

<b>SUBJECT:</b>	Review of the Code of Conduct and Complaints Procedure
<b>REPORT OF:</b>	Monitoring Officer
<b>RESPONSIBLE OFFICER</b>	Joanna Swift
<b>REPORT AUTHOR</b>	Joanna Swift
<b>WARD/S AFFECTED</b>	None

### 1. Purpose of Report

This report considers whether the code of conduct and complaints procedures adopted by the Council in accordance with the Localism Act in 2012, remain fit for purpose.

### RECOMMENDATION

**The Committee is invited to note the information in this report and consider whether any changes should be made to the Council's current code of conduct and complaints procedure.**

### 2. Reasons for Recommendations

It is good practise for the Council to review its adopted policies and procedure on a regular basis to ensure they remain relevant and effective.

### 3. Content of Report

- 3.1 On 1 July 2012 a new standards framework was introduced by the Localism Act 2011. This requires the Council to promote and maintain high standards of conduct amongst its elected and co-opted members, to adopt a code governing member conduct and to have arrangements in place for dealing with any complaints that members may have breached the code of conduct. Any complaints that town or parish councillors have breached their council's code of conduct are covered by the District Council's complaints procedure.
- 3.2 The Localism Act and accompanying statutory regulations require members to disclose any pecuniary interests (DPI's) held by themselves or their spouse/partners in items of Council business. Failure to disclose a DPI is a criminal offence

### THE CODE OF CONDUCT

- 3.3 The previous national model code of conduct was repealed by the Localism Act and the Council therefore has discretion on the content of the new code of conduct provided that it accords with the following 7 principles of conduct in public life:-
- selflessness
  - integrity
  - objectivity
  - accountability
  - openness
  - honesty
  - leadership

- 3.4 The Council adopted a new code of conduct on 24 July 2012 which is attached at Appendix 1 for reference. This was based on a lighter-touch set of general obligations than the previous national model code but continued the requirement for members to disclose non-pecuniary personal and prejudicial interests, in addition to the new statutory DPI's. This was considered vital in view of the Council's role in determining planning and licencing applications. The same code was adopted by Chiltern and Aylesbury Vale District Councils. It is considered that declarations of interest are being made appropriately by members under the Code. Further detailed training in this area is being provided for members later in the year.
- 3.5 Guidance on personal interests was issued by the DCLG in September 2012 and revised in September 2013 to give basic practical information to members about how to be open and transparent in relation to their interests. The Committee considered this guidance last year and did not consider that it required any changes to the Council's code. However, the Committee suggested that further guidance on declarations of interest and the position of dual-hatted members would be helpful. The monitoring officer therefore prepared a detailed guidance note on the code which was provided to all members as part of induction training following the elections in May and also produced a series of Quick Guides on specific standards topics. These have all been published on the intranet for reference purposes.

## **THE COMPLAINTS PROCEDURE**

- 3.6 Under the Localism Act the Council has discretion on the arrangements it adopts for dealing with complaints. However, the Act provides that these arrangements must include the appointment of at least one independent person whose views are to be sought and taken into account, before the Council makes a decision on an allegation that it has decided to investigate. The independent person's view may also be sought by the authority at other stages in the investigation and by subject members.
- 3.7 The Council has adopted the Complaints Procedure attached at Appendix 2 and appointed 2 independent persons who are consulted on proposed actions. Currently there is one vacancy for an independent person which is being re-advertised following the failure to receive any applications when the position was advertised earlier in the year. Complaints that members have breached their Council's code of conduct are handled under a 3 stage process:-
1. The complaint is sent to the subject councillor member who has an opportunity respond. If the complainant is satisfied with the councillor's explanation or proposed remedy, no further action is taken. If the complainant remains dissatisfied the complaint proceeds to Stage 2.
  2. The monitoring officer assesses whether the complaint should be referred for investigation having regard to the referral criteria, in consultation with the chairman of this Committee and an independent person. If a complaints merits investigation it will proceed to Stage 3. If the monitoring officer decides not to refer the complaint for investigation no further action is taken and no appeal is available.
  3. An investigation is carried out and the investigators report is referred to a Hearing Sub-Committee or, in certain cases, this Committee for

consideration. The Independent Person’s view must be taken into account when deciding what action to take.

3.8 The same arrangements have been adopted by Chiltern and Aylesbury Vale District Councils. The monitoring officer has not received any formal complaints under the new procedure about district councillors and only 3 about parish councillors. The procedure has only proceeded past stage 1 in one case which was reported to members last year.

3.9 The Committee is invited to consider whether the code of conduct remains fit for purpose having regard to experience since its adoption in July 2012. With regard to the arrangements for dealing with complaints the Committee is asked to consider whether the current 3 stage approach achieves the necessary balance of fairness in the public interest between the complainant and subject member and otherwise generally whether the procedure remains fit for purpose.

**4. Consultation**

Not applicable at this stage

**5. Options**

The Council has the option of proposing changes to both the code of conduct and complaints procedure which would be the subject of wider consultation with members before formal consideration by Full Council.

**6. Corporate Implications**

- Financial - None
- Legal – As set out in the report
- Risks issues – None
- Equalities - None

**7. Links to Council Policy Objectives**

Whilst there is no direct link to the Council’s main objectives the Council has a statutory obligation to adopt a code of conduct and complaints procedure. The effective monitoring of complaints is matter of good governance and is important in preserving the confidence of local communities

**8. Next Steps**

Consultation would be undertaken with the wider Council membership on any proposed changes.

<b>Background</b>	None except those referred to in the report
<b>Papers:</b>	