

REVIEW OF CODE OF CONDUCT FOR MEMBERS AND STANDARDS COMPLAINTS ARRANGEMENTS

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Wards affected: All

PROPOSED RECOMMENDATION TO COUNCIL

- (i) That subject to consultation with all Wycombe District Council Group Leaders, Buckinghamshire County Council, and all District Councils in Buckinghamshire, and there being no adverse comments by the deadline of close of business on Friday 17 July 2015, Council be recommended to adopt the changes to the Code and complaints arrangements as set out in paragraphs 5(i) and 9(i) (ii) and (iii) of this report; and
- (ii) That authority be delegated to the Head of Democratic, Legal and Policy to make all necessary and consequent changes to the Constitution.

PROPOSED DECISION

- (iii) That the Town and Parish Councils in the district be informed of the proposed changes in 5(i) and 9(i)(ii) and (iii).
- (iv) That a Working Group as outlined in paragraph 8 of this report, comprising members of the Standards Committee, one or more of the Independent Persons and the Monitoring Officer be set up to consider how types of behaviour might be further defined or exemplified so as to capture them in a clear way to enable both Members and the public to understand and measure them.

Reason for Decision

To give further consideration to, and to take steps to implement, measures to improve and strengthen the Council's standards regime, in accordance with the Committee's terms of reference.

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. The Terms of Reference of the Standards Committee are set out in the Council's Constitution.

Executive Summary

2. Following a report considered by Standards Committee in March 2015, this report makes more detailed proposals as to amendment of the Code and process for considering complaints in relation to Member conduct.

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. On 10 March 2015 the Standards Committee considered a report in relation to review of the Member Code of Conduct and complaints handling process, and resolved to consider amendments to the Code and complaints process, with a further report to be presented to this meeting.
5. The main issues for change and strengthening of the Code and process which were brought out by the March report were as follows:
 - (i) To bring the WDC Code into line with the other Buckinghamshire Districts so as to make it compulsory under the Code for Members not only to declare, but also to withdraw from decision making, in circumstances where other “non-DPI” interests (as well as “DPI” – i.e. Disclosable Pecuniary Interests) exist;
 - (ii) To arrange quarterly meetings for the Monitoring Officer, Independent Persons, and Chairman and Vice-Chairman of Standards Committee to review recent decisions, in order to ensure consistency between cases;
 - (iii) To present regular quarterly reports to Standards Committee to provide an overview information on case numbers and types so as to highlight any emerging trends;
 - (iv) To give further consideration to the specific types of behaviour that are considered should fall foul of the Code, in such a way as to capture them in a clear way which both Members and the public can understand and measure them.
6. With regard to the measures in paragraph 5 (i) (ii) and (iii), it is considered that they would be lawful and would indeed strengthen the Council’s standards regime; a report as set out in (iii) was last presented in March 2014. Indeed, (ii) and (iii) can be and are being implemented without the need to formally amend the written procedure to allow for this.
7. Regarding the first measure (Paragraph 5(i)) as explained in the March report, any proposed change to the Code should be subject to consultation with Group Leaders and other Buckinghamshire Councils before any final decision is made. It appears that any observations that might potentially cause the proposals in this report to be altered may be more likely to emerge from the County and/or Districts than from Towns and Parishes, given that the latter will mainly have tended to adopt a Code more designed for that level of local government, albeit the proposals are in any event not particularly remarkable. It is therefore suggested that consultation should take place with Group Leaders and the Buckinghamshire County and District Councils, and that Town and Parish Councils would be simply informed of the proposals. Provided there are no adverse responses from any consultees, any proposals

would be presented to full Council for approval. In the event of any adverse responses, a further report would be presented to Standards Committee for consideration before a final recommendation was presented to full Council.

8. With regard to the measure in paragraph 5 (iv), this will require more detailed work to determine what definitions or examples might be added to the Code to aid understanding and measurement of acceptable and unacceptable behaviours. It is suggested that a Working Group be set up to undertake this work.
9. Following the March meeting, some further measures have been proposed by the previous Chairman, also aimed at strengthening the Council's Standards regime and the ability of key members to maintain a degree of information commensurate with enabling them to carry out their roles in accordance with the Committee's terms of reference. These are:
 - (i) To add a requirement into the second stage of the complaints handling procedure that when the Monitoring Officer and Independent Person are about to consider a complaint, the Chairman and Vice-Chairman will be provided with a copy of the complaint, and will also be informed of the proposed decision of the Monitoring Officer prior to the decision being released to the Complainant and Subject Member (save for cases where the complaint is against one of those Members);
 - (ii) To add into the Code information about the criminal offence and sanctions which the law provides for breaches of the Code centred upon declaration of interests;
 - (iii) To recommend to Council that whilst noting that there is no longer a legal duty for members to sign a declaration that they agree to abide by the Code which is for the time being in force, the Council should nonetheless resolve that it expects and encourages all its Members to do so, and will publish a list of Members who have voluntarily agreed to do so and who have not done so.
10. As the suggestion at 9(i) merely intends to provide information, there should be no difficulty with those members sitting as part of a Hearing Panel in the future should that eventuality arise. The suggestion at 9(ii) would ensure that criminal sanctions are made clear to all readers of the Code. The suggestion at 9(iii) would provide an added impetus for Members to promise, and be seen to be promising, that they will abide by the Code's provisions, thereby strengthening the Council's commitment to good governance and support for good standards of Member conduct. These proposed changes would require full Council approval following consultation.

Options

11. All of the proposals in this report are optional and there is no obligation to resolve to take forward any of them; the current Code and process are already lawful. However, those that are recommended are intended to improve the Council's Member standards and ethics provisions, and it is considered that they will fulfil that intention.

Next Steps

12. Consultation as set out in the report, and adoption of those measures which do not require any amendment to the Code or complaints handling process.

Background Papers

Report and minutes for Standards Committee 10 March 2015.