
Subject: **AMENDMENT TO THE ARRANGEMENTS FOR CODE OF CONDUCT COMPLAINTS**

Meeting and Date: **Standards Committee – 15 July 2015**

Report of: **Monitoring Officer**

Classification: **UNRESTRICTED**

Purpose of the report: It is the role of the Standards Committee to monitor and assess the operation and effectiveness of the Code of Conduct and to review and manage the Arrangements under which allegations can be investigated.

Recommendation:

- (1) That the revised Arrangements for the handling of allegations as set in the appendix to this report be approved
- (2) That the Monitoring Officer be authorised to make any further editorial changes to the arrangements.

1. Summary

1.1 The Kent model Code of Conduct and its Arrangements under which allegations can be investigated are regularly reviewed by a working group of the Association of Kent Secretaries, a professional association comprising of Monitoring Officers and Chief Legal Officers of the Kent district councils, the county council and the Medway unitary authority. Following the most recent review, this report makes recommendations for minor revisions to the Arrangements adopted by the Council in June 2012 under which allegations can be investigated.

2. Introduction and Background

2.1 In accordance with the requirements of the Localism Act 2011 the Council adopted a locally drawn Code of Conduct for members in June 2012. It also put in place arrangements under which allegations of breaches of the Code can be investigated. The Code of Conduct and Arrangements adopted by the Council is the common Kent model used by most authorities in the county. In adopting the Code the Council asked the Monitoring Officer to keep the Code and its associated arrangements under review and report further to the Council or the Standards Committee as he considers necessary.

2.2 The proposed revisions contained within this report and the appendices do not amend the Code of Conduct but rather the arrangements for handling allegations made under the Code. The Standards Committee may amend the arrangements without reference to the Council.

The Proposed Revisions

2.3 The proposed revisions are as follows:

(a) Arrangements for dealing with Code of Conduct complaints under the Localism Act 2011

2.4 The amendments to this document relate to corrections to paragraph references only to reflect changes to the annexes.

(b) Annex 1 – Procedure on Receipt of a Complaint

2.5 There is a deletion at the start of paragraph 4.7 to remove the following words:

“The decision notice will be published on the [Borough] [City] [County] [District] Council’s website.”

2.6 The removal of the right of public inspection of the decision notices issued by the Monitoring Officer ensures that the arrangements are in keeping with recent adjudication decisions and the provisions relating to data protection. These changes do not affect the conduct of a public hearing where a complaint is referred to the Standards Committee – Hearing Panel.

(c) Annex 2 – Procedure for Investigating the Complaint

2.7 There are no changes to this annex.

(d) Annex 3 – Hearing Panel Procedure

2.8 The Hearing Panel Procedure has been amended to include the introduction of a new Pre-Hearing Procedure at paragraph 1 and Rules of Procedure at paragraph 2. These changes introduce a set of procedures similar to those used under the previous code and provide for consistency across Kent in the pre-hearing process.

2.9 The procedure has also been changed at paragraph 4.4 to provide the Monitoring Officer with an opportunity to participate in the conduct of a Hearing. The previous arrangements provided for no role for the Monitoring Officer at a Hearing which ignored the significant part played by him in the earlier stages of the handling of the allegations.

3. Identification of Options

3.1 Option 1: To approve the changes as set out in the appendices to the report.

3.2 Option 2: To apply the changes in part, or not at all.

4. Evaluation of Options

4.1 The recommended option is Option 1 as this maintains consistency with the Kent-wide Code of Conduct and provides for an improved set of arrangements for the handling of allegations against councillors.

5. Resource Implications

5.1 There are no resource implications.

6. Appendices

Appendix 1 – Revised Arrangements for dealing with Code of Conduct complaints

7. Background Papers

Dover District Council Code of Conduct

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