



## **Local filter: In detail**

**Chair: Victoria Moody**, Monitoring, Audit and Policy Adviser, the Standards Board for England

**Ann Burbidge**, Independent Chair of Standards Committee, Newark and Sherwood District council

## Introduction

- Newark and Sherwood District Council
- 52 parish councils
- Composition of committee
  - Four elected members
  - Two parish councillors
  - Two independent members (incl. chair)
- Four hours set aside to consider 12 case studies

## Process

- Apologies from three members of the committee meant smaller group of five.
- Considered the cases in alphabetical order - no prior assessment of complexity or allocation of time.
- No prior discussion or advice from monitoring officer
- Standards Board criteria were used.

## Process

- Reading time will be essential, to be cross-referenced with the Code in preparation for the filtering process.
- Front sheet to each case study useful to record views and summarise decision outcome.
- Individual members given opportunity to state their views and differences of opinion explored.

## Flowchart

**Flowchart valuable to focus on process**

## Standards Board criteria

### Which complaints will we refer for investigation?

- **When we believe:**
  - it is serious enough, if proven, (given the available sanctions)
  - it is part of a continuing pattern of less serious misconduct

## Standards Board criteria

### Which complaints are we unlikely to refer for investigation?

- **If:**
  - it is malicious, relatively minor, or tit-for-tat
  - it is the same, or substantially similar, to a previous complaint
  - it is about conduct in the member's private life
  - it is about dissatisfaction with a council decision
  - there is not enough information currently available to justify a decision to refer the matter for investigation
  - it is not considered to be a breach of the revised Code of Conduct.

## Critical factors to consider

- 1) Focus on criteria and the flowchart for decision making.
- 2) Interpretation of the Code of Conduct.
- 3) What evidence exists to support the allegation?

## Critical factors to consider

- 4) If the decision is to refer for investigation, should this be 'in house' or an external process?
- 5) Emphasise value of the flowchart to guide process.

## Appeals

- In general the grounds for overturning a decision on appeal are:
  - that the original decision is considered to be a flawed judgement because it is unreasonable in law or because the correct procedures were not followed, or
  - the complainant has provided compelling new information in their review request

## Pilot outcomes

- 1) Cases not referred for investigation - referred to monitoring officer for action:
  - letter of apology already submitted – to be published
  - no breach of the Code but complainant advised recourse to the ombudsman may be appropriate
  - decision suspended pending outcome of race relations tribunal findings
  - M.O. to discuss with councillor – apology appropriate

## **Pilot outcomes**

### **2) Cases referred to Standards Board for England for investigation:**

- **serious evidence of bullying of staff, evidence of previous correspondence and history of difficulties; issue of appropriate sanctions**

## **Pilot outcomes**

### **3) Cases referred to monitoring officer for investigation:**

- **Evidence of lack of respect for staff**
- **Evidence of using position improperly, and possibly of bringing the authority into disrepute**

## Process issues

- Review composition of local Standards Committee
- Probably increased to 15 (7+4+4) at NSDC
- Sub committees for 3 stages of process:
  - filter – likely timescale 25 days
  - hearing
  - review – likely timescale 30 days

## Process issues

- Different membership of sub-committees envisaged – public perception issue: ‘err on the side of caution’
- Public or private?
  - envisage that the filter and review stages will be in private
  - hearing will continue to be in public
- Recording?
  - decisions at filter and review stages will be minuted anonymously

## More general questions

- What does 'confidential' mean?
- What does 'derogatory' mean?
- Where is the line drawn between 'legitimate robust argy-bargy' and unacceptable behaviour?
- In whose eyes – the elected member or a member of the public?
- Given that standards committees comprise a majority of elected members, is it inevitable that their perspective will prevail?

## For consideration

- Role of the Monitoring Officer from 1 October
- Joint Committees
- Reciprocal arrangements
- Pool of investigators

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