

REVIEW OF CODE OF CONDUCT FOR MEMBERS AND STANDARDS COMPLAINTS ARRANGEMENTS

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Wards affected: All

PROPOSED DECISION

That the Member Code of Conduct and complaints handling process be reviewed, the review process to include appropriate liaison with Group Leaders, other Buckinghamshire Councils including Town and Parish Councils, and that a further report be presented to Standards Committee upon completion of the review.

Corporate Implications

1. The Localism Act 2011, Sections 26 - 37 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 set out the current legislative framework relating to standards of conduct for elected members and arrangements for handling member standards complaints.

Executive Summary

2. This report invites the Committee to consider current arrangements and a potential review of the Code of Conduct for Members and arrangements for considering complaints thereunder.

Sustainable Community Strategy/Council Priorities - Implications

3. Continuing to monitor the current arrangements supports the Community Involvement theme of the Sustainable Community Strategy.

Background and Issues

4. At its 6 January 2015 meeting, Standards Committee considered a report on the potential review of the Member Code of Conduct and complaints handling arrangements, and resolved that a further interim report on potential amendments to both the Code and complaints arrangements, including a comparison of arrangements in other parts of the county, be brought to the next meeting.
5. Due to the number of different arrangements across the country, Hoey Ainscough & Associates, who carry out various support work on Standards issues, have been asked to prepare a paper examining and comparing the arrangements, and this is attached as Appendix A. This looks at the position prior to 2012, and the changes to the law that were made by the Localism Act 2011, both in terms of the removal of the need to adopt a national model code, and the relaxation of requirements around complaint handling. The comparison includes the position both within the county of Buckinghamshire and more widely across the country.

6. Generally speaking, WDC's arrangements appear to be fairly typical and in keeping with the majority, in terms of Code content, complaint handling, and involvement of its Independent Persons. Whilst it seems to have been the original intention within the County that Codes for the Districts and County Council would be the same, ultimately different views were preferred, so that two main approaches were taken as between the Districts and County (similar to the position elsewhere in the country), with a further slight divergence between the WDC version and the versions adopted by the three other Districts.
7. The Hoey Ainscough paper identifies some areas which might usefully be examined now that the current arrangements have been in place since July 2012. Standards Committee is invited to discuss the paper, and establish what areas it would like to see reviewed.

Options

8. There is no legal obligation to review the Code or complaints arrangements; this is a voluntary step, and the extent to which this is done is a decision for the Committee to make, although ultimate arrangements must comply with the current law in the Localism Act 2011.
9. The options are:
 - i) Leave the current Code and complaints arrangements unchanged for the time being;
 - ii) Consider amendments to the Code but leave the complaints arrangements unchanged;
 - iii) Make no changes to the Code but consider changes to the complaints arrangements;
 - iv) Consider amendments to both Code and complaints arrangements.

Next Steps

10. If it is concluded that further work needs to be done to review the Code and/or complaints arrangements, consultation will take place with Group Leaders, and other Buckinghamshire Councils, and a further report will be presented to this Committee.

Background Papers

None.