

COUNCIL

16 MAY 2017

REPORT OF THE SOLICITOR TO THE COUNCIL AND MONITORING OFFICER

REGULATION OF MEMBERS CONDUCT

PURPOSE

To advise Members on the number of complaints received for the period 01 May 2016 until 30 April 2017 in relation to alleged breaches of the Code of Conduct arising from implementation of Part 1 Chapter 7 of the Localism Act 2011 which introduced provisions to assist with the regulation of standards of conduct for elected and co-opted Councillors.

RECOMMENDATIONS

Members are requested to endorse the findings of the contents of the report.

EXECUTIVE SUMMARY

Since the establishment of the new Code of Conduct in July 2012 the new Standards regime has been well received by members. In the year from 01 May 2016 until 30 April 2017 members have maintained high standards of conduct and abided with the rules regarding interests, declarations and predetermination. Accordingly I can advise that in the period from 01 May 2016 until to 30 April 2017 four complaints were received.

The complaints were received on 4 July 2016, 28 February 2017, 2 March 2017 and 28 March 2017.

The first complaint is under investigation and a report will be made to Audit and Governance Committee for consideration.

The second complaint was resolved informally. There was no deliberate attempt by the member to mislead or cause any distress to residents. The member recognised the error and apologised to the resident that raised the issue.

The third complaint has been closed. The Monitoring Officer consulted with one of the Independent Persons following receipt of the complaint. Additional information was required which would have enabled the matter to be considered. The information has not been forthcoming.

The fourth complaint was resolved informally. There was no deliberate attempt or intention by the member to cause the resident any distress. The member had dealt

with the concern raised by the resident appropriately. The member apologised to the resident for any offence caused.

RESOURCE IMPLICATIONS

The operation of the arrangements relating to Standards of Conduct does not have any additional resource implications for the Authority, however the process of investigation would have financial implications as it would be necessary to utilise external support in such circumstances. In the year to 30 April 2017 the Council has only incurred expense for external support in relation to one of the complaints received, which was met from within existing budgets.

LEGAL/RISK IMPLICATIONS BACKGROUND

Effective arrangements to deal with complaints provides the mitigating action necessary to ensure that the Authority meets its statutory obligations under the Localism Act 2011.

SUSTAINABILITY IMPLICATIONS

The arrangements ensure that the staff of the Council and the citizens of Tamworth benefit from a robust, open and transparent complaints process.

BACKGROUND INFORMATION

The Localism Act 2011 repealed Section 55 of the Local Government Act 2000 which provided the previous Standards regime. There still remains a requirement to deal with conduct issues and associated case-work. Accordingly the Audit and Governance Committee membership was increased and its remit was extended to deal with regulation of Members Conduct. In addition an Independent Person was appointed to assist the process albeit such person is not a member of the Committee.

REPORT AUTHOR

For further information please contact Jane M Hackett, Solicitor to the Council & Monitoring Officer on Extn: 258

LIST OF BACKGROUND PAPERS

Localism Act 2011
Code of Conduct for Members and arrangements for dealing with complaints

APPENDICES

None

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