

<b>AUDIT COMMITTEE</b>	AGENDA ITEM NO.4
6 JUNE 2013	PUBLIC REPORT

Contact Officer(s):	Kim Sawyer, Head of Legal Services and Monitoring Officer	Tel. 452361
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**OUTCOME OF STANDARDS COMPLAINTS UNDER PREVIOUS STANDARDS REGIME (PRE JULY 2012)**

R E C O M M E N D A T I O N S	
<b>FROM :</b> Kim Sawyer, Head of Legal Services and Monitoring Officer	<b>Deadline date :</b> None
<p>It is recommended that Audit Committee:</p> <ol style="list-style-type: none"> <li>1. Notes the position in respect of all outstanding complaints prior to the introduction of the new standards regime in July 2012;</li> <li>2. Notes that no further action will be taken in respect of three complaints where the investigating officer found no case to answer;</li> <li>3. Notes that four complaints were referred for informal resolution and the status of those complaints;</li> <li>4. Receives an update in respect of the appointment of a Deputy Independent Person, and determines the next steps it wishes to take in this respect.</li> </ol>	

**1. ORIGIN OF REPORT**

- 1.1 This report is submitted to Audit Committee as an update from the Head of Legal Services and Monitoring Officer.

**2. PURPOSE AND REASON FOR REPORT**

- 2.1 The purpose of this report is to advise Members of the Audit Committee of the actions taken in respect of complaints outstanding from the former Standards regime.
- 2.2 This report is for the Committee to consider under its Terms of Reference No. 2.2.1.20 'Promoting and maintaining high standards of conduct by Councillors and co-opted members'.

**3. TIMESCALE**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If Yes, date for relevant Cabinet Meeting	N/A
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**4. UPDATE ON OUTSTANDING COMPLAINTS**

- 4.1 Following introduction of the new regime in July 2012, there was a delay in resolving outstanding complaints until the Council was able to appoint an Independent Person, which it did in December 2012. This is because the Monitoring Officer is required to discuss cases with the Independent Person before finalising them.
- 4.2 All complaints made under the old regime have now been fully investigated, and discussions in respect of them have taken place between the Monitoring Officer and Independent Person.

- 4.3 In respect of three complaints, the investigating officer found no breach of the code, therefore no further action will be taken.
- 4.4 In respect of the four remaining complaints, it is proposed that they are resolved informally. Informal resolution is an option available to the Monitoring Officer when the facts of the complaint are straightforward and a resolution can be reached without the need to incur further costs and resources.
- 4.5 Three of the complaints related to the same Councillor, and stem from virtually the same facts. The Councillor has been invited to a meeting with the Monitoring Officer and Independent Person to discuss appropriate standards of behaviour, and this resolution has been accepted by the Member concerned. The meeting is scheduled to take place on 23 May. An update on this complaint will be provided to the next Audit Committee meeting. If the meeting scheduled for 23 May does not take place, it is likely that the case may be referred to the Audit Committee for a local hearing by a sub-committee.
- 4.6 The final complaint relates to one isolated incident some time ago and it was proposed that the Councillor involved signs a Written Undertaking confirming that they will respect the requirements in the code of conduct. The Written Undertaking has been completed and signed by the Member concerned.

## **5. UPDATE ON RECRUITMENT OF DEPUTY INDEPENDENT PERSON**

- 5.1 Members will no doubt recall that the Council intended to recruit a Deputy Independent Person for times when the Independent Person is either unavailable, or has a conflict of interest. The following attempts to recruit have been undertaken:
- Advert on Council website September
  - Advert on Council website October
  - Advert on Council website January/February
  - Communications team scheduled tweets to advertise the position
  - Approached all Local Councils to target their Independent Persons and ex-Independent Members
  - Approached candidates shortlisted for the independent co-optees for the Police and Crime Panel
- 5.2 Despite these efforts, there has been no interest at all in the position of Deputy. It is possible that the decision not to recruit anyone with involvement in the previous regime is having an adverse affect on the ability to recruit, as other Councils that did not make this decision have been able to recruit.
- 5.3 Members of Audit Committee are now asked to consider how they wish to proceed. The options are:
- Members wish to put the recruitment of a Deputy on hold for the time being, to be kept under review if the number of complaints increases;
  - An advertising campaign could be launched in the external media; or
  - Consider recruiting persons who were Independent Members of the former Standards Committee.

## **6. CONSULTATION**

- 6.1 There has been consultation with the Council's Independent Person, Gillian Holmes, as required under the complaints process. Other forms of consultation are inappropriate given the confidential nature of the previous complaints process.

## **7. ANTICIPATED OUTCOMES**

- 7.1 That Audit Committee notes the position.

## **8. REASONS FOR RECOMMENDATIONS**

- 8.1 Recommendations one to three are simply to update the Audit Committee on the position of complaints outstanding from the previous Standards regime. In respect of recommendation four, the Audit Committee needs to determine how it wishes to proceed, as previous recruitment attempts have been unsuccessful.

## **9. ALTERNATIVE OPTIONS CONSIDERED**

- 9.1 Alternative options on the outstanding complaints are to refer all those where the investigating officer has found evidence of breach for a hearing by a sub-committee of Audit Committee. This is not required by the procedure adopted by Council in July 2012, the Monitoring Officer has discretion to resolve complaints informally following discussion with the Independent Person. Given that the complaints pre date the new system being introduced, and are therefore quite old complaints, it is considered more appropriate to deal with them informally.
- 9.2 In respect of the appointment of Deputy Independent Person, the alternative options are either to advertise externally, relax the prohibition about candidates not having been involved in the previous regime, or to decide not to continue with the recruitment of a Deputy, given the relatively low level of complaints that the Council has received to date (with this decision being kept under review if the volume of complaints should increase).

## **10. IMPLICATIONS**

- 10.1 There are no financial or legal implications from the actions proposed in respect of the outstanding complaint, nor any other significant implications.
- 10.2 There would be financial implications if the Committee should decide to undertake an external advertising campaign for a Deputy Independent Person, which would be limited to advertising costs, and would depend upon the publications in which the campaign was advertised.

## **11. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

- 11.1 Report to Full Council July 2012 setting out the new standards regime.

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