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<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

To consider if the code of conduct and complaints procedures adopted by the Council in accordance with the Localism Act in 2011, 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 ("the Act"). 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 Under the Act and accompanying statutory regulations members must 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 Act gives the Council discretion over the contents of their 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's current code of conduct was adopted on 24 July 2012 and is attached at Appendix 1 for reference. It is based on a lighter-touch set of general obligations than the previous national model code but retains 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 regulatory role in determining planning and licencing applications. Chiltern District Council has adopted the same form of code.
- 3.5 The Department for Communities and Local Government issued guidance in September 2013 which gives members basic practical information about how to be open and transparent in relation to their pecuniary and non-pecuniary interests. The Committee considered this guidance last year and did not consider that it required any changes to the Council's code. The monitoring officer has also prepared a detailed guidance note on the code, which was provided to all members as part of induction training following the elections in May 2015, together with a series of Quick Guides on specific standards topics. These have been published on the intranet for reference purposes.
- 3.6 A member workshop on declarations of interest, bias and predetermination was held in 2016 and an update session about general obligations under the code is planned for later in 2017. It is considered that generally declarations of interest are being made appropriately by members under the code.

## **THE COMPLAINTS PROCEDURE**

- 3.7 The Act also gives the Council discretion on the arrangements it adopts for dealing with complaints. These arrangements must however 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. The position regarding the appointment of independent persons is referred to in another report on the agenda.
- 3.8 The Council's current Complaints Procedure is attached at Appendix 2. 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.

3.9 The same arrangements have been adopted by Chiltern District Council. The monitoring officer has received 4 formal complaints under the procedure all concerning parish/town councillors. The procedure has only proceeded past stage 1 in two cases and only one of these reached stage 3 with a report to the committee in 2014.

3.10 The Committee is invited to consider whether the code of conduct remains fit for purpose having regard to experience over the past year. 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 should 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 Papers:</b>	None except those referred to in the report
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