

STANDARDS COMMITTEE

4 APRIL 2017

Standards Issues

Portfolio Holder Cllr C J Eginton - Leader
Responsible Officer Jill May – Monitoring Officer

Reason for Report: To consider a revised Code of Conduct and a set of procedures for dealing with complaints against Councillors

RECOMMENDATION(S): that the following be recommended to Council

- a) The Code of Conduct for Councillors and Co-opted Members be approved.
- b) The updated Complaint Form and the procedure be approved
- c) The protocol between Mid Devon District Council and the Police Investigations and offences under the Localism Act 2011 Section 24 be approved.
- d) The updated Monitoring Officer's delegations be approved.
- e) The Local/Informal Resolution Process be approved.
- f) The Procedure for investigating the Complaint be approved.
- g) The Hearing Panel Procedure be approved.
- h) The Independent Person/s Protocol be approved.
- i) Members Register of Interest form and guidance be approved, this to include disclosable pecuniary interests.
- j) The request for dispensation and the procedure for granting dispensations be approved.
- k) The dispensations Procedure Guide for Parish Councils be approved.
- l) The guidance note on bias and predetermination process be approved.
- m) That an appeal/review procedure be considered and approved if required.

Financial Implications: None identified

Legal Implications: The Council need to ensure that further to the Standards Regime Peer Review all procedures are reviewed, and in accordance with the Localism Act 2011. These procedures ensure that Councillors, the authority and members of the public are clear on how any complaints or standards issues are dealt with regarding Councillors.

Risk Assessment: It is important to ensure that the Council has a code of conduct and a set of procedures for dealing with complaints against councillors that if appropriate, fit for purpose and is legally sound.

1.0 Introduction

- 1.1 At the meeting of the Committee on 25 January 2017, Members received a report (attached at appendix 1) from Donna Nolan, the Monitoring Officer at Mendip Council following a request from the Chief Executive requesting a review of "Standards" issues at this Council.

- 1.2 The report reviewed the Council's system, revisited the changes brought into force by the Localism Act and recommended points for debate and proposed actions to assist the Council to further improve its system. To enable consideration of the recommendations a number of model documents and examples were appended to the report.
- 1.3 The Committee at its meeting on 25 January 2017 approved all the recommendations set out in the review with some amendments and these were put before Council on 22 February 2017 alongside a bundle of appendices as examples of documents which could be used.

2.0 Recommendations to Council

- 2.1 The Council meeting on 22 February 2017 approved 3 specific recommendations:
- That a legal jurisdiction criteria test be introduced as a preliminary test to the process for determining complaints.
 - That the sanction referred to in Article 10 of the Constitution (10.4 (10)) be removed.
 - A flow chart and guide to explain the complex procedure of making a complaint be adopted.
- 2.2 The Constitution has been amended accordingly removing the sanction referred to in Article 10. The other 2 recommendations will form part of a complaints procedure bundle which when approved will form an additional appendix to the Constitution, so that all the relevant information is available in one place.
- 2.3 The Council also considered and approved a list of issues that required further consideration by the Standards Committee.

3.0 Work to be progressed

- 3.1 The following headings outline the additional items which require consideration:
- The Code of Conduct to be reviewed
 - Guidance with regard to disclosable pecuniary interests
 - Arrangements for dealing with misconduct complaints
 - A clear range of sanctions be published
 - The current appeal process be reviewed.
 - Processes and procedures/protocols for the Independent Persons
 - The Register of Councillors Interests
 - Procedures for dispensations
 - Guidance with regard to predetermination and bias
 - Other matters arising as a result of the review
- 3.2 Attached to this report is a set of procedures and processes for approval which go some way to addressing the issues outlined in Ms Nolan's report,

these include the amendments suggested at the previous meeting of the Standards Committee.

- 3.3 Discussion took place at the previous meeting with regard to an appeal or review mechanism. The view of Ms Nolan was that an appeal mechanism was not necessary; however the committee did discuss the issues relating to the process. In light of further discussion which took place at Full Council on 22nd February 2017, Members were clear that an appeal process was not, in absolute terms, appropriate for the reasons made clear by Ms Nolan in her external review of the council's process.
- 3.4 Discussion at Full Council reflected that there was an opportunity to 'consider' the council's process, and as such officers have explored ways in which the various concerns of Members could be addressed. It is considered that, if Members were so minded, a process could be introduced which permitted a limited appeal mechanism to allow for a secondary sub-committee of the Standards Committee to be utilised in the event of specific (and limited) criteria, thus providing confidence for Members. A procedure has therefore been added to the appendix 2.
- 3.5 Many of the issues addressed within the review refer to training for both Members of this Council and for the Town and Parish Councils; these will be addressed when the new Legal Services Manager and Monitoring Officer takes up her post in April.
- 3.6 At this point any outstanding issues that require attention will be addressed and brought before the Committee for consideration.

4.0 Summary

- 4.1 Appended to this report are a set of procedures/protocols (appendix 2) for approval in line with the recommendations outlined in the review undertaken by Ms Nolan.
- 4.2 They seek to address issues that have arisen within the Standards Regime of this Council.
- 4.3 The proposed set of procedures will form a bundle that will be appended to the Constitution when approved.

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Circulation of the Report: [Councillor C J Eginton, Leader and Leadership/Management Team]