

**ASSESSMENT OF COMPLAINTS – LOCALISM ACT SECTION 28
ARRANGEMENTS****WORKING GROUP REVIEW**

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1. Purpose

- 1.1 To inform the Standards Committee of the progress of the Working Group with respect to the review of the Code of Conduct and arrangements for the determination of complaint, and , where appropriate refer matters to the Constitution Commission and Full Council.

2. Recommendations

- 2.1 That the Committee consider the findings of the Working Group meeting on 6 February 2012:
- a) That the Standards Committee endorse the findings of the Working Group that no changes should be made to the substantive Milton Keynes Code of Conduct, although the Nolan Principles contained within the guidance on the Code should be updated to reflect the 14th report of the Committee for Standards in Public Life (Annex A).
 - b) That the Standards Committee refer any changes made to the Code of Conduct and/or the guidance surrounding the Code of Conduct to the Constitution Commission and request that, if agreed, the Constitution Commission refer the Code of Conduct and the guidance to the Full Council for adoption.
 - c) That the Standards Committee recommend to the Constitution Commission that the guidance supporting the Code of Conduct is removed from the constitution, but made available on the CMIS site for members to access.
 - d) That the Standards Committee endorse the findings of the Working Group that the terms of reference for the Standards Committee should provide for the delegation of the initial determination of a complaint to the Monitoring Officer in consultation with a Independent Person (Annex B).

- e) That the Standards Committee refer the terms of reference of the Standards Committee, to the Constitution Commission and request that, if agreed, the Constitution Commission refer the Code of Conduct and the guidance to the Full Council for adoption.
- 2.2 That the Committee note the changes to the arrangements and the flowchart that will be required in order to bring these changes into force and agree that a paper be submitted to the next Standards Committee informing the Standards Committee of the outcome of the Constitution Commission and the Council, and that the supporting flowchart and arrangements be appropriately amended and submitted to the Standards Committee for their final consideration.
- 2.3 That the Committee recommend to the Constitution Commission that the Code of Conduct and arrangements should be reviewed again in one year.

3. Issues and Choices

- 3.1 Since 1 July 2012 the Authority has been under a duty to put in place arrangements under which complaints under Codes of Conduct, adopted both by Parish/Town/Community Councils and by Milton Keynes Council may be investigated and determined.
- 3.2 A Code of Conduct and arrangements for the determination of complaints made under that Code were put into place by the Full Council on 11 July 2012, however at that same meeting the Council stated that it wished the Code of Conduct to be reviewed after 6 months.
- 3.3 The Standards Committee meeting on 8 November 2012 agreed that a working group should be formed, and that the membership of that group should be one representative of each group, a parish representative and an independent person.
- 3.4 The Working Group has no status in law, and is a consultative body in order to help inform a report, therefore although the general views of the Working Group are put forward in this report, the Committee, nor the individuals who took part in the group are bound by any statement made herein.
- 3.5 The Working Group met on 6 February 2013 the points discussed are set out below.

The 14th Report of the Committee for Standards in Public Life (CSPL)

- 3.6 A paper released by the Committee for Standards in Public Life was provided by the officer attending the meeting, who explained that, although the Nolan Principles themselves had not been altered, the descriptions of the Nolan Principles had been updated by the CSPL (table showing the changes attached at Annex E).
- 3.7 The Working Group indicated that it would be helpful to present the updated Nolan Principles in the guidance around the Code (Annex A).

The Code of Conduct

- 3.8 The Working Group noted that a number of cases had been heard under the current Code of Conduct and that it had been adopted by around 50% of the Parish/Town/Community Councils in Milton Keynes.
- 3.9 The Working Group felt that as there had been no issues raised in respect of the Code, by officers or by Members or members of the public involved in the complaints, at the current time the Code should remain as it is, although the working group were keen to ensure that the Code and the arrangements discussed below be reviewed in one years time.

Arrangements for determining complaints

- 3.10 The Working Group considered recent complaints that they had heard and some of the difficulties and delays of holding a full Committee meeting in respect of what appeared, at times to be a minor or frivolous complaint.
- 3.11 The Working Group indicated that in the first instance they would wish to see the delegation of these matters to an officer, but that the officer must consult with the Independent Person and must be able to refer the matter back to a Committee if the matter is potentially contentious, or where there is a conflict of interest.
- 3.12 The Working Group were also keen to ensure that any officer taking these decisions reported back to the Committee on a regular basis to explain the rationale. Annex C and D describe the arrangements and Annex B sets out the changes that will need to be made to the terms of reference by the Council in order to effect this change.

Annex A – Code of Conduct for Milton Keynes Council and updated guidance

Annex B – Terms of reference for Milton Keynes Council Standards Committee

Annex C - Flowchart showing Milton Keynes Council arrangements for the determination of complains

Annex D – Milton Keynes Council arrangements made under Section 28 Localism Act 2011

Annex E – Table showing the updated Nolan Principles as put forward in the 14th report of the Committee of Standards in Public Life

Background Papers

14th Report of the Committee for Standards in Public Life