



REPORT OF:	HEAD OF CORPORATE SERVICES
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TO:	STANDARDS COMMITTEE
DATE:	3 RD APRIL 2013

AGENDA ITEM NO:	7	WARD(S) AFFECTED:	N/A
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SUBJECT:	MEMBER CODE OF CONDUCT: PROCEDURES AND PROTOCOLS FOR HANDLING ALLEGATIONS OF MEMBER MISCONDUCT
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RECOMMENDATION:

That the Council be recommended to adopt the procedures and protocols set out in Annex 1 to this report and the Monitoring Officer be authorised to make consequential amendments to the Scheme of Delegation within the Constitution.

SUMMARY

This report fulfils the requirements of the Localism Act 2011 and the Council to introduce procedures and protocols associated with allegations of misconduct by Members.

The procedures and protocols are based on a framework developed on behalf of Surrey authorities (to ensure general consistency in approach) but adapted and developed to suit local circumstances.

They seek to ensure fairness and transparency whilst, at the same time, providing proportionate, cost effective and timely action in relation to complaints against Members.

STATUTORY POWERS

1. The Localism Act 2011 requires Councils to have in place locally focussed processes for regulating the conduct of Members.
2. The Act also imposes a duty on Councils to promote and maintain high standards of conduct by Members.
3. Under the Act arrangements need to be put in place to deal with allegations of misconduct by Members.

BACKGROUND

4. At the meeting of the Standards Committee on 13th June 2012 (Minute 7) a number of recommendations were made to Council on new requirements under the Localism Act 2011 on the Conduct of Members.
5. All of the Recommendations are set out under item 4 to this agenda, pages 7 and 8 and were subsequently adopted by Council on 30th June 2012.
6. Members will see that, in relation to allegations of misconduct by Members, the Monitoring Officer was asked to develop procedures and protocols for consideration and approval by the Standards Committee.
7. The Localism Act 2011 removed, in entirety, the previous standards regime so from the outset of the new requirements there was no experience and/or good practice upon which to develop local procedures and protocols.
8. To ensure a degree of consistency in approach the matter has therefore been the subject of discussion at meetings of the Surrey Solicitors and Secretaries Group resulting in framework procedures being developed for use by Surrey Authorities.

LOCAL PROCEDURES AND PROTOCOLS

9. Based on the Surrey framework, local procedures and protocols have now been developed for Reigate and Banstead. These are set out in Annex 1 to this report.
10. The local procedures seek to ensure fairness and transparency whilst, at the same time, providing proportionate, cost effective and timely action.
11. They involve the following four stages:
 - initial consideration by the Monitoring Officer (Stage 1)
 - local resolution (Stage 2)
 - referral to an Assessment Panel (Stage 3)
 - determination by a Hearings Sub-Committee (Stage 4)
12. The proposed procedures and protocols contain delegations to the Monitoring Officer and are therefore subject to adoption by Council upon the recommendation of the Standards Committee.

LEGAL IMPLICATIONS

13. There are no legal implications other than as set out in the report.

FINANCIAL IMPLICATIONS

14. There are no financial implications arising from the report.

EQUALITIES IMPLICATIONS

15. The proposed procedures and protocols will ensure that allegations of Member misconduct are dealt with in a fair and transparent way.

Background Papers:

Surrey framework procedures