

WAVERLEY BOROUGH COUNCIL
STANDARDS PANEL – 13 JUNE 2016

Title:

REVIEW OF COMPLAINTS TO THE MONITORING OFFICER
[Portfolio Holder: Cllr Julia Potts]
[Wards Affected: All]

Summary and purpose:

The Council adopted a new Code of Conduct at its meeting in July 2012 and reviewed its operation and updated the Code at its meeting in July 2013. The Monitoring Officer last reported to the Panel in January 2015 and this report updates the Panel, and also asks the Panel to recommend to the Council whether or not the Code should be reviewed.

How this report relates to the Council's Corporate Priorities:

Confidence in high standards of conduct is a key part of understanding and responding to our residents' needs.

Financial Implications:

There are no budget implications, and the operation of the new Code has generally been accommodated within existing budgets over the last four financial years.

Legal Implications:

The Council is under a range of duties under the Localism Act and operating the new Code and arrangements is a key part of discharging these duties. The Council can choose to amend its Code or arrangements when it considers appropriate.

1. Introduction

- 1.1 The Localism Act gave Councils an explicit duty to promote and maintain high standards of Member conduct. It obliged the Council to adopt a Code dealing with the high standard of conduct that is expected of Members when acting in their official capacity.
- 1.2 The Code adopted by the Council in July 2013 following a review of the Code initially adopted in July 2012 is attached as Annexe 1. The Code applies to both elected councillors and co-opted members when they act in their official capacity (paragraph 1(1)). Council agreed that the new Council after May 2015 should be asked if it wishes to carry out a further review of the Code.
- 1.3 The Town and Parish Councils have appointed their two representatives: Councillors Richard Jameson and Joan Holroyd.

2. Arrangements for Handling Allegations

- 2.1 The intention here was to provide for arrangements that are substantially simpler and clearer than the previous procedures. Council adopted the procedures set out in Annexe 2.

3. Surrey Collaboration

- 3.1 Officers worked through the Surrey Secretaries Group to aim to have broadly consistent Codes of Conduct across Surrey. This has largely been achieved, though the essence of the Localism Act approach is that Councils should be free to adopt arrangements that reflect their particular circumstances. Should the Council wish to review Waverley's Code the Monitoring Officer will approach Surrey Secretaries to see if they are interested in a coordinated review. Waverley also shares three Members of a panel of Independent Persons with Guildford BC, Spelthorne DC and Mole Valley BC.

4. Review of complaints under the new Code since the last report to the Panel in January 2015.

- 4.1 Under the new arrangements, the Monitoring Officer is the first contact for all complaints. The arrangements anticipate an initial review by the Monitoring Officer, and if necessary a consultation with one of the Independent Person. If the complaint is trivial or a breach of the Code is not specified, the process may end there with the complainant being given reasons that the complaint in not being investigated further.

Town and Parish Councils

- 4.2 In the last fifteen months two complaints about Parish Councillors have been dealt with by the Monitoring Officer responding, and in five further cases involving Parish Councillors a more detailed initial investigation has been carried out by the Monitoring Officer, the Councillors the subject of the complaint interviewed and the views of the Independent Persons sought on the action proposed.
- 4.3 These views have proved very helpful and constructive, and have given the process the element of Independent scrutiny that is important in maintaining public confidence in the new Arrangements. This early stage provides for the possibility of informal resolution without a formal investigation. The Monitoring Officer has also given informal advice to Town and Parish Clerks on around ten occasions. One case involved both Town and Waverley Councillors may be the subject of a formal investigation. The Panel may wish to meet informally with the three Independent Persons.

Waverley Borough Councillors

- 4.4 Two cases have involved both Parish and Town Councillors and Waverley Councillors and both have related to planning matters and two further cases have involved a planning matter. In these four cases the advice of one of the

Council's Independent Persons has been sought. In two cases the Monitoring Officer has spoken to the Councillors involved. Both related to a potential conflict of interest with the Councillors business activities. In one case the Monitoring Officer has advised the Member to amplify their Register of Interests and in another administrative arrangements have been implemented to overcome any suggestion of a conflict of interest. In one case the Independent Person has agreed that the Code does not cover the subject of the complaint. One other case raised by two complainants related to a number of Councillors and one of the Independent Persons is currently considering this.

- 4.5 If the Monitoring Officer feels a formal investigation is appropriate, the investigative procedure is set out in Annexe 2. It has not been necessary to use this procedure over the last fifteen months. Accordingly, it has not been necessary to convene a panel of Members to hear the outcome of an investigation.

5. Training

- 5.1 The Monitoring Officer and Deputy arranged training sessions for all Waverley Members on the framework after the May 2015 elections. Training sessions were organised for all Town and Parish Councils, and for two individual Towns and Parishes when requested.

- 5.2 The Monitoring Officer is proposing to arrange a refresher training session for Waverley Borough Councillors and will send an all Members Bulletin drawing lessons learnt from complaints over the last 15 months.

Recommendation

That the Standards Panel

1. Receives the report and to make observations on it to the Monitoring Officer.
2. Decides if a review of the Code and arrangements for investigation is appropriate and to recommend to the Council accordingly; and
3. Decides if it would wish to meet the three Independent Persons informally.

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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