

<b>29 February 2024</b>	<b>ITEM: 13</b>
<b>Standards and Audit Committee</b>	
<b>Decision Notice of Complaint against a Councillor under the Code of Conduct</b>	
<b>Wards and communities affected:</b> N/a	<b>Key Decision:</b> Non-key
<b>Report of:</b> Asmat Hussain Director of Legal and Governance (Monitoring Officer)	
<b>Accountable Assistant Director:</b> N/A	
<b>Accountable Director:</b> Asmat Hussain Director of Legal and Governance (Monitoring Officer)	
<b>This report is</b> Public	
<b>Version:</b> Committee	

## Executive Summary

The report set out the Decision Notice of a Members Advisory Panel hearing that took place on the 23 January 2024, in respect of the Councillor Code of Conduct set out in the Council Constitution under Chapter 7 Ethical Governance.

### Commissioner Comment:

Commissioners are pleased to see that the process for dealing with complaints of this nature is effective. The Best Value Inspection Report highlighted unacceptable behaviour and Commissioners are clear that the good conduct of elected Members is an essential part of the Council’s improvement and that poor behaviour is unacceptable. Given the concerns the Best Value Inspection Report raised about transparency, Commissioners are pleased that the outcome of this process has been reported openly to the Standards and Audit Committee.

## 1. Recommendation(s)

**1.1 That the Standards and Audit Committee note the decision as set out in the Decision Notice attached to the report at Appendix 1**

## 2. Introduction and Background

Version Control (delete as appropriate)

**Version 1** - First draft ready for DMT, SLT and Commissioner input; **Version 2** - Second Draft ready for Portfolio Holder, Leader and other Member Input; **Version 3** - Third draft for any further comments; **Version Committee** – Draft ready for submission to public committee; **Version Cabinet** – Final version ready for Cabinet/Executive decision

- 2.1 A complaint was made by 2 Councillors against a Councillor regarding his social media posts. Please attach Appendix 1 the Decision Notice which sets out the details and outcome of the hearing panel decisions.
- 2.2 The Complaint was processed under the Council Constitution Chapter 7 Part 2 - Procedure for making Complaints against a councillor for breach of the Code of Conduct.
- 2.3 The Standards and Audit committee terms of reference (attached as Appendix 2) states it is the function of the Standards and Audit Committee to: -
- Promote and maintain high standards of conduct by members and co-opted members of the Authority.
  - To review complaints resolved after an investigation and Members Advisory Panel hearing

### **3. Issues, Options and Analysis of Options**

- 3.1 The constitution sets out the procedure for dealing with complaints in the Council Constitution under the Members Code of Conduct

### **4. Reasons for Recommendation**

- 4.1 To comply with the Council Constitution.

### **5. Consultation (including Overview and Scrutiny, if applicable)**

- 5.1 Not applicable

### **6. Impact on corporate policies, priorities, performance, and community impact**

- 6.1 Not applicable

### **7. Implications**

#### **7.1 Financial**

Implications verified by: **Rosie Hurst**  
**Interim Finance Manager**

**14 February 2024**

There are no financial implications arising from this report

#### **7.2 Legal**

Implications verified by: **Gina Clarke**

Version Control (delete as appropriate)

**Version 1** - First draft ready for DMT, SLT and Commissioner input; **Version 2** - Second Draft ready for Portfolio Holder, Leader and other Member Input; **Version 3** - Third draft for any further comments; **Version Committee** – Draft ready for submission to public committee; **Version Cabinet** – Final version ready for Cabinet/Executive decision

## **Governance Lawyer & Deputy Monitoring Officer**

**14 February 2024**

Section 27 of the Localism Act 2011 (2011 Act) place a duty on the Council to promote and maintain high standards of conduct by its councillors and co-opted councillors.

In discharging this duty, the 2011 Act requires the Council to have a Code of Conduct for councillors which must be consistent with the “Seven Principles of Public Life”, selflessness, honesty, integrity, objectivity, accountability, openness and leadership.

As required by section 28 of the 2011 Act, the Council has arrangements in place to deal with complaints that the Code of Conduct has been breached. It is for the Council to decide the details of those arrangements, but at least one Independent Person must be appointed whose views are to be taken into account before making a decision on a complaint that the Council has decided to investigate.

The Council’s arrangements for making complaints against a councillor is set out in the Council’s Constitution as mentioned in the main body of the report. The complaint has been handled in accordance with the Council’s arrangements. The aim of the of complaint process is to maintain public confidence in the role of councillors and the Council.

### **7.3 Diversity and Equality**

None

### **7.4 Risks**

None

### **7.5 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children**

None

### **8. Background papers used in preparing the report (including their location on the Council’s website or identification whether any are exempt or protected by copyright):**

- None

### **9. Appendices to the report**

- Appendix 1 – Decision Notice
- Appendix 2 – Standards and Audit Terms of Reference

Version Control (delete as appropriate)

**Version 1** - First draft ready for DMT, SLT and Commissioner input; **Version 2** - Second Draft ready for Portfolio Holder, Leader and other Member Input; **Version 3** - Third draft for any further comments; **Version Committee** – Draft ready for submission to public committee; **Version Cabinet** – Final version ready for Cabinet/Executive decision

**Report Author:**

Asmat Hussain

Director of Legal and Governance (Monitoring Officer)

Version Control (delete as appropriate)

**Version 1** - First draft ready for DMT, SLT and Commissioner input; **Version 2** - Second Draft ready for Portfolio Holder, Leader and other Member Input; **Version 3** - Third draft for any further comments; **Version Committee** – Draft ready for submission to public committee; **Version Cabinet** – Final version ready for Cabinet/Executive decision