

<b>7 July 2022</b>		<b>ITEM: 10</b>
<b>Standards and Audit Committee</b>		
<b>Complaints received under the Members' Code of Conduct</b>		
<b>Wards and communities affected:</b> N/A	<b>Key Decision:</b> Non-Key	
<b>Report of:</b> Gina Clarke, Corporate Governance Lawyer & Deputy Monitoring Officer		
<b>Accountable Assistant Director:</b> Mark Bowen, Interim Head of Legal		
<b>Accountable Director:</b> Sean Clark, Corporate Director of Resources and Place Delivery		
<b>This report is</b> Public		

## **Executive Summary**

This report sets out, in summary, details of complaints against members of the Council received during the municipal year 2021/22.

### **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 2021/22.

2.2 The current Members' Code was adopted by the Council in 2013. It was 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 of Conduct in Public Life. The Council also has arrangements for dealing with 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 subject 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 are 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 One complaint was made by a Councillor, all the other complaints were made by members of the public.

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

Date complaint received	Nature of the complaint and paragraph of the code alleged to have been breached	Monitoring Officer Assessment	Status
16.08.21	Failed to make decision on merit (para 2.3). In relation to a decision made by a school.	Initial Assessment Decision issued – finding no failure. Cllr was not acting in their capacity as a councillor No further action to be taken on the complaint	Closed
24.09.22	Disrespect and not valuing others (para 2.9). Councillor failed to answer complainant’s questions relating to council business.	Initial Assessment Decision issued – finding no potential breach of the code. No further action to be taken on the complaint	Closed
7.10.21	Disrespect and not valuing others (para 2.9) Promote & support high standards (2.10)  Councillor’s comments on social media about an individual.	Informal resolution. Apology sent to the complainant	Closed
7.10.21	Conferring an improper disadvantage on the complainant and others (para 2.1) Failed to have in accordance with legal obligations etc) Disrespect and not valuing others (para 2.9) relating planning decision	Initial Assessment Decision issued – finding no potential breach of the code No further action to be taken on the complaint	Closed
5.11.21	Failed to make decision on merit (para 2.3) Accountable (para 2.4) Openness (para 2.5) Promote & support high standards (2.10) relating to a planning decision	Initial Assessment Decision issued – finding no potential breach of the code. No further action to be taken on the complaint	closed
28.02.22	Bullying and disrespect - (para 2.9) related to comments post on social media about the complainant.	Informal resolution complainant and subject councillor not to post comments on social media about each other	Closed

- 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 in tandem with the refresh of the code of conduct.

#### **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, 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: **Laura Last**  
**Senior Management Accountant – Resources and Place Delivery**

There are no direct financial implications.

##### **7.2 Legal**

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

Section 27 of the Localism Act 2011, requires the Council to promote and maintain high standards of conduct by members and co-opted members and to adopt a code dealing with the conduct that is expected of members and co-opted members when they are acting in that capacity.

Section 28 of the Localism Act 2011 requires the council to have in place arrangements "for handling complaints that a member or co-opted member of

the Council, or of a Committee of Sub-Committee of the Council, has failed to comply with Code of Conduct.

### 7.3 **Diversity and Equality**

Implications verified by: **Roxanne Scanlon**  
**Community Engagement and Project  
Monitoring Officer**

There are no diversity implications.

### 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):

None.

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

None.

### **Report Author:**

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Corporate Governance Lawyer & Deputy Monitoring Officer

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