

Report of	Meeting	Date
Head of Governance	Governance Committee	25 June 2014

MEMBERS CODE OF CONDUCT: AMENDMENT TO ARRANGEMENTS FOR DEALING WITH COMPLAINTS

PURPOSE OF REPORT

- To seek authority to recommend to full council that the adopted procedure for the dealing of complaints made under the code of conduct for members be amended.

RECOMMENDATION(S)

- Authority be delegated to the Monitoring Officer to draft amendments to the Arrangements for Dealing with Complaints about the Conduct of Existing Members in accordance with this report.
- That the proposed amendments to the Arrangements for Dealing with Complaints about the Conduct of Existing Members be recommended to full Council for adoption.

EXECUTIVE SUMMARY OF REPORT

- With the introduction of the Localism Act, the Council adopted a code of conduct and a process for dealing with complaints made under that code.
- Whilst there have not been many complaints made using the procedure has highlighted areas that could be improved or clarified.
- The proposed amendments will improve the clarity of the process, will provide the Monitoring Officer with the opportunity of dealing with unfounded complaints (those that fall outside the scope of the standards regime) on receipt and enable the Monitoring Officer to informally resolve complaints at an earlier stage.

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

BACKGROUND

- Chorley Council adopted a code of conduct complaint with the Localism Act approximately 2 years ago. At the same time the council adopted a procedure document "Arrangements for Dealing with Complaints about the Conduct of Elected Members". Both documents form

part of the council's Constitution and any decision to amend them must be made by full Council.

9. The Code of Conduct remains fit for purpose.
10. There has now been some experience of dealing with complaints within the procedure document which has highlighted areas for improvement and clarification.

Early Resolution

11. The procedure does not provide a process for the Monitoring Officer to decide on receipt that the complaint does not fall within the Standards Regime and therefore the full procedure is triggered. In reality some complaints made are not in fact standards complaints and this is obvious from the receipt of the submission.
12. It is proposed to provide the Monitoring Officer with the discretion to deal with these complaints at the point of receipt. This assessment will be on factual matters such as whether the subject of the complaint was actually a Councillor of Chorley for example. This will mean the Monitoring Officer can address the complaint when acknowledging receipt without the need to trigger the initial assessment process.
13. It is also proposed to provide authority to the Monitoring Officer to resolve minor complaints without the need to move into the initial assessment process. An example would be where the complaint relates to conduct which in the view of the Monitoring Officer was an unintended breach of the code which could be resolved by an apology or an explanation from the Member. This occurred recently where a general comment on a planning matter was taken out of context and applied to an individual's circumstances. If the Monitoring Officer feels such an approach is appropriate they will agree this with the Independent Person.
14. In both these instances the complaint will be treated as closed.

Local Resolution

15. It is proposed to amend the part concerning Local Resolution of complaints. This is where there has been an investigation and a finding of a failure to comply with the code of conduct. The Monitoring Officer may decide to resolve the matter without the need for a hearing. It is proposed to add guidance in the exercise of this discretion. The Monitoring Officer is now directed to consider matters previously determined by a Standards Hearing Sub-Committee to decide whether the current complaint is suitable for Local Resolutions or should go to a hearing.

The Independent Member

16. At previous Governance Committee Meetings it has been requested that a Job Description is prepared for the Independent Member. Although this role receives an allowance, they are not an employee and a JD is not appropriate. However, additional guidance on the role of the Independent Member is appropriate. It is suggested that the following be inserted after the current paragraph 14 of the Arrangements for Dealing with Complaints about the Conduct of Elected Members.

"The Role of the Independent Member

The Independent Member supports the Council's Standards Regime. They are expected to provide a residents view of the conduct of members and the application of the code of conduct. The Independent Member will have an observer role at Governance Committee and, with the permission of the Chair, is entitled to speak (but not vote) on Standards Matters. They can, through the Monitoring Officer, bring matters to the Governance Committee in relation to the Code of Conduct and associated procedures.

The role of the Independent Member is not limited to the functions outlined in the Arrangements for Dealing with Complaints about the Conduct of Elected Members, and the Monitoring Officer may approach the Independent Member concerning complaints at any stage."

IMPLICATIONS OF REPORT

17. 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

18. None

COMMENTS OF THE MONITORING OFFICER

19. The proposed amendments will streamline the process for dealing with minor complaints allowing for a faster resolution for suitable matters. The amendment to the guidance for using local determination will provide greater consistency and avoid the need for similar matters to go to separate hearings. The expansion of the explanation of the role of the Independent Person will provide a greater certainty to that role.

Chris Moister
HEAD OF GOVERNANCE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Chris Moister	5160	15 June 2014	***

OR

Background Papers			
Document	Date	File	Place of Inspection
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Report Author	Ext	Date	Doc ID
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