

WAVERLEY BOROUGH COUNCIL

STANDARDS PANEL – 26 JANUARY 2015

Title:

REVIEW OF COMPLAINTS TO THE MONITORING OFFICER

[Portfolio Holder: Cllr Robert Knowles]

[Wards Affected: All]

Summary and purpose:

The Localism Act 2011 made fundamental changes to the ethical standards regime for Members. It abolished the detailed prescription set up under the Local Government Act 2000 and gave the Council much more discretion in setting a more appropriate and simplified standards regime. 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.

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 been accommodated within existing budgets over the last two financial years.

Legal Implications:

The Council is under a range of duties under the Localism Act and operating the new Code and arrangements are 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 abolished the statutory model Code of Conduct and replaced it with an obligation on 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.

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 1 to Agenda item 5.

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 new Council wish to review Waverley's Code after May 2015 the Monitoring Officer will approach Surrey Secretaries to see if they are interested in a coordinated review.

4. Review of complaints under the new Code since July 2013

- 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 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. In the last eighteen months four complaints about Parish Councillors have been dealt with by the Monitoring Officer responding, and in four 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. These views have proved very helpful and constructive, and 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. In another four cases the Monitoring Officer has discussed issues with the Clerk of the Parish Council concerned and resolved the matter informally.
- 4.2 If the Monitoring Officer feels an investigation is appropriate, the investigative procedure is set out in paragraph 2 of the note. It has only been necessary so far to use this procedure in one case.
- 4.3 This case related to a complaint about a Waverley Councillor in relation to a planning matter. After consulting the Independent Person, the Monitoring Officer commissioned an external solicitor and former Monitoring Officer to conduct a review. After a through investigation the external solicitor concluded that there had not been a breach of the Code. Under Waverley's arrangements the Monitoring Officer consulted one of the Independent Persons who agreed that no further action was necessary, but that the lessons learnt should be incorporated into the next review of the Code.

5. Training

- 5.1 The Monitoring Officer and Deputy will arrange training sessions for all Waverley Members on the framework after the May 2015 elections. Training sessions will also be organised for all Town and Parish Councils.

Recommendation

The Standards Panel is asked to receive the report and to make observations on it to the Monitoring Officer.

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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