

INVOLVEMENT OF PARISHES IN LOCAL DETERMINATION OF COMPLAINTS

EXECUTIVE MEMBER: Councillor Elaine Woodburn
LEAD OFFICER & REPORT AUTHOR Tim Capper, Democratic Services Manager and Monitoring Officer

Why has this report come to the Audit and Governance Committee?

To ask Audit and Governance Committee to agree proposals for recruitment of Parish Representatives for recommendation to Council for appointment.

Recommendations:

The Audit and Governance Committee are recommended to: (a) agree the draft Role Description for Parish Representative for circulation to parish councils; and

(b) agree the recruitment arrangements set out in paragraph 4.1

1 Introduction

1.1 Under Section 28 of the Localism Act 2011, principal authorities are required to have in place “arrangements” for dealing with allegations that a member of the principal council, or a member of a town or parish council in the area of the principal council, has breached his/her Council’s Code of Conduct. The arrangements must also provide for how decisions are to be made on any action to be taken in cases where such allegations have been investigated and proven.

1.2 Section 28 of the Act does not prescribe what these “arrangements” are to be, and there is much discretion for authorities to decide for themselves what arrangements to implement. The Council has agreed at its meeting on 14 June 2012 a set of arrangements, including three posts of Independent Person, two of which have been filled.

2 Town and Parish Council Representatives

2.1 At its meeting on 25 October 2012, this Committee agreed that it would be appropriate to include representatives of town and parish councils in the arrangements set up under Section 28 of the 2011 Act, to assist the council in determining allegations of breaches of the Code by town and parish councillors. The Committee recommended some amendments to the arrangements under Section 28 to include such representatives, and recommended to Council that appointment of representatives should be through the Copeland branch of CALC.

2.2 In considering this Committee's report and recommendations at its meeting on 6 December, Council took the view that it would be preferable to approach town and parish councils direct with a view to identifying suitable potential appointees, rather than through CALC, and resolved accordingly. Council agreed that this Committee be authorised to make arrangements for recruitment and recommendation to Council for appointment.

3 Proposals

3.1 A Role Description for Parish Representative has been prepared and is attached at Appendix "A". It is suggested that this is circulated to parish clerks, inviting expressions of interest from members of town and parish councils.

4 Recruitment

4.1 It is proposed that the following recruitment arrangements are implemented:

- (a) Role Description to be circulated to town and parish clerks inviting expressions of interest from their Members.
- (b) Expressions of interest to Monitoring Officer
- (c) Interviews to be conducted by Chair of Audit and Governance Committee, Monitoring Officer and 2 Independent Persons
- (d) Recommendations for appointments to Council.

5 Conclusion

5.1 The proposals set out in this report address a weakness in the Council's arrangements for determining complaints against members by ensuring that there is appropriate consultation with parish representatives in cases where a member who is subject to a complaint is a parish or town councillor.

Consultees: Chief Executive; Section 151 Officer

Monitoring Officer comments: Included in report

S151 Officer comments: No further comment

EIA comments: No groups are advantageously or disadvantageously affected by the proposals in the report.

Appendices – Appendix “A” – Role Description

COPELAND BOROUGH COUNCIL

LOCALISM ACT 2011

ARRANGEMENTS FOR DETERMINATION OF COMPLAINTS AGAINST PARISH COUNCILLORS

ROLE OF PARISH REPRESENTATIVE

ROLE DESCRIPTION

Job Purpose

All local authorities have a duty under the Localism Act 2011 to promote and maintain high standards of conduct by its elected and co-opted members and in discharging this duty it must, in particular, adopt a code dealing with the conduct that is expected of those members.

Copeland Borough Council as a principal authority is required to have arrangements in place to investigate and make decisions on allegations that members may have failed to comply with the Council's code of conduct. These arrangements also apply to allegations that members of town and parish councils in the Borough may have failed to comply with the code of conduct adopted by their council.

These arrangements must also include the appointment of at least one independent person whose views are to be sought, and taken into account, before a decision is made on an allegation following a decision to investigate. The Council intends to appoint three independent persons.

The Council has also decided to appoint a number of **parish representatives** to assist it in determining allegations that members of town and parish councils in the Borough may have failed to comply with the code of conduct adopted by their council. At least one of these representatives will be consulted on whether complaints received go forward for full investigation, and will be asked to participate in any formal hearings into complaints following investigation.

Role

Parish Representatives should:-

- be elected members of a parish council (s) in Copeland
- have an understanding and be able to apply knowledge of the code of conduct
- have a clear understanding of the way in which local authorities work

- read reports, briefings and background information in advance of meetings/hearings
- attend meetings/hearings as required
- be inquisitive, open-minded and non-judgemental
- be prepared to discuss issues and give views in a clear and concise manner; and
- be committed to a defined term of office

Responsible to: The Council

Contacts : Chair and other Members of the Audit and Governance Committee, other elected members of the Borough Council, Chief Executive, Monitoring/Deputy Monitoring Officer, senior officers of the Council, , elected and co-opted members of town and parish councils, independent persons

Key Tasks:

1. To provide a view on allegations that a parish council member may have failed to comply with their council's code of conduct following an investigation by the monitoring officer or an independent investigating officer appointed by the monitoring officer
2. To provide a view on the appropriate sanction to be imposed on a parish council member who may have failed to comply with their council's code of conduct following an investigation by the monitoring officer or an independent investigating officer appointed by the monitoring officer.
3. To be available if required to be consulted by a parish council member who is the subject of a complaint.
4. To be available to provide a view on an allegation before the Council decides to investigate an allegation

5. If required, to participate in any hearings into allegations that a parish council member may have failed to comply with their Council's code of conduct following an investigation by an independent investigator appointed by the monitoring officer
6. To receive reports from the monitoring officer relating to probity and ethical standards within the council and parish/town councils in the Borough, and give views on the implementation of any recommendations.
7. To participate in any meetings of the Council considering probity and ethical standards within the council and parish/town councils in the Borough

Equal Opportunities: Parish Representatives are expected to demonstrate and promote a commitment to the Council's equal opportunities policies.