

Extract from Minutes of the Council meeting

12th July 2012

Minutes 25 – Members Code of Conduct

Decision:

- 1. The Council adopts the draft Members' Code of Conduct attached as Appendix A to report number LDS072.**
- 2. The Council adopts arrangements to deal with complaints made about District Councillors set out in Appendix B to report number LDS072 and considers arrangements for dealing with complaints about parish and town councillors.**
- 3. That the Monitoring Officer be appointed as the Proper Officer to receive complaints of failure to comply with the Members' Code of Conduct by district, town and parish councillors, with authority to delegate the function of dealing with the complaints relating to parish and town councillors to the relevant town or parish council where appropriate.**
- 4. The Council approves the appointment of Mr Fred Mann as the Independent Person and the Venerable Tim Barker as the reserve.**
- 5. That the Monitoring Officer be given delegated authority, after consultation with the Independent Person or reserve, to determine whether a complaint merits formal investigation and to arrange such investigation.**
- 6. That the Council disband the Standards Committee and delegate to the Review Board (see Constitution page 82) the authority to receive reports on investigation carried out into alleged failure to comply with the Members' Code of Conduct, to consider whether a complaint should be investigated as required by the Monitoring Officer, determine the outcome of investigations and report findings to Council as and when required by the Review Board.**
- 7. That the Monitoring Officer be instructed to seek resolution of complaints without formal investigation wherever practicable, and that the Monitoring Officer be given discretion to refer decisions on investigation to the Review Board where it is inappropriate for the Monitoring Officer to take the decision.**
- 8. Where an investigation finds no evidence of failure to comply with the Members' Code of Conduct, the Monitoring Officer is instructed to close the matter, providing a copy of the report and findings of the investigation to the complainant, to the Member concerned and to the Independent Person.**
- 9. Where the investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer in consultation with the Independent Person is authorised to seek local resolution in appropriate cases with a summary report for information to the Council. Where such local resolution is not appropriate or not possible, the Monitoring Officer is to report the investigation findings to the Review Board for local hearing and determination.**

- 10. That the Council delegate to the Review Board such of its powers as can be delegated to take decisions in respect of a member who is found on hearing to have failed to comply with the Code of Conduct, such actions to include:**
- Reporting its findings to Council [or the Town or Parish Council] for information.**
 - Recommending to the Member's Group leader (or in the case of ungrouped Members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council.**
 - Recommending to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities.**
 - Instructing the Monitoring Officer to [or recommend that the Town or Parish Council] arrange training for the member.**
 - Recommending to Council that the Member be removed [or recommend to the Town or Parish Council that the Member be removed] from all outside appointments to which he/she has been appointed or nominated by the authority [or by the Town or Parish Council].**
 - Withdrawing [or recommend to the Town or Parish Council that it withdraws] facilities provided to the Member by the Council, such as a computer, website and/or email and internet access.**
 - Excluding [or recommend that the Town or Parish Council exclude] the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee or sub-Committee meetings.**
- 11. That the Council adopt a Council Procedure Rule requiring Members to leave the room of any meeting which they attend where they have registered a disclosable pecuniary interest and/or have disclosed an interest in accordance with the Members' Code of Conduct in any item of business at that meeting. The proposed procedure rule will equate to the current code of conduct requirement that a member must withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of the business in which he/she has an interest, except where they are permitted to remain as a result of the grant of a dispensation.**
- 12. That the Monitoring Officer be granted delegated authority to consider and determine applications for dispensations in accordance with the legislation relating to dispensations to allow Members to participate and vote in any decision where they have an interest. In the event that the Monitoring Officer is unable to determine such an application for dispensation, the Monitoring Officer is authorised to refer that application to the Review Board for consideration and determination.**
- 13. The Council approves appropriate amendments to the Constitution to enable the approved provisions to be documented in the Constitution.**