

COUNCIL MEETING – 17 JULY 2014

**Extract from the Minutes of the Audit and Governance Meeting on
26 June 2014**

6 ARRANGEMENTS REVIEW FOR BREACHES OF MEMBERS CODE OF CONDUCT

Revised arrangements for dealing with standards allegations under the Localism Act 2011 were considered by the Committee. This followed a review of the procedure that had been adopted by the Council in July 2012; an Appendix to the report set out the proposed new arrangements in detail.

The review of arrangements for assessing and investigating member complaints had shown that the main criticisms of both subject members and complainants were of delay and complexity. The report set out the proposed changes under which the initial assessment of complaints would be undertaken by the Monitoring Officer, in consultation with an Independent Person, with the emphasis being on the Monitoring Officer dealing with complaints in a timely manner. The assessment criteria had been amended to state that the Council will not normally investigate or pursue other action if the events occurred more than 6 months prior to the complaint being submitted (except in exceptional circumstances), this had been reduced from 12 months. It detailed changes to the informal resolution process, which would not include a public hearing, and for public local hearings which were to follow a full investigation. It was not intended there would be an appeal process at any stage, the emphasis being on running a fair process in which members could be confident.

The Head of Legal Services and Monitoring Officer informed the Committee that the scheme proposed, whilst adopted for the needs of Cheshire East Council, was similar to many across the country. In response to a question concerning the sanctions that could be imposed by the Hearing Sub-Committee it was agreed that “if relevant to the subject matter of the complaint” be added to the wording regarding withdrawal of facilities and exclusion from premises.

The Committee welcomed the proposed revisions and requested that a review of the scheme be carried out 12 months after implementation.

RESOLVED

1. That Council be recommended to approve the revised arrangements for dealing with standards allegations under the Localism Act 2011, as detailed in Appendix 1 of the report.
2. That the revised arrangements be reviewed 12 months after implementation, and reported to the next Audit and Governance Committee, including the views of the Independent Persons who have assisted in the process.