

REPORT OF:	MONITORING OFFICER
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TO:	STANDARDS COMMITTEE
DATE:	25 JUNE 2018

SUBJECT:	ANNUAL STANDARDS REPORT
RECOMMENDATIONS:	
(i) That the Annual Standards Report be noted.	
REASONS FOR RECOMMENDATIONS:	
The Council is required to promote and maintain high standards of conduct by Councillors.	
EXECUTIVE SUMMARY:	
This report provides an update on the key elements of the Standards arrangements at Reigate & Banstead, including:	
<ul style="list-style-type: none"> • Code of Conduct • Register of Interests • Complaints • Arrangements for appointing a statutory Monitoring Officer 	

STATUTORY POWERS

1. The Localism Act 2011 requires Councils to have in place locally focussed processes for regulating the conduct of Members.
2. The Act also imposes a duty on Councils to promote and maintain high standards of conduct by Members.

REIGATE & BANSTEAD CODE OF CONDUCT

3. In accordance with the legislative requirements, the Council has adopted a local Member Code of Conduct and Standards arrangements.
4. The Code of Conduct is based on the key principles developed by the Nolan Committee for Standards in Public Life, as follows:
 - Selflessness
 - Honesty
 - Integrity
 - Objectivity

- Accountability
 - Openness
 - Leadership
5. The Code of Conduct expands on these principles and outlines behaviours that must and must not be demonstrated by Councillors.
 6. The Council has information available on the website to support anyone that has concerns about the conduct of a Councillor. The Code of Conduct is published in full and the contact details of the Monitoring Officer are published. Last year an online form was also included to make it easier for residents to raise concerns. This is now the most common route for complaints to be submitted.

REGISTER OF INTERESTS

7. Following the changes to the Standards arrangements, the requirements for declaring interests were also amended. Under the legislation, there is only a requirement to declare Disclosable Pecuniary Interests (DPIs). These are interests that have a financial impact in the Council or their spouse / partner, and are likely to impact on the judgement.
8. Councillors are required to declare any DPIs within 28 days of being elected.
9. The Council adopted a Code of Conduct that also includes a requirement to declare non-pecuniary interests. These may be interests that are likely to be considered to impact on a Councillors judgement, but where no financial interest is present.
10. Declaration of Interest forms are submitted to the Monitoring Officer and a register is published on the website. All Councillors are required to ensure their interests remain up to date and Democratic Services will contact Councillors at least annually to support this process.
11. In 2018, one Councillor failed to return an up to date declaration of interest form. This is recorded in the Annual Statement of Accounts completed by the Council's auditors.

CODE OF CONDUCT COMPLAINTS PROCEDURES

12. In relation to allegations of misconduct by Members, the Standards Committee adopted procedures and protocols for handling complaints on 3rd April 2013.
13. Complaints can only be accepted where they:
 - Relate to a serving Member or co-opted Member of the Council, who is named in the complaint
 - Relate to conduct within the last six months
 - Explain the alleged breach of the code
14. Complaints will not be accepted where there are vexatious, frivolous, politically motivated, anonymous or related to a Councillor's private life.

15. The procedure for dealing with complaints involves the following four stages:
 - initial consideration by the Monitoring Officer (Stage 1)
 - local resolution (Stage 2)
 - referral to an Assessment Panel (Stage 3)
 - determination by a Hearings Sub-Committee (Stage 4)
16. In advance of the four stages referred to above it is open to any person who is concerned about a Member conduct issue, to contact the Council's Monitoring Officer for informal confidential advice. This approach is strongly recommended.
17. The Monitoring Officer also provides support to Horley Town Council and Salfords & Sidlow Parish Council. These Councils have adopted similar Code of Conduct policies. During the year the Monitoring Officer was asked to provide advice to the Town / Parish Councils on one conduct matter. Regular meetings are held with the Council Clerks throughout the year.
18. Given that the majority of Monitoring Officer time is spent on activity which does not lead to a complaint under the adopted procedures, arrangements have been made to discuss with the Group Leaders and the Chairman of the Committee protocols for the management of such issues.

CODE OF CONDUCT COMPLAINTS 2017/18

19. In 2017/18, nine code of conduct complaints were resolved (although 2 of these were originally submitted in 2016/17). The complaints related to:
 - Failure to declare an interest (x 3)
 - Failure to treat others with respect (x 2)
 - Failure to respond to correspondence (x 2)
 - Bias and predetermination (x 1)
 - Miscellaneous (x 1)
20. The Council seeks to resolve all complaints within 3 months of receipt, although in complex cases this may not always be possible. In 2017/18, 78% of complaints were resolved within 3 months.
21. The following resolutions were agreed for complaints during 2017/18:
 - No action (x 4)
 - Councillor provided apology to complainant (x 3)
 - Advice provided to Councillor (x 1)
 - Planning procedure and protocol updated (x 1)

GROUP LEADER MEETINGS

22. Meetings are held with Group Leaders with the aim of establishing a shared understanding of acceptable standards of behaviour and some consensus on how complaints would be dealt with at the informal stage.

23. It is acknowledged that Group Leaders can have an important role in resolving many Member/Member issues before they become formal complaints and that they have a key leadership role in promoting high standards of conduct. Accordingly Group Leaders have agreed to ask their Members to raise complaints with them in the first instance and that the Monitoring Officer should direct Councillors to do this as a first step.
24. It has also been agreed that Group Leaders should be informed of (most) complaints about their Members to enable them to support the Code and the Standards process and encourage informal resolution.
25. The Group Leader meetings are held on a regular basis and provide a constructive forum for discussing cases, promote high standards and supporting the role of the Monitoring Officer.

MEMBER TRAINING

26. The Monitoring Officer holds annual training regarding standards and the code of conduct.
27. The most recent training was held on 15 May 2017 and attended by five of the recently elected Councillors. Further one-to-one training was provided for the other newly elected Councillors that were unable to attend on 15 May.
28. There is an open offer for training to Councillors at Horley Town Council and Salfords & Sidlow Parish Council. Copies of the Code of Conduct and training materials have also been provided.

MONITORING OFFICER

29. Under the Council's Employment Procedure Rules, the Monitoring Officer is appointed by Full Council, following consideration and recommendation of the Employment Committee.
30. At the Annual Council meeting on 24 May 2018, the Council extended the appointment of Gavin Handford as the interim statutory Monitoring Officer, under Section 5 of the Local Government & Housing Act 1985.
31. The Employment Committee is currently considering options for the appointment of a permanent Monitoring Officer, which will follow an external recruitment process.
32. Mr Handford has appointed Mari Roberts-Wood and Kuldip Channa as Deputy Monitoring Officers.

LEGAL IMPLICATIONS

33. There are no specific legal implications arising from this report. As set out in the report, the Localism Act 2011 requires Councils to have in place processes for managing Member conduct.

FINANCIAL IMPLICATIONS

34. There are no financial implications arising from this report.
35. There are no specific costs relating to managing the Code of Conduct beyond Member and Officer time.

EQUALITIES IMPLICATIONS

36. There are no equalities implications arising from this report.

CONSULTATION

37. Regular update meetings are held with the Standards Committee Chairman and the Political Group Leaders throughout the year. These provide a proactive opportunity to promote good conduct and raise any concerns at an early stage.

POLICY FRAMEWORK

38. There are no policy framework considerations arising from this report.

Background Papers: None

