

# **STANDARDS COMMITTEE**

## **Review of Arrangements for dealing with Allegations of a Breach of the Code of Conduct 19 January 2017**

### **Report of the Monitoring Officer**

#### **PURPOSE OF REPORT**

To enable the Committee to consider some changes to the current arrangements for dealing with allegations against Members of a breach of the Code of Conduct, in light of comments made during the assessment process for a recent complaint.

**This report is public.**

#### **RECOMMENDATIONS**

- (1) That the Committee considers the suggestions made in this report for revisions to the current arrangements for dealing with allegations against Members of a breach of the Code of Conduct.**

##### **1.0 Introduction**

1.1 Section 28(7) of the Localism Act 2011 provides that a relevant authority other than a parish council must have in place arrangements under which allegations of a breach of the Code of Conduct can be investigated, and arrangements under which decisions on allegations can be made. The Committee agreed its arrangements on 11 October 2012. The last review of the arrangements was carried out in January 2015.

1.2 When the Chairman of the Standards Committee, the Independent Person, and the Deputy Monitoring Officer met to assess complaint 6-2016/17 in November 2016, they made a recommendation to the Monitoring Officer to look into clarifying the arrangements to ensure that they consider proportionality and also time lapses (the length of time from the incident complained of until the complaint is submitted). "Proportionality" refers to taking a proportionate approach to the issue of whether or not a complaint merits investigation. For example, if a trivial complaint were to be received, could that be dealt with without the Independent Person and Chairman being required to meet and discuss the complaint with the Monitoring Officer.

##### **2.0 Proposal Details - Proportionality**

2.1 The arrangements currently require the Monitoring Officer, Independent Person and Chairman/Vice Chairman of the Committee to meet to consider any complaint if it is

- Against one or more named members or co-opted Members of the

Council or a Parish or Town Council within the district; and

- The Member complained of was in office at the time of the alleged conduct and the Code of Conduct was in force at the time; and
- The complaint, if proven, would be a breach of the Code of Conduct under which the Member was operating at the time of the alleged misconduct; and
- The Monitoring Officer has not been able to resolve the matter informally (or it would not be appropriate to seek informal resolution to the allegation).

2.2 There is already scope for the Monitoring Officer to, for example, resolve appropriate matters informally without involving the Independent Person of Chairman/Vice Chairman; or to reject an allegation if it does not amount to a breach of the Code of Conduct. This would happen, for instance, if a complaint was received about a Member concerning things s/he is alleged to have said or done when not acting in their official capacity, since the Code only applies to Members when acting as a Member of the Council.

2.3 The Committee may wish to consider strengthening the powers of the Monitoring Officer to make an initial assessment and, if an allegation is about a potential breach of the Code of Conduct which is so trivial, that it does not warrant assessment by the Independent Person and the Chairman/Vice Chairman of the Standards Committee. Alternatively, the Committee might feel that the assessment of complaints which the Monitoring Officer feels fall into this category could be undertaken by email or phone contact with the Independent Person and Chairman/Vice Chairman of the Standards Committee, without the need for a meeting in person, which has been the case so far. This second option would not require any changes to the arrangements, which do not specify precisely how the Monitoring Officer should consult with the Independent Person and the Chairman/Vice Chairman.

### **3.0 Proposal Details – Time Lapses**

3.1 This matter has been raised because part of the complaint in 6-2016/17 related to an email sent on 1 June 2016, which was the subject of a complaint made on 26 October 2016.

3.2 Currently, the arrangements do not specify a 'cut off' point when complaints can no longer be considered. The assessment criteria merely states that no action may be taken where:

“The complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now.”

3.3 The Committee may wish to set a reasonable time limit for complaints to be raised.

**CONCLUSION OF IMPACT ASSESSMENT**

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None directly arising from this report.

**LEGAL IMPLICATIONS**

None arising from this report.

**FINANCIAL IMPLICATIONS**

None arising from this report.

**OTHER RESOURCE IMPLICATIONS such as HR, Information Services, Property, etc.**

None

**SECTION 151 OFFICER'S COMMENTS**

The Section 151 Officer has been consulted and has no further comments.

**MONITORING OFFICER'S COMMENTS**

The report has been prepared by the Monitoring Officer in her capacity as adviser to the Committee.

**BACKGROUND PAPERS**

None

**Contact Officer:** Debbie Chambers

**Telephone:** 01524 582057

**E-mail:** dchambers@lancaster.gov.uk

**Ref:**