

Report to: **Standards Committee**

Date: **15 March 2016**

Title: **REVIEW OF PROCEDURE FOR DEALING WITH STANDARDS COMPLAINTS**

Portfolio Area: **Resources and Performance**

Wards Affected: **All**

Relevant Scrutiny Committee: N/a

Urgent Decision: **N** Approval and clearance obtained: **N/a**

Date next steps can be taken: **15 March 2015**

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RECOMMENDATION

That Members consider the Council's procedures 'Dealing with Standards Complaints' and standards hearing procedures (Appendices A, B and C to this presented agenda report) and agree any amendments to the procedures.

1. Executive summary

1) The procedure for dealing with standards complaints and standards hearings has been in operation since 2012 and last reviewed in February 2014. The procedure states that the policies will be reviewed every two years (or as necessary) and this report asks members to consider the procedure and the suggested amendments shown in the attached Appendices. A review will ensure that any appropriate amendment are made in the light of experience and best practice.

2. Background

1) The Localism Act 2011 introduced a new standards regime in July 2012 in accordance with which the Council adopted a local Code of Conduct together with processes to deal with allegations of a breach of the

Code. A copy of the current process 'Dealing with Standards Complaints' is attached at Appendix A, together with the associated hearing procedures attached at Appendices B and C.

- 2) The Standards Committee is responsible for considering complaints that allege a breach of the relevant Code of Conduct by Borough Councillors (together with parish and town councils within the West Devon area) and in order to consider such allegations, the Standards Committee has adopted the attached procedures. The procedures have been in operation since 2012 and were last reviewed in 2014, and members are asked to further review (in line with the requirements of the procedure) the policies to ensure that they remain fit for purpose.

3. Outcomes/outputs

- 1) The procedures have been successfully employed in the consideration of standards complaints over the last two years since the last review, and the Monitoring Officer has not experienced any difficulties with the processes set out in these procedures.
- 2) However, some minor amendments and clarification are suggested in the 'Dealing with Standards Complaints' policy attached at Appendix A for members to consider.

4. Options available and consideration of risk

- 1) The Standards Committee may, after due consideration, decide not to make any amendments to the Policy, but a failure to consider the Policy altogether would constitute a failure to follow the Council's own processes which require such a review.
- 2) A review the standards complaints procedures will further ensure that the policies are fit for purpose, in line with current legislation and reflect best practice and will ensure that there is a clear and consistent approach to dealing with allegations of a breach of the Code of Conduct.

5. Proposed Way Forward

- 1) To review the attached policies on dealing with standards complaints and standards hearings and to make any necessary amendments.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	<p>The Localism Act 2011 introduced requirements for all Councils to adopt a local Code of Conduct together with processes for dealing with any allegations of members' misconduct against Borough Councillors and members of town and parish councils within the West Devon area.</p> <p>Responsibility for dealing with Standards</p>

		Complaints has been delegated to the Standards Committee and the Monitoring Officer, and the Standards Committee is responsible for reviewing the policy to ensure that it accords with best practice.
Financial	N	There are no financial implications to this report as it seeks a review of the policy only.
Risk	Y	A review the standards complaints procedures will ensure that they are fit for purpose, in line with current legislation and reflect best practice, and will ensure that there is a clear and consistent approach to dealing with allegations of a breach of the Code of Conduct.
Comprehensive Impact Assessment Implications		
Equality and Diversity		Considered within the Policy
Safeguarding		N/a
Community Safety, Crime and Disorder		The Code of Conduct ensures compliance with statutory requirements
Health, Safety and Wellbeing		N/a
Other implications		N/a

Supporting Information

Appendices:

Appendix A; Dealing with Standards Complaints Policy
Appendix B: Hearing Procedure
Appendix C: Paper Hearing Procedure

Background Papers:

None