

COUNCILLOR CONDUCT COMMITTEE

21 OCTOBER 2013

ANNUAL REPORT OF THE MONITORING OFFICER

Report from/Author: Perry Holmes, Monitoring Officer

Summary

This is the Monitoring Officer's Annual Report for the period July 2012 to July 2013. This report gives an update on Member Conduct issues, and the work of the Councillor Conduct Committee and the Monitoring Officer. It is a review of the first year of operation of the new standards process.

1. Budget and Policy Framework

- 1.1 There is no longer a requirement to provide an annual Monitoring Officer report to Council.

2. Background

- 2.1 The Localism Act 2011 made significant changes to the "Standards Regime." From July 2012 the Council adopted a new Code of Conduct with a lighter touch conduct process which was introduced after consultation. Amongst other changes, the Committee leading this work became called the Councillor Conduct Committee and no longer included independently appointed people.
- 2.2 The Council appointed an "Independent Person" to whom members and others can refer. They are also consulted during investigations although that has not yet happened as no complaints have been referred for investigation to date under the new regime.

3. Statistics

- 3.1 As set out at Appendix 1, between 26 July 2012 and 26 July 2013 two formal complaints about a Medway Councillor were received. This compares to 4 complaints received in a similar period for 2011/12.
- 3.2 Between 26 July 2012 and 26 July 2013, one complaint was received against a Parish Councillor within Medway. This compares to 24 complaints received in a similar period in 2011/12.

3.3 The three complaints have been considered by the Councillor Conduct Committee and the outcome was:

3.3.1 All three were considered to require no further action.

3.4 No complaints have been the subject of an investigation. This compares to one in the previous year. These are normally commissioned from external investigators. Therefore no investigation costs have been incurred. This compares to £23,727.60 spent in a similar period for 2011/12 for investigations (with spend occurring for investigations begun in the previous year).

3.5 The Monitoring Officer has been contacted regarding six potential complaints during the period and in accordance with the Council's process has discussed these informally. They have then either not proceeded as complaints or have been informally resolved.

3.6 The Monitoring Officer has also provided telephone support to Parish Council members and Clerks on conduct matters.

4. Register of Members' Interests

4.1 The Monitoring Officer is required to establish and maintain a register of Disclosable Pecuniary Interests (DPIs) of Members and co-opted members of the Council. All Members and co-opted Members have completed and returned their registers and these are kept by the Monitoring Officer and available for public inspection on the Council's website.

4.2 Publication of the register of member's interests on the website began in December 2011, which includes a facility to see at a glance, the record of declarations of interest made by every Member of the Council at each meeting they attend.

4.3 Internal Audit carry out an annual check of the register of Members' interests to ensure that they are completed, and the Monitoring Officer sends a reminder letter to members, co-opted members and Parish Council members each year advising them to ensure their register is kept up to date.

5. Members' Training and Development

5.1 Two training sessions have been offered as part of the Member Development programme in the last year on 15 August 2012 and on 29 April 2013. A total of 36 Members attended. The sessions delivered by the Monitoring Officer have covered DPIs and conflicts of interest including bias and pre-determination. Bespoke training was also given to the Health and Wellbeing Board at an informal meeting on 16 August 2013, following a request from the Chairman. The Monitoring Officer has also sent briefing notes to Members on DPIs and conflicts of interest.

6. Dispensations

6.1 At its 18 September 2012 meeting the Committee agreed general dispensations for all Members as follows:

- Housing – where the Councillor (or spouse/partner) holds a tenancy or lease with the Council as long as the matter does not relate to the Councillor's particular tenancy or lease;
- Housing benefit – where the Councillor (or spouse/partner) is in receipt;
- Statutory sick pay
- Allowance – travelling expenses, payment or indemnity for Councillors
- Ceremonial honour
- Council Tax or a precept

6.2 No other dispensations have been requested during the reporting period of 26 July 2012 – 26 July 2013.

7. Other developments

7.1 The Committee at its 6 February 2013 meeting approved a protocol with the police for dealing with those complaints that indicate the possibility that a criminal offence under the Localism Act 2011 has been committed. No use of the protocol has yet happened.

8. Analysis

8.1 The transition to a new “light touch” Code of Conduct has been successful with no issues of concern identified. Whilst the number of complaints is significantly lower than in the last equivalent 12 month period the new process has been used. The formal and informal complaints that have come forward have been swiftly dealt with.

8.2 It is difficult to be definitive about the reasons for the reduction in the number of complaints but it is felt that some of the following will be contributing factors:

8.2.1 One particular Parish Council which accounted for the vast majority of complaints last year is now functioning better.

8.2.2 The new Code of Conduct is less attractive as a means to complain since the sanctions are less severe.

8.2.3 Good use of informal early discussions between prospective complainants and the Monitoring Officer is resolving concerns early.

8.2.4 Councillors are upholding proper standards of conduct.

8.3 After the first year of operation it is right that this Committee considers whether the Code of Conduct and the processes around are still fit for purpose. There is a separate report on the agenda that deals with the Code itself and whether any changes are necessary. Any changes to the Council's Code of Conduct need to be approved by full Council.

8.4 This Committee does however have the power to make amendments to the procedure and the assessment criteria it uses, which it agreed at its meeting on 18 September 2013. It is suggested to the Committee that the process for receiving, processing and assessing complaints, although not fully used as yet, should be allowed to operate in its current state and be the subject of a further review next year.

9. Risk management

9.1 Risk management is an integral part of good governance. The Council has a responsibility to identify and manage threats and risks to achieve its strategic objectives and enhance the value of services it provides to the community.

Risk	Description	Action to avoid or mitigate risk
Reputation	Failure to adopt robust arrangements about Councillor Conduct could result in reputational damage, particularly if Members partake in decision-making this would be inconsistent with the seven principles of public life.	The Monitoring Officer has provided advice on registration and disclosure of interests to Members. Training has been provided to Members.

10. Financial and Legal Implications

10.1 This report contains no specific financial implications. The costs of any investigation will be provided from within existing budgets.

10.2 The legal implications are contained in the body of the report.

11. Recommendation

11.1 The Committee is recommended to note the report.

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Background Papers:

None

APPENDIX 1

Year	Complaints			Initial consideration by Committee		
	Medway Councillor complaints received	Parish Councillor complaints received	Total	Investigated	Resolved informally	No further action taken
2011/12	4	24	28	1	2	24 + 1*
2012/13	2	1	3	0	0	3

- After a successful appeal



