

Councillor Conduct – Town and Parish Councils and the Standards Framework

The Standards Framework

Introduction

A Parish Council's Members' Code of Conduct and the overarching standards framework are intended to promote and maintain high standards of conduct amongst elected and co-opted Members of Parish Councils.

Each Parish and Town Council is responsible for adopting its own Code of Conduct and may adopt the West Northamptonshire Council Members' Code of Conduct.

The West Northamptonshire Member Complaints Procedure (sometimes known as "the Arrangements") applies to complaints that a Parish or Town Councillor may have breached the Code of Conduct. The Member Complaints Procedure sets out how a complaint may be made and how it will be dealt with.

Role of the Monitoring Officer

The Monitoring Officer is a statutory officer of West Northamptonshire Council. The Monitoring Officer is responsible for the administration of the Member Complaints Procedure and has a statutory responsibility for maintaining a Register of Interests of Members and Co-opted Members of Parish Councils. The Monitoring Officer is assisted by a team of lawyers and Democratic Services Officers.

Key West Northamptonshire Council personnel involved in administering the Member Complaints Procedure



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For any enquiries relating to the Code of Conduct or the Member Complaints Procedure, please email codeofconductcllrcomplaints@westnorthants.gov.uk

Scope and Limitations of the Member Complaints Procedure

The Member Complaints Procedure sets out several factors that the Monitoring Officer must consider when determining whether a complaint is in scope. In particular, for a complaint to fall within the remit of the Member Complaints Procedure, it must:

- be against one or more named Parish or Town Council Members;
- relate to matters where the Parish or Town Councillor was acting in their official capacity; and
- allege that the Member has failed to comply with the Town or Parish Council's Code of Conduct.

A properly drafted complaint should explain how a Councillor is alleged to have breached specific provisions of the Code.

(The relevant Parish or Town Council may be asked to confirm the dates during which the Subject Member held office. West Northamptonshire Council will liaise with the Town/Parish Clerk in connection with the administration of the standards process).

The Members' Code of Conduct only applies to the behaviour of individual Members. The Member Complaints Procedure cannot therefore be used to resolve perceived institutional or administrative failures of Town or Parish Councils. Similarly, reports of systemic governance issues within Town and Parish Councils are usually outside of the remit of the standards process.

Summary of the Process

Upon receipt of a complaint:

1. If the complaint is made anonymously or made by someone who asks for their identity to be withheld from the Subject Member, the Monitoring Officer will determine whether the complaint can proceed or whether such a request should be accepted by, considering the specific circumstances, balancing the different interests, and considering fairness, the public interest, the principles of natural justice and the availability of supporting evidence.

2. The Monitoring Officer will undertake an initial assessment to determine whether the complaint falls within the scope of the Code of Conduct and whether it:
 - (a) warrants investigation;
 - (b) may be suitable for alternative resolution without investigation; or
 - (c) does not warrant any further action.

This stage is ordinarily undertaken by the Monitoring Officer (or their Deputy) in consultation with an Independent Person. An Independent Person is independent of West Northamptonshire Council and the Parish/Town Council and is appointed specifically in connection with the standards regime.

In undertaking the initial assessment, the Monitoring Officer has regard to a range of factors including consideration of how serious the complaint is, whether there is sufficient information on which to base a decision, whether the complaint is politically motivated, vexatious or tit-for-tat, and whether there is evidence that supports the complaint.

The Monitoring Officer will consider what forms of alternative resolution (if any) might be appropriate in the circumstances and whether they are likely to be accepted by the complainant and the Subject Member.

Arranging training for an individual Member is one example of alternative resolution. Training for all Members of a Town/Parish Council might be suggested where a complaint highlights wider procedural or cultural issues. An apology offered by a Subject Member to a complainant may be appropriate in some inter-personal disputes. Mediation may be an appropriate resolution where for example, relationships have broken down to such an extent that it has become difficult for the Town/ Parish Council to transact its business.

West Northamptonshire Council adopts a proportionate approach when deciding whether a complaint warrants formal investigation. In reaching their decision, the Monitoring Officer may take into account the public interest, the seriousness of the alleged conduct, the likely outcome of any investigation, the limited sanctions available under the standards regime, and the cost of undertaking a formal investigation using public funds.