

COUNCIL

TUESDAY, 27 OCTOBER 2020

REPORT OF THE MONITORING OFFICER

REGULATION OF STANDARDS OF CONDUCT

EXEMPT INFORMATION

None.

PURPOSE

To advise Members of the number of complaints received for the period 01 May 2019 until 30 April 2020 in relation to alleged breaches of the Members' 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

It is recommended that:

1. Members endorse the findings of this report.

EXECUTIVE SUMMARY

In the period from 01 May 2019 to 30 April 2020, one official complaint of an alleged breach of the Members' Code of Conduct was received. This complaint was investigated and it was resolved that no breach had taken place.

The background information section of this report provides further detail on how the Council aims to promote and maintain high standards of Member conduct and on the voluntary code which has been adopted (Procedure for Making Complaints Against a Councillor).

OPTIONS CONSIDERED

N/A

RESOURCE IMPLICATIONS

The operation of the arrangements relating to standards of conduct does not normally have any additional resource implications for the Council, however, the process of investigation may have minor financial implications when it is necessary to utilise external support. In the period 01 May 2019 to 30 April 2020, this accounted for £nil.

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.

EQUALITIES IMPLICATIONS

None identified.

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 current regulation of Members' regime was established through the Localism Act 2011 which requires that under section 27, a relevant authority must:

- Promote and maintain high standards of conduct by its members and co-opted members.
- When discharging its duty, adopt a voluntary code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in their capacity as members (that is in an official capacity).

Section 28 provides that the Members' Code of Conduct must include certain provisions and when viewed as a whole be consistent with the following principles:

- (a) selflessness;
- (b) integrity;
- (c) objectivity;
- (d) accountability;
- (e) openness;
- (f) honesty;
- (g) leadership.

It also provides that 'a relevant authority' must have in place:

- (a) arrangements under which allegations can be investigated, and
- (b) arrangements under which decisions on allegations can be made.

Those arrangements must include provision for the appointment by the Authority of at least one Independent Person and to seek that person's views at certain stages of the complaints' investigation process.

Tamworth Borough Council has adopted arrangements under which allegations are investigated and under which decisions on allegations can be made. These are kept regularly under review and meet the requirements of the Act. A link to the Procedure for Making Complaints Against a Councillor is at the link below:

<https://www.tamworth.gov.uk/Governance-and-Anti-Fraud>

All members are trained on and sign up to the requirement of the Members' Code of Conduct on their induction. Refresher training is subsequently provided as required (the next session for all Members is planned for January 2021).

In addition, in terms of next steps for promoting and maintaining high standards of conduct, the Council awaits the Local Government Association's (LGA) issue of its new model member code of conduct for consideration of the Council's potential adoption.

REPORT AUTHOR

Rebecca Neill, Head of Audit & Governance and Monitoring Officer

LIST OF BACKGROUND PAPERS

Localism Act 2011
Procedure for Making Complaints Against a Councillor

APPENDICES

None

This page is intentionally left blank