

Report to	-	Audit and Standards Committee
Date	-	26 June 2017
Report of the	-	Monitoring Officer
Subject	-	Introduction to Standards

Recommendation: It be **RESOLVED:** That the report be noted.

Service Manager: John Collins

Introduction

1. With the merger of the Audit and Standards Committees the opportunity has been taken to introduce all Committee Members to the current standards regime. This report gives an outline of this.

Basis for Standards

2. The Council's basis for standards work comes from the Localism Act in 2011. This significantly revised Local Government Standards work. It cleared a large amount of bureaucracy. However, most acknowledge that something was lost in terms of sanctions available when issues are identified; specifically, for serious breaches of the Code of Conduct, previously, sanctions such as partial suspension for a period not exceeding 6 months was permissible. The Governments' answer to this appears to be to point to elections and the ballot box and no amendments to the legislation have come forward or is planned as far as we are aware.
3. The scope of the Standards work covers the 38 District Councillors and the 260 parish and town Councillors across the district. It does not cover East Sussex County Council (ESCC). It is specifically about the standards expected of individual Councillors. There is often misunderstanding here when complaints against the Council/Parishes as a body are instead presented as Standards complaints. Sometimes this is done deliberately as the individual feels unsatisfied by the answer to their general complaint.
4. The main benchmark for Rother standards is the Code of Conduct (Appendix A) adopted in July 2012; the nationally set principles of public life, which form an appendix to the Code were amended and adopted in July 2013. This sets out the standards we expect of our Councillors. It is a code that has been worked on collaboratively across the County and adopted by all the district and boroughs Councils and ESCC. This obviously covers our Councillors with each Town and Parish Council across the District having to adopt and adhere to their own Codes. The Town and Parish Councils across the district were encouraged to adopt our Code in 2012, and whilst a fair proportion did adopt our code, a similar number adopted a much streamlined version produced by the National Association of Local Councils.

5. Trying to summarise the Code is difficult, but it can be broadly put into the following complaint areas:
 - a. Declaring of Interests
 - b. Behaviour of Councillors
 - c. Variance with the Principles of Public Life

Nature of Standards complaints received

6. The majority of complaints received are around declaration of interests, most usually a Councillors' failure to declare. There are in essence three types of declaration.
 - a. Disclosable Pecuniary Interests. These are recorded on the individual Councillors Register of Interests, and also cover their partner. Where there is an interest of this type the Councillor should take no part in the item.
 - b. Prejudicial Interests. These are interests where the Councillor has a link to the issue that should prevent them taking part in the decision process. They are often similar to the Disclosable Interests. Again the Councillor should take no part in the item.
 - c. Personal Interests. These are interests where the Councillor has some link to the issue that the Committee should be aware of, but not to such a degree that it prevents them taking part in the item.
7. As Members will appreciate these are usually judgements, which the Monitoring Officer has to assess in the first instance. Where fault is found they are often dealt with informally, either by training or a meeting with the Councillor.
8. Councillor behaviour sometimes features. The obvious test is the Code of Conduct and Standards in Public Life. An important point to note here is that this is while the Councillor is fulfilling their public role and not in their private life (unless they have broken the law!).
9. Allegations of corruption are occasionally presented. These would always be referred to the Police should evidence be presented. Usually they are allegations that cannot be supported with evidence, but we are certainly not complacent on this.
10. Many complaints presented are dismissed as not being a Standards issue. Most often these are complaints against the public body, not a Councillor. Sometimes Standards is used as a second route for a general complaint. Planning matters feature large in this. It is worth reflecting that the Localism Act did make a major improvement in enabling complaints to be vetted at an early stage, by the Monitoring Officer, cutting out non valid or vexatious complaints.

Consideration of Standards complaints received

11. The first point in receiving a Standards complaint is an initial assessment by the Monitoring Officer. This firstly decides whether it is a valid complaint. If valid, some initial work is done to establish facts, with those involved. The

Independent Person is then involved and gives their view on the complaint. There are three potential outcomes from here. Firstly the complaint is dismissed, secondly informal action is agreed to resolve the complaint and thirdly the complaint warrants a formal investigation.

12. The Independent Persons' role is very important in the process. The ability for an outside view, from experienced advisors, is invaluable, particularly for difficult or borderline complaints. It is also true that their involvement gives greater confidence to all parties in the complaint.
13. Should an investigation be agreed an Investigating Officer is appointed. They work for the Monitoring Officer to deliver a full report on the complaint. Again three outcomes are possible; that the complaint is dismissed, that informal action is appropriate or that there is an issue to be answered. The Independent Person is involved in considering the report.
14. Where an Investigating Officer has concluded that there is evidence that the Subject Member has failed to comply with the Code of Conduct, and following consultation with one of the Independent Persons, the Monitoring Officer can decide that the matter should be dealt with before a Hearing Panel. To date this has not happened under the new standards regime.

Reporting of Standards issues and Standards panels

15. The Audit and Standards Committee has an overview of complaints every six months. Usually there are around 3 active complaints reported each period (obviously this can vary). There is typically a similar level of complaints that are ruled out on submission, mostly because they are not standards complaints and are directed elsewhere.
16. The Committee also oversees the Council's complaints process in relation to the Local Government Ombudsman. A monitoring report is brought to the Committee every six months, outlining the Ombudsman's assessment of any complaints they receive about Rother.
17. Should changes be brought forward by the Government then the Committee are central in considering these changes. It is not anticipated that changes are likely over the next few years.

Conclusion

18. This gives members of the new committee an oversight into Standards.

John Collins
Monitoring Officer

Risk Assessment Statement

No risks are foreseen with this report which gives an introduction to the Committee on Standards work.

Appendix A - Rother District Council Code of Conduct