Cullen to this position and he will be attending this meeting. He has previously chaired the Council's Independent Remuneration Panel and has a good understanding of arrangements in Nottingham.
- 2.8 The Independent Person can be consulted informally by the Monitoring Officer throughout the operation of Complaints Procedure. The subject of the complaint can also consult the Independent Person during the process, for example on how the issue might be resolved.
- 2.9 If the complaint reaches the stage of a formal hearing the Committee or the sub-committee must seek and take into account the views of the Independent Person on the case. The Independent Person will be invited to the hearing meeting to present his views and to inform discussions that take place there.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

Not to update the Council's procedure for managing complaints that a Councillor or Co-opted Member has breached the Code of Conduct is not an option as it is required by legislation.

4 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)

There are no financial implications related to the recommendations in this report. Any costs of supporting the complaints process will be met from existing resources.

5 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

The Council would be in breach of its statutory duty if it did not update its procedure for managing complaints that a Councillor or Co-opted Member has breached the Code of Conduct.

7 EQUALITY IMPACT ASSESSMENT

- 7.1 Has the equality impact of the proposals in this report been assessed?

No



An EIA is not required because this report does not propose any change in Council policy.

**8 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR
THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION**

None

9 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

Localism Act 2011

Report to Council May 2017