

ADMINISTRATION COMMITTEE

23 November 2015

CODE OF CONDUCT COMPLAINTS – ANNUAL REVIEW

Report of the Head of Legal and Democratic Services

Recommendation

It is recommended that the Administration Committee note the report and make any observations to the Monitoring Officer.

Summary

In July 2012 the Council adopted a new Code of Conduct and processes for dealing with standards matters as required by the Localism Act 2011. This included delegating the power to investigate complaints that a Member has breached the Code of Conduct to the Monitoring Officer. As part of this delegation it was agreed that the Monitoring Officer report to the Administration Committee annually on complaints received and actions taken. The last report to the Committee was in November 2014, hence the submission of this report.

Statutory Powers

Section 28 Localism Act 2011
Section 9E Local Government Act 2000

Introduction

1. The Localism Act 2011 required local authorities to adopt new Codes of Conduct for governing the behaviour of Members and new procedures for dealing with complaints that Members have breached this Code of Conduct. The Council adopted the current Code of Conduct on 26 July 2012 and set out a procedure for dealing with complaints.
2. The investigation of complaints was delegated to the Monitoring Officer, with the ability to refer to a sub-committee of the Administration Committee if appropriate. It was agreed that for monitoring purposes the Monitoring Officer should report annually to the Administration Committee on the complaints received and the action taken.
3. Each parish and town council in the Borough is responsible for adopting its own Code of Conduct but any complaints relating to these codes are reported to the Monitoring Officer at the Borough Council and he is responsible for investigating these complaints.

4. The Council was also required to appoint an Independent Person or Persons, for the Monitoring Officer to be able to contact to get an impartial steer on complaints received and any investigations conducted.

2014/15 Overview

5. The current Member Code of Conduct / ethical framework regime came into effect in July 2012 and since that time the Monitoring Officer and his team have implemented the changes required by the Localism Act. Newly elected Members were trained on the requirements of the Code of Conduct earlier this year as part of a comprehensive induction package. The Monitoring Officer continues to monitor as and when refresher training is required.
6. There has been continued communication with many of the parish/town clerks to provide advice where possible and to collate all registers of interests which Members will recall now need to be displayed on the parish/town council's website and the Borough Council's website.
7. In the last twelve months, just one complaint in total has been received. This related to an exchange on social media between a Borough Councillor and the complainant. After consulting the Independent Person, the Monitoring Officer asked his deputy to speak with the Member concerned and the matter was resolved without the need for a formal investigation.
8. Just prior to last year's report, two complaints were submitted – both of which have now been resolved. One related to a Borough Councillor who was felt, by the complainant, to have misused their office as a councillor. After an exchange of correspondence, the matter was deemed to be a misunderstanding and no further action was taken. The other complaint related to one parish councillor complaining about another's behaviour and comments. Whilst the Monitoring Officer instigated a formal investigation and the Independent Person at the time, Elaine Burnell, met with the subject of the complaint at their request to try and explain the process, the investigating officer met with a number of barriers to try and conclude the report satisfactorily. After several months, a report was made to the parish council concerned recommending that an apology be made and that the council as a whole engage in mediation. The parish council broadly supported the recommendations and the Monitoring Officer's endorsement of them.
9. Since the current regime came into operation in 2012, there have been seven Code of Conduct complaints submitted in total.

Independent Persons

10. Initially, the Lead Independent Person appointed was Mr Dave Bevis, who had been a Member of the former Standards Committee. This provided both stability and continuity during that time of change. As was required by the Localism Act, Mr Bevis could only take up this position for a year. As such, two further Independent Persons were recruited at the same time, Elaine Burnell and Elizabeth Taylor. Ms Burnell took the lead Independent Person role for eighteen months, with Ms Taylor as reserve (in case Ms Burnell was

unable to act in the capacity of Independent Person due to leave, illness, knowing the complainant etc). They agreed to cover eighteen months in each role and therefore swapped as 'lead' and 'reserve' in January 2015. At the end of the next eighteen months, in July 2016, new Independent Member(s) will need to be recruited as both Ms Burnell and Ms Taylor will each have served the maximum four years permissible.

Financial Implications

11. There are no financial implications arising from this report.

Risk Assessment

12. There are no risks associated with this report.

Equality and Diversity Implications

13. There are no equality and diversity implications arising from this report.

Conclusion

14. This report updates Members on Code of Conduct complaints received and responded to in the last twelve months.

RICHARD WARD
HEAD OF LEGAL & DEMOCRATIC SERVICES

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Appendices Attached: None

LOCAL GOVERNMENT ACT 1972 - SECTION 100D

The following is a list of documents which disclose facts or matters on which this report or an important part of it is based and have been relied upon to a material extent in the preparation of this report. This list does not include any published works or documents which would disclose exempt or confidential information.

None.