

MEMBERS' CODE OF CONDUCT - PROTOCOL FOR COMPLAINTS SUBMITTED BY MEMBERS

Executive Summary

This report recommends that the Committee recommends that Council should adopt a Protocol that provides for Member complaints against another Member to be confidential to (i) the Members concerned and (ii) the limited number of persons who receive notification under the Council's "Arrangements for dealing with Standards Allegations under the Localism Act 2011".

Recommendations

The Committee is requested to:

RECOMMEND TO COUNCIL That

- (i) the draft Protocol appended to this report be adopted; and**
- (ii) the adopted Protocol is subject to paragraph 2.6 of the Members' Code of Conduct.**

The item(s) above will need to be dealt with by way of a recommendation to Council.

Background Papers: None.

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Members' Code of Conduct – Protocol for Complaints Submitted by Members

1.0 Introduction

- 1.1 At its meeting on 20 September 2018, the Committee was advised that the Monitoring Officer was proposing to draft a Protocol for Members submitting complaints against another Member under the Members' Code of Conduct. The aim was to ensure that comments made to the media, and online social networks, did not prejudice the proper consideration of the complaint under the Council's formal arrangements for dealing with Standards complaints.
- 1.2 The Committee broadly supported the concept of a Protocol, but noted that it could be difficult to enforce. The Committee considered that an option could be to ring-fence the complaint between the two parties concerned and the Monitoring Officer until it had been resolved.
- 1.3 Following the meeting of the Committee, the Monitoring Officer consulted all Members of the Council, the Co-opted Independent Member/Chairman of the Standards and Audit Committee and the Council's Independent Person on what might be included in the Protocol.

2.0 Protocol

- 2.1 The simplest and most effective approach is to adopt a Protocol that provides for Member complaints against another Member to be confidential to (i) the Members concerned and (ii) the limited number of persons who receive notification under the Council's "Arrangements for dealing with Standards Allegations under the Localism Act 2011". Effectively, this is the "ring-fencing" option referred to by the Committee at its meeting on 20 September 2018.
- 2.2 Insofar as enforcement of the Protocol is concerned, paragraph 2.6 of the Members' Code of Conduct requires Members to comply with any Member Protocols that the Council has resolved should be the subject of that paragraph. Failing to comply with the confidentiality obligation could constitute a breach of the Members' Code of Conduct.
- 2.3 A draft Protocol is attached for the Committee's consideration.
- 2.4 The Protocol only deals with the narrow issue of Member complaints. Officers are drafting a Social Media Policy, which will cover the more general use of social media. This will be reported to the Executive, and may include provisions relevant to Member complaints.

3.0 Implications

Financial

- 3.1 None.

Human Resource/Training and Development

- 3.2 None.

Community Safety

- 3.3 None.

Risk Management

- 3.4 None.

Sustainability

- 3.5 None.

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Equalities

3.6 None.

Safeguarding

3.7 None.

REPORT ENDS