

COUNCILLOR CONDUCT COMMITTEE

15 SEPTEMBER 2014 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 27 July 2013 to 26 July 2014. This report gives an update on Member Conduct issues, and the work of the Councillor Conduct Committee and the Monitoring Officer.

1. Budget and Policy Framework

- 1.1 Upholding high standards of conduct are a matter for the Councillor Conduct Committee. It is best practice for the Monitoring Officer to provide an annual report to the Committee about complaints made about Councillors.

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 the "Councillor Conduct Committee" and no longer included independently appointed members.
- 2.2 The Council appointed an "Independent Person" to whom members and others can refer. They are also consulted during investigations.

3. Statistics

- 3.1 As set out at Appendix 1, between 27 July 2013 and 26 July 2014 there were 3 formal complaints about Medway Council Councillors. This compares to 2 complaints received for the period 2012-13 and 4 in 2011-12.
- 3.2 Between 27 July 2013 and 26 July 2014, 2 complaints were received against Parish Councillors within Medway. This compares to 1 complaint received for the period 2012-13 and 24 in 2011-12.

- 3.3 Between 27 July 2013 and 26 July 2014, the Councillor Conduct Committee considered 5 complaints and the outcomes were:
- 3.3.1 Four complaints were considered to require no further action; and
 - 3.3.2 One complaint was referred back to the relevant Parish Council as it was felt that this was the best environment for resolving the complaint given the nature of the concerns raised.
- 3.4 None of the complaints were subject of an investigation for 2013-14. Such investigations are normally commissioned from external investigators. Therefore, no investigation costs have been incurred. This remains the case since the period 2012-13. This compares to £23,727.60 spent in a similar period for 2011-12 for investigations.
- 3.5 On one occasion the Committee requested the views of the Independent Person.
- 3.6 The Monitoring Officer has been contacted regarding 7 other potential complaints during this period. In accordance with the Council's process, the Monitoring Officer has discussed these informally with potential complainants, who have then either opted to withdraw their complaint or their potential complaint has been informally resolved.
- 3.7 The Monitoring Officer and members of the legal team have 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, 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.
- 4.4 Following the annual meeting of Full Council in May 2014, Medway Council members have updated their records and the website pages have been updated accordingly.

5. Members' Training and Development

- 5.1 In the monitoring period July 2012 – July 2013 two training sessions were provided as part of the Member Development programme. A total of 36 Members attended. The sessions delivered by the Monitoring Officer covered DPIs and conflicts of interest including bias and pre-determination.
- 5.2 The Monitoring Officer also sent a briefing note to Members on DPIs and conflicts of interest in October 2013.

6. Dispensations

- 6.1 There were no new applications for dispensations during the reporting period of 27 July 2013 and 26 July 2014.

7. Analysis

- 7.1 The operation of the Code of Conduct has been successful with no issues of concern identified. The formal and informal complaints that have come forward have been dealt with in a timely and efficient manner.
- 7.2 A Councillor Conduct Committee is scheduled for each month with the aim that if a complaint about a Councillor is received it could be considered within 28 days at the next available meeting. Of the 5 complaints received, 4 were considered within this timescale, but 1 complaint was received on the date of dispatch meaning that it was referred to the next available Committee date.
- 7.3 There has been a slight increase from 3 complaints about Councillors from July 2012 - July 2013 to 5 complaints in the last year.
- 7.4 One complainant appealed the Committee's outcome of "no further action" to the Local Government Ombudsman, which considered that there was no fault with the Council's process.
- 7.5 The Committee can be confident that the public are aware of the Council's arrangements and their ability to bring forward complaints against Councillors despite the limited sanctions available.
- 7.6 After the second year of operation it is right that this Committee considers whether the Code of Conduct and the supporting processes are still fit for purpose. There is a separate report on the agenda for this Committee meeting 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. However, the Monitoring Officer can make minor changes to the procedures under delegated authority.

7.7 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.

8. Risk management

8.1 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.

9. Financial and Legal Implications

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

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

10. Recommendation

10.1 The Committee is recommended to note the report.

Background Papers:

None

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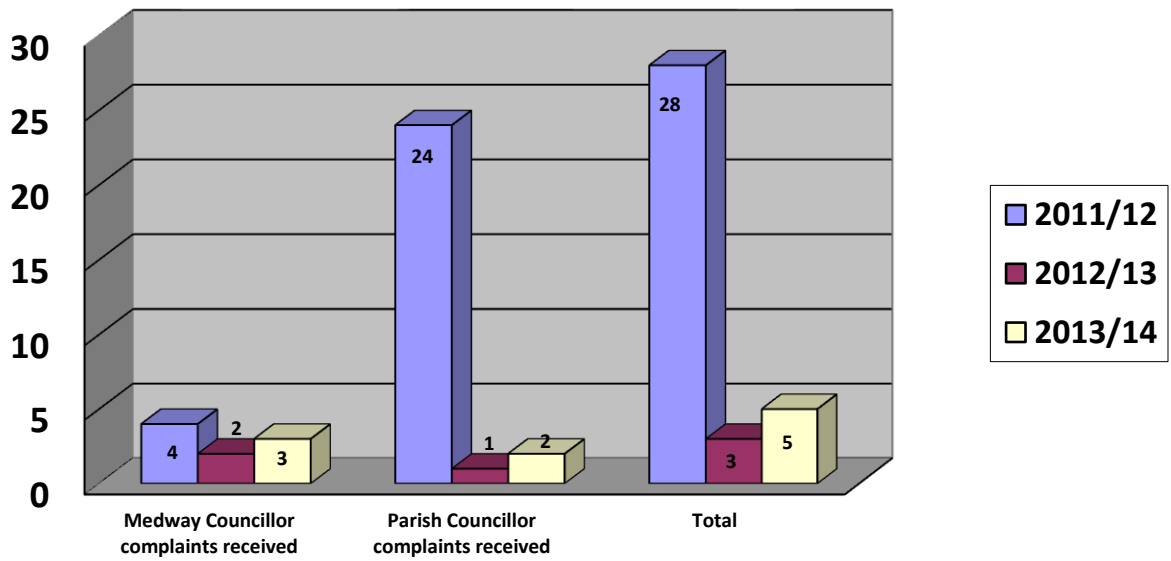
APPENDIX 1

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
2013/14	3	2	5	0	1	4

- After a successful appeal

Complaints Analysis

Complaints



Initial Consideration by Committee

