

WYRE FOREST DISTRICT COUNCIL

ETHICS AND STANDARDS COMMITTEE
29TH JULY 2008

OPEN	
Responsible Officer:	Monitoring Officer
Contact Officer	C S Newlands Ext. 2715
Appendices	Appendix 1 Flowchart Appendix 2 Procedure for Local Assessment Investigation of Complaints Appendix 3 Complaint Form Appendix 4 Checklist.

Breach of Code of Conduct – Local Investigation of Complaints

1. PURPOSE OF REPORT

- 1.1. To appraise Members of the new arrangements for the local investigation of complaints where there is an alleged breach of the Code of Conduct.

2. RECOMMENDATIONS:

- 2.1. The Committee notes the establishment of three sub committees of the Ethics and Standards Committee and authorises them to deal with assessments, hearings and reviews regarding allegations that Members have breached the Code of Conduct.
- 2.2. Notes that each sub-committee should consist of four Members and be chaired by an Independent Member of the Standards Committee. Where the complaint concerns a Parish or Town Council Member the sub committee will include a Parish or Town Council Member.
- 2.3. Agrees that membership of the sub-committees is not fixed nor allocated according to the political balance of the Council but will be drawn from Members of the Ethics and Standards Committee on a case by case basis by the Head of Legal and Democratic Services and Chair of the Ethics and Standards Committee.
- 2.4. Authorises the Head of Legal and Democratic Services to implement arrangements for local assessments, review and hearings by issuing guidance and documentation as necessary.

3. BACKGROUND

- 3.1. At its meeting on 6th February 2008 the Monitoring Officer outlined the proposed changes to the procedure for dealing with complaints regarding breaches of the Code of Conduct in accordance with the Local Government and Public Involvement in Health Act 2007.
- 3.2. On 8th May 2008 the new locally based standards framework gave Standards Committees responsibility for the initial assessment of all allegations that a member of their authority/parish council or town council may have breached the Code of Conduct. It also gave them responsibility for any subsequent investigations, decisions and sanctions (except where the cases could not be handled locally because of their seriousness, conflicts of interest or other public interest reasons).

4. KEY ISSUES

- 4.1. Any complaints that a member of Wyre Forest District Council or a member of the Parish or Town Councils in Wyre Forest has breached the Code of Conduct must be made to the Monitoring Officer. (See Appendix 1 flowchart on handling of complaints).
- 4.2. Three Sub Committees were established by Council on 15th May 2008 to deal with local assessment as follows:
 - A Referrals Sub Committee
 - A Hearings Sub-Committee
 - A Review Sub-Committee
- 4.3. All complaints received will be passed to the Monitoring Officer.
- 4.4. A complaint may not necessarily be made in writing. It may be a concern raised with the Monitoring Officer verbally. In such cases the Monitoring Officer should ask the complainant whether they want to formally put the matter in writing to the Ethics and Standards Committee. If the complainant does not, the Monitoring Officer should consider the options for informal resolution to satisfy the complainant.
- 4.5. The Monitoring Officer will pass complaints to the Referrals Sub-Committee who will consider the complaint and have the following options open to them in deciding what to do with the complaint:
 - To refer the allegation back to the Monitoring Officer for Investigation
 - To refer the complaint to the Hearings Sub-Committee
 - Refer the allegation to the Standards Board for England (this is for cases that cannot be handled locally because of the seriousness of the case, conflicts or interest or other public interest reasons)

- Decide that no action should be taken in respect of the allegation.

- 4.6. Decisions as to whether or not an allegation should be investigated will be judged against assessment criteria (See Appendix 2)
- 4.7. All complaints should be submitted in writing and a copy of the complaint form based on the Standard Board for England's suggestion is attached as Appendix 3.
- 4.8. The Council has published its new complaints procedure on its website, advertised in The Shuttle newspaper, and circulated posters to all Hub offices in Wyre Forest and to local libraries.
- 4.9. A checklist (Appendix 4) identifies the actions the Council has taken since the launch of local investigation.

5. FINANCIAL IMPLICATIONS

- 5.1. The proposed new arrangements will have Member and office resource implications. It is intended to closely monitor the effects during the first six months from the new arrangements coming into effect.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1. The new local assessment regime will be brought into effect under the provisions of the local Government and Public Involvement in Health Act 2007 and the Standards Board (England) Regulations 2008 and associated guidance from the Standards Board for England.

7. RISK MANAGEMENT

- 7.1. Due to the increased workload Council, at its Annual Meeting, agreed that the size of the Committee could be increased to include an additional independent member (as it is mandatory that all three sub committees are chaired by an independent member). Council also agreed that an additional parish member should be recruited as it is a requirement to have a parish council member on the sub committee if the complaint relates to a parish councillor.

8. CONCLUSION

- 8.1. The Council has an excellent record with regard to Members, the ethical framework and the Code of Conduct. Procedures have been drawn up in conjunction with the relevant legislation and Members will receive guidance and training to ensure that the new arrangements proceed as smoothly as possible.

9. CONSULTEES

- 9.1. Chairman/Vice-Chairman Ethics and Standards Committee

10. BACKGROUND PAPERS

- 10.1. Local Government and Public Involvement in Health Act 2007
10.2. The Standards Committee (England) Regulations 2008
10.3. Bulletins 36/37/38/39 Standards Board for England
10.4. Guidance Booklet, Standards Board for England