

ADMINISTRATION COMMITTEE

Monday, 21 October 2019

COUNCILLOR'S CODE OF CONDUCT- INDEPENDENT PERSON

Report of the Monitoring Officer

Recommendations

It is recommended that

- (1) the term of office of the Council's Independent Person be extended for a further period of three years**
 - (2) note be taken of the cases submitted in the 2018/2019 municipal year**
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Summary

Councillors are being requested to extend the term of office of the Council's Independent Person for a further period of three years.

Statutory Powers

Localism Act 2011 S.28

Strategic Implications

1. The upholding of high ethical behaviour assists in the fair attainment of all strategic objectives.

Introduction

2. Under the provisions of the Localism Act 2011 the Council was required to adopt a code of conduct for governing the behaviour of Councillors. A procedure was established to deal with complaints received which provides that complaints regarding both Borough and Parish Councillors in the Eastleigh Borough Council area are reported to the Council's Monitoring Officer who is then responsible for investigating or arranging for action to be taken in accordance with the Council's procedure.

3. The Council is also required under the legislation to appoint an Independent Person (or Persons) for the Monitoring Officer to be able to contact to get an impartial steer on any complaints received and any investigations conducted.
4. The Independent Person can also be consulted by the Councillor who is the subject of the complaint.

Independent Person

5. The term of office of the Council's Independent Person is due to expire at the end of October. The role was last advertised some three years' ago and informal soundings have not identified any new candidates to be considered for the role. Whilst the Council could seek to appoint a new Independent Person, the Monitoring Officer is also aware that other local authorities in the area have had recent difficulty in recruiting to a similar position.
6. The current Independent Person has indicated a willingness to be re-appointed. Accordingly, it is recommended that the Council extend the term of office for a further period of three years.

Cases of Complaint submitted in the Municipal Year 2018/2019

7. In the last municipal year 2018/2019, five formal written complaints in total had been received.
8. One did not relate to an elected Borough Councillor and therefore could not be a breach of the Councillors' Code of Conduct. .
9. Two complaints were received relating to a planning decision where the Complainants were unhappy with the decision made by a Councillor at the relevant Local Area Committee. The Monitoring Officer was satisfied that the decision made by the Councillor was in accordance with planning guidelines, and consequently did not uphold those complaints.
10. The fourth complaint related to the Community Governance Review and the provision of information by a Parish Councillor to local residents. As the information was being provided by the Parish Councillor in their personal capacity and was, in any event, freely available on the Borough Council's website, there was no breach of the Councillors' Code of Conduct.
11. In the fifth case, an apology had already been made by the relevant Councillor in an instance where the Monitoring Officer concluded, that in their opinion, there had been no breach of the Councillors' Code of Conduct. The Committee may be aware that the Guidance indicates that a matter should not be investigated where a remedy had already been provided: in this instance the issued apology.
12. In addition, advice and assistance has been provided to a number of Borough and Parish Councillors and their Clerks.

Financial Implications

13. None.

Risk Assessment

14. None.

Equality and Diversity Implications

15. The original appointment was made by a cross party selection panel and followed the Council's equality and diversity policies.

Conclusion

16. It is recommended that the term of office of the current postholder of Independent Person be extended.

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.

List Background Papers

None.