

SUBJECT	Annual Review of the Code of Conduct and Complaints Procedure
RELEVANT MEMBER	Councillor David Anthony, Chairman of Audit and Standards Committee
RESPONSIBLE OFFICER	Monitoring Officer- Joanna Swift joanna.swift@chilternandsouthbucks.gov.uk Tel : 01494 732761
REPORT AUTHOR	Edwina Adefehinti:edwina.adefehinti@chilternandsouthbucks.gov.uk Tel : 01895 837377
WARD/S AFFECTED	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.

RECOMMENDATIONS:

1. 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. That the committee note that the recommendation agreed at the meeting on 10 July 2019 for paragraph 8 of the Code of Conduct to be amended to remove the reference to Policy Advisory Groups will be reported to Full Council on 19 November.

2. Reasons for Recommendations

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

3. Content of Report

3.1 As members are aware the Council has a statutory duty under the Localism Act 2011 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 arrangements.

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. 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. It is considered that the obligations in the code of conduct are generally understood by Members and that declarations of interest are being made appropriately.
- 3.5 At the meeting on 10 July 2019, this committee agreed to recommend to Full Council that paragraph 8 of the current Code of Conduct be amended to remove the reference to Policy Advisory Groups.

THE COMPLAINTS PROCEDURE

- 3.6 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.
- 3.7 The Council's current Complaints Procedure was reviewed and revised by the Committee in September 2017 and is attached at Appendix 2. This retains 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 complaint 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.

Similar arrangements have been adopted by Chiltern District Council.

- 3.8 The monitoring officer has received 3 formal complaints during the current financial year which are proceeding through Stages 1 and 2 of the procedure. The monitoring officer is satisfied that the procedure remains fit for purpose.

4. Consultation

Not applicable at this stage

5. Options (if any)

The Committee has the option of proposing other changes to the code of conduct which could be the subject of wider consultation with members before formal consideration by Full Council and revisions to the complaints procedure. Change agreed at previous meeting.

6. Corporate Implications

Reports must include specific comments addressing the following implications:

- 6.1 Financial- None
- 6.2 Legal – As set out in the report
- 6.3 Risks issues – None
- 6.4 Equalities - None

7. Unitary Implications (if applicable)

The standards arrangements for the new Council are being developed and will form part of the Constitution.

8. 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

9. Next Steps

The Code of Conduct will be updated if Full Council approves the recommended amendment to paragraph 8.

Background Papers:	None except those referred to in the report
---------------------------	---

Appendices

Appendix 1 – Members Code of Conduct

Appendix 2 – Arrangements for dealing with complaints alleging a breach of the Members' Code of Conduct (the Arrangements)