

Notes of an Informal Discussion between Members of the Code of Conduct Hearing Panel and lead officers held in the Warley Room, Ivybridge Depot on Friday, 8 June 2018

Attendees: Cllrs Saltern (Chairman), Baldry, Green and Smerdon
Sue Nightingale and Darryl White

The Chairman opened the discussion by advising that he had called this meeting with the intention of Panel Members being given the opportunity to air their views on the Council's current Code of Conduct Complaints Process.

In discussion, particular frustrations were raised over the current process that included:

- The lack of any meaningful sanctions to underpin the process;
- The costs to the District Council of administering the current process (estimated to be in the region of £24,000 per year);
- The proportion of complaints being received by the Monitoring Officer that were alleging that town and parish councillors had breached their Code of Conduct. In addition, the lack of ability for the District Council to receive any remuneration (or compensation) from a town/parish council or councillor (in the event of being found to have breached their Code) was a matter of further frustration that was felt to be grossly unfair to the District Council; and
- The length of time that was being taken to resolve a complaint.

In conclusion, the discussions led to the following recommendations being put forward to the Overview and Scrutiny Panel for further consideration:

RECOMMENDED

That the Overview and Scrutiny Panel be RECOMMENDED to:

- 1. request that a full review of the Council's Code of Conduct be undertaken by the Monitoring Officer, in consultation with the Members of the Code of Conduct Hearing Panel, with the findings being presented back to a future meeting of the Overview and Scrutiny Panel;**
- 2. ask officers to write to Town and Parish Council Clerks outlining the total number of town and parish councillor complaints that had been received by the District Council and the consequent costs that were associated with their administration;**
- 3. RECOMMEND to Council that representations be sent to the Secretary of State and local MPs outlining the Council's concerns over the current regulations (e.g. the lack of any meaningful penalties and the unfairness of District Councils having to absorb the costs of administering the scheme for its local Town and Parish Councils);**
- 4. promote to Town and Parish Council Clerks the benefits of informally resolving complaints before a formal process is instigated;**
- 5. ask officers to convene a 'Code of Conduct and Councillor Behaviour' training session for town and parish clerks and councillors;**

- 6. convene a meeting between the Hearing Panel Members; the Monitoring Officer and the Devon Association of Local Councils County Solicitor to express the concerns of the District Council over the number of complaints that are being received against local town and parish councillors;**
- 7. encourage the Monitoring Officer to revisit the Council's pool of Investigating Officers in an attempt to build capacity to ensure that complaints are dealt with in a more timely manner.**