

# STANDARDS AND CONSTITUTIONAL OVERSIGHT WORKING GROUP – STANDARDS WORKSHOP

Tuesday, 12 February 2019

Present: Councillor B Mooney (in the Chair)  
Councillors C Blakeley P Gilchrist  
A Davies J McManus

In attendance: Independent Member J McCosh

## 1 APOLOGIES FOR ABSENCE

No apologies for absence, all workshop Members were present.

## 2 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

No declarations of interest were made.

## 3 ARRANGEMENTS FOR DEALING WITH COMPLAINTS AGAINST MEMBERS

The Chair introduced a report of the Director of Governance and Assurance that informed that since 2014 there had been experience of dealing with complaints which had highlighted areas for improvement and clarification in the arrangements for dealing with complaints made under the Members' Code of Conduct. In particular, issues had been raised in relation to the timeliness with which complaints had been dealt with under the current protocol. This report sought authority to adopt a revised procedure for investigating and making decisions in relation to allegations made under the Members' Code of Conduct. In 2014 the Council adopted a Members' Code of Conduct and a process for dealing with complaints made under that code following the changes to the ethical standards regime introduced by the Localism Act 2011.

The Director of Governance and Assurance advised Members that the proposed amendments would improve the clarity of the process and provide the Standards and Constitutional Oversight Committee and the Monitoring Officer with the opportunity of dealing with complaints in a timely manner in accordance with professional best practice. He advised that the proposed procedure and updates to the Members' Code of Conduct would also provide clarity and transparency for the general public.

Members reviewed the documentation in conjunction with a summary listing of suggested changes presented by Councillor Chris Blakeley. During the course of review, a number of additional changes were put forward and clarification

sought on process to ensure Members were content with the proposed alterations and that the documentation addressed their concerns regarding timely consideration of, and handling of, complaints relating to behaviour and conduct of Members.

Proposed revisions to the Protocol included:

Para 2.1 add 'in exceptional circumstances' after the words '...accepted by the Monitoring Officer'.

Para 2.2 add wording to include notification to advise 'the Group Leader' (i.e. receive and notify Member complained about and political group leader at the same time), also ensure reference is made to valid/full complaint.

Para 5.1 remove 'as soon as practicably possible' and replace with 'within 10 working days'

Add a Para 5.1 (v) 'The Monitoring Officer refer to an Assessment Panel'

Para 5.4 be deleted, and subsequent paragraphs be renumbered (see additional text to para 2.2).

Para 8.1 be deleted, and subsequent paragraphs be renumbered (dealt with under para 6.2 (iii) 'an investigation plan').

Para 10.3 be amended to read 'The Complainant and Subject Member(s) will normally be interviewed face-to-face by the Investigator. However, witnesses may be interviewed by telephone or alternative electronic means or invited to make written submissions, as the Investigator considers appropriate. The Subject Member(s) will normally be given an opportunity to comment upon all evidence submitted by the Complainant (or others) to substantiate the complaint'.

Para 11.3 include additional words 'within 20 working days' after '...the Standards Panel to be convened'.

Para 14. Include the word 'directly' after the words 'the parties will not be entitled to...'. (dealt with under para 17.4). The Deputy Monitoring Officer to check wording of used in licensing law procedures. Members noted that the Chair of Standards Panel has powers to ensure meeting procedures are maintained.

Para 15.2 delete the word 'normally' before seven working days.

Para 16.2 amend '20 working days' to '10 working days'.

Para 17.1 remove words '(or as soon as practicable thereafter)'

Additional clarification was sought regarding hierarchy in para 6.1 and reference to 'appropriate officer'. The Director of Governance and Assurance informed that this would be trained investigation officers e.g. Senior Manager Internal Audit or members of his staff.

Clarification was sought regarding the Monitoring Officers powers to make a decision. The Director of Governance and Assurance informed that this was covered under para 16.4 (ii), where the Monitoring Officer would consult with, or would have considered the views of the Independent Person.

Members also discussed situations whereby a complainant may feel intimidated if required to attend a panel hearing. The Director of Governance and Assurance informed that some additional wording to cover these circumstances would be incorporated into the revised draft procedures e.g. provision for written statements and weighting given to them.

Councillors requested that the documentation, incorporating the suggested amendments be circulated to by e-mail for final review by the Working Group Members prior to review at the February meeting of the Standards and Constitutional Oversight Committee.

Councillors also requested that the draft appendices be updated to incorporate amendments made to the timescales within the Protocol.

**Resolved – That the revised procedure for dealing with complaints made under the Members' Code of Conduct (as amended) and the revised Protocol document be recommended to the Standards and Constitutional Oversight Committee for approval.**