

TUESDAY, 16 SEPTEMBER 2014

REPORT OF THE PORTFOLIO HOLDER FOR OPERATIONS AND ASSETS

REVISED ARRANGMENTS FOR DEALING WITH COMPLAINTS IN RELATION TO MEMBERS FOR AN ALLEGED BREACH OF THE CODE OF CONDUCT

EXEMPT INFORMATION

None

PURPOSE

The Localism Act 2011 made fundamental changes to the system of regulation of Standards of Conduct for Members. This report provides revised arrangements for dealing with complaints in relation to Members for an alleged breach of the Code of Conduct.

RECOMMENDATIONS

That Council

1. **adopt the revised arrangements for dealing with complaints in relation to Members for an alleged breach of the Code of Conduct as attached at Annex 1 in terms of Section 28(6) of the Localism Act 2011;**
2. **thereafter publish the revised arrangements as operable forthwith for handling alleged breaches of the Code of Conduct in relation to Members and**
3. **submit the adopted revised arrangements to the next Audit & Governance Committee meeting for discussion and endorsement.**

EXECUTIVE SUMMARY

The Council is committed to high standards of Ethical and Corporate Governance which underpin the accountability and transparency of the leadership and direction of the Authority. The current arrangements were put in place in 2012. In line with Corporate guidelines policies require to be reviewed to ensure that they remain fit for purpose. The revised arrangements as contained in **Annex 1** set out in detail how the Authority will respond, process, investigate and resolve a complaint. The process is easy to follow and will provide a better experience and service for all users and make the arrangements for dealing with complaints against Members more inclusive and accessible to all sections of our community.

OPTIONS CONSIDERED

1. Do nothing to current policy;
2. Partly review current policy;
3. Conduct a full review of current policy.

It was clear that option 3 was the best option and most useful in terms of providing clear and concise processes to deal with Member issues and at the same time making the administration thereof more user friendly for all involved thus a full review has been implemented and carried out.

RESOURCE IMPLICATIONS

There are currently no additional resources to deal with any alleged breaches of the Code of Conduct. Any issues that may arise are managed by the Solicitor to the Council and Monitoring Officer within her allocated budget however additional resource could be required should an investigation be necessitated.

LEGAL/RISK IMPLICATIONS BACKGROUND

To have a policy that is not user friendly nor easy to operate poses issues for all and any parties involved in a Code of Conduct issue. A policy difficult to understand and operate can put a complainant off from raising an issue and at the same time may not offer the protection required to a defendant. This in turn could lead to a legal challenge and potentially judicial review. A more user friendly and coherent policy reduces this risk to the organisation.

SUSTAINABILITY IMPLICATIONS

It is essential that the Authority operates in a manner that is open, transparent, inclusive and embodies good governance. By adopting and operating these revised arrangements to deal with alleged breaches of the Code of Conduct the Authority is providing a framework that is accessible, user friendly and written in plain English.

BACKGROUND INFORMATION

In 2011 the Localism Act imposed a new Code of Conduct for Members and required new arrangements to be put in place to deal with complaints regarding members who allegedly breach the new Code of Conduct. Notwithstanding this new Code and arrangements the Authority remained under a statutory duty to promote and maintain high standards of conduct for its elected and co-opted members. That duty still exists and it is therefore the duty of the Council to ensure that robust arrangements exist to direct and control Members' accountability in engaging and leading their Communities.

The Council strives to meet the highest standards of corporate governance to help make sure it meets its objectives. Members are responsible for putting in place proper arrangements for the governance of the Council affairs and the stewardship of the resources at its disposal. Governance forms part of the Council's commitment to customer excellence which underpins the Council's Strategic Plan and Vision. The revised arrangements ensure that the obligations incumbent on the Authority and its Members are fulfilled.

REPORT AUTHOR

Jane M Hackett, Solicitor to the Council & Monitoring Officer TEL: 709258

LIST OF BACKGROUND PAPERS

Localism Act 2011

Arrangements adopted by Council on 19 June 2012 for dealing with complaints regarding Members

APPENDICES

ANNEX 1: Arrangements for Dealing with Members for an alleged breach of the Code of Conduct