

Committee: STANDARDS

Agenda Item

Date: 21 March 2016

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Title: ROLE OF MEMBERS OF THE STANDARDS COMMITTEE WHILST THEY ARE SUBJECT TO COMPLAINTS

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Summary

1. This item appears at the request of the independent members for the committee to consider what role (if any) members of the committee should play in the committee's work whilst they are subject to allegations that they themselves had breached the Code of Conduct.

Recommendations

2. Members determine whether members of the committee who are the subject of an allegation that they have breached the Code of Conduct should stand down from the committee until the complaints process has been exhausted, if so at which stage they should do so and how this can be achieved.

Financial Implications

3. None.

Background Papers

4. None.

Impact

- 5.

| | |
|---------------------------------|------|
| Communication/Consultation | None |
| Community Safety | None |
| Equalities | None |
| Health and Safety | None |
| Human Rights/Legal Implications | None |
| Sustainability | None |

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|-----------------------|------|
| Ward-specific impacts | None |
| Workforce/Workplace | None |

Situation

6. All members of the council are required to observe the council's Code of Conduct.
7. Anyone can complain that any councillor has breached the Code of Conduct. Complaints can therefore be received from members of the public, officers or other councillors.
8. The current procedure is that not all complaints are passed for investigation. As soon as possible after a complaint has been received, the subject member is notified of that fact. Thereafter the complaint is considered by an independent member of the Standards Committee and the Monitoring Officer to determine whether it is worthy of investigation applying the standards set out in the council's procedure. On average that procedure takes between 5 – 10 working days.
9. If the complaint is not passed for investigation no further action is taken and that is the end to the matter. In the event that a member of the Standards Committee should be subject to an allegation that he or she has breached the Code of Conduct and it is not passed for investigation there is no reason why that member should not take full part in the activities of the Standards Committee.
10. However, if a complaint against a member of the Standards Committee is passed for investigation, this can be a more prolonged process. Some complaints take a number of months to investigate and be brought to a conclusion. The questions for the committee are:
 - (a) Whether it is appropriate for members of the Standards Committee who are the subject of complaints to continue to take part in committee activities
 - (b) If not, at what stage of the process they should withdraw from those activities.
 - (c) How such withdrawal is to be achieved.
11. With regard to the third question above, in the event that members determine that it is not appropriate for members of the Standards Committee to continue to serve as such after a complaint has been received; this could be achieved in a number of ways.
 - (a) There could be a protocol by which members of the committee agree they will not serve whilst they are the subject of a complaint or under investigation.

- (b) As per (a) but with an amendment to provide that the member should stand down from the Standards Committee for the duration of the investigation and the group leader should appoint an alternative member in their place.
- (c) By an amendment to the Code of Conduct to provide that members of the Standards Committee who are the subject of a complaint or the subject of an investigation should not take any part in Standards Committee activities until such time as the complaint has been determined.

Risk Analysis

12.

| Risk | Likelihood | Impact | Mitigating actions |
|--|------------|--------|--------------------|
| <p>There is a risk that public confidence in the council, members of the Standards Committee who are the subject of complaints and/or the standards regime may be damaged if members of the committee who are the subject of complaints continue to take part in committee activities. The likelihood and impact of that risk is a matter for members to determine during the course of their discussions on this issue.</p> | | | |

- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.