

Report of	Meeting	Date
Monitoring Officer	Governance Committee	27 June 2013

STANDARDS UPDATE – OBSERVATIONS OF THE INDEPENDENT MEMBER

PURPOSE OF REPORT

- To update the Committee on the views of the Independent Member on recent standards complaints and the adopted procedure for processing complaints.

RECOMMENDATION(S)

- That Members note the views and direct the Monitoring Officer to address issues of training and update the Procedure Document.

EXECUTIVE SUMMARY OF REPORT

- Recently, there have been a number of complaints against members for breaches of the Code of Conduct.
- The Independent Member, having been involved in the consideration of these complaints has written to the Monitoring Officer expressing his views on Member conduct. A copy of this letter is attached at appendix 1.
- It is the practice of this authority to have annual training for all members. Additional sessions were offered to the groups which were accepted. The agenda training session for this year is currently being drawn up and the session will take place in July and August. Members are invited to suggest area to be covered within the session.
- The Independent Member has also made some suggestions as to the treatment of complaints considered within the procedure. These are detailed within the body of this report along with comments from the Monitoring Officer.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	X

MEMBERS CONDUCT – THE INDEPENDENT MEMBERS VIEW

8. The Independent Member expresses concern about the number of similar complaints which are based upon a failure to value their colleagues or not treating people with respect generally.
9. The Independent Member states that even if these complaints are not upheld some of these issues have been aired in public and in the press. In themselves this leads to the public having a poor perception of Councillors and the Council itself.
10. The Independent Member suggests that to try to limit these issues going forward that all Councillors are reminded of
 - a. The existence of the code of conduct; and
 - b. The need to exercise care when talking with the press or writing to local papers especially when criticising other councillors or parish councillors.
11. It is the practice of this authority to offer training to members on the code of conduct annually. This generally takes place in June or July to assist new members to the Council (following the elections in May). This year there has been no local elections. It is the intention to provide training in July or August. The agenda for the training has not yet been fixed and members of this Committee are asked to provide suggestion as to content and form of the training.

THE PROCEDURE FOR PROCESSING STANDARDS COMPLAINTS

12. To date, no complaint has proceeded to a hearing under the procedure. However, there have been a number of matters which have been assessed and resolved without investigation or resolved after investigation without the need for a hearing.
13. The Independent Member has highlighted 2 issues which could lead to a change in the procedure document.
14. Firstly, the Procedure provides for the Monitoring Officer to completed Investigation Reports on their own. At this stage there is no role for the Independent Member. It is suggested that the Independent Member also participate at this stage.
15. The Monitoring Officer would welcome this involvement and would propose to amend the procedure accordingly.
16. The second issue is around providing certainty to the Independent Member at this early stage. It is hoped that there will be no dispute between the Independent Members views and those of the Monitoring Officer. To date the roles have agreed on the resolution of matters, but it is fair to say that the Independent Member feels that a higher standard of behaviour should be expected of the Members than the level the Monitoring Officer feels should apply.
17. This issue can be resolved in 2 ways. The Monitoring Officer intends to bring a report to the next Governance Committee which will enable Members to consider the correct level at which standards of behaviour should be set. This would provide comfort to the Independent Member and confidence in taking this screening decision.
18. The second way would be to make the Independent Members views determinative of the approach to the resolution of complaints.
19. The Monitoring Officer has concern about the second option. In order for the Independent Member to retain their independence it is felt that they should not be perceived as the decision maker.
20. The first option, a member moderation of the standards of behaviour, is felt to be the best option at the moment, but of course this can be revisited as needed.

IMPLICATIONS OF REPORT

21. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	

Legal	X	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

22. None

COMMENTS OF THE MONITORING OFFICER

23. Contained in the body of the report.

Chris Moister
Monitoring Officer

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Chris Moister	5160	10 June 2013	