

## **REVIEW OF NEW PROCEDURES FOR STANDARDS INVESTIGATIONS**

Members discussed a report concerning the Council's new procedures for Standards Investigations as requested at a previous meeting (Minute SC.11/08 refers). The new procedures were compiled to respond to new regulations that require local authority Standards Committees to conduct investigations into complaints about alleged breaches of the Members Code of Conduct locally (hitherto undertaken by the Standards Board for England (SBE)).

Teignbridge District Council participated in the original pilot scheme to establish robust procedures and because the legal departments of Teignbridge, South Hams and West Devon had moved towards shared services, it was proposed that the three Authorities establish parity in their standards complaints procedures.

It has been agreed that one additional procedure (to those recommended by the SBE), would be that the County Solicitor be informed when a County Councillor was the subject of a complaint.

The SBE had supplied local standards committees with a template complaint form which the Council had published on the website and all respondents had been requested to submit their complaints using this form to ensure that all the necessary information required to process complaints, was submitted. This procedure had filtered out some complaints where the complainant had not progressed to formalising their complaint.

However, the Monitoring Officer drew attention to some weak design areas on the new form which had not encouraged complainants to set out their complaint with sufficient clarity. This had resulted in the Assessment Sub Committee being puzzled by some submissions as to precisely what aspect of misconduct the complaint referred. As a consequence, the Monitoring Officer had requested that the Drawing Office re-design the form to eliminate these problems.

### **New Complaint Procedures**

The Monitoring Officer explained that when a complaint was received it was referred to the next available Assessment Sub Committee meeting. Four courses of action were open to the committee members:-

- To defer the matter to the Monitoring Officer for investigation;
- To defer the matter to the Monitoring Officer for some other action;
- To defer the matter to the SBE for investigation if more serious; and
- Take no further action if appropriate.

If the 'no further action' option was selected, the complainant could ask for the decision to be reviewed. Under the shared service arrangement, any of the three authorities could undertake the review to ensure impartiality.

In the case of investigated complaints, someone was tasked to conduct

the investigation on behalf of the Monitoring Officer. The report may be referred to the Standards Committee who may opt to conduct a hearing with the Member present. Possible outcomes could be censure, referral, training or suspension from office for up to six months. To date, eight complaints had been through the assessment process, compared with West Devon that had undertaken one and Teignbridge that had not received any complaints suitable for investigation. Due to officer time constraints, two of the local investigations had been referred to an external investigator which had incurred costs. It was highlighted that should a large number of complaints necessitate an investigation, this would impact on the Monitoring Officer's budget.

The Monitoring Officer also advised the meeting that the new standards procedures had been compiled on a trial basis with the understanding that adjustments could be made where appropriate.

Members were also informed that there was an insufficient number of members currently on the Standards Committee, the recommended complement being three independent members, two Councillors and two to three Parish Council representatives. Currently, the Standards Committee had two Independent members, two District Councillors, one Parish Councillor and one unfilled vacancy for a Parish Councillor. This would present difficulties if, for example, a complaint was submitted concerning Ivybridge Town Council, as there would be no impartial Parish Councillor available to sit on the Committee or Assessment Sub Committee which was essential. The SBE had already written to the Council and asked them to address the current situation.

To further redress the balance with the proposed increase in Parish Councillors, and to protect the Council from adverse comment, a third Independent seat should be created on the Committee. This person should be appointed for a four year period to overlap with current Members period of tenure to afford continuity.

During discussion, the following points were raised:-

- (a) A Member commented on the number of complaints that had gone through the assessment procedure. The Monitoring Officer advised that further scrutiny would be applied to complaints before submitting them to the Committee and that the new complaint form would hopefully also help to filter out weak complaints;
- (b) A request was made that it be noted that 'Cornish' was listed as a choice on the ethnic monitoring section on the complaint form, but that no option for 'English' was available;
- (c) A Member voiced concern regarding complainants who withheld their names from the complaints process and affirmed that the process should be transparent. It was agreed that names should only be withheld in exceptional circumstances;
- (d) Concern was widely expressed by Members regarding the lack of a right to appeal for Members who were found to warrant an investigation in the assessment stage, whereas conversely the complainants had the right to challenge the Sub Committee's

decision. This was considered to be a serious flaw in the procedures that required review.

It was then:-

### **RESOLVED**

1. That the Monitoring Officer, Chairman and members of the Standards Committee be thanked for their hard work;
2. That the Standards Committee note and pass on the concerns of Scrutiny Group regarding the disparity in the right of appeal process.

### **RECOMMENDED**

That the Executive **RECOMMEND** to Council that:-

- i) the membership of the Standards Committee be increased by:
  - one more Parish or Town Councillor (3 in total)
  - one more Independent Member (3 in total) whose term of office should be staggered to provide continuity
- ii) the Monitoring Officer be authorised to take all necessary steps to advertise for suitably qualified persons of good standing for appointment to these positions by Council.