

CHESHIRE EAST COUNCIL

Audit and Governance Committee

Date of Meeting: 20 November 2014
Report of: Head of Legal Services and Monitoring Officer
Subject/Title: Members' Code of Conduct: Standards Panels and Sub-Committee Update

1.0 Report Summary

1.1 The report gives details of the numbers and outcomes of complaints under the Code of Conduct for Members considered by Audit and Governance's Initial Assessment Panel and Local Resolution Panel between the period April 2014 to October 2014.

2.0 Recommendation

2.1 Audit and Governance Committee is invited to note the report.

3.0 Reasons for Recommendations

3.1 To assist the Audit and Governance Committee in fulfilling its responsibility for promoting high standards of ethical behaviour by developing, maintaining and monitoring Codes of Conduct for Members of the Council.

4.0 Wards Affected

4.1 All

5.0 Local Ward Members

5.1 All

6.0 Policy Implications

6.1 The Localism Act places a statutory duty upon the Council to promote and maintain high standards of conduct amongst its own Elected Members, co-opted Members and Parish members within the borough. Strong ethical governance is critical to the corporate governance of the authority and also supports the Council's decision-making processes across the organisation.

7.0 Financial Implications

7.1 None identified.

8.0 Legal Implications

- 8.1 The Localism Act 2011 requires the Council to have a Code of Conduct which sets out the standards expected of Members whenever they act in their official capacity. The Council must also have in place a suitable procedure at a local level to investigate and determine allegations against Members.
- 8.2 The Code of Conduct also covers co-opted members.
- 8.3 The Council is also responsible for having arrangements in place to investigate and determine allegations against parish councillors.

9.0 Risk Management

- 9.1 If the Council fails to adopt a Code of Conduct and process for the investigation of complaints which is fit for purpose, robust and transparent then there are risks to the Council's reputation and also to the integrity of its corporate governance and decision-making processes.

10.0 Background

- 10.1 Cheshire East Council adopted a new Code of Conduct and associated complaints procedure in July 2012. It is the responsibility of the Audit and Governance Committee to monitor the Code of Conduct. This report therefore sets out details of all complaints received under the Code from April 2014 to October 2014 and, where concluded, the outcome.
- 10.2 On the 26th June 2014 this committee considered a report from the Head of Legal Services recommending improvements to the processes for considering standards complaints aimed at reducing delay and complexity. This report was approved and passed on to the council for consideration. On the 17th July 2014 the council agreed the report and adopted an amended process for dealing with complaints received after that date. Any complaints previously received would continue to be dealt with under the procedure in force at the time the complaint was received.

11.0 Summary of Complaints April 2014 to 17 July 2014

- 11.1 Between April 2014 and 17 July 2014, 12 complaints were received by the Monitoring Officer i.e.

No. of complaints against a member of Cheshire East Council	7
No. of complaints against a member of Cheshire East Council and A Parish/Town Council	2
No. of complaints against a member of a Parish/Town Council within the Borough	3

11.2 Of those complaints dealt with under the former processes which had completed the initial assessment stage, the decision of the Initial Assessment Panel was as follows -

No further action/letter from Monitoring Officer	15
Referred to a Group Leader for informal action	0
Referred for local resolution	0
Referred for formal investigation	1
Referral to a regulatory agency or police	0

11.3 The figures include 4 complaints received during 2013/2014 which had not been through initial assessment at the time the figures were last reported to the Committee.

11.4 Two further complaints remain to be dealt with by the Initial Assessment Panel. A third which had been referred for local resolution in March 2014 has also now been completed, the Local Resolution Panel concluding that no further action be taken.

12.0 Summary of Complaints – 18 July 2014 to October 2014

12.1 Between 18 July 2014 and end October 2014, 5 complaints were received by the Monitoring Officer i.e.

No. of complaints against a member of Cheshire East Council	4
No. of complaints against a member of a Parish/Town Council within the Borough	1

12.2 Of those complaints dealt with under the new processes the decision of the Monitoring Officer was as follows -

No further action	3
No further action/letter from Monitoring Officer	1
Referral for informal action	1

11.0 Access to Information

There are no background papers relating to this report.

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