	<p>REPORT TO STANDARDS COMMITTEE</p> <p>TO BE HELD ON 25 MARCH 2021</p>
	<p>Key Decision NO Forward Plan Ref N/A No</p>
<p>Corporate Priority: ALL</p>	<p>Cabinet Portfolio Cllr J Holder Jefferson</p>

REPORT OF THE DIRECTOR (LD) – 21/52

WARDS AFFECTED: ALL

SUBJECT: STANDARDS COMPLAINTS OVERVIEW 2019 and 2020

RECOMMENDATION(S):

That Standards Committee note the content of this report.

REASON FOR RECOMMENDATION(S):

To inform the Standards Committee of complaints received in respect of the Members' Code of Conduct during 2019 and 2020.

HIGHLIGHTED RISKS

None

1. INTRODUCTION:

- 1.1 Since July 2012 the Standards Committee has been operating under new arrangements pursuant to the Localism Act 2011. This included the abolition of the Standards Board for England, and the prescribed Code of Conduct.
- 1.2 Under the present regime the Council is required to adopt its own Code of Conduct that when viewed as a whole is consistent with the principles set out at section 28(1) of the Localism Act 2011 (the Nolan Principles).
- 1.3 Section 28(6) of the Localism Act 2011 requires the Council to have in

place arrangements under which allegations of breach of the Code can be investigated, and decisions made upon those allegations. Under section 28(7) of the same Act the Council must also appoint at least one Independent Person whose views are to be sought and taken into account by the Council before it makes a decision on any allegation it has decided to investigate, and whose views may be sought generally.

- 1.4 The Council currently has arrangements in place under which the Council's two Independent Persons meet to consider any complaints and provide their views to the Monitoring Officer. The Monitoring Officer (after having taken into account the views of the Independent Persons), decides whether there is adequate information to suggest that a breach of the Code of Conduct has occurred as alleged.
- 1.5 Where the allegations and information available at that time do not support an allegation that a breach of the Code of Conduct has occurred, there will ordinarily be no further action on the complaint. The Monitoring Officer may however seek further information prior to making a determination.
- 1.6 Where the allegations and information available at that time do suggest that there has been a breach of the Code of Conduct, the Monitoring Officer must determine whether the complaint should be referred for formal investigation, whether alternative action can be taken to resolve the complaint (such as a written apology, mediation, or training), or whether no further action should be taken.

2. CORPORATE AIMS/PRIORITIES

- 2.1 This report supports all of the Council's corporate aims and priorities.

3. BACKGROUND AND ISSUES

- 3.1 The Council updated its Members' Code of Conduct in November 2014.
- 3.2 It should be noted that although the Borough Council continues to deal with complaints against Parish and Town Council Members, it is entirely a matter for each Parish and Town Council to determine the form of the Code of Conduct they adopt, and to which their Members are subject. The vast majority of Parish and Town Councils in this Borough have adopted a code drafted by the National Association of Local Councils (NALC).
- 3.3 Members will also note another report on this agenda relating to the New Model Code of Conduct which has been published by the Local Government Association as part of its Civility in Public Life programme.
- 3.4 This report provides an overview of standards complaints received in both 2019 and 2020. Whilst an annual complaints overview report for

2019 was published as part of the agenda for this Committee in March 2020, Members will be aware that the committee was cancelled due to the COVID-19 pandemic.

4. CONSULTATION

4.1 Not applicable.

5. ASSESSMENT

5.1 During 2019 the Council received 23 matters of complaint, 2 of which were subsequently withdrawn.

5.2 During 2020 the Council received 20 matters of complaint, 1 of which was subsequently withdrawn.

5.3 The table set out at Appendix A gives further detail about these matters and their respective outcomes.

5.4 All of the complaints were considered by the Independent Persons and in accordance with the Council's procedure for dealing with Standards Complaints.

5.5 During 2020 one complaint was referred for further investigation however the outcome of that investigation was that no breach of the Members Code of Conduct had occurred and no further action was required.

5.6 A number of the complaints that resulted in no further action did so because the alleged behaviour could not be said to have taken place when the Councillors against whom the complaints were made were acting in their capacity as elected Members. On this matter, section 27(2) of the Localism Act 2011 provides that the Code of Conduct only applies to a Member when they are acting in that capacity. The Council's Members Code of Conduct provides further details of when Members are considered to be acting in their capacity as a councillor.

Other

5.7 The regime pursuant to the Localism Act 2011 has now been in operation for almost 10 years.

5.8 The regime has worked very well in reducing red tape and the burden upon resources, and has allowed for a more efficient and effective way of dealing with vexatious complaints. The involvement of the Independent Persons has been particularly invaluable.

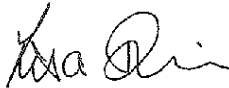
5.9 However, the removal of the statutory sanctions that could (pre Localism Act 2011) be imposed upon those who had been found in breach of the Code continues to be an area of concern and was

highlighted as part of the Review by the Committee on Standards in Public Life which was reported to this Committee in March 2019.

- 5.10 Currently the extent to which the Standards regime is effective in relation to matters is to a large extent dependent upon the willingness and commitment of Members themselves to uphold the principle of the regime.

6. IMPLICATIONS

- 6.1 All relevant implications have been considered in the body of this report.



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Background Papers:

N/A

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT Petra Jackson ON 01723 232323 or e-mail petra.jackson@scarborough.gov.uk

Risk Matrix

Risk Ref	Risk	Consequences	Mitigation	Current Risk Score	Target Score	Service Unit Manager/ Responsible Officer	Action Plan
1	Failure to update Standards Committee on complaints regime	Reduced oversight of complaints	Report to Standards Committee	B2	A1	Monitoring Officer/Deputy Monitoring Officer	

Glossary of Terms

Risk	An event which may prevent the Council achieving its objectives
Consequences	The outcome if the risk materialised
Mitigation	The processes and procedures that are in place to reduce the risk
Current Risk Score	The likelihood and impact score with the current mitigation measures in place
Corporate Objectives	An assessment of the Corporate Objectives that are affected by the risk identified.
Target Risk Score	The likelihood and impact score that the Council is aiming to achieve
Service Unit Manager	The Service Unit or Officer responsible for managing the risk
Action Plan	The proposed actions to be implemented in order to reduce the risk to the target score

Risk Scoring

Impact	5					
	4					
	3					
	2					
	1					
		A	B	C	D	E
	Likelihood					

Likelihood:

A = Very Low
 B = Not Likely
 C = Likely
 D = Very Likely
 E = Almost Certain

Impact

1 = Low
 2 = Minor
 3 = Medium
 4 = Major
 5 = Disaster