

AUDIT AND GOVERNANCE COMMITTEE

25 SEPTEMBER 2014

REPORT OF THE SOLICITOR TO THE COUNCIL AND MONITORING OFFICER

REVISED ARRANGEMENTS 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 details of the revised arrangements for dealing with complaints in relation to Members for an alleged breach of the Code of Conduct and seeks the Committee's endorsement of the said arrangements.

RECOMMENDATIONS

It is recommended that the Committee

- (1) consider and discuss the revised arrangements for dealing with complaints in relation to Members for an alleged breach of the Code of Conduct and**
- (2) endorse the said revised arrangements.**

EXECUTIVE SUMMARY

Article 9 of the Constitution provides *inter alia* that Audit and Governance Committee maintain an overview of the Constitution including the Code of Conduct. Under the Localism Act the Authority remains under a duty to promote and maintain high standards of conduct for its elected members. The Audit and Governance Committee is in a position to exercise all functions of the Council relating to the Code of Conduct which includes making recommendations to full Council the actions to be taken where a member is found to have failed to comply with the Code of Conduct.

OPTIONS CONSIDERED

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

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

RESOURCE IMPLICATIONS

The amendments as required to the Constitution and the decided hearing processes arising from alleged breaches of the Code of Conduct will be carried out as part of the duties of the Monitoring Officer and have no additional resource implications for the Authority. However additional resource could be required should an investigation be necessitated.

LEGAL/RISK IMPLICATIONS BACKGROUND

To have a Policy that is not fit for purpose could lead to the Council making decisions that would be *ultra vires*. In addition an effective Policy provides the mechanism for ensuring that Members, Officers and the Public can make use of the resource as required and will provide the mitigating action necessary to ensure that the Council's obligations under the Localism Act 2011 are met.

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 the revised arrangements to deal with an allegation of a breach of the Code of Conduct the Authority is providing a framework that is accessible, user friendly and written in plain English.

BACKGROUND INFORMATION

At the Council meeting on 16 September 2014 the Portfolio holder for Operations and Assets put forward for adoption into the Constitution 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.

The changes were approved at the said meeting and will be incorporated into the Constitution. The revised arrangements will also be published on Tamworth Borough Council website

Accordingly the proposals are attached at **Annex 1** for discussion and consideration by the Committee.

REPORT AUTHOR

Jane M Hackett Solicitor to the Council and Monitoring Officer Tel 709258 if you would like further information or clarification prior to the meeting

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.