

TO: COUNCIL
26 April 2017

STANDARDS – ANNUAL REPORT
(Director of Corporate Services – Legal)

1. PURPOSE OF REPORT

- 1.1 The attached report advises Council of activity within its Standards framework during the 12 months to 31 March 2017

2. RECOMMENDATIONS

- 2.1 That the Council **NOTES** the Standards output in 2016/17 as set out in this report

3. REASONS FOR RECOMMENDATIONS

- 3.1 To keep Council apprised on an annual basis of activity relating to its Standards Regime

4. SUPPORTING INFORMATION

- 4.1 The Standards Framework comprises a number of elements including the code of conduct for Councillors, rules around disclosure of interests, procedure for dealing with complaints and sanctions for breach. Until its dissolution in November 2016 responsibility for oversight of the Standards Framework vested in the Standards Committee. Subsequently this has transferred to the Governance & Audit Committee.
- 4.2 The attached report appraises the Council of Standards related activity in from 1 April 2016 to 31 March 2017. It highlights a significant rise in complaints against Councillors during that period.

5. ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 5.1 The Borough Solicitor is the author of this report.

Borough Treasurer

- 5.2 There are no financial implications arising.

6. STRATEGIC RISK MANAGEMENT ISSUES

- 6.1 None.

Background Papers

None.

Contact for Further Information

Sanjay Prashar – Borough Solicitor – 01344 355679

Sanjay.Prashar@bracknell-forest.gov.uk

STANDARDS ANNUAL REPORT 2016/17

1. A Standards Framework Working Group was set up in May 2016 chaired by Councillor Iain McCracken with the following Terms of Reference:
“To review the effectiveness of the Standards Framework for Councillors currently operating in Bracknell Forest Council, having regard to:
 - *Local and national experience*
 - *The role and desirability of a Standards Committee*
 - *The effectiveness of available sanctions*
 - *The Councillor Code of Conduct”*
2. The Working Group met on three occasions between May and July 2016. It considered a report from the Borough Solicitor setting out proposals for changes to the Standards Framework which were agreed subject to a number of amendments at its final meeting on 6 July 2016.
3. The changes to the Standards Framework entailed;
 - Dissolution of the Standards Committee
 - A revised procedure for dealing with Member Code of Conduct Complaints
 - An updated process for the granting of dispensations to Members who would otherwise be prevented from participating in public meetings due to the existence of Disclosable Pecuniary Interests and/or Affected Interests
4. As a consequence of the changes which were endorsed by Council on 30 November 2016 it was agreed that Standards Hearings should be conducted before a Panel of Governance and Audit Members (Code of Conduct Panel) including a non voting Independent Member with the Independent Person also being available to further advise the Panel. This was an alternative to the previous procedure which involved an initial “determination” by the Standards Committee which was then recommended for approval by the Governance and Audit Committee. Those arrangements were arguably unwieldy in requiring two separate meetings of Members in situations where disputes often required timely disposal.
5. As there is no statutory requirement for the Council to retain a Standards Committee. A consequence of adopting a procedure which culminates in a hearing outside the ambit of the Standards Committee was to throw into doubt the continuing viability of that Committee leading to its dissolution by Council on 30 November 2016.

Complaints

6. Under the current procedure for the handling of complaints alleging a breach of the Code of Conduct for Members, a complaint is first considered by the Monitoring Officer. The options available to the Monitoring Officer at that stage are:-

- refer for investigation
- refer for some other form of action (“other action”)
- determine that no further action is required.(“no action”)

If a complaint is referred for investigation the ensuing report is considered by the statutory Independent Person and the Monitoring Officer. At that stage the options are:-

- refer to a Code of Conduct Panel for consideration.
- refer for resolution by some other form of action (e.g. if the investigation finds that there has been a breach and the Member agrees to apologise)
- no further action required (investigation finds no breach which conclusion is agreed by the independent person and Monitoring Officer)

7. In the period between 1 April 2016 and 31 March 2017 the Monitoring Officer received 7 complaints alleging breaches of Codes of Conduct for Members. The grounds of each complaint and its outcome are set out in the table below.

	Date of Complaint	Status of Complainant	Borough or Parish Councillor	Grounds of Complaint	Outcome
1	June 2016	Resident	Borough	Participation at Planning meeting notwithstanding alleged conflict of interest	No action - Deputy Monitoring officer enquiries in consultation with Independent Person concluded there was no breach of the Code of Conduct
2	July 2016	Resident	Borough	Failure to treat others with respect/bringing office into disrepute at public consultation meeting	No action. Monitoring Officer enquiries revealed that neither officer cited in the complaint (by a third party) expressed any grievance against the Councillor arising from the behaviour alleged. In the circumstances deemed not in public interest to investigate.
3	July 2016	Resident	Borough	Alleged inappropriate	No action (Not in official capacity therefore Code of

Unrestricted

				postings of facebook	Conduct not engaged)
4	July 2016	Resident	Borough	Bringing office into disrepute	No action (Not in official capacity therefore Code of Conduct not engaged)
5	October 2016	Resident	Town Councillor	Neighbour dispute –alleged bullying	No action (Not in official capacity therefore Code of Conduct not engaged)
6	November 2016	Resident	Borough	Bringing office into disrepute- Complaint against written statement provided by Councillor to one party in family law court case.	No action (Councillor apologised at outset to complainant and complainant accepted apology)
7	December 2016	Resident	Borough	Alleged failure by four Councillors to declare interests at Planning meeting and/or include property in their respective register of Interests	Other action. Councillors accepted oversight and updated their register entries. Deputy Monitoring Officer provided advice and guidance around declarations of interests and participation in meetings to prevent future breaches.
8	March 2017	Resident	Parish	Bringing office into disrepute	Currently under consideration

In addition, a complaint which was issued in 2015/16 involving two councillors and Members of staff at a local primary school was referred for investigation and thereafter referred to a Standards hearing. The hearing took place on 28 November and the complaint was resolved on the day between the parties without recourse to a Panel finding.

The number of complaints received represents a significant increase compared to previous years;

Year	No. of Complaints	Upheld
2008/09	0	0
2009/10	6	2
2010/11	1	0
2011/12	2	0
2012/13	4	0
2013/14	6	0
2014/15	5	0
2015/16	2	0
2016/17	8	0

Unrestricted

Councillors are reminded of their duties both in respect of the rules relating to the registration and disclosure of Interests set out in the Code of Conduct and their behavioural obligations under the Code.