

REVIEW OF MEMBERS CODE OF CONDUCT AND STANDARDS ARRANGEMENTS

Officer contact: David Ruddock

Direct Dial: 01492 421252

E-mail: David_Ruddock@wycombe.gov.uk

PROPOSED RECOMMENDATION TO COUNCIL

That the proposed changes to the Members' Code of Conduct and the Arrangements for Dealing with Standards Allegations under the Localism Act 2011 as set out in this report be adopted.

Corporate Implications

Sections 27 and 28 of the Localism Act 2011 requires the Council to promote and maintain high standards of conduct by members and co-opted members, to adopt a Code of Conduct which is consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership, and to have arrangements in place for the investigation of allegations and for the making of decisions on allegations.

Executive Summary

1.1 The Committee is asked to note the report including the details of the complaints received to date under the new Standards regime, and to recommend to Council the changes to the Code of Conduct and Arrangements that are proposed.

Background and Issues

1.2 At its meeting on 31 July 2012, and in accordance with the recommendations of the former statutory Standards Committee, the Council adopted a new Code of Conduct and Arrangements for dealing with standards allegations in accordance with the Localism Act 2011. It was also resolved that the new Standards Committee would undertake a review of the Code in six months' time so that any changes could be made in the light of operational experience.

1.3 Experience over the first few months of operation of the new Code and Arrangements has not suggested that any major changes need to be made to the Code of Conduct. The Code is attached as **(Appendix A)**. One minor change to the Code is proposed, which is explained below.

1.4 However a number of changes are being proposed to the Arrangements in the light of experience to date. These changes are intended to enable complaints received to be dealt with more efficiently and transparently. They:

- (a) enable the Monitoring Officer to dismiss complaints at the initial stage in certain straightforward circumstances;
- (b) introduce the opportunity for the subject member to review the complaint at the initial stage and provide his or her views on a suitable resolution;
- (c) introduce a list of referral criteria which are intended to clarify whether and under what circumstances the complaint will be referred for investigation.

These proposed changes are explained in detail below. The Arrangements, showing the changes that are proposed, are set out in **(Appendix B)**.

2. Complaints received to date

2.1 The following table shows the complaints that have been received since the adoption of the new Code and Arrangements, and the outcome of those that have been processed. It will be seen that the majority of these complaints have either showed no breach of the Code or, where there has been a potential breach, this has not been considered sufficiently serious to warrant investigation. The majority of complaints have involved councillors from one Parish Council. The table also includes complaint IA44, which could not be completed before the new regime came into operation and which was therefore concluded in accordance with the new Arrangements.

Complaint outstanding from previous Standards procedure:			
01/03/2011	IA44	Hughenden PC	11/1/2013: Hearing Panel conclusion -Breach of Code of Conduct: reprimand; publication of notice in press; and recommendations for sanctions to parish council.

Complaints submitted under Localism Act procedure:				
Date	Ref No	Date Recd	Council	Outcome
22/06/2012	SC1	22/06/2012	Hazlemere PC	No Breach
22/06/2012	SC2	22/06/2012	Hazlemere PC	No Breach
22/06/2012	SC3	22/06/2012	Hazlemere PC	No Breach
05/07/2012	SC4	05/07/2012	Hazlemere PC	No Breach
05/07/2012	SC5	05/07/2012	Hazlemere PC	No Breach
05/07/2012	SC6	05/07/2012	Hazlemere PC	No Breach
05/07/2012	SC7	05/07/2012	Hazlemere PC	No Breach

Complaints submitted under Localism Act procedure:				
Date	Ref No	Date Recd	Council	Outcome
05/07/2012	SC8	05/07/2012	Hazlemere PC	No Breach
23/07/2012	SC9	23/07/2012	Wycombe DC	Complaint withdrawn
23/07/2012	SC10	23/07/2012	Wycombe DC	Potential breach not serious enough for investigation. Additional mentoring/support proposed and arranged.
24/07/2012	SC11	24/07/2012	Chepping Wycombe PC	Local Resolution - amendment of relevant minutes
25/07/2012	SC12	25/07/2012	Chepping Wycombe PC	Local Resolution - amendment of relevant minutes
23/10/2012	SC13	23/10/2012	Wycombe DC and Princes Risborough Town Council	Potential breach not serious enough for investigation and local resolution proposed.
30/11/2012	SC14	30/11/2012	Hazlemere PC	<i>IP consulted and under consideration</i>
30/11/2012	SC15	30/11/2012	Hazlemere PC	<i>IP consulted and under consideration</i>
30/11/2012	SC16	30/11/2012	Hazlemere PC	<i>IP consulted and under consideration</i>
04/12/2012	SC17	04/12/2012	Hazlemere PC	Potential breaches not serious and local Resolution proposed
04/12/2012	SC18	04/12/2012	Hazlemere PC	Potential breaches not serious and local Resolution proposed
04/12/2012	SC19	04/12/2012	Hazlemere PC	Potential breaches not serious and local Resolution proposed
04/12/2012	SC20	04/12/2012	Hazlemere PC	Potential breaches not serious and local Resolution proposed
27/12/2012	SC21	27/12/2012	Hazlemere PC	Potential breach not serious enough for

Complaints submitted under Localism Act procedure:				
Date	Ref No	Date Recd	Council	Outcome
				investigation.
02/01/2013	SC22	02/01/2013	Hazlemere PC	<i>IP consulted and under consideration</i>
02/01/2013	SC23	02/01/2013	Hazlemere PC	<i>IP consulted and under consideration</i>
19/02/2013	SC24	19/02/2013	Hazlemere PC	<i>Under consideration</i>

N.B. An additional complaint (Hazlemere PC) is also under consideration but the complaint may be out of time.

3. Proposed changes to the Code of Conduct

3.1 The Code of Conduct is set out at (**Appendix A**). Paragraph 4 of the Code deals with Other Interests, in other words those that are not disclosable pecuniary interests. It is suggested that paragraph 4.2.1 would benefit by the addition of the words “body or organisation” where indicated in bold type below, so that members are clear that where they have an association with a body or organisation this should be regarded by them as an Other Interest:

“4. Other Interests

4.1 *In addition to the requirements of Paragraph 3, if you attend a meeting at which any item of business is to be considered and you are aware that you have a “non-disclosable pecuniary interest or non-pecuniary interest” in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent.*

4.2 *You have a “non-disclosable pecuniary interest or non-pecuniary interest” in an item of business of your authority where –*

4.2.1 *a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person, **body or organisation** with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority’s administrative area, or*

4.2.2 it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code, but in respect of a member of your family (other than a “relevant person”) or a person with whom you have a close association and that interest is not a disclosable pecuniary interest.“

4. Proposed Changes to the Arrangements

- 4.1 The following is an explanation of the proposed changes to the Arrangements, which are set out at **(Appendix B)**.

Page 1

2. The Code of Conduct: Paragraphs have been changed to show that these are available on website and also from Complaints Officer or Parish Clerk.

Page 2

Minor changes have been made to the first and third paragraphs to reflect Wycombe District Council procedures.

Addition of last sentence to third paragraph to advise that not every complaint is referred for investigation and decisions will be made according to referral criteria.

Additional paragraph to advise that lengthy complaints material may take longer to be assessed. Recent experience has shown that some complainants include large volumes of material - some of which is not relevant to the complaint or could have been summarised.

Items 4. What happens next? to 6. Stage 2: rewritten and replacement for existing procedure.

Criteria are now included for the Monitoring Officer to dismiss complaints at the initial stage in certain straightforward circumstances.

Members who are the subject of complaints have nearly always wished to see and consider the complaints made about them prior to assessment by the Monitoring Officer. This applies even when Members are aware that the complaint may not be assessed as serious enough to be investigated. Complaints procedures from other councils were therefore reviewed and it was felt that new procedure as set out was appropriate for this Council. This includes the opportunity for the subject Member to review the complaint at the initial stage and also provide their views on a suitable resolution.

The setting out of the procedure into Stages 1, 2 and 3 also provides further clarity for the benefit of the complainant and subject Member.

Page 3

Referral Criteria: These are felt to be a useful addition for the benefit of the complainant, subject member, Monitoring Officer and Independent Person to clarify whether and under which circumstances the complaint will be referred

for investigation. It should be noted that some of these duplicate criteria for the Monitoring Officer to dismiss at the initial stage, in order to leave scope for consultation with the Independent Person on the criteria if required.

Item 7 to Item 7.2: There are no changes to existing procedures, other than re-numbering.

Item 7.3: The first paragraph relates to the possible actions of the Hearing Panel and as this Council receives many Parish Council complaints, it was felt beneficial to separate the possible actions in the case of District Councillor or Parish Councillor referrals.

Items 7.4 to Item 10: There are no changes to existing procedure.

Page 7

Item 11: There is an additional paragraph to clarify that complaints can be withdrawn with the agreement of the Monitoring Officer.

Page 8

Appeals – additional information has been provided about LG Ombudsman jurisdiction as a result of a recent LGO decision.

Appendix – Wycombe DC Code of Conduct: This has been removed as the arrangements apply to complaints about both District and Parish Councillors and this could cause confusion to complainants.

Appendix – Procedure for Local Standards Hearings: No changes to this procedure are proposed and the Appendix is retained.

5. Background Papers

5.1 The Localism Act 2011.