

<b>24 November 2022</b>		<b>ITEM: 8</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 Director:</b> John Jones, Director of Legal & Governance		
<b>This report is Public</b>		

## Executive Summary

This report provides an update on 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 It was reported to the July meeting of the committee complaints received under the Members' Code of Conduct during the municipal year 2021/22. This report provides an update on complaints received following the report to the committee in July. One new complaint has been received.

2.3 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.

2.4 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, 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.

<b>Date complaint received</b>	<b>Nature of the complaint and paragraph of the code alleged to have been breached</b>	<b>Monitoring Officer Assessment</b>	<b>Status</b>
5.10.22	Failed to act solely in the public interest and improperly confer and advantage or disadvantage on any person..(para 2.1)  Failed to behave in accordance with all legal obligations, etc and confidential information (para 2.8)  Disrespect and not valuing others (para 2.9)	Complaint being assessed	On - going
24.09.22	Disrespect and not valuing others (para 2.9) Councillor failed to answer complainant's questions relating to council business on a final decision had not been made	Initial Assessment Decision issued – finding no potential breach of the code. No further action to be taken on the complaint	Closed
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	
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	
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### **3. Issues, Options and Analysis of Options**

- 3.1 The Committee is responsible for promoting and maintaining high standards of conduct by Members and co-opted Members of the Council and assisting them to observe the Code of Conduct.
- 3.2 Statistical information and details of complaints received against Members can assist the committee to identify any training needs or other steps to be taken to support Members.
- 3.3 As the Council is under a duty to promote and maintain high standards of conduct, where training needs of other steps are identified which within the current legal limitations would support Members to observe the Code, it is not recommended that no such action is taken.

### **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: **Dammy Adewole**  
**Senior Management Accountant – Resources and Place Delivery**

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**

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: **Rebecca Lee**

**Team Manager, Community Development**

The Members Code of Conduct has been devised in accordance with the Equality Act 2010 and Public Sector Equality Duty and follows an ethical framework that promotes and maintains the standards of practice for councillors that can be expected by citizens. Complaints that allege the standards have not been upheld are investigated and assessed by the Monitoring Officer in line with the framework and legislative requirements expanded in section 7.2 of this report. The present status for complaints both individually and overall is set out in section 2.4 with the vast majority now closed or the subject of ongoing review by the Monitoring Officer.

## 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:**

Gina Clarke

Corporate Governance Lawyer & Deputy Monitoring Officer

Law and Governance