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Subject	Mole Valley District Council Members’ Code of Conduct and Arrangements for dealing with standards allegations under the Localism Act 2011
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RECOMMENDATIONS

It is RECOMMENDED that the Standards Committee agrees:

- (1) That the revised Members’ Code of Conduct and Arrangements for dealing with standards allegations under the Localism Act 2011 attached at Appendix 1 be recommended to the Council for approval.
- (2) That the Council be recommended to appoint named substitutes to the Standards Committee and Standing Orders 11.4 and 11.5 be amended accordingly.

The Council has the authority to determine the Recommendations

1. Background

1.1 The new Code of Conduct and Arrangements for dealing with standards allegations were approved by the Council on 3rd July 2012 and the Council asked the Scrutiny Committee to review the new Code and arrangements and report back to the Standards Committee and the Council. The Scrutiny Committee met on 17th September and made the following comments to the Standards Committee on 2nd October:

- 1 Disclosure of Partners’ Interest – the Committee is advised that the requirement to disclose a partner’s interests was generally welcomed as a method of transparency.
- 2 Time Limit of Investigations – the Committee is advised that it would not be appropriate to implement a time limit as this could impede any investigation.
- 3 Complaints Procedure – the Committee is asked to note that the new procedure was more evenly balanced than previously, but to consider if it wishes to make any amendments.

4 To consider whether the Code of Conduct should be reviewed after 12 months and how the review should be undertaken.

1.2 At that meeting the Standards Committee considered the views of the Scrutiny Committee and established a Standards Working Group to review the Code of Conduct and arrangements for dealing with standards allegations in more detail. The Working Group met on 30th October and 19th November 2012.

1.3 At the first meeting the Working Group noted that Members were broadly happy with the new Members' Code of Conduct, but acknowledged that there were still areas of concern with regard to the new arrangements, such as confidentiality. As such, the Working Group asked the Corporate Head of Service to write to Group Leaders requesting any comments or concerns which would be considered at its next meeting, along with any amendments suggested by officers.

1.4 A number of comments and concerns were received from Members and these, along with the officer responses thereon and a number of amendments to the Code of Conduct and Arrangements, which had been proposed to address some of the Member comments and concerns, were considered by the Working Group on 19th November 2012.

1.5 The Working Group agreed the proposed amendments to the Members' Code of Conduct and Arrangements for dealing with standards allegations for recommendation to the Standards Committee, subject to a number of further amendments.

2. Proposed Amendments to the Members' Code of Conduct and Arrangements

2.1 Attached at Appendix 1 are the Members' Code of Conduct and Arrangements with the proposed amendments agreed by the Working Group marked in track changes. The proposed amendments aim to address the concerns raised by Members in the following areas:

2.2 Transparency

- in order to ensure that the Member against whom a complaint is made is fully aware of the facts, complainants will no longer be able to request that their details be kept confidential except in very exceptional circumstances.
- in order to improve transparency following a local hearing, the Investigating Officer's report, suitably redacted, will be made available in addition to the decision notice of the Sub-Committee.

2.3 Confidentiality

- in order to ensure confidentiality during the process, a section stating that the complainant and Member are required to keep the issue of the complaint and any information gathered during an investigation confidential, unless and until the Complaints Sub-Committee has made a decision on the complaint, has been added.

2.4 **Timescales**

Although the Working Group agreed with the Scrutiny Committee that a time limit on the complaints process could impede an investigation, a number of amendments which aimed to expedite processes and ensure that both the Member and complainant were fully informed of progress are proposed. All timescales are now working days for consistency.

- a requirement that complainants respond to requests for information within 10 working days, and unless there are specific reasons for non-compliance with this requirement, which are acceptable to the Monitoring Officer, complaints will not be pursued, has been added.
- with regard to timescales for responding to the draft report and to be consistent with the above requirement, it is proposed that, unless there is a specific reason for non-compliance which is acceptable to the Monitoring Officer, both Member and complainant are required to respond within 10 working days.
- in order to keep the Member and complainant informed as to the anticipated time frame for the investigation, the Investigating Officer will be asked to provide to the Member and the complainant as soon as practicable an indicative timescale for the investigation.

2.5 **Vexatious complaints**

- in order to clarify the position regarding the investigation of vexatious complaints a section stating that the Monitoring Officer may, following consultation, reject complaints considered to be vexatious, frivolous or politically motivated, has been added.

2.6 **Decision Making**

- to ensure that no decisions are taken at any stage of the complaints process without consultation, any references to the Monitoring Officer taking a decision now include consultation with the Independent Person and/or the Chairman of the Standards Committee.

2.7 **Balance**

- the above amendments relating to transparency and confidentiality aim to redress the perceived imbalance against the Member.
- the Arrangements are now written in the third person, saying 'complainant' rather than 'you'.

2.8 **Annual Report**

- in order to provide consistency and clarity with regard to reporting, the annual report will be submitted to a specific meeting of the Standards Committee.

2.9 Support for Members

Support to Members who were the subject of a complaint had been a particular concern. The following amendment to the Arrangements clarifies the support available from the Independent Person.

- the right of a Member to consult the Independent Person at any stage of the complaints process has been made clearer.

In addition, the Chief Executive has agreed that a member of SMT would be allocated to provide a support mechanism and this allocation would be done in consultation with both the Member and officer and would also depend on the nature of the complaint and the service area within which it fell. It is not proposed that this support mechanism should be specifically included in the Arrangements, but that it should be included in the Members' Handbook as part of the general support provided to Members by officers.

2.10 Other Amendments

In addition a number of amendments have been proposed which clarify the wording in both the Code of Conduct and the Arrangements and aim to remove any ambiguity. It is also proposed that the Code of Conduct and the Arrangements will be reviewed one year after adoption. However, the Committee may wish to include the statement suggested at paragraph 7.1 of the Code to ensure future reviews are undertaken.

3. Standards Committee Substitutes

- 3.1 The Working Group also considered whether named substitute members should be appointed to the Standards Committee in order to increase the pool of Members who were able to sit on a Complaints Sub-Committee. The Working Group agreed that the Standards Committee should be asked to recommend this Constitutional amendment to the Council.

4. Recommendations to the Standards Committee

It is RECOMMENDED:

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- (2) That the Council be recommended to appoint named substitutes to the Standards Committee and Standing Orders 11.4 and 11.5 be amended accordingly.

BACKGROUND PAPERS

None other than published documents.