

Wiltshire Council

Constitution Focus Group

6 September 2016

Review of Protocol 12 of the Constitution: Procedure for Dealing with Code of Conduct Complaints

Purpose

1. To review Protocol 12 of the Constitution in accordance with Council's request on 12 July 2016 and make recommendations to the Standards Committee on any changes to improve the current arrangements.

Background

2. At its meeting on 12 July 2016 Council adopted guidance to support the Code of Conduct and also agreed the Standards Committee's recommendation to ask the Focus Group to review the procedure for dealing with complaints under the Code and report back to the Standards Committee in the first instance with advice on any proposed changes.

Main Considerations

3. At its meeting on 26 June 2012 the Council adopted arrangements for dealing with Code of Conduct complaints against parish and unitary councillors under the standards regime introduced under the Localism Act 2011. These arrangements came into effect from 1 July 2012 and are included at **Appendix 1**.
4. Since the arrangements came into effect the Council has dealt with over 200 complaints, of which over 30 have resulted in reviews. To date, only one hearing has taken place under the new procedure. A number of comments have been received during this time on aspects of the procedure, from complainants, subject members, councillors serving on review and hearing sub-committees, officers supporting the process and the Council's Independent Persons.
5. Based on these comments the Focus Group may wish to review the following aspects of the procedure in particular:
 - Confidentiality of proceedings and enforcement of obligation of confidentiality;
 - Dealing with trivial or vexatious complaints;
 - Informal resolution and mediation - use of independent persons;
 - Timescales for subject members to respond and for arranging assessments, reviews and hearings;
 - Local assessment criteria – see **Appendix 2**;
 - Procedure for reviews and hearings – see **Appendix 3**;

- Support for subject members;
- Clarity regarding the power of the Review Sub-committee to 'dismiss the complaint or take no further action on the complaint';
- Sanctions;
- Publication of the procedure and information to parties on the process;

Safeguarding Implications

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

Equalities Impact of the Proposal

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

Risk Implications

8. There are no risk implications arising from this report.

Financial Implications

9. There are no financial implications arising from report.

Legal Implications

10. The complaints procedure must meet the requirements of the Localism Act 2011.

Public Health Impact of the Proposals

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

Environmental Impact of the Proposals

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

Recommendation

13. The Constitution Focus Group is asked to review the process for dealing with complaints under the Code of Conduct and recommend any changes to the Standards Committee.

Ian Gibbons, Associate Director, Legal and Governance and Monitoring Officer

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

Appendices

Appendix 1a – Protocol 12 of the Constitution

Appendix 1b – Annex 1 of Protocol 12 – Flowchart

Appendix 2 – Local Assessment Criteria

Appendix 3 – Review Procedure and Hearing Procedure Summary