

PARISH COUNCIL LIAISON MEETING	AGENDA ITEM No. 5
31 March 2010	PUBLIC REPORT

Contact Officer(s):	Kim Sawyer, Deputy Monitoring Officer	Tel. 01733 452361
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CODE OF CONDUCT & ROLE OF THE PARISH CLERKS

RECOMMENDATIONS

Parish Councils are asked to

1. *To note the contents of the report*
2. *Advise the Monitoring Officer of the awareness in parish council of the recommendations by Standards for England*
3. *to agree to forward a copy of the relevant standing order to the Monitoring Officer on adoption*

1. ORIGIN OF REPORT

- 1.1 This report arises as a result of recent guidance coming from Standards for England of the effect of the local standards framework on town and parish councils.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to ask parish councils within the Peterborough area to inform the Monitoring Officer of the steps they are taking to implement recommendations arising from:
 - The parish council toolkit
 - Model standing orders (NALC) regarding breaches of the Code of Conduct
 - Recent guidance from Standards for England concerning notifications under the local standards framework

3. THE CODE OF CONDUCT

- 3.1 Although the Code of Conduct was introduced in 2001, responsibility for dealing with complaints under the Code only fell to be delivered through the Standards Committee in 2008. This was through changes to the Local Government Act 2000 and the introduction of new Regulations (the Standards Committee (England) Regulations) in 2008.
- 3.2 The 2008 Regulations make it clear that parish and town councils must be given notification that a complaint concerning one of their members has been assessed by a sub-committee of the City Council's Standards Committee. Where the Standards Committee meets to assess an allegation or to review a decision it must send in writing to the parish council concerned the main points considered, its conclusions, the reasons for its decision and may name the member unless to do so is not in the public interest or would prejudice an investigation. The decisions the sub-committee can make are whether to investigate the allegation, or whether to take some other action in relation to the alleged behaviour.
- 3.3 A parish or town council should also receive notification that the standards committee has met to consider the report into an investigation and whether to accept a finding about whether a councillor has breached the code of conduct or not. They should also receive notification of the outcome of a hearing and reasons for it, if one is held.

3.4 The duty to give notifications has no specific time frame. The general rule is that notification should be given as soon as is reasonably practicable. However, Standards for England recommend that notification be sent out within five working days of the decision being made for most decisions and within two weeks of any hearing being concluded.

3.5 *The purpose of notifications*

Notifications are given to inform parish councils of a case against one of their members and to keep the parishes informed of significant events as the case progresses. This is important as it allows the parish council time to prepare or preserve evidence relevant to the complaint. The rationale of the notification is to facilitate the Standards Committee's action, not to start new action within the parish or town council.

3.6 *What to do when you get a notification*

Each parish council needs to consider what it can lawfully do with the notifications it receives and guidance from Standards for England is that parish councils should consider putting in place protocols that deal with:

- access to information
- sharing of information
- how various legal obligations are met including those under the general law of confidentiality, the Freedom of Information Act and the Data Protection Act.

3.7 Standards for England recommend that each parish council should adopt procedures about how to deal with the receipt of notifications and the clerk should notify the Monitoring Officer of these procedures once they have been implemented so that the monitoring officer knows who to send the notifications to.

3.8 The procedures suggested by Standards for England are that each parish council should

- Ensure that if the parish council is to be informed of a notification it is normally done by sending out an information item for members, rather than including the notification on the agenda of a council meeting.
- Choose a nominated employee (usually the clerk) and select a council committee to deal with and be informed of such notifications when they are received.
- The nominated employee and the committee should, if required to discuss the notification at a council meeting:
 - draft the summonses and agendas so the identity and subject matter of the complaint are not disclosed
 - ensure that any background papers are not made public
 - ensure that the public and press are excluded from meetings where appropriate
 - ensure that the minutes of meetings are written so as to preserve confidentiality
 - make appropriate arrangements, where the complainant is an employee, between the employee and the subject member.
- Take into account who will provide further evidence or information needed by the Standards Committee about a complaint, be it the nominated employee or a member of the selected council committee.

4. ANTICIPATED OUTCOMES

4.1 The Monitoring Officer is already aware that the National Association of Local Councils (NALC) has recently published new model standing orders which take account of the above guidance from Standards for England. These are attached at appendix 1. The Monitoring Officer would urge parish councils to adopt these standing orders and send a

copy of the completed standing order to the Monitoring Officer as soon as possible after adoption.

- 4.2 The Deputy Monitoring Officer will report the outcome of this matter to the next meeting of the Standards Committee.

5. REASONS FOR RECOMMENDATIONS

To ensure that the Monitoring Officer is able to ensure effective implementation of the requirements of the Local Government Act 2000 relating to the Code of Conduct.

6. BACKGROUND DOCUMENTS

'Town and Parish Standard', Standards for England website
Local Government Act 2000
Standards Committee (England) Regulations 2008

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