

Audit, Governance and Standards Committee

30 July 2018

MEMBER CODE OF CONDUCT UPDATE

Report of Corporate Director & Monitoring Officer

**All Wards
Key Decision = N**

1.0 Purpose of Report

1.1 To update the Committee in respect of activities carried out in relation to the Council's Member Code of Conduct.

2.0 Decisions Sought

2.1 Members are asked to note the update.

3.0 Link to Corporate Priorities

3.1 This report links to the Council's priority of Providing a Fit for Purpose Council by ensuring the governance of the Council, its Committees and services enable effective decision making.

4.0 The Code of Conduct and Standards Complaints Process

4.1 RDC is required to have a process in place to determine complaints made against Members relating to the Members Code of Conduct. This process also deals with complaints referred to the Council by Parish Councils in relation to complaints received by them but which they are unable to investigate.

4.2 The current Code of Conduct was approved by this Committee in June 2016 (Minute AGS17/16 refers) when amendments were made to clarify provisions in relation to declarations of interest.

4.3 In 2017/2018 the Council dealt with eight complaints concerning alleged breaches of the Code of Conduct. Of these, three were in relation to District Councillors and five were in relation to Town/Parish Councillors.

4.4 Of those complaints, seven resulted in no action being taken, and one complaint was referred for local informal resolution by the Monitoring Officer. The Council's Independent Persons have worked closely with the Monitoring Officer and Deputy Monitoring Officer in considering complaints received and the procedure appears to be working well in processing complaints in accordance with provisions made under the Localism Act 2011.

- 4.5 Two complaints were referred for investigation. One found no breach of the code and the other found only a potential breach, which has subsequently been held in abeyance subject to a satisfactory informal resolution. The remaining complaints were each assessed at Stages 1-3 of the complaints procedure and were rejected on one or more of the following grounds:
- (a) The subject was not acting in their capacity as councillor at the time.
 - (b) The alleged behaviour did not fall within the definition of the authority's code.
 - (c) The complaint was resolved informally (ie. by an apology).
 - (d) The same complaint had already been received and concluded.
- 4.6 Audit, Governance and Standards Committee resolved in January 2018 to amend the Council's Standards Complaints Procedure to receive complaints regarding parish councillors in the first instance. To date this has not resulted in an increase in complaints received.

5.0 Ethical Standards Framework

- 5.1 In its 2017/18 forward plan the Committee on Standards in Public Life ("CSPL") committed to reviewing local government ethical standards. It launched its review on 29 January 2018 with a three month long public consultation. The consultation closed on 18 May 2018.
- 5.2 The review is considering the structures, processes, and practices for local government standards in England, including codes of conduct, sanctions, and investigatory processes, the roles of Monitoring Officers, Clerks, and Independent Persons.
- 5.3 During the consultation period a survey was produced by CPSL and published online. This was circulated to all Richmondshire District Councillors. The Monitoring Officer submitted a formal response in consultation with the Chairman of Audit, Governance and Standards Committee, Deputy Monitoring Officer, Democratic Services Manager and the Council's two Independent Persons (appointed under s28(7) of the Localism Act 2011).
- 5.4 CSPL completed that first phase of the review in June 2018 and will continue working on the review for the rest of the year. It will add to its evidence collection by talking directly to councillors with a planned programme of visits to a selected range of local councils. It aims to publish the report by December 2018.

6.0 Recommendations

- 6.1 That the update be noted.
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7.0 Corporate Implications

Scrutiny Consultation	None
Community Engagement	None
Environment & Sustainability	N/A
Financial Implications	None
Legal Implications	The Council has a statutory duty to promote and maintain high standards of conduct.
Risk Implications	None
Human Resource Implications	None
Equalities Implications	None
Health & Safety Implications	None

8.0 Further Information

8.1 Background Papers – [CSPL Annual Report 2017-2018](#)

8.2 File Reference – None

8.3 Appendices – None

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