

Corporate Governance & Standards Committee Report

Ward(s) affected: All

Report of the Monitoring Officer

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Date: 28 March 2019

Annual Report of the Monitoring Officer regarding Misconduct Allegations

Executive Summary

This report is to inform and update members of the Committee about decisions taken on allegations of misconduct against borough and parish councillors for the 12-month period ending 31 December 2018.

Recommendation to Committee:

- (1) To note the cases referred to in Appendix 1.
- (2) To advise the Monitoring Officer of any areas of concern upon which the Committee would like further information and/or further work carried out.
- (3) To note the summary of the recommendations of the report of the Committee on Standards in Public Life (CSPL), Local Government Ethical Standards, at Appendix 2; and
- (4) To consider the implementation of the 15 best practice recommendations contained in the CSPL report, as set out in Appendix 3; and, if so minded, to authorise the Monitoring Officer to take the necessary steps to ensure compliance with them and to submit reports as appropriate to this Committee in due course.

Reasons for Recommendation:

- To ensure members of the Committee and others to whom the report is circulated are kept up to date with standards complaints relevant to the Committee, and kept up to date with the relevant findings of the review undertaken in 2018 by the Committee on Standards in Public Life of Local Government Ethical Standards.
- To consider learning points for the future.
- To seek to promote and maintain high standards of conduct amongst Members.

1. Purpose of Report

- 1.1 The purpose of this report is to inform and update members of the Committee about decisions taken on allegations of misconduct against borough and parish

councillors during the year ending 31 December 2018, and to inform the Committee about the report of the Committee on Standards in Public Life, *Local Government Ethical Standards*, and its recommendations.

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. Strategic Priorities

- 3.1 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.

4. Relevant Government Policy and Relevant Council Policy

- 4.1 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](#)”. The Council’s policy is contained in Part 5 of 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. Report and Recommendation of the Committee on Standards in Public Life, *Local Government Ethical Standards*

- 5.1 The Committee on Standards in Public Life (CSPL), have completed their review of the effectiveness of ethical standards arrangements and the maintenance of ethical standards in local government. The CSPL has now issued a report, [Local Government Ethical Standards](#), which contains examples of good practice, and recommendations for legal and practice change. The Committee is recommended to consider the report, a summary of which is at Appendix 2.
- 5.2 The CSPL report acknowledges that many of their recommendations will require changes in either primary or secondary legislation, most notably the headline recommendation (no.16) that local authorities should have the power to suspend errant councillors, without allowances, for up to six months. However, CSPL have identified 15 examples of best practice, which they have invited councils to consider introducing as soon as possible in advance of any legislative changes.
- 5.3 The table in Appendix 3 shows each of the 15 best practice recommendations, together with commentary regarding the Council’s current practices and an assessment of the extent to which they are compliant with best practice.
- 5.4 If the Committee is minded to agree that the Council should strive to achieve compliance with the best practice recommendations, it is recommended that authority be delegated to the Monitoring Officer to take all necessary steps to achieve this and to submit reports, as appropriate, to this Committee in due course.

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 new 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 meetings on 8 May 2012 and 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-opted members of the authority;
 - Adopted a new Councillors' Code of Conduct;
 - Appointed an Independent Person;
 - 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 Act and regulations made thereunder;
 - Authorised the making of 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, and were further reviewed in spring of 2018, with the modifications being adopted on 24 July 2018.

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 in accordance with the Council's adopted Arrangements for dealing with Allegations of Misconduct for the year ending 31 December 2018.
- 7.2 **Number of allegations.** Throughout this period, there have been 16 complaints in total. Of these, 7 complaints were regarding parish councillors and 9 were regarding borough councillors.

Action taken. Thirteen of the complaints were the subject of no further action at stage 1, the initial jurisdiction test. Two of the complaints proceeded to stage 2, and one proceeded to stage 3, investigation— after which no further action was taken.

Type of complainant. Aside from one complaint (where the identity of the complainant is being treated as confidential), all of the complaints were made by members of the public.

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 Members.

7.5 However, Members are 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.

9.2 The Committee is also invited to note the summary of the recommendations of the report of the Committee on Standards in Public Life, Local Government Ethical Standards, at Appendix 2, and to consider the 15 best practice recommendations in Appendix 3.

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 Members 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 1.

14. Human Resource Implications

14.1 None

15. Conclusion

15.1 Members are asked to note the cases referred to in Appendix 1; and to advise the Monitoring Officer of any areas of concern upon which they would like further information and/or further work done.

16. Background Papers

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 2018 to 31 December 2018.

Appendix 2: Summary of the report, *Local Government Ethical Standards*, of the Committee on Standards in Public Life, taken from the www.localgovernmentlawyer.co.uk website.

Appendix 3: List of best practice identified by the Committee on Standards in Public Life and current practice at GBC