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REVIEW OF THE ARRANGEMENTS FOR DEALING WITH STANDARDS ALLEGATIONS UNDER THE LOCALISM ACT 2011

Report author **Sharon Bridglalsingh**
Director of Law and Governance

Exempt / confidential / not for publication	No
Council Plan reference	Not in Council Plan
Wards affected	All wards

Executive summary

The Localism Act 2011 requires all Local Authorities to have in place arrangements for making and investigating complaints against Councillors alleging breaches of the Code of Conduct. Apart from a requirement that the arrangements include provision to seek the views of an Independent Person, the contents of the arrangements are a matter for the local authority.

The consideration of complaints against Parish, Town, and Ward Councillors in Milton Keynes is carried out in accordance with the Council's Arrangements for Dealing with Standards Allegations under the Localism Act 2011 (known as the 'Arrangements').

It is important that the Arrangements are clear, concise, and informative. The Arrangements are a public document which advises those wishing to make a complaint, and those subject to a complaint, how to make a complaint and what to expect from the process.

Milton Keynes City Council adopted its new Code of Conduct in June 2022 and the Standards Committee decided that the key piece of work for 2022/2023 was to ensure that the Arrangements remain fit for purpose.

1. Recommendations

- 1.1 That the revised Standards Arrangements (attached at Annex A), be agreed.
- 1.2 That authority be delegated to the Director of Law and Governance to make minor typographical corrections or consequential amendments to the revised Standards Arrangements.

- 1.3 That revised Terms of Reference for the Standards Committee (attached at Annex B with tracked changes), reflecting the new arrangements be referred to Council for approval.

2. Review of the Arrangements

Methodology

- 2.1 On 20 July 2022 the Standards Committee formed a politically balanced working group comprising of Councillors B Nolan, Geary and Crooks, with Town Councillor Windsor serving as the Parish representative. The working group met on 3 occasions in 2022 to consider the issues with the current Arrangements and how they it could be improved.
- 2.2 The working group first met on 15 August 2022 and determined that a comparison against other local authorities Arrangements would be useful as this would enable it the working group to identify the strengths and weaknesses of the current Arrangements and identify areas of improvement. This comparison was carried out against Buckinghamshire Council, Bedford Borough Council, Luton Borough Council, Kent County Council and Newcastle City Council.
- 2.3 A review of the Local Government Association's (LGA) guidance was also undertaken to ensure that any recommended changes were in accordance with national guidance.
- 2.4 During this meeting, the working group identified 17 areas to consider, and this report identifies and recommends how the Arrangements can be improved and revised to address them.
- 2.5 The revised Draft Arrangements can be found at Annex A. The existing Arrangements are available on the Council's [website](#).
- 2.6 The 17 points identified by the working group are appended to this report. In summary the changes proposed address these issues and cover:
 - a) Clarity in the sanctions available and the role and remit of committee and Monitoring Officer.
 - b) Streamlining the process – including the role of the Assessment Sub Committee.
 - c) The flexibility of the arrangements to deal with complaints involving allegations of a criminal or litigious nature and with Subject Members who resign or lose their seat.
 - d) The general language and presentation of the Arrangements.
- 2.7 The revised Draft Arrangements provide a framework for dealing with any complaint raised against councillors. The working group felt it was vital to have a clear and comprehensive document which complainants and subject members alike would be able to have confidence in and which represents effective governance.

3. Implications of the decision

Financial	N	Human rights, equalities, diversity	N
Legal	Y	Policies or Council Plan	N
Communication	N	Procurement	N
Energy Efficiency	N	Workforce	N

a) Legal

The Localism Act 2011 (section 28(6)) requires local authorities to adopt arrangements for dealing with member Code of Conduct complaints both for its own Councillors and for those of Parish and Town Councils within its area. By adopting and updating the Arrangements Procedure, the Council has complied with this requirement.

The report is consistent with the Council's commitment to good governance. Following the large number of complaints received in 2020, it was pivotal to review the Arrangements Procedure. This review is a means of giving transparency and accountability to such arrangements.

This report does not raise any additional legal issues.

4. Timetable for implementation

- 4.1 If adopted, the new arrangements would become effective for any new complaint received, immediately.
- 4.2 Existing complaints, which are in progress would continue to be dealt with under the old arrangements.
- 4.3 The Committee's revised Terms of Reference will be referred to the Council meeting for approval in February.

5. Appendix (areas identified for review by the working group)

1. Whether the Monitoring Officer (MO) and officers can triage complaints prior to initial assessment?
2. How much discretion can we give the MO when considering complaints at initial assessment?
3. Confidentiality of MO initial assessment, Assessment Sub-Committees and Hearings
4. Introducing reporting and consultation with the Standards Committee
6. Publication of Decision Notices
7. Include a Hearings and Appeals procedure
8. How to handle complaints with a criminal element?
9. How to handle complaints with a litigious element?

10. How to handle complaints where the Councillor resigns/loses seats and is re-elected later either within MK or at a different authority?
 11. To be clearer on sanctions and Committee powers
 12. To be clearer on informal resolution
 13. When and how to consider complaints received against a councillor when a complaint is already being considered against them?
 14. To consider removing Assessment Sub-Committees
 15. To include a section on 'acting in capacity as a councillor'
 16. Is there scope for an informal discussion with a potential complainant prior to initial assessment stage?
 17. Minor changes to timings and wording
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List of annexes

Annex A – Arrangements for Dealing with Standards Allegations under the Localism Act 2011

Annex B – Draft Revised Standards Committee Terms of Reference

List of background papers

The Council's Current Standards Arrangements:

<https://www.milton-keynes.gov.uk/sites/default/files/2022-03/Arrangements%20for%20Dealing%20with%20Standards%20Allegations.pdf>