



STANDARDS COMMITTEE
12 February 2018

ITEM 5

Report sponsor: Strategic Director of Corporate Resources
Report author: Interim Director of Legal, Procurement and Democratic Services

Procedures for the Assessment and Review of Allegations of Breaches of the Members' Code of Conduct

Purpose

- 1.1 The Standards Committee considered the Procedures for the Assessment and Review of Allegations of Breaches of the Members' Code of Conduct at its last meeting, on 10 July 2018. The procedures had been previously approved by Council on 23 May 2018.
- 1.2 The committee wished to see a change to the procedure in relation to issues raised by the Monitoring Officer for information, which did not arise from a complaint.
- 1.3 This is the first opportunity for the committee to consider the revision since that meeting.

Recommendation

- 2.1 To recommend to Council that the procedure be amended by the proposed change to paragraph 26 and addition of paragraph 27 (shown in Appendix 1).

Reason

- 3.1 To comply with the committee's decision taken on 10 July 2018.

Supporting information

- 4.1 Most breaches, or alleged breaches, of the Code of Conduct are reported to the Standards Committee following a process initiated through a complaint being submitted. Without a complaint being submitted, the committee does not have any power to issue sanctions against a councillor for a breach.
- 4.2 There are occasions, however, when the committee is alerted to potential breaches that have come to the attention of the Monitoring Officer. One such circumstance is through the log of councillors who become involved in licensing matters. This log has existed since changes were made arising from the Casey Report. The log is periodically provided to a Lawyer within Legal Services, who makes recommendations to the Monitoring Officer on whether there has been a breach of the Code of Conduct.

- 4.3 Previous experience has shown that it would be inappropriate for the committee to make a ruling, or issue sanctions, based on the submission of this information alone. On this basis, the existing Paragraph 26 of the procedure stipulates that the committee will have no power beyond noting in these circumstances.
- 4.4 The committee felt there needed to be mechanism where instances of a potential breach arising in such circumstances could be considered in the same way as a complaint would, without the necessity for a complaint having been received. The proposed amendment to Paragraph 26 and addition of Paragraph 27 provides a mechanism for the committee to return any such matter to the Independent Person Advisory Committee for consideration.

Public/stakeholder engagement

- 5.1 None. All political groups were consulted on the significant changes to the procedures prior to their adoption in May 2018. These additional changes will require Council approval.

Other options

- 6.1 To take no action. The procedures as they stand are approved and functional, but do not capture what the committee wished to see.

Financial and value for money issues

- 7.1 None.

Legal implications

- 8.1 None. Our procedures are a matter of local choice.

Other significant implications

- 9.1 None.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal Finance Service Director(s) Report sponsor Other(s)	Alex Hough – Acting Head of Democracy	4 February 2019
Background papers: List of appendices:	None. Appendix 1 - Procedures for the Assessment and Review of Allegations of Breaches of the Members' Code of Conduct	