

REPORT OF STANDARDS COMMITTEE

(Meeting held on 28 March 2008)

1. NEW CODE OF GOOD GOVERNANCE (REPORT C) (MINUTE 46)

The Committee has considered a revised local Code of Good Governance.

The preparation and publication of an annual governance statement is necessary to meet the statutory requirements set out in the Account and Audit Regulations 2006; this requires local authorities to prepare a statement of internal control in accordance with proper practices. Under the previous Code of Practice, this document was the Statement of Internal Control; this will be replaced by an Annual Governance Statement.

The Standards Committee have responsibility for recommending the adoption of a code of practice for good corporate governance to the Council and monitoring compliance with the Code on behalf of the Council. The Committee also approve the Annual Governance Statement for publication with the annual Statement of Accounts.

The Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives (SOLACE) have reviewed the current framework for corporate governance, resulting in a new framework published in 2007, and it is this document which forms the basis of the amended Code of Practice attached to this report as Appendix 1, which replaces the existing Code approved by the Standards Committee in August 2003, and will be used for the 2007/08 reporting year.

The Annual Governance Statement will be prepared in accordance with the Account and Audit Regulations 2006 and will reflect the results of the assessment of compliance with the Council's local code of governance, the Audit Manager's annual report, a review of the effectiveness of Internal Audit and other external inspections such as reports by the Audit Commission, providing assurance.

RECOMMENDED:

That the revised NFDC Code of Good Governance attached in Appendix 1 to this report be adopted.

2. LOCAL FILTRATION OF CODE OF CONDUCT COMPLAINTS – IMPLICATIONS FOR COMPLAINTS ABOUT LOCAL CODE INFRINGEMENTS (REPORT D) (MINUTE 47)

The Committee has considered forthcoming legislative changes to procedures for assessing Code of Conduct complaints, and as a consequence of that, is now recommending arrangements for dealing with the assessment of initial complaints under locally adopted Codes of Conduct.

Currently, initial filtration of complaints that a Councillor has failed to comply with the Code of Conduct is undertaken by the Standards Board for England. They assess complaints to decide whether they appear to warrant being referred for investigation, or whether no action should be taken on them. Regulations under the Local Government and Public Involvement in Health Act 2007 to transfer this initial filtration function from the Standards Board to local Standards Committees are expected imminently, and the Committee has established a Sub-Committee to undertake this function (the Assessment Sub-Committee).

It has also agreed criteria, based on the Standards Board's draft Guidance, against which the Sub-Committee should assess Code of Conduct complaints when deciding whether they should be investigated. (Further Sub-Committees have also been established to undertake review of initial assessments where the complainant requests a review (the Review Sub-Committee), and to hold hearings into complaints that have been referred for investigation (the Hearings Sub-Committee)). This task, in relation only to complaints under the Code of Conduct, is placed directly on Standards Committees by Parliament.

However, this Council also has an agreed procedure for dealing with complaints about Councillors that are made under a locally adopted, non-statutory Code (such as the Local Planning Code). It has never been part of the Standards Board's function to initially assess, or filter, complaints under these local Codes. The Council's current procedure is that such complaints (which are rare) are initially examined by the Chief Executive and an Independent Member of the Standards Committee to decide whether they are worthy of examining in more detail. There is also a current absence of agreed criteria against which local Code complaints are to be judged by the Chief Executive and Independent Member when deciding whether further action is warranted, and the Committee is of the view that, in the interests of clarity and consistency, such criteria should be established. The Committee considers that the transfer to local Standards Committees of the initial assessment function in respect of Code of Conduct complaints gives an opportunity to streamline the initial assessment function for both Code of Conduct, and local Code, complaints, so that the new Assessment Sub-Committee becomes responsible for both, and follows similar criteria when deciding whether complaints should be referred for further action.

The Guidelines attached at Appendix 2 to this report set out a proposed revised procedure for dealing with complaints that a Councillor has failed to comply with a local Code, in which the Assessment Sub-Committee rather than the Chief Executive and an Independent Committee member become responsible for initial filtration. Existing words proposed for deletion are shown struck through, and proposed new text is shown in bold italic print. The proposed criteria against which complaints are to be assessed are set out in paragraph 4 of the Guidelines (which replaces the struck through version of paragraphs 4 and 5). These reflect the criteria the Committee has already approved in relation to assessment of Code of Conduct complaints.

The formal establishment of the Assessment, Review, and Hearings, Sub-Committees also makes paragraph 1 (vi) of the Committee's current terms of reference - "Through a Panel of 3 to 5 members of the Committee as determined by the legal advisor to the Committee in accordance with criteria agreed by the Committee, to consider any matter referred to it under the Local Authorities (Code of Conduct) (Local Determination) regulations" - redundant.

RECOMMENDED:

- (a) ***That paragraph 1 (vi) of the Committee's terms of reference be deleted (and subsequent paragraphs re-numbered);***
- (b) ***That the Council's procedure for dealing with complaints that a member has failed to comply with a locally adopted Code be amended as set out in Appendix 2 to this report (words proposed for deletion shown struck through, words proposed for inclusion shown in bold italics); and***

- (c) *That the recommendations set out above come into operation immediately that the Regulations bringing into effect the local assessment of Code of Conduct complaints come into force.*

**Cllr J A G Hutchins
Vice-Chairman**

NFDC CODE OF GOOD GOVERNANCE

1. INTRODUCTION

- 1.1 Governance is about how local government bodies ensure that they are doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner.
- 1.2 It comprises the systems and processes, and culture and values, by which local government bodies are directed and controlled and through which they account to, engage with and where appropriate, lead their communities.
- 1.3 The Council's Good Governance Code covers the six core principles recommended for adoption by CIPFA/SOLACE:
 - Focussing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area.
 - Members and Officers working together to achieve a common purpose with clearly defined functions and roles.
 - Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour.
 - Taking informed and transparent decisions which are subject to effective scrutiny and managing risk.
 - Developing the capacity and capability of members and officers to be effective.
 - Engaging with local people and other stakeholders to ensure robust public accountability.
- 1.4 The Audit Manager and the Monitoring Officer will review compliance with the Code annually and the outcomes and actions required will be reported to the Standards Committee.
- 1.5 The annual review of compliance with the Code will take the form of a self assessment. The proposed framework for this review is attached in Annex 1.

2.0 THE CODE

2.1 The Council will create and implement a vision for the local area, focussing on the purpose of the authority and outcomes for the community by

- Exercising strategic leadership by developing and articulating the authority's purpose and vision and its intended outcomes for citizens and service users;
- Ensuring that users receive a high quality service, whether those services are delivered directly or in partnership or by commissioning external suppliers;
- Ensuring the authority makes the best use of resources and that tax payers and service users receive excellent value for money

To ensure these principles are complied with, the Council will:

- Develop, and publish a Corporate Plan which clearly identifies the Council's key objectives and reflects community needs;
- Consult the local community and other key stakeholders in setting the vision, priorities and targets within the strategic plan;
- Assess and publish its achievements against key objectives at the end of each financial year;
- Publish by 30th June each year a Statement of Accounts and Annual Governance Statement which reflects the Council's compliance with relevant professional standards and corporate governance arrangements;
- Establish relevant performance indicators to measure service quality and costs and monitor these on a regular basis, ensuring effective arrangements are in place to deal with poor service delivery;
- Establish appropriate relationships and arrangements with voluntary groups, town and parish councils, other public sector organisations and local interest groups to ensure they are able to engage with and contribute to the work of the Council;

2.2 The Council will ensure effective leadership and common purpose throughout the authority, establishing political and managerial structures and processes to govern decision making by:

- Defining clearly the roles and responsibilities of members and officers to ensure clarity and accountability of its business
- Ensuring a constructive working relationship exists between authority members and officers that demonstrates integrity within the authority by ensuring high standards of conduct are achieved by members and officers

- Ensuring the expectations of the authority and its individual partners are clearly defined and understood

To ensure these principles are complied with the Council will:

- Ensure there are formal protocols and a Constitution in place which clearly define the roles, responsibilities and the relationships between the Executive, ordinary members and officers;
- Develop and maintain a scheme of delegation that reserves appropriate responsibilities to the Executive and also provides the powers necessary to officers to conduct routine business -
- Ensure that one officer is responsible and accountable for all aspects of operational management and that the respective roles of the Leader of the Council and its Chief Executive are clearly defined
- Designate a Monitoring Officer, with responsibility for ensuring that agreed procedures are followed and all applicable statutes and regulations are complied with;
- Ensure that one officer is designated as the S151 Officer, responsible for ensuring that appropriate advice is given on all financial matters, for keeping proper financial records and accounts, and for maintaining an effective system of internal control
- Ensure that partnerships are based on shared vision, there is clarity about the legal status of the relationship through the adoption of partnership framework agreements and there are clearly identified roles for officers and members in the context of involvement on behalf of the partnership and the authority
- Meet on a regular basis, with meetings open to the public except where reasons of confidentiality require the meetings to be closed

2.3 The Council will uphold high standards of conduct and behaviour, demonstrating and promoting the values of good governance through:

- Ensuring authority members and officers exercise leadership through adopting high standards of conduct
- Ensuring that organisational values are promoted and are effective
- Adoption of arrangements to safeguard members and employees against conflicts of interest

To ensure these principles are complied with the Council will:

- Ensure members and officers are properly trained for their responsibilities and have access to relevant information, advice and resources as necessary to undertake an effective role;

- Have in place formal codes of conduct which define the standards of personal behaviour which members, staff and agents of the Council are required to adopt;
- Implement appropriate processes and systems to ensure all ethical codes of conduct are complied with and can be monitored and enforced;
- Adopt Standing Orders as to Contracts Financial Regulations and other Codes as appropriate to ensure members and officers are not prejudice, biased or subject to conflict of interest in their dealings on behalf of the Council
- Adopt arrangements for reporting concerns at work are accessible to all staff and contractors;
- Develop and maintain an effective standards committee

2.4 The Council will take informed and transparent decisions which are subject to effective scrutiny and manage risk through:

- Effective risk management systems which are embedded in the culture of the organisation
- Adopting appropriate procedures to ensure decisions made by members are implemented and resources are used efficiently;
- Operating within the specific legislative framework and general powers vested in it for all decisions taken and ensuring the community benefits from the use of the legal powers available;
- Adoption of a proper scrutiny function which reviews of all aspects of its performance and effectiveness
- Transparency in all decisions made which are supported by proper open debate, documentary evidence which records the criteria, rationale and financial and legal considerations taken into account
- Demonstrating inclusiveness and openness by consultation with key stakeholders where appropriate

To ensure these principles are complied with the Council will:

- Adopt a strategy and robust systems for identifying and controlling significant strategic and operational risks and ensure business continuity plans are in place for all critical areas of operation;
- Monitor and review regularly risk management arrangements as part of the performance management system;
- Develop and maintain an effective audit committee which is independent of the executive and scrutiny functions

- Ensure effective and transparent arrangements are in place for dealing with complaints
- Ensure accountability through establishing systems for investigating breaches and disciplinary problems and taking action where appropriate, including arrangement for redress

2.5 The Council will develop the capacity and capability of members and officers to be effective by:

- Developing the skills, knowledge, experience and resources needed to perform well in their roles
- Evaluating and improving the performance of individuals and political groups through training and development
- Ensuring membership of and participation in activities of the Council is open to all sections of the community

To ensure these principles are complied with the Council will:

- Provide opportunities for members and officers to update and enhance their knowledge through appropriate development and training
- Adopt and promote an equal opportunities policies
- Adopt proper career structures and opportunities for promotion to ensure the retention of skilled and experienced officers and members

2.6 The Council will engage with local people and other stakeholders to ensure robust public accountability by:

- Effectively engaging local people and stakeholders in the scrutiny of the democratic process;
- Establishing a clear policy on issues and processes for consultation with citizens on service delivery
- Establishing a consultation process with staff and their representatives to ensure involvement in decision making

To ensure these principles are complied with the Council will:

- Publish annually, performance results and outcomes against targets and key performance indicators;
- Undertake consultation within the community through use of Citizens' Panels and other appropriate methods of communication,

NFDC GOOD GOVERNANCE FRAMEWORK – REVIEW OF COMPLIANCE

1. Focussing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area.

No:	The code should reflect the requirement for local authorities to:	Recommended Source documents Good Practice Other evidence	NFDC Evidence Self Assessment	Issues to address Plans for Improvement
1.1	Develop and Promote the authority's purpose and vision	Corporate and Service Planning Shaping the Community Strategy Local Area or Performance Agreements		
1.2	Review on a regular basis the authority's vision for the local area and its impact on the authority's governance arrangements	Code of good governance		
1.3	Ensure that partnerships are underpinned by a common vision of their work that is understood and agreed by all parties	Partnership Protocol Code of good governance		
1.4	Publish an annual report on a timely basis to communicate the authority's activities and achievements, its financial position and performance.	Annual Financial Statements Annual Business Plan		
1.5	Decide how the quality of service to users is to be measured and make sure that the information needed to review service quality effectively and regularly is available	Corporate Plan Annual Business Plan Medium Term Financial Strategy Resourcing Plan		

No.	The code should reflect the requirement for local authorities to:	Recommended Source documents Good Practice Other Evidence	NFDC Evidence Self Assessment	Issues to Address Plans for Improvement
1.6	Put in place effective arrangements to identify and deal with failure in service delivery	Complaints Procedure		
1.7	Decide how value for money is to be measured and make sure that the authority or partnership has the information needed to review value for money and performance effectively. Measure the environmental impact of policies, plans and decisions.	Performance Plans Reviewing the work of the authority.		

2. Members and Officers working together to achieve a common purpose with clearly defined functions and roles.

No:	The code should reflect the requirement for local authorities to:	Recommended Source documents Good Practice Other evidence	NFDC Evidence Self Assessment	Issues to address Plans for Improvement
2.1	Set out a clear statement of the roles and responsibilities of the executive and of the executive's members individually and the authority's approach towards putting this into practice Set out a clear statement of the respective roles and responsibilities of the other members, members generally and senior officers	Constitution Record of Decisions and supporting materials		

No:	The code should reflect the requirement for local authorities to:	Recommended Source documents Good Practice Other evidence	NFDC Evidence Self Assessment	Issues to address Plans for Improvement
2.2	Determine a scheme of delegation and reserve powers within the constitution, including a formal schedule of those matters specifically reserved for collective decision of the authority, taking account of relevant legislation, and ensure that it is monitored and updated when required.	Constitution		
2.3	Make a chief executive or equivalent responsible and accountable to the authority for all aspects of operational management	Conditions of employment Scheme of delegation Statutory Provisions Job Descriptions/Specification Performance Management System		
2.4	Develop protocols to ensure that the leader and chief executive (or equivalent) negotiates their respective roles early in the relationship and that a shared understanding of roles and objectives is maintained.	New Chief Executive and Leader pairing Consider how best to establish and maintain communication		
2.5	Make a senior officer (S 151 officer) responsible to the authority for ensuring that appropriate advice is given for all financial matters, and for keeping proper financial records and accounts, and for maintaining an effective system of internal financial control.	S 151 responsibilities Statutory Provision Statutory Reports Budget Documentation Job description/specification S 151 Officer		

No:	The code should reflect the requirement for local authorities to:	Recommended Source documents Good Practice Other evidence	NFDC Evidence Self Assessment	Issues to address Plans for Improvement
2.6	Make a senior Officer (usually the Monitoring Officer) responsible to the authority for ensuring that agreed procedures are followed and that all applicable statutes and regulations are complied with	Monitoring Officer provisions Statutory Provision Job description/specification Monitoring Officer		
2.7	Develop protocols to ensure effective communication between members and officers in their respective roles	Member/Officer Protocol.		
2.8	Set out the Terms and Conditions for remuneration of members and officers and an effective structure for managing the process, including an effective remuneration panel (if applicable) Ensure that effective mechanisms exist to monitor service delivery	Pay and Conditions Policies and Practices		
2.9	Ensure that the organisation's vision, strategic plans, priorities and targets are developed through robust mechanisms, and in consultation with the local community and other key stakeholders, and that they are clearly articulated and disseminated.	Vision Strategy Corporate Plans Budgets Performance Plan/Regime		

No:	The code should reflect the requirement for local authorities to:	Recommended Source documents Good Practice Other evidence	NFDC Evidence Self Assessment	Issues to address Plans for Improvement
2.10	When working in partnership: ensure that members are clear about their roles and responsibilities both individually and collectively in relation to the partnership and to the authority ensure that there is clarity about the legal status of the partnership ensure that representatives and organisations both understand and make clear to all other partners the extent of their authority to bind their organisation to partner decisions	<p>Protocols for partnership working.</p> <p>For each partnership there is:</p> <ul style="list-style-type: none"> A clear statement of the partnership principles and objectives Clarity of each partners role within the partnership Definition of roles of partnership board members Line management responsibilities for staff who support the partnership A statement of funding sources for joint projects and clear accountability for proper financial administration A protocol for dispute resolution within the partnership 		

3. Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour.

No:	The code should reflect the requirement for local authorities to:	Recommended Source documents Good Practice Other evidence	NFDC Evidence Self Assessment	Issues to address Plans for Improvement
3.1	Ensure that the authority's leadership sets a tone for the organisation by creating a climate of openness, support and respect			

No:	The code should reflect the requirement for local authorities to:	Recommended Source documents Good Practice Other evidence	NFDC Evidence Self Assessment	Issues to address Plans for Improvement
3.2	Ensure that standards of conduct and personal behaviour expected of members and staff, of work between members and staff and between the authority, its partners and the community are defined and communicated through codes of conduct and protocols	Members/Officers Codes of conduct Performance Management system Performance appraisal Complaints procedures Anti-fraud and corruption policy Member/officer protocols		
3.3	Put in place arrangements to ensure that members and employees of the authority are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders and put in place appropriate processes to ensure that they continue to operate in practice	Standing Orders Codes of Conduct Financial Regulations		
3.4	Develop and maintain shared values including leadership values for both the organisation and staff reflecting public expectations and communicate these with members, staff, the community and partners	Codes of Conduct		

No:	The code should reflect the requirement for local authorities to:	Recommended Source documents Good Practice Other evidence	NFDC Evidence Self Assessment	Issues to address Plans for Improvement
3.5	Put in place arrangements to ensure that systems and processes are designed in conformity with appropriate ethical standards, and monitor their continuing effectiveness in practice	Codes of Conduct		
3.6	Develop and maintain an effective standards committee.	Terms of Reference Regular reporting to the Council		
3.7	Use the organisation's shared values to act as a guide for decision making and as a basis for developing positive and trusting relationships within the authority	Decision making practices		
3.8	In pursuing the vision of a partnership, agree a set of values against which decision making and actions can be judged. Such values can be demonstrated by partner's behaviour both individually and collectively.	Protocols for partnership working.		

4. Taking informed and transparent decisions which are subject to effective scrutiny and managing risk.

No:	The code should reflect the requirement for local authorities to:	Recommended Source documents Good Practice Other evidence	NFDC Evidence Self Assessment	Issues to address Plans for Improvement
4.1	Develop and maintain an effective scrutiny function which encourages constructive challenge and enhances the authority's performance overall and that of any organisation for which it is responsible.	Scrutiny is supported by robust evidence and data analysis		
4.2	Develop and maintain open and effective mechanisms for documenting evidence for decisions and recording the criteria, rationale and considerations on which decisions are based	Decision making protocols Record of decisions and supporting materials		
4.3	Put in place arrangements to safeguard members and employees against conflicts of interest and put in place appropriate processes to ensure that they continue to operate in practice	Members code of conduct		
4.4	Develop and maintain an effective audit committee (or equivalent) which is independent of the executive and scrutiny functions or make other appropriate arrangements for the discharge of the functions of such a committee	Terms of Reference Membership Training for committee members		

No:	The code should reflect the requirement for local authorities to:	Recommended Source documents Good Practice Other evidence	NFDC Evidence Self Assessment	Issues to address Plans for Improvement
4.5	Ensure that effective, transparent and accessible arrangements are in place for dealing with complaints	Complaints procedure		
4.6	Ensure that those making decisions whether for the authority or the partnership are provided with information that is fit for the purpose-relevant, timely and gives clear explanations of technical issues and their implications	Members Induction Scheme Training for Committee chairs		
4.7	Ensure that professional advice on matters that have legal or financial implications is available and recorded well in advance of decision making and used appropriately	Record of decision making and supporting materials		
4.8	Ensure that risk management is embedded into the culture of the authority, with members and managers at all levels recognising that risk management is part of their jobs	RISK Management Protocol Financial Standards and regulations		
4.9	Ensure that arrangements are in place for whistle-blowing to which staff and all those contracting with the authority have access	Whistle-blowing Policy		

No:	The code should reflect the requirement for local authorities to:	Recommended Source documents Good Practice Other evidence	NFDC Evidence Self Assessment	Issues to address Plans for Improvement
4.10	Actively recognise the limits of lawful activity placed on them by, for example, the ultra vires doctrine but also strive to utilise powers to the full benefit of their communities	Constitution Monitoring Officer Provisions Statutory Provision		
4.11	Recognise the limits of lawful action and observe both the specific requirements of legislation and the general responsibilities placed on local authorities by public law			
4.12	Observe all specific legislative requirements place upon them, as well as the requirements of general law, and in particular to integrate the key principles of good administrative law- rationality, legality and natural justice – into their procedures and decision making processes.	Monitoring officer provisions Job description/specification Statutory provision		

5. Developing the capacity and capability of members and officers to be effective.

No:	The code should reflect the requirement for local authorities to:	Recommended Source documents Good Practice Other evidence	NFDC Evidence Self Assessment	Issues to address Plans for Improvement
5.1	Provide induction programmes tailored to individual needs and opportunities for members and officers to update their knowledge on a regular basis	Training and Development Plan Induction Programme Update courses/Information		
5.2	Ensure that the statutory officers have the skills, resources and support necessary to perform effectively in their roles and that these roles are properly understood throughout the authority	Job description//personal specifications Membership of top management team		
5.3	Assess the skills required by members and officers and make a commitment to develop those skills to enable roles to be carried out effectively	Training development plan		
5.4	Develop skills on a continuing basis to improve performance, including the ability to scrutinize and challenge and to recognise when outside expert advice is needed	Training and development plan reflect requirements of a modern councillor including: The ability to scrutinise and challenge The ability to recognise when outside advice is required Advice on how to act as an ambassador for the community Leadership and influencing skills		

No:	The code should reflect the requirement for local authorities to:	Recommended Source documents Good Practice Other evidence	NFDC Evidence Self Assessment	Issues to address Plans for Improvement
5.5	Ensure that effective arrangements are in place for reviewing the performance of the executive as a whole and of individual members and agreeing an action plan which might, for example, aim to address any training or development needs	Performance management system		
5.6	Ensure that effective arrangements designed to encourage individuals from all sections of the community to engage with, contribute to and participate in the work of the authority	Strategic partnership framework Stakeholders forums terms of reference Area forums roles and responsibilities Residents Panel structure		
5.7	Ensure that career structures are in place for members and officers to encourage participation and development	Succession planning		

6. Engaging with local people and other stakeholders to ensure robust public accountability.

No:	The code should reflect the requirement for local authorities to:	Recommended Source documents Good Practice Other evidence	NFDC Evidence Self Assessment	Issues to address Plans for Improvement
6.1	Make clear to themselves, all staff and the community to whom they are accountable and for what Consider those institutional stakeholders to whom the authority is accountable and assess the effectiveness of the relationships and any changes required	Community Strategy		
6.2	Produce an annual report on the activity of the scrutiny function	Annual report		
6.3	Ensure that clear channels of communication are in place with all sections of the community and other stakeholders, and put in place monitoring arrangements to ensure that they operate effectively: Hold meetings in public unless there are good reasons for confidentiality Ensure that arrangements are in place to enable the authority to engage with all sections of the community effectively. These arrangements should recognise that different sections of the community have different priorities and establish explicit processes for dealing with these competing demands	Community Strategy Processes for dealing with competing demands within the community		

No:	The code should reflect the requirement for local authorities to:	Recommended Source documents Good Practice Other evidence	NFDC Evidence Self Assessment	Issues to address Plans for Improvement
6.4	Establish a clear policy on the types of issues they will meaningfully consult on or engage with the public and service users about including a feedback mechanism for those consultees to demonstrate what has changed as a result	Partnership framework Communication \strategy		
6.5	On an annual basis publish a performance plan giving information on the authority's vision, strategy, plans and financial statements as well as information about it's outcomes, achievements and the satisfaction of service users in the previous period	Annual report Annual financial statements Corporate Plan Annual Business Plan		
6.6	Ensure that the authority as a whole is open and accessible to the community, service users and its staff and ensure that it has made a commitment to openness and transparency in all its dealings, including partnerships, subject only to the need to preserve confidentiality in those specific circumstances where it is proper and appropriate to do so	Constitution		
6.7	Develop and maintain a clear policy on how staff and their representatives are consulted and involved in decision making	Constitution		

APPENDIX 2

GUIDELINES FOR OPERATION OF STANDARDS PANEL AND ASSOCIATED PROCEDURES

1. The Standards Panel shall comprise of three members ~~one from each political group represented on the Council~~ **of the Committee, including one independent member**. These three members shall be drawn from the members or the named substitutes of the Standards Committee and will be appointed by the Chief Executive on each occasion. **Every effort will be made to appoint a member from each of the political groups represented on the Committee.**
2. The Panel will consider complaints against a Councillor by members of the public, another member or an employee where it is alleged that that Member's conduct has fallen below the standards set out in -
 - (a) The New Forest District Council's Local Code of Conduct for Member/Officer Relations
 - (b) The New Forest District Council's Local Code of Conduct for Councillors and Officers dealing with Planning Matters
 - (c) The New Forest District Council's Policy on the use of the Internet, Intranet and E-mail

and the complainant confirms that they wish their complaint to be dealt with under a locally adopted Code.

3. All complaints against a member should be made on a form that will be provided, on request, by the District Council for this purpose. Complaints should be submitted as soon as possible, but generally no later than 3 months following the complainant becoming aware of the alleged breach or action complained of. A complaint submitted later than this will not normally be allowed except in exceptional circumstances as determined by the **Assessment Sub-Committee Monitoring Team**. Completed complaint forms must be submitted to the Chief Executive of New Forest District Council. The **Assessment Sub-Committee Monitoring Team** will consider the complaint in line with the procedure set out below.
4. ***The Assessment Sub-Committee will decide whether a complaint should be referred to the Standards Panel. Unless there are exceptional circumstances, the Sub-Committee will not refer a complaint where:***
 - a. ***The complaint is too trivial to warrant further action, or***
 - b. ***The matter being complained about happened so long ago there would be no benefit in taking action now, or***
 - c. ***The complaint appears to be malicious, vexatious, politically motivated or tit-for-tat, or***
 - d. ***The complaint has been the subject of investigation or inquiry by other regulatory authorities (including the police, Standards Board or another Standards Committee), or***

- e. ***A complaint has been made under the Code of Conduct in relation to the same facts, or***
- f. ***There is insufficient information to make a decision as to whether the complaint should be investigated. (The Sub-Committee may, if it thinks appropriate, detail what sort of information would be required in order for it to reconsider the matter), or***
- g. ***The complaint is about someone who is no longer a member of the authority, or***
- h. ***The complaint is anonymous, unless the complainant can show a good reason for requesting anonymity.***

~~4. The Monitoring Team will comprise the Chief Executive and a Member of the Standards Committee, selected by the Chief Executive, who will not be a member of the Standards Panel that would hear the complaint, if the complaint is referred to a Panel.~~

~~5. (a) The Monitoring Team will be responsible for sifting out those complaints that they consider are frivolous or vexatious or a misuse or abuse of the process and will refer matters onto the Standards Panel only where they consider that there is an issue which requires further investigation and consideration by the Standards Panel.~~

The decision of the **Assessment Sub-Committee** Monitoring Team is final.

- 5. ~~(b)~~ In the event of no complaint being received but where the Monitoring Officer **or Chief Executive** believes that a member appears not to have met the standards set out in paragraph 2 above, he/she may refer the matter to the **Assessment Sub-Committee** ~~Monitoring Team~~ for consideration with a recommendation that it be referred to the Standards Panel for determination.
- 6. The cost of any attendance or representation at the hearing must be borne by the parties concerned. The Panel has no power to award costs or expenses to any party.
- 7. The Standards Panel may consider verbal or written representations from the member or the complainant. Neither party has to appear in person to present their case before the Panel, if they wish to rely on written representations
- 8. **Pre-hearing Procedure**
 - (a) The Chief Executive will acknowledge the complaint and copy it to the member concerned.
 - (b) The member will have 28 days in which to submit his/her written response to the **Assessment Sub-Committee** ~~Monitoring Team~~. If, ~~After~~ receipt of the Member's response, the **Assessment Sub-Committee** ~~Monitoring Team~~ **will** consider, ***having regard to the criteria in paragraph 4, whether to*** ~~that there is an issue which requires further investigation or consideration they will~~ refer the matter to a hearing of the Standards Panel.

- (c) Both the member and the complainant will be invited to appear before the Panel. Both may present their own case or they may be represented. They may produce witnesses. Written statements of the witnesses must be lodged with the Monitoring Officer at least 10 days before the hearing.
- (d) All written submissions, including witness statements, will be circulated to the member and the complainant by the Monitoring Officer at least 7 days before the hearing.

9. Procedure at the Hearing

- (a) The Panel will elect a Chairman for the meeting.
- (b) It will be assumed that those involved will have read all papers circulated in advance to them. Written statements will not be read to the hearing.
- (c) The proceedings of the Panel will be in public unless issues are to be discussed or evidence presented which meet one (or more) of the criteria set out in part 1 of Schedule 12A of the Local Government Act 1972. In these circumstances the public and the Press will be excluded from the meeting while only the parties directly involved in the case, as well as other members of the Council who might be present at the meeting will be permitted to remain.
- (d) The complainant will be permitted to address the Panel and call witnesses (if any).
- (e) The member will be permitted to ask questions of the complainant or their witnesses.
- (f) Members of the Panel will be permitted to ask questions of the complainant or their witnesses.
- (g) The member will be permitted to address the Panel and call witnesses (if any).
- (h) The complainant will be permitted to ask questions of the member or their witnesses.
- (i) Members of the Panel will be permitted to ask questions of the member or their witnesses.
- (j) The complainant will be permitted to sum up.
- (k) The member will be permitted to sum up.
- (l) The Panel will go into private session to receive legal advice and to reach its conclusion. The decision will be announced in public.
- (m) The complainant and the member will be informed of the decision in writing.

(Note: Reference in the procedures to the complainant, the member or members of the Panel is deemed to include any persons representing them.)