

Allerdale Borough Council

Standards Committee – 10 September 2019

Allerdale Borough Council's Code of Conduct and Arrangements for dealing with standards allegations under the Localism Act 2011

The reason for the decision	To consider the recommendations from the review of Allerdale Borough Council's procedures for handling complaints that members may have breached the Code of Conduct.
Summary of options considered	In carrying out the review, the Council wanted to benchmark the current arrangements against best local practice elsewhere to ensure that they were the best possible arrangements achievable under the legislation, bearing in mind local context.
Recommendations	It is recommended that the Standards Committee: (a) consider the review of Allerdale Borough Council's Procedures for Handling Complaints that Members have breached the Code of Conduct attached as Appendix 1; (b) note the amendments to the Arrangements attached as Appendix 2; (c) consider the recommendations in relation to the Code of Conduct and recommend any changes to Council.
Financial/resource implications	There are no financial implications in relation to implementing the recommendations and the amendments to the Arrangements
Legal/governance implications	The review complies with the Localism Act 2011
Community safety implications	There are no Community Safety implications
Health and Safety and Risk Management Implications	There are no Health and Safety implications
Equality Duty considered / Impact Assessment completed	The Equality Duty has been considered
Wards Affected	All

**The contribution this decision would make to the Council's priorities
Is this a Key Decision**

Yes

Portfolio Holder

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Lead Officer

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Report Implications

Community Safety	N	Employment (external to the Council)	N
Financial	Y	Employment (internal)	N
Legal	Y	Partnership	Y
Social Inclusion	Y	Asset Management	N
Equality Duty	Y	Health and Safety	N

Background papers –

1.0 Background

- 1.1 The Localism Act 2011 introduced new arrangements from July 2012 for handling complaints that members of a local authority may have breached the local Code of Conduct. This moved away from a central statutory framework but allowed councils to develop their own framework within certain statutory parameters.
- 1.2 The Council decided to review the relevant processes after some six years of operation in light of local experiences of handling cases in practice. In carrying out the review, we wanted to benchmark our arrangements against best local practice elsewhere to ensure that they were the best possible arrangements achievable under the legislation, bearing in mind local context. The Council also wished the review to consider any recommendations made by the Committee on Standards in Public Life's (CSPL) review of the Localism Act arrangements published in January 2019.
- 1.3 Hoey Ainscough Associates Ltd was therefore commissioned to carry out the review as independent national experts. Hoey Ainscough Associates Ltd was set up in April 2012 to support local authorities in managing their arrangements for handling councillor conduct issues.
- 1.4. In carrying out the review, they laid down four criteria for a successful standards process:
 - a) it should enhance the reputation of the Council through demonstrating that there is a culture of high standards and that any lapse from high standards in individual cases will be dealt with fairly, effectively and efficiently;
 - b) it should ensure that the process is transparent and accountable, so that the public can see that misconduct has been dealt with, and members are able to demonstrate, where appropriate, that their name has been fairly cleared;
 - c) it should have independent rigour and be free from party political interference; and
 - d) it should comply with any legal requirements and ensure that members have the right to a fair hearing
- 1.5 The review concluded that the process Allerdale currently has in place is typical of the Localism Act arrangements seen in other councils and already contains some elements of good practice whilst reflecting some of the constraints imposed by the legislation. However a number of recommendations have been made to streamline and improve the process making it more efficient and transparent whilst promoting standards within Allerdale.

2.0 Current Position

Action Plan

- 2.1 The Council's Monitoring Officer Group have considered the actions and have been working on the action plan to consider and implement all the actions in the review. All actions will have been completed by the end of September 2019 following the Council meeting on 25 September 2019.

Arrangements

- 2.2 The Monitoring Officer has approved the amendments to the Arrangements in accordance with the recommendations and best practice as authorised by Council on 18th July 2012. The amended Arrangements are attached at Appendix 2.

Code of Conduct

- 2.3 Hoey Associates reviewed the Code of Conduct and found the Code broadly clear and comprehensive, though they did have some specific recommendations which are outlined in paragraphs 88 – 106 of the report.
- 2.4 Members need to consider the recommendations in relation to the Code of Conduct and make any recommendations to amend the Code of Conduct to Council.
- 2.5 The District and Borough Council's within Cumbria operate the same Code of Conduct. The majority of parishes within Cumbria operate the same code as the District or Borough Councils. The District and Borough Council's have previously suggested that any review of this should be undertaken collaboratively through the Cumbria Monitoring Officer Group. The Monitoring Officer has shared the recommendations with the Monitoring Officer Group, the Standards Committee may wish to request feedback from the group prior to making any recommendations to Council.

3.0 Finance/resource implications

- 3.1 There are no additional financial implications in relation to the amendments. The Monitoring Officer and Deputy Monitoring Officer's will continue to administer the arrangements and
- 3.2 Officers have amended the arrangements and will deliver training on the Code of Conduct and any changes.

4.0 Legal implications and risks

4.1 The Council is required to ensure it makes changes in accordance with the Localism Act 2011.

5.0 Recommendations

It is recommended that the Standards Committee:

- (a) consider the review of Allerdale Borough Council's Procedures for Handling Complaints that Members have breached the Code of Conduct attached as Appendix 1;
- (b) note the amendments to the Arrangements attached as Appendix 2;
- (c) consider the recommendations in relation to the Code of Conduct and recommend any changes to Council.