

Review of Code of Conduct for Councillors Complaints Process

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Purpose of Report

For Members to adopt the proposed revised complaints guidance/procedure notes for dealing with complaints about district, town and parish councillors within South Somerset.

Public Interest

In February 2014 SSDC adopted a revised complaints process proposed by the Standards Committee for dealing with complaints about district, town and parish councillors within South Somerset. This process reflected the changes introduced by the Localism Act 2011 and in particular the expectation that complaints would be dealt with quicker under leaner less process driven arrangement that focussed on local solutions to local problems. The current revision is intended to further refine the process and ensure that the treatment of complaints remains proportionate. The revised documents were considered by the Standards Committee at their meeting held on 9th February and they recommended to Council that they be adopted.

Recommendation

That, pursuant to the recommendation from its Standards Committee, the Council adopts the revised arrangements for dealing with Code of Conduct for Councillors complaints as soon as possible to replace those currently in force.

Report

The following report was considered by the Standards Committee at its meeting on 9th February 2016. Subject to two minor amendments the Committee unanimously agreed to recommend to Council that the revised complaints process and accompanying documents attached to this report be adopted. The amendments suggested by the Standards Committee have been incorporated.

The current complaint form and the proposed new guidance notes are attached to this report. As over 2 years have elapsed since the process and accompanying paperwork was last reviewed it seems an appropriate opportunity to consider whether any changes could usefully be made to reflect the Monitoring Officer's experience to date and to help manage expectations about what the complaints procedure is designed for.

Reinforcing what can be done is important to avoid disappointment later on. The usual position seems to be that people's expectation of what should happen to a Member is wholly unrealistic having regard to the alleged breach of the code complained about i.e. they should be forced to resign! There is also a confusion of the role which SSDC should play particularly in relation to town and parish councils and their administration. The expectation is that SSDC should be able to tell the town or parish council what they should do and how they should do it. The revised procedure helps to clarify that issue and at the same time looks to extend the options available to the Monitoring Officer to help provide an outcome which is more relevant, tailored and acceptable to the parties involved. Most complaints are about parish council members and the position in relation to sanctions is worse in that all the Standards Committee can do is recommend to the parish council that they impose a sanction; there is no ability to enforce it or indeed impose any sanction on the parish council should they fail to do so. Very few complaints will be serious enough to warrant a formal investigation. Any minor or technical breaches will not be

investigated but the Monitoring Officer will be able to provide guidance and use other options to reduce the possibility of further breaches in the future.

The new process introduces Levels which will ensure that minor breaches of the code are dealt with quickly and with a fairly “light touch”. More serious complaints will end up at Level 2 but even at this level there will be options available other than having to carry out a formal investigation. The flexibility is maintained throughout the process enabling various outcomes at all stages including after an investigation has been carried out. This will ensure that there will be on-going process of ensuring that the “what happens next” is proportionate to the code breach and that there isn’t a one size fits all approach.

The clarity around the process and the outcomes is important so that all are aware at the outset. The hope is that the revisions reflect the experience and lesson learnt so far. They will provide greater flexibility to enable local solutions to be found and encourage all sides to properly participate in that process but despite all that still do not put people off from complaining when they have grounds to do so.

Financial Implications

There are none relating to the recommendations outlined in this report.

Corporate Priority Implications

There are none relevant to this report.

Other Implications

If the information on the forms and guidance does not strike the right balance then people who should not be complaining will do so or those who should be complaining do not. It is important that, despite the limitations, it is possible for members of the public to raise issues about conduct with the council and through this process with the members concerned.

Equality and Diversity Implications

There are none relevant to this report as the forms already contain information about how to obtain the same information in larger print, audio and translated into different languages.

Background Papers

Note: For sight of individual background papers please contact the report author.