

ADMINISTRATION COMMITTEE

Monday 21 November 2016

CODE OF CONDUCT COMPLAINTS – ANNUAL REVIEW

Report of the Monitoring Officer

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 2015, hence the submission of this report.

Statutory Powers

Section 28 Localism Act 2011

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.

2015/16 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. 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, three formal written complaints in total has been received. Two related to concerns that elected Borough Council Members had failed to declare interests and after consideration the Monitoring Officer was satisfied that either interests had been declared or were not required. The third related to the election of a Chair to a Parish Council and related matters and following initial investigation the Monitoring Officer was satisfied that the correct procedure as laid out by statute had been followed.
8. In addition advice and assistance has been provided to a number of Borough and Parish Councillors (and Clerks)
9. Since the current regime came into operation in 2012, there has been Ten Code of Conduct complaints submitted in total.

Independent Persons

10. The term of office of our two independent persons expired at the end of October. The posts were advertised in a local newspaper and on the Web but no applications were received. One of the independent persons however has indicated a willingness to serve again and Members views are sought in this regard. The Monitoring Officer has also spoken to a number of other Local Authorities who have indicated that subject to work loads, etc. they would be willing to allow their independent person to act on our behalf should our own independent person be conflicted.

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
MONITORING OFFICER

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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.