

Report to	Standards & Audit Committee
Date	24 September 2013
By	Monitoring Officer
Title of Report	Review of the Arrangements for Assessment, Investigation and Determination of a Complaint that a Member has Failed to Comply with the Members' Code of Conduct
Purpose of Report	To consider how these arrangements have operated over the previous year and whether any improvements can be made to them

Recommendation: The Committee is recommended to:

- 1) note how the Arrangements for Assessment, Investigation and Determination of a Complaint that a Member has Failed to Comply with the Members' Code of Conduct have operated over the previous year;**
 - 2) agree that the amendment detailed in paragraph 3.2 of the report be made; and**
 - 3) consider whether any improvements can be made to these procedures or to the Members' Code of Conduct – Complaint Handling Flowchart.**
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1. Introduction

- 1.1 Following the recommendation of the Standards and Audit Committee, on 11 December 2012, the Authority approved the SDNPA's current Arrangements for Assessment, Investigation and Determination of a Complaint that a Member has Failed to Comply with the Members' Code of Conduct (hereafter referred to as "the Procedures").
- 1.2 The Standards and Audit Committee agreed to review the Procedures after 12 months. This report brings the Procedures before the Committee for review.

2. Background

- 2.1 In light of changes made by the Localism Act 2011, on 19 June 2012, the Authority asked the Standards and Audit Committee to review the then existing arrangements for handling allegations of failure to comply with the Members' Code of Conduct, and to recommend relevant procedures to the Authority for approval.
- 2.2 At its meeting on 13 September 2012, the Standards and Audit Committee considered detailed procedures for the assessment, investigation and determination of such allegations. For various reasons, the Committee decided to recommend to the Authority a modification of the existing arrangements for the handling of complaints against Members, amended to comply with the Localism Act 2011, rather than undertaking a more fundamental rewrite of the arrangements. The Committee considered that it should review the Procedures, as well as the Members' Code of Conduct – Complaint Handling Flowchart, after 12 months.
- 2.3 On 11 December 2012, the Authority approved the Procedures, as recommended by the Standards and Audit Committee. A copy of these are attached as **Appendix 1**. In addition, the Members' Code of Conduct – Complaint Handling Flowchart is attached as **Appendix 2**.

3. Review of the Procedures

- 3.1 This review is brought as a matter of course following the adoption of the Procedures last year. Experience during the year has shown the Procedures to be working well in facilitating informal resolution of any concerns. Members are asked to consider whether any improvements can be made to the Procedures or to the Members' Code of Conduct – Complaint Handling Flowchart.
- 3.2 There is an error contained in the sub-heading of paragraph 5 on page 2 of the Procedures. "Independent Member" should read "Independent Person" as the Independent Person is not a member of the Committee. It is therefore recommended that this amendment be made.

4. Resources

- 4.1 In the event that the Committee decides to recommend amendments to the Procedures, there would be a small resource implication regarding the additional officer time required to produce a report to a future meeting of the Authority.

5. Risk management

- 5.1 Any failure to uphold high standards of conduct has the potential to cause reputational damage to the Member concerned and also to the Authority.

6. Human Rights, Equalities, Health and Safety

- 6.1 The Procedures have been designed to strike a fair balance between ensuring robust arrangements for the handling of complaints about Member conduct, and providing the opportunity for Members to respond to any complaint about them.

7. Sustainability

- 8.1 The report adheres to the principle of Promoting Good Governance as set out in the Authority's Sustainability Strategy. Undertaking a review of the Procedures helps to ensure that they are effective in resolving complaints against Members and, in turn, helps to maintain public confidence in the governance of the SDNPA. In addition, for the same reasons, the report adheres to the principle of ensuring a strong, healthy and just society.

8. External Consultees

- 8.1 None.

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Appendices

- 1 (including Appendices A, B and C): Arrangements for Assessment, Investigation and Determination of a Complaint that a Member has Failed to Comply with the Members' Code of Conduct
- 2 Members' Code of Conduct – Complaint Handling Flowchart

SDNPA Consultees

Chief Executive Officer, Director of Corporate Services, Chief Finance Officer, Deputy Chief Finance Officer and Head of Internal Audit

Background Documents

None.