

WEST DEVON BOROUGH COUNCIL

NAME OF COMMITTEE	Standards Committee
DATE	11 February 2014
REPORT TITLE	Review of the Code of Conduct Complaints Procedures
Report of	Monitoring Officer
WARDS AFFECTED	All

Summary of report:

The procedures for dealing with standards complaints and standards hearings have been in operation for approximately 18 months and the purpose of this report is to review those processes in the light of experience since their introduction.

Financial implications:

There are no financial implications to this report.

RECOMMENDATIONS:

That Members consider the procedures for 'Dealing with Standards Complaints' and the 'Hearing Procedure' (appendices A and B to this report) and delegate any amendments to the Monitoring Officer in consultation with the Chairman and Vice Chairman.

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1. BACKGROUND

- 1.1 Following the abolition of the previous standards regime in July 2012, the Council adopted a West Devon Members' Code of Conduct on 26 June 2012 together with new processes to deal with allegations of a breach of the Code. Copies of the process 'Dealing with Standards Complaints' is attached at Appendix A and the Hearing Procedure is attached at Appendix B.

- 1.2 The Standards Committee has a duty to consider complaints alleging a breach of the Code of Conduct and by Borough Councillors and members of the Town and Parish Councils with the Borough of West Devon. In order to consider such allegations, the Standards Committee has adopted a procedure for Dealing with Standards Complaints and a Hearing Procedure. These procedures have been in operation for approximately 18 months and the purpose of this report is to review the operation and application of these processes in the light of experience to date and best practice, and to consider any amendments accordingly.

2. ISSUES FOR CONSIDERATION

- 2.1 As set out in the separate report on this agenda on standards complaints received so far since the introduction of new standards regime under the Localism Act in July 2012, the Council has received four complaints. In respect of three of those complaints, after considering both the complaint and the Councillor's response (and in consultation with the Independent Person) no further action was taken. The fourth matter was referred to a Hearing following an investigation.
- 2.2 The standards complaints procedures, (particularly the Hearing procedure) were based on processes that were prescribed by the Standards Board under the previous standards regime. Although the Council has received few complaints alleging a breach of the Code, the Standards Committee is asked to consider (along with any Member suggestions) the following recommendations which the Monitoring Officer considers will improve and streamline the current processes.
- 2.3 With regards to Appendix A 'Dealing with complaints':
- 2.3.1 To combine Stages 1 and 2 of the Monitoring Officer assessment of the complaint. To a large extent they are repetitive, and in practice the Monitoring Officer asks the councillor (who is the subject of the complaint) for his/her comments in any event.
- 2.3.2 Consider a further option at Stage 1 of 'other actions' such as referring the matter back to the Parish or Town Council for local resolution, recommending training, or referral to Political Group Leaders.
- 2.3.3 With regards to Appendix B 'Hearing Procedure':
- 2.3.4 Streamline stages 1 and 2 of the Hearing with regards to the findings of facts and evidence so that both are dealt with together to enable a more simplified process.
- 2.3.5 Amend the pre-hearing process to accord with the above

3. LEGAL IMPLICATIONS AND STATUTORY POWERS

- 3.1 The Localism Act 2011 introduced requirements for a local Code of Conduct from 1 July 2012. Each Council is responsible for deciding how to deal with those complaints.
- 3.2 The responsibility for procedures dealing with standards complaints has been delegated to the Standards Committee and the Monitoring Officer.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications to this report.

5. RISK MANAGEMENT

- 5.1 The Risk Management implications are shown at the end of this report in the Strategic Risks Template.

6. OTHER CONSIDERATIONS

Corporate priorities engaged:	All
Considerations of equality and human rights:	Considered on a case by case basis
Biodiversity considerations:	N/a
Sustainability considerations:	N/a
Crime and disorder implications:	N/a
Appendices attached:	Appendix A: Dealing with Standards Complaints Appendix B. Hearing Procedure (standards)

STRATEGIC RISKS TEMPLATE

No	Risk Title	Risk/Opportunity Description	Inherent risk status				Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1.	Failure to review the procedures for dealing with standards complaints to ensure that it is fit for purpose and reflects current legislation and best practice	Consistent and clear rules regulating Members' Conduct and dealing with allegations of misconduct.	3	2	6	↔	Regular Review of the procedures relating to standards complaints	Monitoring Officer

Direction of travel symbols ↓ ↑ ↔