

EAST CAMBRIDGESHIRE DISTRICT, TOWN AND PARISH COUNCILLOR
CODE OF CONDUCT COMPLAINTS PROCEDURE REVIEW

Committee: Corporate Governance and Finance Committee

Date: 29 September 2016

Author: Chief Executive, Monitoring Officer and Deputy Monitoring Officer

[R91]

1.0 ISSUE

1.1 Review of the Code of Conduct Complaints procedure.

2.0 RECOMMENDATIONS

2.1 Members are requested to instigate a review of the Code of Conduct complaints procedure and instruct the Monitoring Officer to carry out the necessary consultation.

3.0 BACKGROUND

3.1 The District, Town and Parish Councillor Code of Conduct complaints procedure was agreed on 25 March 2013 and has not been reviewed since that date. A number of Councillors raised the issue of the current code of conduct complaints specifically in relation to the 'political motivation' test at Stage 2 of the procedure. The Chief Executive has also discussed this matter with the Leader of Council and Leader of Liberal Democrats to instigate the review.

3.2 Currently, the Monitoring Officer or Deputy Monitoring Officer is required to undertake investigation in accordance with the complaints handling flow chart (attached as Appendix 1). This includes a Stage 2 on assessment of whether the complaint can proceed to investigation and report (stage 4) focusing on SIX questions which the Monitoring Officer/Deputy Monitoring Officer needs to consider (in consultation with independent person), specifically:

- Has there been a potential breach of the code? (Does this complaint relate to an area covered by the Code of Conduct?)
- Is the complaint very minor, tit for tat or politically motivated?
- Is the complaint vexatious or malicious?
- Time limit of three months to submit complaint
- Has there been a similar complaint considered before?
- Has the complaint been subject to an investigation by another regulatory body?

Those criteria are essentially gateways to the formal investigation and report and if not satisfied, will result in the rejection of the complaint prior to investigation.

3.3 Local authorities have significant local discretion in the design and interpretation of code of conduct complaints and the procedure for investigation (ref: Localism Act 2011). Whilst each local authority must publish a code of conduct covering

registration of pecuniary interests, the role of the independent person and sanctions for those who breach the code, there is no official model code of conduct.

4.0 ARGUMENTS AND CONCLUSIONS

4.1 The Monitoring Officer/Deputy Monitoring Officer will undertake a comparative analysis of neighbouring authorities to ascertain these different interpretations, but we are currently aware of significant differences.

4.2 The consultation letter (attached as Appendix 2) focuses on a key issue, specifically:

- whether the 'political motivation' test should be retained, and if so, how is this judgement best discharged?

4.3 The review will focus on Stage 2 of the complaints procedure, specifically the retention or otherwise of the 'gateway' criteria. All Members, Parish Councils and the Independent persons will be consulted and the letter of consultation is attached as Appendix 2.

4.4 The outcome of the consultation and any recommendations will be presented to the next Committee for recommendation to Full Council.

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

5.1 There are no financial implications arising from this report.

5.2 Equality Impact Assessment (EIA) not required at this stage.

6.0 APPENDICES

- 6.1 Appendix 1 – Current complaints handling flow chart
Appendix 2 – Proposed letter of consultation to District Council Members, Parish Councils and Independent Persons

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
Members Code of Conduct Section 5 (Pages 2 – 10) Constitution	Room 103 The Grange Ely	John Hill Chief Executive (01353) 616271 E-mail: john.hill@eastcambs.gov.uk