

REPORT OF THE LEADER OF THE COUNCIL

CONDUCT ISSUES

Purpose of the Report

1. To seek approval of terms of reference and working arrangements for a Conduct Committee and a revised procedure for dealing with complaints in relation to the Code of Conduct for Councillors and Co-opted Members.

Information and Advice

2. Council approved the establishment of a Conduct Committee on 16 January 2014.
3. The proposed terms of reference for the Committee are set out at **Appendix A**. Policy Committee will remain responsible for any revisions to policy and procedure.
4. The Conduct Committee will meet on an ad-hoc basis when a decision is required on how a complaint should be dealt with, and to determine complaints that are subject to full investigation.
5. The proposal is to establish a Committee with a membership of five. The Committee is required by law to be politically balanced and in light of this membership will be 3 Labour Group, 1 Conservative Group and 1 Liberal Democrat Group Councillor.
6. The Council is required by law to appoint at least one Independent Person, whose views must be taken into account before a decision is made on a complaint that is subject to full investigation. The Councillor or Co-optee who is the subject of a complaint may also seek their views. Council has appointed two Independent Persons and the intention is that they will have an open invitation to attend all meetings of this Committee, but will not be Committee members or have a vote.
7. The Committee will not have a fixed membership and appointments will be made on an ad hoc basis when a meeting is required. A Chair will therefore be elected at each meeting. The Chair will not receive a special responsibility allowance.
8. The proposed amendments to the Procedure Rules for Committee and Sub-Committee meetings are set out at **Appendix B**. The quorum for a meeting will be 3 in accordance with the usual rules.
9. The provisions in the County Council's Constitution regarding access to information and meetings will apply to the Conduct Committee. There is a presumption that meetings will be

open to the public, but in some circumstances members of the public may be excluded where exempt information is being discussed.

10. The procedure for dealing with complaints has been reviewed and revised. The proposed procedure is attached in **Appendix C**.
11. Council is asked to authorise the Monitoring Officer to make any consequential amendments to the Council's Constitution.

Other Options Considered

12. Councillors may wish to consider establishing a larger Committee to ensure all political groups are represented; this would require membership of 11. It is considered that a committee of that size would be too large to work effectively and for this reason a committee of 5 is proposed.

Reasons for Recommendations

13. To ensure arrangements are in place to deal with complaints under the Code of Conduct for Councillors and Co-opted Members fairly and efficiently.

Statutory and Policy Implications

14. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATIONS

- 1) To approve the terms of reference for the Conduct Committee as set out in Appendix A
- 2) To approve the amendments to the Procedure Rules for Committee and Sub-Committee meetings as set out in Appendix B
- 3) To approve the Procedure for Dealing with Conduct Allegations as set out in Appendix C
- 4) That the Monitoring Officer be authorised to make consequential amendments to the Constitution

Councillor Alan Rhodes
Leader of the Council

For any enquiries about this report please contact:

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Corporate Director Policy Planning and Corporate Services and Monitoring Officer

Constitutional Comments (SG 13/02/2014)

15. The Council is the appropriate body to decide the issues set out in this report. In particular, Council has responsibility for changing the Constitution and establishing committees and deciding their terms of reference and size.

Financial Comments (SEM 13/02/14)

16. There are no specific financial implications arising directly from this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- County Council report dated 16 January 2014 (published)

Electoral Division(s) and Member(s) Affected

- All