

Wiltshire Council

Standards Committee

1 May 2019

Review of Protocol 12 of the Constitution: Update

Purpose of Report

1. This report updates the Standards Committee on initial work undertaken in respect of the review of Protocol 12 of the Constitution: Arrangements for dealing with Code of Conduct Complaints.

Background

2. At its meeting on 23 January 2019 the Standards Committee requested the Constitution Focus Group to oversee a review of the procedures relating to code of conduct complaints in response to concerns expressed to the Committee regarding the timeliness of dealing with complaints under the process. This also followed a review of the processes adopted by other local authorities in handling of code of conduct complaints. The arrangements operated by Wiltshire Council were last reviewed in February 2017.
3. The Constitution Focus Group discussed the arrangements and associated documentation at its meetings on 20 March 2019 and 10 April 2019. The Chairman and Vice-Chairman of the Standards Committee also discussed the arrangements at a meeting with officers and the Council's Independent Persons on 12 March 2019.

Main Considerations

4. In reviewing the existing arrangements it was discussed whether changes could be made to streamline the complaints process to make it more efficient and effective and reduce the risk of delays.
5. Consideration was also given as to whether the current assessment criteria needed to be revised to ensure that only those cases warranting formal investigation are pursued.
6. As detailed in a report taken to the Committee on 23 January 2019, the arrangements for overseeing code of conduct complaints in the Wiltshire Council area are detailed and robust and, in comparison to most authorities, include several stages of review. These stages had been included primarily to ensure member involvement when complaints against elected members were determined by officers in accordance with the arrangements.
7. The Focus Group noted arrangements in some other authorities where assessments were determined by a member sub-committee with no right of review.
8. The advantages of this approach were felt to be that it would enhance the role of members in the process by ensuring their involvement for all complaints which were received, not merely those which were requested for review, and would obviate the need for a review. It would improve the efficiency of the process.

9. Additionally, with every complaint to be determined by an assessment sub-committee assessment meetings could be regularly scheduled, for instance, on a monthly basis, scheduled and known in advance to all members of the Committee and any supporting officers. This would be a significant improvement on the current system where arrangements have to be made for each review of a complaint, which can result in delays due to availability constraints of members and officers.
10. The Focus Group will continue to explore the revision of the current process along these lines at its next meetings and will prepare recommendations for the Committee to consider at its next meeting.

Safeguarding Implications

11. There are no safeguarding issues arising from this report.

Equalities Impact of the Proposal

12. There are no equalities impacts arising from this report.

Risk assessment

13. There are no significant risks arising from this report

Financial Implications

14. There are no financial implications arising from this report.

Legal Implications

15. There are no legal implications arising from this report.

Public Health Impact of the Proposals

16. There are no public health impacts arising from this report.

Environmental Impact of the Proposals

17. There are no environmental impacts arising from this report.

Proposal

18. **To note the update on the review of the arrangements for dealing with code of conduct complaints in Wiltshire and to await the recommendations of the Constituion Focus Group.**

Ian Gibbons, Director - Legal, Electoral and Registration Services (and Monitoring Officer)

Report Author: Kieran Elliott, Senior Democratic Services Officer, 01225 718504,
kieran.elliott@wiltshire.gov.uk

Background Papers

None

Appendices

None