

STANDARDS COMMITTEE

PRESS PROTOCOL AND MEMBERS' PROTOCOL FOR STANDARDS COMPLAINTS

24th January 2013

Report of the Monitoring Officer

PURPOSE OF REPORT

To enable the Committee to consider a protocol for dealing with press enquiries about standards complaints, and a protocol for Members who are the subject of, or are aware of, a complaint.

This report is public

RECOMMENDATIONS

- (1) That the Committee approve the Protocol for dealing with press enquiries about complaints to the Standards Committee and the revised Members' Protocol on publicity for complaints to the Standards Committee, appended to this report
- (2) That the approval of the Council Business Committee be sought for the inclusion of the revised Members' Protocol in the Constitution, to replace the obsolete version in Part 7 Section 4 of the Constitution

1.0 Introduction

1.1 At its meeting on the 11th October 2012, in considering its arrangements for dealing with complaints of breach of the code of conduct under the new standards regime introduced by the Localism Act 2011, the Committee considered a number of circumstances where the press might inquire about the details of a complaint.

1.2 The parts of the Committee's resolution which related to press enquiries, and to Members' comments on complaints, were as follows:

-That the Monitoring Officer be requested to issue a response of no comment to the press, in the event of enquiries at the initial stage of a complaint, and not to confirm receipt of a complaint at this stage;

- That reports to Standards Committee which summarise recent complaints be exempt from publication. It was requested that the reports should, for the Committee's information, identify the member(s) complained of and the complainant;

- That the Monitoring Officer be requested to issue statements to the press only after the final hearing of a complaint, but that in other cases where the

press already have information about a complaint, the Monitoring Officer liaise with the member complained of in dealing with any press inquiry;

- That the complainant and the member complained of be recommended not to speak to the press about a complaint until it has been resolved;

- That the Monitoring Officer prepare a Press Protocol and revised Protocol on Publicity for Complaints of Breach of the Code of Conduct for consideration at a future meeting, based on the decisions taken at this meeting.

2.0 Proposal Details

2.1 The Monitoring Officer has therefore prepared a draft Protocol for dealing with press enquiries about complaints to the Standards Committee, and a draft Members' Protocol on publicity for complaints to the Standards Committee, and these are appended to the report

2.2 Members are asked to consider the draft Protocols for approval, either with or without amendment.

2.3 The draft Members' Protocol is to replace the obsolete version which appears in Part 7 Section 4 of the Constitution, and the formal approval of the Council Business Committee will be required for its inclusion on the Constitution.

3.0 Conclusion

3.1 The Committee is asked to consider the draft Protocols.

CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

The Protocols seek to balance the rights of those who may be the subject of a complaint, and the integrity of the investigation process, with the rights of freedom of speech and public interest in transparency.

LEGAL IMPLICATIONS

Under the Localism Act 2011 there is no statutory provision in respect of the complaints process, and any protocols are a matter for the Committee to determine.

FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this report.

OTHER RESOURCE IMPLICATIONS

Human Resources:

None

Information Services:

None

Property:

None

Open Spaces:

None

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The report has been prepared by the Monitoring Officer in her capacity as adviser to the Standards Committee.

BACKGROUND PAPERS

None

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