

19 July 2023	ITEM: 9
Standards and Audit Committee	
Complaints received under the Members' Code of Conduct	
Wards and communities affected: N/A	Key Decision: Non-Key
Report of: Gina Clarke, Corporate Governance Lawyer & Deputy Monitoring Officer	
Accountable Assistant Director: N/A	
Accountable Director: Asmat Hussain Director of Law & Governance (Monitoring Officer)	
This report is Public	

Executive Summary

This report sets out, in summary, details of complaints against members of the Council received during the municipal year 2022/23.

1. Recommendation(s)

1.1 That the Committee note the outcomes on complaints received under the Members Code of Conduct.

2. Introduction and Background

2.1 This report provides an update on complaints received under the Members' Code of Conduct during the municipal year 2022/23.

2.2 The current Members' Code of Conduct was adopted by the Council in 2022. It is a requirement under the Localism Act 2011 that all councils adopt a Code of Conduct and that the Code adopted must be based upon the Nolan Principles Conduct in Public Life. The Council also has arrangements for dealing with Member Code of Conduct Complaints.

2.3 Below is a table setting out details of code of conduct complaints received, during the last municipal year. The table omits details of the identities of the complainant and the member, as the Council needs to adhere to the requirements of the Data Protection Act. The names of parties involved in code of conduct complaints is kept confidential unless it is appropriate to disclose the names as part of a formal investigation and consideration by a

Hearing Panel of the Audit Standards Committee.

2.4 A total of 10 complaints had been received during the last municipal year. One complaint was made by a Member of the Public. A Council Officer made two complaints and seven Councillors made complaints against other Councillors.

2.5

Date complaint received	Nature of the complaint and potential breach(es) of the Code of Conduct	Outcome of consultation with IP & Monitoring Officer Assessment	Status
30.11.22	Racist/disrespectful comments in Council meeting	Agreed no further action	Closed
2.12.22	Racist/abusive behaviour at a funeral	Agreed jurisdictional test had not been met	Closed
2.12.22	Misuse of position as councillor, bullying, bringing local authority into disrepute	Agreed to refer to investigation	Not referred to investigation as apology given and accepted. Closed
2.12.22	Disclosure of confidential information	Agreed to be referred to investigation	Not referred to investigation as Cllr no longer an elected Member. Closed
8.12.22	Manipulated an image posted on Facebook	Agreed informal resolution by way of written apology.	Closed
6.4.23	Failure to answer a question and allegation of harassment.	IP not consulted as Cllr no longer an elected Member	Closed.
7.4.23	Allegation of Harassment	Subject Member has provided comments on the complaint. IP to be consulted	Open
28.4.23	Derogatory & racist comments regarding skin colour on Facebook	Subject Member has provided comments on the complaint. IP to be consulted	Open

29.4.23	Derogatory & racist comments regarding skin colour on Facebook	Subject Member has provided comments on the complaint. IP to be consulted	Open
10.05.23	False claims made about the complainant	Complainant has failed to provide further information requested by the Monitoring Officer	To be Closed

3. Issues, Options and Analysis of Options

- 3.1 The report is to note complaints received and actions taken so no options are to be considered.
- 3.2 The current internal system for logging Member complaints is being developed following the adoption of the model LGA the code of conduct in 2022.

4. Reasons for Recommendation

- 4.1 To ensure that the Council's current ethical framework, within the limitations of the Localism Act 2011, is conducive to promoting and maintaining the standards expected by the public and is strengthened.

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

- 5.1 Not applicable.

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

- 6.1 The Council's Constitution supports the governance of the Council and its decision-making. The Members Code of Conduct encourages good conduct and safeguard the public's trust and confidence in the role of councillors, thereby assisting the Council to meet its corporate policies and priorities, as well as maintaining public confidence.

7. Implications

7.1 Financial

Implications verified by: **Rosie Hurst**
Interim Senior Management Accountant

There are no direct financial implications expected from this proposed policy change.

7.2 Legal

Implications verified by: Gina Clarke
Corporate Governance Lawyer & Deputy Monitoring Officer

The monitoring and review of Member Code of Conduct assists the Council to ensure that the Council's current ethical framework, within the limitations of the Localism Act 2011, is conducive to promoting and maintaining the standards expected by the public and is strengthened.

7.3 Diversity and Equality

Implications verified by: Roxanne Scanlon Community Engagement and Project Monitoring Officer Adults, Housing & Health

The Localism Act 2011 requires the Council to promote and maintain high standards of conduct by members and co-opted Members. The Members Code of Conduct sets out the standards of behaviour expected of all Councillors. The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

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

Not applicable.

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):

9. Appendices to the report

None.

Report Author:

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Corporate Governance Lawyer & Deputy Monitoring Officer

Law and Governance

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