

Code of Conduct Review

REPORT TO AUDIT AND STANDARDS COMMITTEE



DATE	19/07/2018
PORTFOLIO	Leader
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PURPOSE

1. To report on the recommendations of a review of section 5.1 of the Council’s Code of Conduct: Complaints Procedure Guidance in relation to arrangements for dealing with complaints about Council members

RECOMMENDATION

2. That the Council’s Member Complaints Procedure Guidance is updated in relation to investigation timescales, the maintenance of the general principles of the code during an investigation; and the inclusion of the appendix detailing the procedures for conducting a Code of Conduct Hearing.
3. That The Audit and Standards Committee recommend to full Council the adoption of these changes.

REASONS FOR RECOMMENDATION

4. To ensure that the Code of Conduct: Complaints Procedure Guidance remains current and fit for purpose.

SUMMARY OF KEY POINTS

5. A review of procedures is carried out periodically to test that existing arrangements remain fit for purpose by reflecting experience and learning through their application; and any changes brought about by legislative requirements. Whilst there are no proposals as a result of legislative changes, the following areas have been identified as beneficial to having supporting guidance updated;
 - a) **Keeping members informed on progress.**
Presently there is no express requirement to keep the subject member(s) and complainant(s) advised on the progress of an investigation after their representations have been given. It is proposed that this is a requirement and where practicable an investigation should conclude within a month of the decision to carry out the investigation.

However, in all cases the Subject Member and Complainant should be kept informed on the progress of the investigation, particularly in more complex cases. However, this would not extend to providing details or information as part of the investigation itself; unless relevant to seeking further clarification or additional representation as part of that investigation.

b) Guidance clarification on the conduct of individuals during an investigation.

During the investigation, and at all times, both the Subject Member and Complainant must maintain courteous, respectful and professional relationships with the Investigating Officer, and between themselves and any witnesses; and be cooperative to reasonable requests for information from, and representations to the Investigating Officer.

This is an extension of the basic principles of the Code of Conduct that equally apply where members are involved in an investigation as to when they carry out the responsibilities of their office. It proposed inclusion in the guidance serves to support this requirement.

c) Code of Conduct Hearing Procedures etc.

A Hearing may be necessary dependent upon the outcome or recommendation of an investigation. A procedure note has been drafted to be incorporated into the guidance setting out the steps and requirements of holding a Hearing.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

6. None.

POLICY IMPLICATIONS

7. This is an update to the Code of Conduct Complaints procedure as part of the Constitution of the Council. The Code serves to protect individuals within the Council and also protects the authority itself by making the requirements and the procedures within the Code accessible and easily understood.

DETAILS OF CONSULTATION

8. Lukman Patel, Monitoring Officer

BACKGROUND PAPERS

9. (Draft) Updated section 5.1 of the Council's Code of Conduct: Complaints Procedure Guidance

FURTHER INFORMATION Chris Gay
PLEASE CONTACT:
ALSO: