



Standards Committee

Monday, 23 September 2019

Cases and Work Update 2019 -2020

Report of the Monitoring Officer

1. Purpose of the report

- 1.1. This report provides information on the number of complaints received since Standards Committee 1 July 2019. It also aims to help in identifying areas where training or education may assist Councillors' understanding of the regime's requirements.

2. Recommendation

It is RECOMMENDED that:

- a) the report be noted;
- b) The committee approve the adoption of the Social Media Guidance;
- c) The committee consider and agree a work program to include a review of the implementation of the Best Practice Principals.

3. Supporting Information

- 3.1. A summary of the complaints received since the implementation of the existing Standards regime (June 2012) are set out in the table at Appendix 1.
- 3.2. Since the implementation of the existing standards regime (from the 1 July 2012), there have been a total of 69 cases (to include cases mentioned herein). Details of these cases have been periodically reported to the Committee, with the last report in July 2019.
- 3.3. Since the date of the last meeting nine complaints have been received.
- 3.4. The table at **Appendix A** indicates the date of complaint, if it related to a Borough, Parish or Town Councillor, if the complaint was made by a member of the public, another Borough, Parish or Town Councillor and what action was taken to address the complaint.

4. Other Work

- 4.1. During the year, the Monitoring Officer has been available to provide support to questions raised by individuals.
- 4.2. Since the last meeting the code of conduct has been adopted (July Council). The Monitoring Officer has advised Parish Councils of the revisions to the draft Code of Conduct, arrangements and Public Interest Test.

- 4.3. The new member induction program is complete and under review by the member development group.
- 4.4. The July meeting recommended to Council the adoption of the best practice principles. The recommendation was approved by Council. The committee is invited to consider the schedule at **Appendix B** which suggests a timescale for adoption of the principles which could subject to approval by the committee form the committees annual work program.
- 4.5. The committees comment on the Social Media Guidance have informed the revised guide appended at **Appendix C** for review and adoption by the committee.

5. Implications

5.1. Financial Implications

There are no direct financial implications.

5.2. Legal Implications

There are no specific legal implications.

5.3. Equalities Implications

All complaints are considered with reference to the Council’s Equality scheme

5.4. Section 17 of the Crime and Disorder Act 1998 Implications

There are no Section 17 implications.

6. Link to Corporate Priorities

- 6.1. Delivery of an effective Standards regime supports the Council’s priority of ‘Maintaining and enhancing our residents’ quality of life –Our residents’

7. Recommendation

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- c) The committee consider and agree a work program to include a review of the implementation of the Best Practice Principals.

For more information contact:	Sanjit Sull Monitoring Officer ssull@rushcliffe.gov.uk 0115 9148215
Background papers Available for Inspection:	None.

List of appendices (if any):

Appendix A – Code complaints

Appendix B – Implementation Timetable

Appendix C – Social Media guidance

Appendix A

Update on cases from 26 November 2018

Case Ref	Date received	RBC/Parish Council	Complainant	Independent Person consulted	Decision and date
	02/10/2018	Keyworth Parish Council	Parish Councillor	Yes	Investigation report received, MO and IP reviewing resolution with Subject Member.
	25/10/2018	Borough Council and Bingham Town Council	Borough/Town Councillor	Yes	Complaint review, no formal action.
	23/10/2018	Gotham Parish Council	Members of the public (three complainants)	Yes	Complaint review, no action.
	05/11/2018	Borough Council and Bingham Town Council	Borough /Town Councillor/ County Councillor	Yes	Complaint review, no formal action.

Summary of new cases from report to committee 26 November 2018

Case Ref	Date received	RBC/Parish Council	Complainant	Independent Person consulted	Decision and date
	07/11/2018	RBC	Member of the Public	Yes	Complaint review, no action.
	15/11/2018	Borough Council and Bingham Town Council	Town Councillor	No	Complaint review, no action.
	14/11/2018	Bingham Town Council	Borough /Town Councillor	No	Complaint review, no action.

Case Ref	Date received	RBC/Parish Council	Complainant	Independent Person consulted	Decision and date
	03.12.2018	Wysall and Thorpe in the Glebe PC	Member of the public	Yes	Complaint review, no action.
	18.12.2018 (linked complaint received 13.11.18)	Bingham Town Council x 3	Member of the public	Yes	1 x Complaint: no action, 1x Complaint, local resolution (apology) 1x Complaint referred for formal investigation.
	21.01.2019	Newton PC	Parish Councillor	Yes	Complaint withdrawn

Summary of new cases from report to committee 12 March 2019

Case Ref	Date received	RBC/Parish Council	Complainant	Independent Person consulted	Decision and date
	25.03.2019	Borough Council and Bingham Town Council	Town Council Employee	Yes	Referred for formal investigation
	06.06.2019	Borough Council and Bingham Town Council	Member of the public	Yes	Initial assessment stage
	11.03.2019	Borough Council	Borough Councillor	No	Complaint not accepted under code

Summary of new cases from report to committee 1 July 2019

Case Ref	Date Received	RBC/Parish Council	Complainant	Independent Person Consulted	Decision and Date
	11.03.2019	Borough Council	Borough Council	No	Complaint not accepted under code
	25.03.2019	Borough Council and Bingham Town Council	Town Council Employee	Yes	Local resolution accepted

	06.06.2019	Borough Council and Bingham Town Council	Member of the public	Yes	Complaint not accepted under code
	20.06.2019	Cotgrave Parish Council	Member of public	Yes	Complaint not accepted under code
	23.06.2019	Borough Council and Bingham Town Council	Town Council Employee	Yes	Complaint not accepted under code
	01.07.2019	Tollerton Parish Council	Member of public	Yes	Complaint not accepted under code
	04.07.2019	Bradmore Parish Council	Member of public	Yes	Complaint not accepted under code
	15.07.2019	Borough Council and Bingham Town Council	Yes	Yes	On hold pending internal determination of issue giving rise to complaint
		Borough Council and Bingham Town Council	Town Councillor	Yes	Complaint not accepted under code

Implementation Timetable

Best Practice	Description	Achieved Date
Best Practice 1	Local Authority should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.	
Best Practice 2	Councils should include provisions in their code of conduct requiring Councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by Councillors.	
Best Practice 3	Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities	
Best Practice 4	An authority's code should be readily accessible to both Councillors and the public, in a prominent position on a Councils website and available in Council premises.	
Best Practice 5	Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV	
Best Practice 6	Councils should publish a clear and straightforward public interest test against which allegations are filtered	
Best Practice 7	Local authorities should have access to at least two Independent Persons	
Best Practice 8	An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.	
Best Practice 9	Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.	
Best Practice 10	A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complains, and estimated timescales for investigations and outcomes.	
Best Practice 11	Formal standards complains about the conduct of a Parish Councillor towards a Clerk should be made where possible by the chair or by the Parish Council as a whole. In exceptional	

	circumstances the Clerk of the Parish may make the complaint.	
Best Practice 12	Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to Parish Councils within the remit of the principle authority. They should be provided with adequate training, corporate support and resources to undertake this work.	
Best Practice 13	A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.	
Best Practice 14	Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and given a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.	
Best Practice 15	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.	