

STANDARDS COMMITTEE

6.30pm on Wednesday 6th November 2019
Staincliffe Suite, 1 Belle Vue Square, Broughton Road, Skipton.

Committee Membership: Councillors Ireton (Chairman), Mercer, Metcalfe, Solloway and Whitaker.

Parish Council Representatives (non-voting): Michael Rooze and Robert Stead.

Independent Persons (non-voting): John Boumphrey, Peter Charlesworth and Roger Millin.

AGENDA

1. **Apologies for Absence**
2. **Confirmation of Minutes** – 3rd July 2019 attached.
3. **Public Participation** – In the event that any questions/statements are received or members of the public attend, the public participation session will proceed for a period of up to fifteen minutes.
4. **Declarations of Interest** – All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.

(Note: Declarations should be in the form of:

a “***disclosable pecuniary interest***” under Appendix A to the Council’s Code of Conduct, or “***other interests***” under Appendix B or under Paragraph 15 where a matter arises at the meeting which relates to a financial interest of a friend, relative or close associate.

A Member of Council who has a disclosable pecuniary interest must leave the room and not take part in the discussion or vote. When declaring interests under Appendix B or Paragraph 15 of the Code, Members must move to the public seating area, not vote, and speak only if members of the public are also allowed to speak at the meeting.)

5. **Annual review of complaints received by the Council** – Report of the Information Governance Manager. Attached.

Purpose of Report - To provide information about complaints handled by the Council in the period of 1 August 2018 to 31 July 2019.

6. **Arrangements for dealing with complaints – implementation of recommendations of the Committee on Standards in Public Life** – Report of the Solicitor to the Council (Monitoring Officer). Attached.

Purpose of Report – To formally agree revised arrangements for dealing with standards allegations under the Localism Act 2011 ('Arrangements for Dealing with Complaints').

7. **Member and Officer Protocol** – Report of the Solicitor to the Council (Monitoring Officer). Attached.

Purpose of Report - To undertake a review of the Council's Member and Officer Protocol to ensure it reflects best practice and remains fit for purpose.

8. **Monitoring Report** – Report of the Solicitor to the Council (Monitoring Officer). Attached.

Purpose of Report – To update Members following the last report to Committee on 13th March 2019 (report and appendix attached).

9. **Any other items** which the Chairman decides are urgent in accordance with Section 100B(4) of the Local Government Act, 1972.

Agenda Contact Officer:

Hannah Scales, Democratic Services and Scrutiny Officer

Tel: 01756 706423

E-mail: hcales@cravendc.gov.uk

29th October 2019

If you would like this agenda or any of the reports listed in a different way that will accommodate your requirements, please telephone 01756 706235.

Recording at Council Meetings

Recording is allowed at Council, committee and sub-committee meetings which are open to the public, subject to

- (i) the recording being conducted with the full knowledge of the Chairman of the meeting; and
- (ii) compliance with the Council's protocol on audio/visual recording and photography at meetings, a copy of which is available on request. Anyone wishing to record must contact the Agenda Contact Officer (details above) prior to the start of the meeting. Any recording must be conducted openly and not disrupt proceedings.

Emergency Evacuation Procedure

In case of an emergency or if the alarm sounds, leave the committee room and leave the building using the nearest available door. The assembly point is in the main square at the front entrance. An officer will take a roll call at that point. Please do not leave without telling the Chairman or the Democratic Services Section's representative.

STANDARDS COMMITTEE

3 July 2019

Present – Councillors Ireton (Chairman), Mercer, Metcalfe, Solloway and Whitaker.

Parish Representatives (non-voting): Veronicka Dancer, Michael Rooze and Robert Stead.

Independent Persons (non-voting): Roger Millin.

Officers – Solicitor to the Council (Monitoring Officer) and Democratic Services and Scrutiny Officer.

Apologies for absence were received from Independent Persons John Boumphrey and Peter Charlesworth.

Start: 6.30pm

Finish: 7.11pm

The minutes of the Committee's meeting held on 13 March 2019 were confirmed as a correct record and signed by the Chairman.

Minutes for Report

STN.360

WORK PROGRAMME 2019/2020

The Solicitor to the Council (Monitoring Officer) presented a report asking Members to consider and set the work programme for 2019/2020. Members were reminded of the work completed by the Committee during 2018/2019, the Solicitor to the Council (Monitoring Officer) made particular reference to the work completed relating to the Code of Conduct. The Solicitor to the Council (Monitoring Officer) suggested that the Committee's work programme is oriented around the CSPL List of Best Practice.

Members proposed the addition of reviewing the Officers Code of Conduct to the Work Programme.

The Solicitor to the Council (Monitoring officer) clarified that the work programme for the year of 2019/2020 would contain the following actions:

- Review of the integration of the '7 principles of public life'
- Review and implement recommendations on the CSPL List of Best Practice
- Review the Officers Code of Conduct
- Review the Member Officer Protocol

Resolved – (1) That, Members noted the work completed by the Committee during 2018/2019 and agreed the Committee's work programme for 2019/2020.

STN.361

THE COMMITTEE ON STANDARDS IN PUBLIC LIFE – LOCAL GOVERNMENT ETHICAL STANDARDS

The Solicitor to the Council (Monitoring Officer) presented a report to Members that provided an update on how the Council's ethical framework compares with the best practice recommendations included in the recent report from the Committee on Standards in Public Life.

The Solicitor to the Council (Monitoring Officer) proposed that over the course of the year the Committee would review each of the best practice recommendations and consider what actions, if any, are required to implement the recommendations. The Solicitor to the Council (Monitoring Officer) explained her findings from the preliminary review carried out by categorising the recommendations.

It was suggested that the recommendations relating to complaints handling should be considered at the November 2019 meeting, the Code of Conduct recommendations at the January 2020 meeting and recommendations of corporate nature should be discussed with the Chief Executive, the outcome of which the Solicitor to the Council will feedback to Committee.

The Solicitor to the Council (Monitoring Officer) also informed Members that the CSPL intend to review implementation of the best practice in 2020.

Resolved – (1) That, Members noted the content of the report and the action to be taken.

STN.362

MONITORING REPORT

The Solicitor to the Council (Monitoring Officer) submitted a report that updated Members following the last report to Committee on 13th March 2019. The Solicitor to the Council (Monitoring Officer) informed Members that all complaints were completed and up to date.

Resolved – (1) That, Members noted the contents of the Monitoring Report.

STN.363

MEETING START TIME

After a short discussion it was;

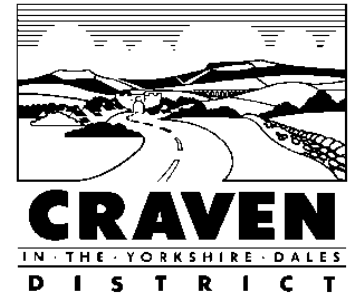
Resolved – (1) That, the meeting start time for the municipal year would stay the same as the previous year, 6.30pm.

Minutes for decision

Chairman

**Standards Committee –
6th November 2019**

**Annual Review of Complaints Received by
the Council**



Report of the Information Governance Manager

Ward(s) affected: ALL

1. Purpose of Report

1.1 To provide information about complaints handled by the Council in the period 1 August 2018 to 31 July 2019.

2. Recommendations – Members are recommended to note:

- This report;
- The significant reduction in complaints received by the Council compared to the same period last year;
- The improvements in procedure that have been implemented in the past year;
- Cases handled by the Ombudsman's office.

3. Report

3.1 Introduction

As a public authority dealing with a wide range of services to the local community, it is important that complaints about the way that services are delivered are taken seriously, so that appropriate remedial action is taken quickly, and relevant lessons can be learned.

3.2 Background

This report summarises how the Council has performed in the past year when dealing with complaints. It excludes certain matters which are dealt with other statutory or internal processes, for example appeals against planning or housing benefit decisions, or complaints about the conduct of officers or elected members.

Also attached is a copy of the Local Government and Social Care Ombudsman's ('the Ombudsman's') annual Review letter for 2019, and summary of cases dealt with.

3.3 Definition of a 'Complaint'

The Ombudsman investigates complaints about local authorities, and certain other organisations, and advises local authorities to use the following definition of a complaint for the purposes of local complaints procedures:

'An expression of dissatisfaction about Council Services that requires a response'

We expect that cases referred to the Council as a complaint, will be dealt with under the Council's Complaints Procedure ('the Procedure'), where, for example, it is alleged that that the Council has:

- Done something badly, or in the 'wrong' way;
- Done something that we should not have done;
- Failed to do something that we should have done;
- Acted unfairly or impolitely;
- Not responded to a request for service;
- Acted contrary to the Council's policies and procedures.

The above definition is published on the Council's website, and is used by officers in deciding whether an individual matter is to be dealt with under the Procedure, or in some other way. The focus is on the *way* that the particular service has been delivered, rather than on the *outcome*, and the Council is obviously committed to delivering high quality services to residents.

Matters that are raised by residents that do not fall within the above definition, for example a request for a *service*, or requests for *information*, are not dealt with as 'complaints', and are referred to the relevant service area to be dealt with as normal business correspondence.

Each stage of the formal complaints procedure has strict time limits and a right of appeal (or redress) attached, so it is important that complaints and other enquiries are dealt with appropriately in order that officers' time is properly focused.

3.4 Stages in the Complaints procedure

The standard response times and responsibilities for replying to complainants are as follows:

- If the matter can be resolved very quickly (e.g. by Customer Services) – 5 days
- Stage 1: If the complaint is referred to Service Manager or area - 10 days
- Stage 2: If the complainant is dissatisfied with Stage 1 decision - response by Chief Executive (or Director on CE's behalf) – 10 days

3.5 Volumes of complaints and performance (please refer to the tables in the Annex)

- In the year since 1 August 2018, 38 complaints were received and formally dealt with under the Procedure (this compares to 75 complaints received in the same period in the previous year).
- Seven complainants were dissatisfied with the response given at Stage 1, and requested a review by the Chief Executive (this compares with six cases in the previous year).

The first table in the Annex demonstrates that the vast majority of complaints were dealt with in accordance with the timescales.

3.6 Matters not dealt with as ‘complaints’

In addition to the above, the Council also receives a number of formal letters and enquiries, often addressed to the Chief Executive, for example from residents or elected representatives on behalf of a resident, which either request a service, or seek information to assist a resident. These are not dealt with in accordance with the Complaints Procedure (and do not attract the appeal rights associated with complaints) but nevertheless do require a formal response, and a record is kept of such enquiries.

3.7 Improvements in internal procedures and new guidance

In October 2018, the Procedure was amended so as to simplify it for the benefit of complainants, include a Privacy Notice as required under the new data protection rules, better reflect the guidance from the Ombudsman on complaints handling, and include reference to the arrangements for dealing with unreasonable complainant behaviour.

In a very small number of cases, a complainant may pursue a complaint in an unreasonable way, for example making unjustified complaints about officers trying to deal with the issues raised, or making excessive demands on the resources of the Council. New arrangements were introduced in January 2019 following the approval of Policy Committee, which set out how the Council would deal with such unreasonable complainants, and which, in exceptional cases, allows for a complainant’s contact with the Council to be limited in various ways.

The web page on the Council’s external internet has also been improved to better signpost complainants (for example to report highways matters to the County Council, or to report environment-related incidents).

3.8 Ombudsman Annual Letter 2019

Individuals can complain to the Ombudsman at any time, but if the person has not exercised their rights under the Procedure, the Ombudsman will normally refer the individual to the Council to continue with their complaint with the Council in the first instance.

A formal review letter is produced by the Ombudsman and sent to local authorities each year, which summarises statistics in respect of complaints received by the Ombudsman, and the action taken.

In the year to 31 March 2019, the Ombudsman's office received 16 complaints in respect of the Council (an increase on the nine in the previous year).

These included 11 related to planning and development control, and three relating to environmental services.

In two cases – both relating to Planning and Development Control – the Ombudsman upheld the complaint and found fault on the Council's part.

The first case concerned a flaw in the Council's reliance on screening between two properties, and the second case arose from a drafting error and the uploading of a report on the Council's website. But in both cases, the Ombudsman concluded that the planning decision would not have been different, and since neither complainant had suffered any injustice in consequence, no remedial action was required.

Summary details of some of the cases referred to the Council by the Ombudsman in the period April 2018 to March 2019 are included in the Annex.

3.9 Conclusion

The number of complaints received by the Council represents a very small proportion of the overall responses to the many millions of individual business transactions that the Council conducts each year with people living and working in the Craven District.

Given the relatively small size of the Council, it is reasonable not to expect significant number of complaints. However, it is worth noting that the Council continues to make in excess of 1.6 million domestic waste and recycling collection transactions annually, so some complaints about the delivery of this service might be inevitable, in view of the nature of waste operations, and the manual handling processes involved, and contact with residents.

This is reflected in the fact that complaints about Waste Management operations attract most complaints, although in fact formal complaints about Waste Management are also down by 50% on the previous year. A majority of the complaints about waste management relate to bin collections.

In addition, planning applications will inevitably result in some dissatisfied residents or indeed applicants. While the latter do have the statutory right of appeal, objectors do not, but that does not prevent them complaining about the process followed by the Council. In 2018/19, the Local Planning Authority made 1191 planning determinations (also an increase on the previous year).

Equally, it is essential - taking account of the potential impact of austerity measures on services - that the Council deals actively, constructively and positively with complaints as they arise, and improves service delivery where appropriate.

4. Financial and Value for Money Implications

- 4.1 There are no direct financial implications arising from this report. All improvements in complaint handling have been managed within existing revenue budgets.

5. Legal Implications

- 5.1 There are no specific legal implications arising directly from this report aside from the need, when exercising its functions, for the Council to due regard to its obligations under the public sector equality duty covering the nine protected characteristics identified in the Equality Act 2010. All complaints (including those from unreasonable complainants) are dealt with equally, and responses are checked to confirm compliance with the duty.

6. Contribution to Council Priorities

- 6.1 Not applicable.

7. Risk Management

- 7.1 Not applicable.

8. Equality Impact Analysis

- 8.1 Not applicable.

9. Consultations with Others

- 9.1 Solicitor to the Council (Monitoring Officer)

10. Background Documents

- Internet link to revised Complaints Procedure:
<https://www.cravendc.gov.uk/contact-craven-district-council/complaints-and-comments/>
- Ombudsman Letter
- Complaints guidance to officers (not included but can be supplied if required)

11. Appendices

- Complaints Statistics

12. Author of the Report

Author of report: David Roper-Newman
Telephone number: 01756 706336
Email: droper-newman@cravendc.gov.uk

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

24 July 2019

By email

Paul Shevlin
Chief Executive
Craven District Council

Dear Mr Shevlin

Annual Review letter 2019

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2019. The enclosed tables present the number of complaints and enquiries received about your authority, the decisions we made, and your authority's compliance with recommendations during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

Complaint statistics

As ever, I would stress that the number of complaints, taken alone, is not necessarily a reliable indicator of an authority's performance. The volume of complaints should be considered alongside the uphold rate (how often we found fault when we investigated a complaint), and alongside statistics that indicate your authority's willingness to accept fault and put things right when they go wrong. We also provide a figure for the number of cases where your authority provided a satisfactory remedy before the complaint reached us, and new statistics about your authority's compliance with recommendations we have made; both of which offer a more comprehensive and insightful view of your authority's approach to complaint handling.

The new statistics on compliance are the result of a series of changes we have made to how we make and monitor our recommendations to remedy the fault we find. Our recommendations are specific and often include a time-frame for completion, allowing us to follow up with authorities and seek evidence that recommendations have been implemented. These changes mean we can provide these new statistics about your authority's compliance with our recommendations.

I want to emphasise the statistics in this letter reflect the data we hold and may not necessarily align with the data your authority holds. For example, our numbers include

enquiries from people we signpost back to your authority, some of whom may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website, alongside our annual review of local government complaints. For the first time, this includes data on authorities' compliance with our recommendations. This collated data further aids the scrutiny of local services and we encourage you to share learning from the report, which highlights key cases we have investigated during the year.

New interactive data map

In recent years we have been taking steps to move away from a simplistic focus on complaint volumes and instead focus on the lessons learned and the wider improvements we can achieve through our recommendations to improve services for the many. Our ambition is outlined in our [corporate strategy 2018-21](#) and commits us to publishing the outcomes of our investigations and the occasions our recommendations result in improvements for local services.

The result of this work is the launch of an interactive map of council performance on our website later this month. [Your Council's Performance](#) shows annual performance data for all councils in England, with links to our published decision statements, public interest reports, annual letters and information about service improvements that have been agreed by each council. It also highlights those instances where your authority offered a suitable remedy to resolve a complaint before the matter came to us, and your authority's compliance with the recommendations we have made to remedy complaints.

The intention of this new tool is to place a focus on your authority's compliance with investigations. It is a useful snapshot of the service improvement recommendations your authority has agreed to. It also highlights the wider outcomes of our investigations to the public, advocacy and advice organisations, and others who have a role in holding local councils to account.

I hope you, and colleagues, find the map a useful addition to the data we publish. We are the first UK public sector ombudsman scheme to provide compliance data in such a way and believe the launch of this innovative work will lead to improved scrutiny of councils as well as providing increased recognition to the improvements councils have agreed to make following our interventions.

Complaint handling training

We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. In 2018-19 we delivered 71 courses, training more than 900 people, including our first 'open courses' in Effective Complaint Handling for local authorities. Due to their popularity we are running six more open courses for local authorities in 2019-20, in York, Manchester, Coventry and London. To find out more visit www.lgo.org.uk/training.

Finally, I am conscious of the resource pressures that many authorities are working within, and which are often the context for the problems that we investigate. In response to that situation we have published a significant piece of research this year looking at some of the

common issues we are finding as a result of change and budget constraints. Called, [Under Pressure](#), this report provides a contribution to the debate about how local government can navigate the unprecedented changes affecting the sector. I commend this to you, along with our revised guidance on [Good Administrative Practice](#). I hope that together these are a timely reminder of the value of getting the basics right at a time of great change.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M King', with a horizontal line underneath.

Michael King
Local Government and Social Care Ombudsman
Chair, Commission for Local Administration in England

Local Authority Report: Craven District Council
For the Period Ending: 31/03/2019

For further information on how to interpret our statistics, please visit our [website](#)

Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
0	1	1	0	3	0	0	11	0	16

Decisions made

Decisions made				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate (%)	Total
0	0	6	8	0	2	100	16

Note: The uphold rate shows how often we found evidence of fault. It is expressed as a percentage of the total number of detailed investigations we completed.

Satisfactory remedy provided by authority

Upheld cases where the authority had provided a satisfactory remedy before the complaint reached the Ombudsman	% of upheld cases
0	0

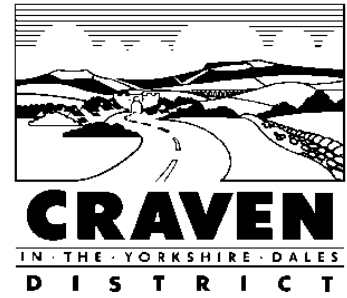
Note: These are the cases in which we decided that, while the authority did get things wrong, it offered a satisfactory way to resolve it before the complaint came to us.

Compliance with Ombudsman recommendations

Complaints where compliance with the recommended remedy was recorded during the year*	Complaints where the authority complied with our recommendations on-time	Complaints where the authority complied with our recommendations late	Complaints where the authority has not complied with our recommendations	
0	0	0	0	Number
	0%		-	Compliance rate**
<p>Notes: * This is the number of complaints where we have recorded a response (or failure to respond) to our recommendation for a remedy during the reporting year. This includes complaints that may have been decided in the preceding year but where the data for compliance falls within the current reporting year. ** The compliance rate is based on the number of complaints where the authority has provided evidence of their compliance with our recommendations to remedy a fault. This includes instances where an authority has accepted and implemented our recommendation but provided late evidence of that.</p>				

Standards Committee –
6th November 2019

**Arrangements for Dealing with
Complaints – Implementation of
Recommendations of the Committee
On Standards in Public Life**



Report of the Solicitor to the Council (Monitoring Officer)

Ward(s) affected: All

- 1. Purpose of Report** – to formally agree revised arrangements for dealing with standards allegations under the Localism Act 2011 ('Arrangements for Dealing with Complaints').
- 2. Recommendations** – Members are recommended to approve the amended Arrangements for Dealing with Complaints.
- 3. Report**
 - 3.1 The current 'Arrangements for Dealing with Standards Allegations under the Localism Act 2011' were adopted by Standards Committee on the 6th September 2016 (STN.311).
 - 3.2 The review of the Arrangements, which was undertaken in 2016, addressed a small number of shortcomings and provided additional clarity where required. Members may recall that the Committee on Standards in Public Life's ('CSPL') report into local government ethical standards includes a list of best practice recommendations, which CSPL expects local authorities to implement.
 - 3.3 A number of the recommendations relate to complaint handling and in order to implement the best practice recommendations, the Monitoring Officer is proposing to amend the Arrangements for Dealing with Complaints, as detailed in the table attached at Appendix 1.
 - 3.4 The Monitoring Officer has also taken the opportunity to review the Arrangements generally and two minor additional changes are also proposed:
 - Re-name the document 'Arrangements for Dealing with Complaints' to make it more user and search friendly;
 - To clarify what will happen if the Monitoring Officer recommends informal resolution but the member refuses to accept it (see section 3).
 - 3.5 For ease of reference, the proposed amendments are shown in red italics in the updated Arrangements attached at Appendix 2.

3.6 If Members are minded to approve the amended Arrangements, they will be published on the Council website and also shared with Parish Councils.

4. Financial and Value for Money Implications

4.1 There are no financial implications arising directly from the report.

5. Legal Implications

5.1 Under the Localism Act 2011, the Council and individual members are required to promote and maintain high standards of ethical behaviour (section 27). Section 28 of the Act also requires the Council to have in place 'arrangements' under which allegations that a member or co-opted member of the Council has failed to comply with the Code of Conduct can be investigated and decisions made on such allegations.

6. Contribution to Council Priorities

6.1 Not applicable.

7. Risk Management

7.1 Not applicable.

8. Equality Impact Analysis

8.1 Not applicable.

9. Consultations with Others

9.1 None.

10. Background Documents

10.1 'The Committee on Standards in Public Life – Local Government Ethical Standards': report for Standards Committee (3rd July 2019).

11. Appendices

- Appendix 1 – Action plan for implementation of the best practice recommendations;
- Appendix 2 – Amended arrangements for dealing with complaints.

12. Author of the Report

Annette Moppett, Solicitor to the Council (Monitoring Officer)
Telephone: 01756 706325
E-mail: amoppett@cravendc.gov.uk

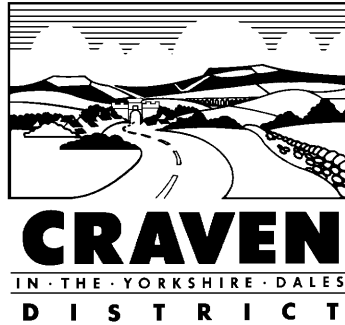
Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

Committee on Standards in Public Life – Best Practice Recommendations

Best Practice Recommendation	Comment	Action Required
<p><u>Best Practice 6</u> <i>Councils should publish a clear and straight-forward public interest test against which allegations are filtered.</i></p>	<p>The adopted Arrangements do not currently have a section dealing specifically with the filtering of complaints. Instead, there is an ‘Assessment Criteria’ annexed (Appendix 2). However, the adopted Arrangements also include requirements which could act as a filter.</p>	<p>The Assessment Criteria has been revised to include initial filtering of complaints and updated to incorporate the public interest test referred to in the CSPL report.</p>
<p><u>Best Practice 9</u> <i>Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the Code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker and any sanction applied.</i></p>	<p>The adopted Arrangements already require the Monitoring Officer to prepare a formal decision notice following a hearing and make that decision notice available for public inspection.</p> <p>Where the Monitoring Officer resolves a complaint by way of local resolution following an investigation, there is currently no requirement to publish a decision notice. It is however, reported to Standards Committee.</p>	<p>The adopted Arrangements have been amended to include the specified requirements for the content of the decision notice and also provision to publish all decision notices on the Council website following formal investigation.</p>
<p><u>Best Practice 10</u> <i>A local authority should have straight-forward and accessible guidance on its website on how to make a complaint under the Code, the process for handling complaints</i></p>	<p>Guidance on how to make a complaint (including an online form) and arrangements for dealing with complaints are available on the Council website.</p>	<p>Webpage to be updated to include estimated timescales for investigations and outcomes.</p>

<p><i>and estimated timescales for investigations and outcomes.</i></p>		
<p><u>Best Practice 11</u> <i>Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.</i></p>	<p>The Council does not currently have the power to require the chair or the parish council as a whole, to submit complaints on behalf of the clerk. However, the Council can set out in the adopted Arrangements, its expectations in relation to such complaints.</p>	<p>The adopted Arrangements have been updated to include this.</p> <p>If the amendment Arrangements are approved by Standards Committee, the Monitoring Officer will write to parish councils and advise them accordingly.</p>
<p><u>Best Practice 12</u> <i>Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.</i></p>	<p>Complaints made about parish councils have been investigated in accordance with the adopted Arrangements.</p> <p>The Committee receives a complaint monitoring report at each meeting but no complaint has been rejected due to lack of resources.</p> <p>The Council has a corporate training budget and the Monitoring Officer regularly attends training on relevant matters, including ethical conduct.</p> <p>The Legal Services Manager acts as the Council's Deputy Monitoring Officer to provide additional capacity and support.</p> <p>After intervention by the Chairman of Standards Committee, there is a separate budget for appointing external investigators to conduct standards investigations. There are no current proposals to reduce this resource.</p>	<p>Standard Committee to continue to monitor complaint handling.</p>

<p><u>Best Practice 13</u> <i>A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possibly steps should include asking the Monitoring Officer from a different authority to undertake the investigation.</i></p>	<p>The adopted Arrangements already address conflicts of interest - the Monitoring Officer or Independent Person may consult an independent third party.</p> <p>In any event, standards investigations are currently always investigated by an independent external investigator (see above).</p>	<p>No action required at this time.</p>
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~~Arrangements for dealing with standards allegations under the Localism Act 2011~~

ARRANGEMENTS FOR DEALING WITH COMPLAINTS

These “Arrangements” set out how you may make a complaint that an elected or co-opted member of this Council or of a parish council within the district has failed to comply with the council’s Code of Conduct, and sets out how the Council will deal with allegations of a failure to comply with the Council’s Code of Conduct.

Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a member or co-opted member of the Council or of a parish council within its district, or of a Committee or Sub-Committee of the Council, has failed to comply with that Council’s Code of Conduct can be investigated and decisions made on such allegations.

Such arrangements must provide for the Council to appoint at least one Independent Person, whose views must be sought by the Council before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Council at any other stage, or by a member or a member or co-opted member of a parish council against whom an allegation has been made.

1 **The Code of Conduct** (‘the Code’)

The Council has adopted a Code of Conduct for members, which is attached as Appendix One to these arrangements and available for inspection on the council’s website and on request from reception at the Council Offices, Belle Vue Square Broughton Road, Skipton.

Each parish council is also required to adopt a Code of Conduct. If you wish to inspect a Parish Council’s Code of Conduct, you should inspect any website operated by the parish council or request the parish clerk to allow you to inspect the parish council’s Code of Conduct.

2 **Making a complaint**

If you wish to make a complaint, please write or email to –

The Monitoring Officer
Craven District Council
1 Belle Vue Square
SKIPTON

The Monitoring Officer is a senior officer of the council who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the system in respect of complaints of member misconduct.

In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the model complaint form, which can be downloaded from the council's website, next to the Code of Conduct, and is available on request from Reception at 1 Belle Vue Square, Skipton.

Please do provide your name and a contact or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form. The Council does not normally investigate anonymous complaints, unless there is a clear public interest in doing so (see paragraph 3 below).

Complaints about the conduct of a parish councillor towards a clerk should be made by the chair or the parish council as a whole, rather than the clerk, in all but exceptional circumstances.

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it, and will keep you informed of the progress of your complaint.

3 Will your complaint be investigated?

The Monitoring Officer will review every complaint received and, after consultation with the Independent Person, take a decision as to whether it merits formal investigation, having regard to the Assessment Criteria adopted by the Council (attached as Appendix Two to these arrangements). This decision will normally be taken within 14 days of receipt of your complaint. Where the Monitoring Officer has taken a decision, he/she will inform you of his/her decision and the reasons for that decision.

Where the Monitoring Officer requires additional information in order to come to a decision, he/she may come back to you for such information, and may request information from the member against whom your complaint is directed.

Where your complaint relates to a Parish Councillor, the Monitoring Officer may also inform the Parish Council of your complaint and seek the views of the Parish Council before deciding whether the complaint merits formal investigation.

In some cases, at his/her discretion, the Monitoring Officer may refer the complaint to the Standards Committee to decide whether or not it should be investigated or other action taken.

If a conflict of interest or other exceptional circumstances arise the Monitoring Officer or Independent Person may consult an independent third party.

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the member ~~accepting that his/her conduct was unacceptable and~~ offering an apology, or other remedial action by the Council. Where the member or the Council make a reasonable offer of ~~local resolution~~ informal resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

Where the Monitoring Officer recommends informal resolution but the member is unwilling to accept that his/her conduct was unacceptable or rejects the informal resolution proposed, the Monitoring Officer will take account of this when deciding whether the complaint merits informal investigation.

If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.

If you (or the subject of the complaint) are dissatisfied with the suggested action, you may appeal to the Chair of the Standards Committee, who may uphold the decision or suggest an alternative course of action.

Confidentiality

The Monitoring Officer will decide whether a request by a complainant that their identity be withheld should be agreed. This decision will be reviewed by the Monitoring Officer at the initial assessment stage.

As a matter of fairness and natural justice, the subject of the complaint should usually be told who has complained about them and receive details of the complaint. However, in exceptional circumstances, the Monitoring Officer may withhold the complainant's identity if on request from the complainant, or otherwise, he/she is satisfied that the complainant has reasonable grounds for believing that they or any witness relevant to the complaint may for example, be at risk of physical harm, or his or her employment may be jeopardised if their identity is disclosed, or where there are medical risks (supported by medical evidence) associated with the complainant's identity being disclosed.

If the Monitoring Officer decides to refuse a request by a complainant for confidentiality, he or she will offer the complainant the option to withdraw the complaint, rather than proceed with his or her identity being disclosed. The Monitoring Officer will balance whether the public interest in taking action on a complaint will outweigh the complainant's wish to have his or her identity withheld from the subject of the complaint.

4 How is the investigation conducted?

If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer, who may be another senior officer of the council, an officer of another council or an external investigator. The Investigating Officer will decide whether he/she needs to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

The Investigating Officer would normally write to the member against whom you have complained and provide him/her with a copy of your complaint, and ask the member to provide his/her explanation of events, and to identify what documents he needs to see and who he needs to interview.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

5 Withdrawal of a Complaint

In the event that a complainant withdraws a complaint at any time prior to a decision having been made by a Hearings Panel, the Monitoring Officer may, following consultation with the Independent Person and the Chair of Standards Committee, decide whether no further steps be taken in respect of that complaint. This determination will take into account whether it is in the public interest to proceed regardless of the complainant's wishes.

6 What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and, if he or she is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the member concerned and to the Parish Council, where your complaint relates to a Parish Councillor, notifying you that he or she is satisfied that no further action is required, and give you both a copy of the Investigating Officer's final report. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he or she may ask the Investigating Officer to reconsider his/her report.

In some cases, at his or her discretion, the Monitoring Officer may refer the Investigating Officer's report to the Standards Committee, if he or she disagrees with the Investigating Officer's conclusion(s).

7 What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for local hearing before the Hearings Panel or, after consulting the Independent Person, seek local resolution.

7.1 Local Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and with you as complainant and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the council. If the member complies with the suggested resolution, the Monitoring Officer will issue a decision notice. The decision notice will include a brief statement of facts, the provisions of the Code engaged by the complaint, the view of the Independent Person, the reason for the decision and the action agreed.

A copy of the decision notice will be sent to you, to the member and the Parish Council in the case of a complaint about a parish councillor. A copy of the decision notice will be published on the Council website and reported to the next convenient meeting of Standards Committee.

~~will report the matter to the Standards Committee and the Parish Council for information, but will take no further action.~~ However, if you tell the Monitoring Officer that any suggested resolution would not be adequate or the member refuses to accept the resolution, the Monitoring Officer will refer the matter for a local hearing before the Hearings Panel.

7.2 Local Hearing

If the Monitoring Officer considers that local resolution is not appropriate, or you are not satisfied by the proposed resolution, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel which will conduct a local hearing before deciding whether the member has failed to

comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

The Council has agreed a procedure for local hearings, which is attached as Appendix Three to these arrangements.

Essentially, the Monitoring Officer will conduct a “pre-hearing process”, requiring the member to give his/her response to the Investigating Officer’s report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chair of the Hearings Panel may issue directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Hearings Panel. The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Hearings Panel as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

If the Hearings Panel, with the benefit of any advice from the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct, and so dismiss the complaint. If the Hearings Panel concludes that the member did fail to comply with the Code of Conduct, the Chair will inform the member of this finding and the Hearings Panel will then consider what action, if any, the Hearings Panel should take as a result of the member’s failure to comply with the Code of Conduct. In doing this, the Hearings Panel will give the member an opportunity to make representations to the Panel and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

8 What action can the Hearings Panel take where a member has failed to comply with the Code of Conduct?

8.1 Where a Hearings Panel find that a Member has failed to comply with the Code of Conduct, the Council had delegated to the Hearings Panel such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly, the sanctions available to a Hearings Panel include, but are not restricted to one or a combination of the following:

8.1.1 Publish its findings in respect of the member’s conduct;

8.1.2 Report its findings to Council (or to the Parish Council) for information;

8.1.3 Recommend to Council that the member be censured;

8.1.4 Recommend to the member’s group leader (or in the case of ungrouped members, recommend to Council) that he or she be removed from any or all committees or sub-committees of the Council;

8.1.5 Instruct the Monitoring Officer to (or recommend that the Parish Council) arrange training/coaching for the member;

8.1.6 Recommend to Council (or recommend to the Parish Council) that the member be removed from all outside bodies and/or appointments to which they have been appointed or nominated by the Council (or the Parish Council);

- 8.1.7 Withdraw (or recommend to the Parish Council that it withdraws) resources and/or facilities provided to the member by the Council such as computer, website and/or email and internet access etc.
- 8.1.8 Place such restrictions on member's access to staff which may be reasonable in the circumstances provided that such restrictions do not prevent the member from carrying out their duties as a Councillor;
- 8.1.9 Recommend the member apologise to the relevant person(s) affected. This could also include a recommendation that this is done in conjunction with the Monitoring Officer to ensure that it meets the Hearings Panel's expectations;
- 8.2 Consideration will also need to be given to the time period of the action and how it will be monitored.
- 8.3 The Monitoring Officer will report the outcome of the Hearings Panel to the next meeting of Standards Committee.

9 What happens at the end of the hearing?

At the end of the hearing, the Chair will state the decision of the Hearings Panel as to whether the member failed to comply with the Code of Conduct and as to any actions which the Hearings Panel resolves to take.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Panel. The decision notice will include a brief statement of facts, the provisions of the Code engaged by the complaint, the view of the Independent Person, the reasons for the decision and any sanctions applied. A copy of the decision notice will be sent to you, to the member and to the Parish Council in the case of a complaint about a parish councillor. A copy of the decision notice will be published on the Council website and reported to, ~~and send a copy to you, to the member [and to the Parish Council], make that decision notice available for public inspection and report the decision to~~ the next convenient meeting of the Council.

10 Who is the Hearings Panel?

The Hearings Panel is a Sub-Committee of the Council's Standards Committee. The Standards Committee has decided that it will comprise a maximum of five members of the Committee, and comprising members drawn from at least 2 different political parties. Subject to those requirements, it is appointed on the nomination of party group leaders in proportion to the strengths of each party group on the Council.

The Independent Person is invited to attend all meetings of the Hearings Panel and his views are sought and taken into consideration before the Hearings Panel takes any decision on whether the member's conduct constitutes a failure to comply with the Code of conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

11 Who is the Independent Person?

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the members of Council.

A person cannot be "independent" if he/she –

- 11.1 Is, or has been within the past 5 years, a member, co-opted member or officer of the council;

- 11.2 *[Is or has been within the past 5 years, a member, co-opted member or officer of a parish council within the council's area], or*
- 11.3 Is a relative or close friend, of a person within paragraph 11.1 or 11.2 above. For this purpose, "relative" means –
- 11.3.1 Spouse or civil partner;
 - 11.3.2 Living with the other person as husband and wife or as if they were civil partners;
 - 11.3.3 Grandparent of the other person;
 - 11.3.4 A lineal descendent of a grandparent of the other person;
 - 11.3.5 A parent, sibling or child of a person within paragraphs 11.3.1 or 11.3.2;
 - 11.3.6 A spouse or civil partner of a person within paragraphs 11.3.3, 11.3.4 or 11.3.5; or
 - 11.3.7 Living with a person within paragraphs 11.3.3, 11.3.4 or 11.3.5 as husband and wife or as if they were civil partners.

12 Revision of these arrangements

The Council may by resolution agree to amend these arrangements, and has delegated to the Chair of the Hearings Panel the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

13 Appeals

There is no right of appeal for you as complainant or for the member against a decision of the Monitoring Officer or of the Hearings Panel.

If you feel that the Council has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

Appendix One The council's Code of Conduct

Appendix Two Assessment Criteria

Appendix Three Procedure for Hearings

Adopted by Standards Committee, 6th September 2016 (STN.311)

ASSESSMENT CRITERIA

The following criteria will be applied when considering any complaint that a member of Craven District Council or any member of a Town or Parish Council in the District has failed to observe the Members Code of Conduct.

A. Initial filtering of complaints

Complaints can only be accepted if they relate to a members' conduct whilst they are acting, or give the impression that they are acting, in their official capacity. Complaints which clearly relate to a member acting in their private capacity can be rejected by the Monitoring Officer.

The Monitoring Officer will inform the complainant, the member and in the case of a complaint about a parish Councillor, the clerk to the parish council.

B. Circumstances where there is a discretion as to whether no action should be taken in respect of the complaint

1. Where the complaint is about someone who is no longer a member of the District Council or a Town/ Parish Council.
2. Where the complaint is about someone who is a member of another authority the monitoring officer will consider whether to refer the complaint to the monitoring officer of that authority.
3. Where the information provided is not sufficient to enable the Monitoring Officer to make a decision as to whether the complaint should be referred for investigation.
4. Where the allegation is anonymous, unless it includes documentary or photographic evidence indicating an exceptionally serious or significant matter to justify further investigation. -
5. Where the complaint has already been the subject of an investigation or other action relating to the Code of Conduct. Similarly, where the complaint has been the subject of an investigation by another investigatory or regulatory authority. Where this applies and the matter complained of has already been the subject of an investigation then unless there is new information / evidence to consider the Monitoring Officer will consider whether there is anything more to be gained by further action being taken.
6. Where the complaint is about something that happened so long ago that there would be little benefit in taking action now or where the evidence in support of the allegation is so weak or old that it should not be relied upon.
7. Where the complainant discloses a potential breach of the Code by the

complaint is not serious enough to merit an investigation in circumstances where the resources needed to investigate are wholly disproportional to the allegation and there is no overriding public interest in carrying out an investigation. 'Public interest' is regarded as *"something which is of serious concern and benefit to the public"*.

8. Where the main reason for the complaint appears to be simply malicious politically motivated, 'tit for tat' or lacks public benefit.
9. Where the complaint suggests that there is a wider problem throughout the authority and it is appropriate to extend the action to other members who are not the subject of the complaint (D below may be appropriate)
10. Where it is apparent that the subject of the allegation has admitted making an error and the matter would not warrant a more serious sanction

Circumstances where the Monitoring Officer may decide to refer the allegation or investigation

Where the allegation discloses a potential breach of the Code of Conduct that the Monitoring Officer considers it sufficiently serious to justify the cost of an investigation.

Circumstances where the complaint appears to be vexatious and/or repeated

The Council is not required to deal with complaints which appear to be vexatious and/or repeated complaints. The approach adopted by the Monitoring Officer to the assessment of complaints will be consistent with what is set out in the Council's Complaints Procedure.

The Monitoring Officer may consult an Independent Person before notifying the complainant of her decision and may if she considers it appropriate to do so, refer the complaint to a sub-committee of the Standards Committee for determination.

Circumstances where the Monitoring Officer may consider referring a complaint to the Monitoring Officer of another authority for determination

1. The status of the member or the number of members about whom the complaint is made would make it difficult for the Monitoring Officer to deal with the complaint. For example, does the complaint concern the leadership of the Council, or in some case, the opposition, depending on the nature and circumstances of the complaint.
2. Complaints from the Chief Executive and/or the Monitoring Officer.
3. Complaints that give rise to a potential conflict of interest for the Monitoring Officer or other officers and suitable alternative arrangements

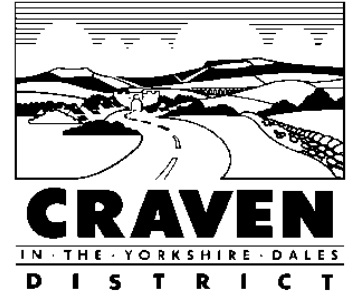
cannot be implemented to address that conflict.

4. Does the complaint give rise to significant or unresolved legal issues in respect of which external and/or judicial interpretation may be required?
5. Are there any exceptional circumstances which would prevent a local investigation taking place competently, fairly and in a reasonable period of time?
6. Is there substantial governance dysfunction in the authority or its Standards Committee? For example, might the public perceive that the authority has an interest in the outcome of a case?

Standards Committee –
6th November 2019

Member and Officer Protocol

Report of the Solicitor to the Council (Monitoring Officer)



Ward(s) affected: All

- 1. Purpose of Report** – to undertake a review of the Council's Member and Officer Protocol to ensure it reflects best practice and remains fit for purpose.
- 2. Recommendations** – Members are recommended to:
 - 2.1 Consider the current Member and Officer Protocol and decide what action, if any, to take;
 - 2.2 Agree to consult with Members and Officers.

3. Report

Introduction

- 3.1 At its meeting on the 3rd July 2019, this Committee agreed a work programme in line with the Committee's terms of reference. A review of the Council's Member and Officer Protocol was included in that work programme.

Background

- 3.2 The Committee's terms of reference include *'to review, at least every two years, the Council's Member/Employee Protocol ... and to recommend changes to the Council Meeting'*. The last detailed review of the Member and Officer Protocol ('the Protocol') was carried out in 2015. A copy of the current Protocol is attached at Appendix 1.
- 3.3 The Protocol is an important document, which forms part of the Council's Constitution and also the ethical framework.
- 3.4 The key purpose of the Protocol is to provide a framework for the relationship between Members and Officers, defining their respective roles and outlining the principles which underpin that relationship.
- 3.5 Members are asked to review the current Protocol and consider whether any action is necessary, and if it is, the nature of that action.

3.6 It is important that the Protocol continues to be relevant and fit for purpose for both Members and Officers and as such, the Committee may wish to consider instructing the report author to seek the views of other Members and Officers on the current Protocol as part of this review.

4. Financial and Value for Money Implications

4.1 There are no financial implications arising directly from the report.

5. Legal Implications

5.1 There are no legal implications arising directly from the report.

6. Contribution to Council Priorities

6.1 Not applicable.

7. Risk Management

7.1 Not applicable.

8. Equality Impact Analysis

8.1 Not applicable.

9. Consultations with Others

9.1 None.

10. Background Documents

10.1 None.

11. Appendices

- Appendix 1 – Member and Officer Protocol (2015)

12. Author of the Report

Annette Moppett, Solicitor to the Council (Monitoring Officer)
Telephone: 01756 706325
E-mail: amoppett@cravendc.gov.uk

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

MEMBER AND OFFICER PROTOCOL

Forward from the Chairman of Standards Committee, Councillor David Ireton:

This protocol seeks to maintain and enhance the reputation and integrity of the Council and establish a set of principles to assist Members and Officers to work together.

It recognises the importance of Members and Officers close working relationship and the importance of mutual respect of each other to effectively undertake the Council's work.

1. Introduction

The purpose of this protocol is to guide Councillors (here called Members) and Officers in their relationship with one another.

This protocol also reflects the Codes of Conduct which apply to Members and Officers.

The Council's Values should be at the heart of everything that Members and Officers do. The Values are:

- I. Treat everyone with respect
- II. Act with integrity and honesty
- III. Show commitment and flexibility
- IV. Strive for improvement and excellence

2. The Role of Members and Officers

Both Members and Officers serve the public but they have distinct roles.

Members

Members are responsible to their electorate and serve only so long as their term of office lasts. All Members have responsibilities to determine the policy of the Council, monitor its performance, represent the Council externally and act as advocates on behalf of their constituents. Chairs and vice-chairs of Select and other committees may also have additional responsibilities. However, all Members have the same rights and obligations in their relationship with Officers and should be treated equally.

Officers

Officers are responsible to the Chief Executive. Their job is to give full and impartial advice to Members and the Council and to carry out the Council's work under the direction and control of the Council, its committees and sub-committees. All Officers should give every assistance to Members carrying out their various roles. Officers have a duty to keep Members fully informed about developments of significance in relation to Council activities, particularly in relation to matters relevant to a Member's Ward.

3. Member Officer relations

One of the key issues addressed by this protocol is the question of Member Officer relations. Mutual trust and respect should be the key aim of both Members and Officers, as it is essential for good local government.

Obtaining grants or favours

The Code of Conduct for Members emphasises the need for Members to avoid behaviour which could be viewed as conferring an advantage or disadvantage on an Officer. Members should not seek personal favours from Officers. Officers should not be tempted to give favours to please a Member. An example of favour seeking would be asking whether a Member's parking ticket could be withdrawn or whether an application for a service could be expedited.

Officers should not seek to circumvent agreed staff consultative procedures by lobbying Members on matters which directly concern them as employees.

Member involvement in Officer issues

Issues relating to the appointment, management and dismissal of most Officers are reserved by law to the Chief Executive and Officers appointed by him. Member involvement in employment issues generally, including where they relate to senior officers is set out in the Local Authorities (Standing Orders) (England) Regulations 2001 and within the Council's constitution.

Where an Officer is also a constituent it may be proper for the Member to make written or oral representations to the relevant chief officer, or disciplinary hearing, but the Member should not take a proactive part representing or in any other way advocating on behalf of such an Officer in any disciplinary procedures taken by the Council against the Officer.

Personal familiarity

Personal familiarity between Members and Officers can undermine public confidence in the Council. It is acknowledged that some close relationships will inevitably develop, particularly when Officers and chairs of committees work closely together. It is important that close relationships between Members and Officers are openly declared and should never be allowed to become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with other Members and other party groups, nor to undermine public trust and confidence in the Council. Where possible Members and Officers who have close personal relationships should try to avoid coming into contact on projects and in the day-to-day business of the Council and should be aware of the public perception.

Courtesy

Members and Officers should be courteous to each other at all times even if they disagree strongly with each other's views.

Harassment, discrimination, victimisation and bullying

Members and Officers must not harass, discriminate, victimise or bully any person. Harassment, discrimination, victimisation or bullying may be characterised as offensive,

intimidating, malicious, insulting or humiliating behaviour. Such behaviour may happen once or be part of a pattern of behaviour directed at a person whom the Member or Officer has some actual or perceived influence over.

Bad relations between Members and Officers can be equally destructive to good governance. Members may from time to time become frustrated by what they regard as unacceptable or incompetent Officer behaviour. Sometimes even when these feelings may be justified, Members should be courteous at all times. Sometimes there may be a legitimate reason why Member expectations cannot be met, for example because of a Council policy or a legal requirement such as confidentiality.

However, Members should take up their concerns through the procedure described in this protocol, rather than through public criticism. They should remember that Officers are instructed not to 'answer back' in public. Attacking an Officer's conduct in public can constitute bullying, as can undue pressure brought by either Members or Officers in private.

Lines of communication between Members and Officers

It must be remembered that Officers within a service are accountable to their Service Manager. Service Managers are responsible for the allocation of work to, and the prioritising of work by, their staff.

Members should direct enquiries to staff through Service Managers, or if the matter is routine at least the Service Manager informed by copying the manager in on correspondence or emails.

Particular care needs to be taken to maintain appropriate lines of communication. Members and Officers are reminded that in an open plan office environment certain standards are expected to be maintained. In particular, meetings should not be held at workstations. Members and Officers should use the meeting facilities provided and sensitive or confidential issues should not be discussed in the open plan environment.

Officers should always seek to assist Members but in so doing they must not go beyond the authority they have been given by their Service Manager under the Scheme of Delegation.

4. Officer's advice on disclosable pecuniary and other interests

The Council's Monitoring Officer and Deputy Monitoring Officer will provide advice to Members on declarations of disclosable pecuniary interests and other interests set out in the Code of Conduct for Members. However, Members will know the nature and extent of any interest they may have. It is the Member who must decide whether any interest should be declared. Officers will, when requested to do so, respect Member's confidentiality when providing advice on declarations of interests but may otherwise draw to a Member's attention the need to declare a known interest.

5. Gifts and hospitality

Members and Officers should not compromise their position by accepting any gifts or hospitality which may give the impression that they might be, or might be thought by others to have been, influenced in making an important decision as a consequence.

Members and Officers must register any gifts or hospitality given to them, or to their partner, in connection with their official duties and worth £25 or over. The register is maintained by the Monitoring Officer and a copy of the register is available for public inspection and will be published on the Council's website.

6. Visits to offices by Members

Members are very welcome to visit the Council's offices at any time. In the case of unannounced visits to front line services (one to which the public have direct access), Members should take care not to disrupt the service unreasonably.

Arranging an agreed time to meet with an Officer is a better way of working than arriving at an Officer's desk.

Members are advised that they carry some personal responsibilities to ensure health and safety standards are maintained at all times when on Council premises and also for their private guests. Members are also advised that their private guests also have personal responsibilities regarding health and safety.

7. Reports

Officer's reports should contain clear, evidence-based advice as to why a course of action is being recommended. The report should lay out all relevant factors for the decision maker, and examine all alternatives in an even handed way. Officers should include even unpopular options if they feel they are relevant. From time to time corporate advice is given to Officers on report writing and they should take care to follow it.

Members can refuse to agree recommendations and table amendments to any recommendations. Members should be clear about the reasons for making alternative recommendations, and any amendments or recommendations proposed at a meeting should have a clear and rational basis, which is accessible to the public.

Where there is disagreement about the right course of action, it is always good practice for this to be open with both opinions available for discussion. Sometimes, in the course of preparing reports, these disagreements can be reconciled. However, it is always poor practice to bring pressure to bear on Officers unwilling to amend their professional judgement, and in some cases, this could be construed as bullying.

In relation to action between meetings, it is important to remember that the law only allows for decisions (relating to the discharge of any of the Council's functions) to be taken by the Council, a committee, a sub-committee or an Officer. It is good practice for the Chairman and chairs of committees to be briefed by Officers in advance of meetings and to plan agendas for meetings.

8. Briefings and other meetings

Corporate Leadership Team will ensure that all Chairmen and Vice-Chairmen receive timely briefings on matters relevant to their committee or sub-committee.

Where a question is asked of a Chairman or Lead Member at the Council Meeting, Corporate Leadership Team will ensure that the Member has the necessary information to

respond to that question either at the meeting or by way of timely written response, as necessary.

9. Officer advice to party groups

There is statutory recognition for party groups and the Council recognises the importance of party group meetings to ensure the effective conduct of Council business at meetings. The Council will make appropriate facilities available for party group meetings following a request to the Member Services Manager.

It is common for such groups to give preliminary consideration to matters of Council business in advance of these matters being considered by the relevant decision making body. The opposition groups may seek support to enable them to function as an effective opposition on the bodies on which they sit.

Corporate Leadership Team may properly be called upon to provide support and contribute to such deliberations by party groups, provided they maintain a stance which is politically impartial. Senior Officers should be required to give information and advice to political groups on matters relating to the Council's functions only and not on matters which are primarily issues of party politics or political strategy. It is important that the political neutrality of Officers is preserved.

Attendance at group meetings should normally be restricted to Corporate Leadership Team. If other Officers are required to attend this should be organised by the Chief Executive. Party members should seek to avoid involving the Officer(s) in political debate.

These meetings are confidential, to allow the free expression of views, and Officers must be careful to maintain confidentiality. If a meeting is offered to, or requested by, one party group, it will be offered to all Members. Similarly, final written reports and other information, other than of a routine or trivial nature, given to all party groups, will be offered to all Members.

10. Support services for Members

The role of Officers is to assist Members in discharging their role as Members of the Council for council business and in their role as advocates for local communities. Officers should not be used in connection with party political campaigning or for private purposes.

Council resources (for example, stationery and photocopying) may only be used for council business or when they are directly required for any office to which the Member has been elected or appointed by the Council.

Support to Members is a resource, which is subject to the same budget pressures as any other. Given its importance to how effective Members can be, it is essential that its allocation is agreed to be fair and proportionate to the duties of all groups of Members.

Direct support is provided by Democratic Services. Information technology support is provided by Information Services. From time to time, training and guidelines on the proper and effective use of Council supplied IT resources will be issued. Requests for further assistance or clarification should be referred in the first instance to the Member Services Manager.

11. Member training programme

The Council runs a Member training programme which is coordinated through the Democratic Services team. The programme reflects the obligation on all parts of the Council to ensure that all Members are able to achieve their full potential in the position to which they have been elected. When this is achieved, it benefits the Council as a whole and the people of the District but it also improves the mutual understanding of Members and Officers.

Further advice on support for Members can be obtained from Democratic Services.

12. Members' access to information and Council documents and data information

Members often require access to information to carry out their work in decision making, scrutiny and representing their constituents. Officers should always process such requests promptly. Officers are required to ensure that the information requested can be released. In some cases they will need to consult their Service Manager or a third party who may hold the information, which may cause some delay.

The process for obtaining information is set out in the 'Access to Information' rules in the Council's constitution. Advice on the legal framework can be obtained from the Monitoring Officer.

This common law right of Members is based on the principle that any Member has a *prima facie* right to inspect Council documents so far as his/her access to the documents is reasonably necessary to enable the Member properly to perform their duties as a Member of the Council. The principle is commonly referred to as the 'need to know' principle and it is well established that a Member has no right to a 'roving commission' to go and examine documents of the Council. The crucial question to be determined of the 'need to know' and this question must initially be determined by the particular Chief Officer whose service holds the document in question (with advice from the Monitoring Officer).

In some circumstances (for example, Select Committee or a Committee Member wishing to inspect documents relating to the functions of their Committee) a Member's 'need to know' will normally be presumed, and also where the Member is representing a constituent within his/her ward, although in these cases there may be legal reasons restricting the information that can be produced. In other circumstances (for example, a Member wishing to inspect documents which contain personal information about a third party) a Member will normally be expected to justify the request in specific terms in writing.

Guidance on holding and processing data to comply with the Data Protection Act is provided by Information Services. Registration is coordinated by Information Services, but Members should be aware that they are personally responsible under the Act, and should take care to follow any guidance issued.

Confidentiality

Sometimes information will be supplied in confidence and paragraph 5 of the Code of Conduct for Members makes it clear that such information should not be disclosed without the consent of a person authorised to give it, unless the Member is required by law to do so.

Members are reminded that there is an agreed process set down in the Freedom of Information Act for applying for the release of information. Further details of this are available on the Council's website.

13. Operation of the Select Committee and its Sub-Committees

The Select Committee and its Sub-Committees may require Officers and Members to attend and provide any information required to answer questions. It is the duty of any Officer or Member to attend and answer questions (other than those which he or she would be entitled to refuse to answer in a court of law) if the Select Committee and its Sub-Committees so request.

Members should adopt an inquisitorial (information seeking) approach to questioning rather than a confrontational one. They may be firm and assertive, but adopting a facilitative and exploratory way of working should generate an atmosphere in which Members and Officers can explore issues openly and honestly. Under no circumstances should Members adopt a rude or aggressive style.

Officers should provide all relevant information in their possession and they should use their best efforts to make sure that they possess all relevant information. They should never seek to conceal or improve inconvenient facts, and more senior officers, or other Members should never attempt to persuade them to do so.

Reports of Select Committee, while drafted by Officers, are the reports of the Committees themselves and there is nothing improper in Members of those Committees asking for draft reports to be amended.

14. Ceremonial events

Civic ceremonial events will be led by the Chairman or the Deputy Chairman with the leaders of all political groups and other local Members informed or invited as appropriate.

15. When things go wrong

Procedure for Officers

It is always preferable to resolve matters informally, through an appropriate senior manager. The Officer should raise the matter with their Line Manager or Corporate Leadership Team Lead, as appropriate. The Line Manager/CLT Lead will discuss the matter informally with the Member and their Group Leader. The advice of the Monitoring Officer may be sought.

If the matter cannot be resolved informally, the Officer may refer the matter to the Monitoring Officer for consideration. The Officer and Member will be kept informed of progress and the action to be taken (subject to issues of confidentiality).

Procedure for Councillors

Where a Member is dissatisfied with the conduct of an Officer, and they have been unable to resolve the issue, the Member should raise the issue with the Officer's Line Manager or CLT Lead as appropriate. If the issue cannot be resolved informally, the issue will be dealt with in accordance with the Council's employment procedures and policies, the Officer Employment Procedure Rules and/or the Statutory Officer Protocols if applicable. The Member and

Officer will be kept informed of progress and the action taken (subject to issues of confidentiality).

16. Review

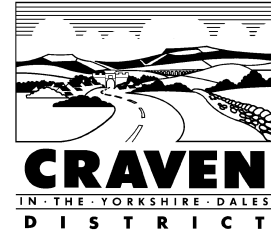
The Standards Committee and the Monitoring Officer will jointly keep the protocol under review and make recommendations for changes as appropriate.

The protocol will be reviewed every two years.

Version	Revision	Reviewer	Date

Standards Committee –

6th November 2019



Monitoring Report

Report of the Solicitor to the Council (Monitoring Officer)

Ward(s) affected: All

1. **Purpose of Report** – To update Members following the last report to Committee on the 3rd July 2019.
2. **Recommendations** – Members are asked to note the contents of the report.
3. **Report**
 - 3.1 The usual monitoring report is attached at Appendix A.
 - 3.2 A verbal update will be given at the meeting, if required.
4. **Implications**
 - 4.1 **Financial Implications** – None arising directly from the report.
 - 4.2 **Legal Implications** – None arising directly from this report.
 - 4.3 **Contribution to Council Priorities** – Not applicable.
 - 4.4 **Risk Management** – Not applicable.
 - 4.5 **Equality Analysis** – Not applicable.
5. **Consultations with Others** – None.
6. **Access to Information: Background Documents** – Not applicable.
7. **Author of the Report** – Annette Moppett, Solicitor to the Council (Monitoring Officer); telephone 01756 706325; e-mail: amoppett@cravenc.gov.uk.
8. **Appendices** –
Appendix A – Monitoring report

Date complaint received	Reference	Status	Alleged Breach
None			

Appendix A