

Corporate Governance & Standards Committee Report

Ward(s) affected: All

Report of the Monitoring Officer

Author: Robert Parkin, Council Solicitor and Monitoring Officer

Tel: 01483 444135

Email: Robert.parkin@guildford.gov.uk

Lead Councillor responsible: Matt Furniss

Tel: 07891 022206

Email: matt.furniss@guildford.gov.uk

Date: 29 March 2018

## **Annual Report of the Monitoring Officer regarding Standards Allegations**

### **Executive Summary**

This report informs and updates the Committee about decisions taken on standards allegations against borough and parish councillors for the 12-month period ending 31 December 2017.

#### **Recommendation to Committee:**

- (1) To note the cases referred to in Appendix 1; and
- (2) To advise the Monitoring Officer of any areas of concern upon which they would like further information and/or further work carried out.

#### Reason(s) for Recommendation:

- To ensure the Committee is kept up to date;
- To consider learning points for the future; and
- To seek to promote and maintain high standards of conduct amongst Members and co-opted Members of the Borough Council and parish councils within the borough.

### **1. Purpose of Report**

- 1.1 The purpose of this report is to inform and update the Committee about decisions taken on standards allegations against borough and parish councillors throughout the year ending 31 December 2017.

### **2. Statutory background**

- 2.1 The statutory background can be found in the [Localism Act 2011](#), Part 1 Chapters 6 and 7 ("the Act") and [the Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#) ("the Regulations") made thereunder.

### **3. Relevant Government Policy**

- 3.1 The relevant government policies with regard to the ethical standards framework are contained in the [Department for Communities and Local Government Guidance "Openness and Transparency on Personal Interests: A guide for Councillors"](#).

### **4. Relevant Council Policy**

- 4.1 The Council's policy is contained in its Constitution in particular the Councillors' Code of Conduct and the Council's Arrangements for dealing with allegations of misconduct by councillors and co-opted members.

### **5. Strategic Priorities**

- 5.1 The Committee's discussion in public about decisions taken on ethical standards allegations against borough and parish councillors and consideration of any learning points for the future is an important element of good corporate governance and reinforces the Council's commitment to be open and accountable to its residents.

### **6. Background**

- 6.1 The Act made fundamental changes to the system of regulation of standards of conduct for elected and co-opted councillors. The provisions came into force on 1 July 2012.
- 6.2 Section 27(2) of the Act required the authority to adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity. Sections 28(6) and (7) of the Act required the Council to put in place Arrangements under which allegations that a councillor or co-opted member of the Council or of any of the 23 parish councils within the borough has failed to comply with the relevant code of conduct can be investigated and decisions made on such allegations.
- 6.3 Following the full council meeting on 5 July 2012 the Council:
- Established this Committee with responsibility for a range of matters to include promoting and maintaining high standards of conduct by members and co-op-ted members of the authority;
  - Adopted a new Code of Members' Conduct;
  - Appointed 3 Independent Persons;
  - Adopted Arrangements and procedures for dealing with misconduct complaints in relation to both borough and parish councillors;
  - Revised the Register of Members' Interests to reflect the new Disclosable Pecuniary Interests created under the Localism Act and regulations made thereunder;
  - Made all necessary changes to the Constitution.
- 6.4 After four years of operation, the Arrangements for dealing with misconduct complaints were reviewed by the Council with assistance from this Committee and

the Standards Working Group in light of local experiences of handling cases, to benchmark the Council's Arrangements against emerging best practice and to ensure greater efficiency in the process. The new Arrangements were approved by this Committee and came into force on 24 November 2016.

## **7. Details**

7.1 Attached at Appendix 1 is a list showing the decisions taken by the Monitoring Officer in relation to allegations made against borough councillors and parish councillors for the year ending 31 December 2017 in accordance with the Council's Arrangements for dealing with Allegations of Misconduct adopted on 5 July 2012.

7.2 **Number of allegations.** Throughout this period there have been no complaints regarding parish councillors and four regarding borough councillors.

**Action taken.** All four resulted in no further action being taken by the Monitoring Officer following initial assessment.

**Type of complainant.** Two complaints were made by members of the public, one by an officer and one by a councillor.

**Response times.** The time taken for consideration and determination of a complaint is set out in Appendix 1.

7.3 The identity of all councillors complained of has been anonymised. It is felt that such information should remain confidential unless and until any complaint results in an open hearing before the Hearings Sub-Committee.

7.4 There is no common theme that the Monitoring Officer would like to draw to the attention of the Committee.

7.5 However, the Committee is invited to consider whether there are any areas of concern upon which they would like further information and/or further work done.

## **8. Consultations**

8.1 The Lead Councillor for Infrastructure and Governance has been consulted on this Report. Corporate Management Team and the Deputy Monitoring Officer have also been consulted.

## **9. Next steps**

9.1 The Committee is asked to note the matters contained in this report and advise the Monitoring Officer of any areas of concern or further information/action required.

## **10. Other courses of action considered but rejected**

10.1 It is good practice to provide an annual update report of this nature. The requirement forms part of the Work Programme for the Committee. Failure to keep the Committee up to date could lead to a diminution of ethical standards amongst Members.

**11. Equality and Diversity Implications**

- 11.1 There is a general obligation in the Councillors' Code of Conduct in which Members undertake "Not to do anything which may cause your authority to breach any of the equality enactments".

**12. Financial Implications**

- 12.1 None

**13. Legal Implications**

- 13.1 None, other than those implicit within this Report and Appendix

**14. Human Resource Implications**

- 14.1 None

**15. Conclusion**

- 15.1 The Committee is asked to note the cases referred to in Appendix 1; and to advise the Monitoring Officer of any areas of concern upon which it would like further information and/or further work done.

**16. Background Papers**

- 16.1 As referred to in this Report & Appendices.  
Case files referred to are exempt under the Local Government Act 1972 Part 1 of Schedule 12A paragraphs 1 and 2.

**17. Appendices**

- Appendix 1: Allegations against Councillors & Parish Councillors under the Arrangements for dealing with Allegations of Misconduct – 1 January 2017 – 31 December 2017