

CONDUCT COMMITTEE

22 March 2022

REVISED ARRANGEMENTS FOR DEALING WITH CONDUCT ALLEGATIONS

Report of the Monitoring Officer

Strategic Aim:	All	
Exempt Information	No	
Cabinet Responsible:	Member(s)	Councillor Oliver Hemsley, Leader of the Council and Portfolio Holder for Policy, Strategy, Partnerships, Economy, and Infrastructure
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Ward Councillors	N/A	

RECOMMENDATIONS

That the Conduct Committee agrees:

- a) To recommend that Council approves the adoption of the revised Arrangements for Dealing with Conduct Allegations, which are contained in Appendix A to this report.

1 PURPOSE OF THE REPORT

- 1.1 To present revised Arrangements for Dealing with Conduct Allegations for consideration and comment prior to them being submitted to full Council on 11 April 2022 for approval.
- 1.2 The purpose of the revisions to the Arrangements is to simplify the process for dealing with member complaints and to avoid matters being referred to committee unnecessarily or repeatedly. This will help to ensure that complaints are dealt with expeditiously and appropriately.
- 1.3 The revised arrangements increase the Monitoring Officer's case management

responsibility, but the Conduct Committee retains the ultimate decision-making function.

2 BACKGROUND AND MAIN CONSIDERATIONS

2.1 Responsibilities

2.1.1 The Localism Act 2011 ('the Act') requires the Council to promote and maintain high standards of conduct. In discharging this duty, the Council is required to adopt a Code dealing with the conduct that is expected of its members and co-opted members.

2.1.2 In accordance with Section 28(6) and (7) of the Localism Act 2011, The Council must have in place 'arrangements' under which allegations that a member or co-opted member of the Council or of a town or parish council within its area has failed to comply with the relevant council's Code of Conduct can be investigated and decisions made on such allegations.

2.1.3 The Council's current arrangements were adopted by Council on 1st July 2012 and are contained in Appendix B to this report.

2.1.4 Under Part 3 of the Constitution, the Conduct Committee is responsible for advising the Council on the adoption or revision of the Member Code of Conduct. It is also the body responsible for ensuring the Council fulfils its duty to promote high standards of conduct.

2.1.5 The Monitoring Officer and the Conduct Committee will remain responsible for promoting the Code of Conduct and dealing with any allegations of breach of the Code. The arrangements for dealing with conduct allegations are published on the Council's website.

2.2 Proposed new arrangements

2.2.1 The draft Arrangements for Dealing with Conduct Allegations for Rutland are included in Appendix A. The main points to highlight that are contained in the draft revised Arrangements are:

- There is now the option for the matter to be referred to Committee for a final determination, without a full investigation either because it is unnecessary due to the circumstances of the case or because the member has admitted it.
- The revised draft also gives the Monitoring Officer case management powers, which avoids the need to refer to Committee for that reason alone.
- The requirement to seek the views of the parish/town council is removed. Instead, it says they will be notified and their views can be sought.
- The previous arrangements stated that where there was alleged criminal conduct the investigation would stop. This has been changed to on hold pending outcome of any criminal investigation because the Council should have the ability to resume the conduct case following the conclusion of any criminal case.

- There is an additional provision that the Monitoring Officer can act without investigating, in consultation with an Independent Person. This would be rarely used and only in the case of serious allegations but gives the Council the ability to take action. Remove a member from committees before any conviction. The likelihood is that a member would be suspended but the provision would safeguard the council's position in any event.
- The process for the report where a full investigation is not necessary will be the same as for where there is a full investigation.
- It does not have to be the investigating officer who presents the report to the conduct committee. Some cases are straightforward and/or the facts are uncontroversial. In these cases, it will avoid delay in matters being referred to committee due to, for example, the unavailability of the investigating officer. It will also save costs as the investigator's time has to be paid for on an hourly rate basis.
- A paragraph has been added which sets out who can make complaints and against whom i.e., named members. This is to clarify the situation as the council currently receives complaints relating to entire councils and/or committees which are then rejected.
- The procedure where the Monitoring Officer makes a complaint is included.
- The initial test to determine whether there should be further examination of a complaint or if it should be rejected has been expanded upon.
- That decisions of the conduct committee will be published unless there are reasons to not is included.

3 CONSULTATION

3.1 There is no requirement to consult on the Arrangements.

4 ALTERNATIVE OPTIONS

4.1 The Committee could recommend that Council does not adopt the revised Arrangements.

5 FINANCIAL IMPLICATIONS

5.1 There is a separate budget for the costs of dealing with alleged complaints that a Member has breached the Code of Conduct as they can involve the appointment of an independent investigator.

5.2 The simplified process set out in the revised Arrangements should lead to savings in time and costs.

6 LEGAL AND GOVERNANCE CONSIDERATIONS

6.1 These are detailed in the Report. The revised Arrangements would also apply to conduct allegations against town and parish council members.

6.2 The revised Arrangements will need to be approved by Council.

7 DATA PROTECTION IMPLICATIONS

- 7.1 A Data Protection Impact Assessments (DPIA) has not been completed because there are no risks/issues to the rights and freedoms of natural persons.

8 EQUALITY IMPACT ASSESSMENT

- 8.1 None arising from this report.

9 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 9.1 The current Arrangements are almost 10 years old, and it is appropriate for them to be reviewed, particularly considering the proposed amended Code of Conduct.
- 9.2 The current Arrangements do not set out a lean process, particularly for more straightforward, uncontentious matters. They do not afford the Monitoring Officer sufficient case management powers so that an over reliance on committee is required which adds to the time and cost of dealing with these allegations.
- 9.3 The revised draft arrangements fill any identified gaps in the current arrangements and provides for a more straightforward process as unnecessary steps have been removed.

10 BACKGROUND PAPERS

None

11 APPENDICES

Appendix A – Current Arrangements for Dealing with Conduct Allegations

Appendix B – Draft Revised Arrangements for Dealing with Conduct Allegations

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577