



Standards Committee

18 October 2010

Code of Conduct Complaints received since 2008

Summary of Report

To provide the Committee with an overview of the number and outcomes of complaints made against elected members that have been reviewed by the Initial Assessment and Review Sub Committee. The report will also give an overview of parts of the Code that breaches have been recorded against.

Recommendations

- (1) That the content of the report be noted.

Resource Considerations:

Financial:

None arising from this report

Legal:

None arising from this report

Staffing:

None arising from this report

Citizen Impact:

None arising from this report

Community Safety:

None arising from this report

Environmental:

None arising from this report

Performance and Risk Management:

Risk:

None arising from this report

Performance Management:

None arising from this report

Equality Implications:

This report complies fully with the Council's policies on equality and diversity

Consultation:

None arising from this report

Background papers

All published

Signed:



Bhupinder Gill
**Assistant Director Legal &
Constitutional Services and Monitoring
Officer**

Date: 8 October 2010

Signed:



Rory Borealis
Executive Director (Resources)

Date: 8 October 2010

Contact Officer

Jo Whitehouse
Member Services Officer

☎ 01922 652025

✉ whitehousejl@walsall.gov.uk

Background

The Local Government Act, 2000 introduced the requirement for local authorities to have statutory Standards Committees. The composition of these Committees and their broad remits were defined in legislation and subsequent statutory regulations.

Whilst initially the local Standards Committees had more of a policy overview with Standards for England undertaking the investigative elements in relation to Member's Code of Conduct Investigations, further regulations have seen the responsibility passed to a local level since 2008.

From 8 May 2008, the Council have been responsible for hearing complaints in the first instance with the Standards Committee being responsible for receiving allegations and deciding whether any further action needed to be taken relating to alleged breaches of the Code of Conduct.

The Initial Assessment Sub Committee receives the complaint and undertakes an assessment to determine if the complaint should be investigated and/or action taken other than a full investigation. The Sub Committee may make a direction to the Monitoring Officer to take other steps such as the arrangement of training or a face to face meeting to discuss the implications of the allegation. Should the Sub Committee decide that there should be a local investigation then this would be undertaken for and behalf of the Monitoring Officer with a full report produced.

Following a finding of "no further action by the Initial Assessment Sub Committee" a complainant can request a review which will be considered by the Review Sub Committee comprising of three members of the authorities Standards Committee. The criteria for review is the same as initial assessment and there is no right to seek further resolution if the complainant is dissatisfied with the decision made by this Sub Committee.

This report considers complaints received during three municipal years; 2008/09, 2009/10 and 2010/11 with a full analysis being found at Appendix A.

2008/09

A total of eight complaints were received from the new regime in 2008 to the end of the municipal year in 2009.

Two of these "complaints" were reports received from Standards for England following investigations which were found to have no further action and were

subsequently considered by the Hearing Sub Committee of the Standards Committee to consider whether local action was required.

Of the six complaints received;

- Four were considered by the Initial Assessment Review Sub Committee as needing “no action” of which one was considered by the Review Sub Committee and referred to the Monitoring Officer for other action
- One was referred to the Monitoring Officer
- One was referred to Standards for England

On average complaints were heard by the Initial Assessment Review Sub Committee in fourteen days which is well within the twenty day limit that has been set.

2009/10

A total of eleven complaints were considered during this municipal year.

Of the eleven complaints received;

- Eight were considered by the Initial Assessment Review Sub Committee as needing “no action” of which four were considered by the Review Sub Committee. Two were found to need “no action” and two were referred to the Monitoring Officer for other action
- Two were referred to the Monitoring Officer
- One was referred to Standards for England

On average complaints were heard by the Initial Assessment Review Sub Committee in 19.6 days which is within the twenty day limit that has been set.

2010/11

For the year so far we have received one complaint which was considered by the Initial Assessment Review Sub Committee within seventeen days of receipt. The Sub Committee considered the complaint warranted “no action”. This was also considered by the Review Sub Committee who came to the same conclusion.

For all of the complaints received during this time “you must not conduct yourself in a manner which could be regarded as bringing your office or authority into disrepute” (Part 1 5) is the most common alleged breach with seven complaints received during 2008/09 and 2009/10 followed by “you must treat others with respect” (Part 1 3 (1) which received six complaints during 2008/09 and 2009/10. Further analysis on parts of the Code which breaches have been recorded against can be found at Appendix B.

Appendix A

Data tables 2008/09

	Outcome from Initial Assessment Sub Committee:	Time:	Outcome from Review Sub Committee/or final outcome:
1	Allegation dismissed	Old regime	
2	Refer Standards for England	IA 16 days	No breach of the Code of Conduct
3	Refer Monitoring Officer - training	IA 7 days	Refer Monitoring Officer -training
4	Allegation dismissed	IA 26 days	Refer Monitoring Officer Training
5	Allegation dismissed	IA 11 days	
6	Allegation dismissed	IA 12 days	
7	Allegation dismissed	IA 12 days	
8	Allegation dismissed	Old regime	

Data tables 2009/10

	Outcome from Initial Assessment Sub Committee:	Time:	Outcome from Review Sub Committee/or final outcome:
1	Allegation dismissed	IA 37 days	
2	Refer Monitoring Officer - training	IA 14 days	Refer Monitoring Officer -training
3	Allegation dismissed	IA 12 days	
4	Allegation dismissed	IA 12 days	
5	Allegation dismissed	IA 22 days	
6	Allegation dismissed	IA 24 days	Allegation dismissed
7	Refer Monitoring Officer - training	IA 15 days	Refer Monitoring Officer -training
8	Allegation dismissed	IA 25 days	
9	Allegation dismissed	IA 11 days	Refer Monitoring Officer -training
10	Allegation dismissed	IA 11 days	Refer Monitoring Officer -training
11	Refer Standards for England	IA 33 days	Ongoing

Data tables 2010/11

	Outcome from Initial Assessment Sub Committee:	Time:	Outcome from Review Sub Committee/or final outcome:
1	Allegation dismissed	IA 17 days	

Appendix B

Parts of the Code of Conduct breaches have been recorded against:

Part of the Code:	Description:	Number of Occurrences:
Part 1 3 (1)	You must treat others with respect	2008/09 5 2009/10 2
Part 1 5	You must not conduct yourself in a manner which could be regarded as bringing your office or authority into disrepute	2008/09 2 2009/10 4
Part 1 4 (a)	You must not disclose information given to you in confidence by anyone or information acquired by you which you believe or ought reasonably be aware is of a confidential nature	2009/10 1
Part 1 6 (b)	You must, when using or authorising the use of others of the resources of your authority, act in accordance with your authority's reasonable requirements, ensure that such resources are not used improperly for political purposes (including party political purposes) and have regard to any applicable Local Authority Code of Publicity made under the Local Government Act, 1986 (15)	2009/10 1
Other		2009/10 3 2010/11 1