

Wiltshire Council

Standards Committee

30 July 2012

Code of Conduct Complaints – Status Report

Purpose of Report

1. To provide Standards Committee members an update on Code of Conduct complaints awaiting assessment or determination.

Background

2. The legislation requiring members to comply with a statutory Code of Conduct was abolished and a new regime introduced with effect from 1st July 2012 under the provisions of the Localism Act 2011. There were a number of complaints brought under the old Code that were either under investigation, awaiting a hearing, or awaiting assessment when the new provisions came into force. The issue of regulations clarifying what would happen to these complaints was delayed and this had an impact on the Monitoring Officer's ability to progress existing complaints.

The relevant regulations have now been made, and this report sets out the status of the Code of Conduct complaints that have not yet been determined.

Main Considerations for the Committee

3. The regulations make it clear that all existing cases that were not determined or assessed by the 1st July 2012 must be dealt with using the Council's new procedures for handling Code of Conduct complaints. This includes the statutory involvement of an "Independent Person" at the assessment and hearing stages. The test of these "inter regnum" complaints will, however, be whether or not the behaviour complained of breaches the old statutory Code of Conduct. They will not be assessed against the new local Codes that have been adopted by relevant authorities from 1st July 2012.
4. Interviews for Independent Persons were conducted on 9th July 2012 and the appointment of 3 Independent Persons was approved by Council at their meeting on 10th July 2012.
5. Training for the Independent Persons is being arranged. Preliminary training can take place over the next 3 weeks, but more in-depth training will be necessary over the coming few months.

6. There are 6 complaints where the investigation has been completed and which now await a hearing. 4 of these involve one member and the complaints arose from a single incident, so in effect only 3 hearings are required. These are likely to take place in September in order to ensure the availability of the hearing panel, the parties to the complaints, and the witnesses.
7. There are 2 complaints which are at draft report stage. Final reports will be issued within the next fortnight and it will then be possible to determine whether a hearing will be required. This will depend upon whether or not the Investigating Officer concludes that the matters complained of are capable of representing a breach of the statutory Code.
8. There is 1 complaint that has been referred for investigation. However, the timing of the referral meant that the investigation could not begin until an Independent Person had been appointed for the subject member to consult. When appropriate training has been provided for the Independent Persons the investigation will begin. This will be a "light touch" investigation under the Council's new procedures for Code of Conduct complaints.
9. There were 9 new complaints submitted between 9th May 2012 and the date of writing this report. These complaints could not be assessed under the old statutory provisions because it would not have been possible to deal with them in the statutory timescales set out by the now-abolished statutory procedures. They have therefore been in abeyance pending the appointment of Independent Persons. These 9 complaints will be assessed by the Monitoring Officer, in consultation with an Independent Person, as soon as possible after his return from annual leave.

Proposal

10. Members of the Standards Committee are asked to note this report.

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Background Papers

The following unpublished documents have been relied on in the preparation of this report: None