

|  |                      |
|--|----------------------|
| <b>CONSTITUTION AND ETHICS COMMITTEE</b> | AGENDA ITEM No. 9    |
| <b>30 SEPTEMBER 2019</b>                 | <b>PUBLIC REPORT</b> |

|                             |  |             |
|-----------------------------|--|-------------|
| Report of:                  | Fiona McMillan, Director of Law and Governance & Monitoring Officer  |             |
| Cabinet Member responsible: | Cllr Mohammed Farooq – Cabinet Member for Digital Services and Transformation  |             |
| Contact Officer:            | Philippa Turvey, Democratic and Constitutional Services Manager<br>Daniel Kalley, Senior Democratic Services Officer | Tel. 296334 |

### **CODE OF CONDUCT COMPLAINTS**

| <b>R E C O M M E N D A T I O N S</b>   |                           |
|--|---------------------------|
| <b>FROM:</b> Monitoring Officer  | <b>Deadline date:</b> N/A |
| <p>It is recommended that Constitution and Ethics Committee:</p> <ol style="list-style-type: none"> <li>Note the report on complaints received/being handled by the Monitoring Officer since the Committee's last meeting in July 2019.</li> </ol> |                           |

#### **1. ORIGIN OF REPORT**

1.1 This report is submitted to Constitution and Ethics Committee by the Council's Monitoring Officer.

#### **2. PURPOSE AND REASON FOR REPORT**

2.1 The Constitution & Ethics Committee has the responsibility of promoting and maintaining high standards of conduct amongst members and co-opted member of the council including "monitoring the operation of the Code of Conduct. This also includes parish councillors.

2.2 The Monitoring Officer proposes that a standing item is placed on the agenda for the committee notifying and updating the committee on complaints that have been made, how they are being handled and whether they have been resolved. The committee has decided that these will be reported in an anonymised way until such time as a breach of the code of conduct is found as part of the complaints process.

2.3 This report is for Constitution and Ethics Committee to consider under its Terms of Reference No. 2.72.2

Authority to oversee and approve the operation of the Council's functions relating to the promotion and maintenance of high standards of conduct amongst members and co-opted members of the Council including:

- Promoting and maintaining high standards of conduct by Members and co-opted members;

- Assisting the Members and co-opted members to observe the Code of Conduct;
- Advising the Council on the adoption or revision of the Members Code of Conduct and Officer Code of Conduct;
- Monitoring the operation of the both Codes of Conduct;
- Advising, training or arranging to train Members and co-opted members on matters relating to the Code of Conduct.

### 3. **TIMESCALES**

|   |           |                                  |  |
|---|-----------|----------------------------------|--|
| Is this a Major Policy Item/Statutory Plan? | <b>NO</b> | If yes, date for Cabinet meeting |  |
|---|-----------|----------------------------------|--|

### 4. **BACKGROUND AND KEY ISSUES**

#### **New complaints**

- 4.1 Since the committee’s last report in July 2019 there has been two new complaints received, both in relation to parish councillors at two separate councils, one by a member of the public and another by a fellow parish councillor. Both are still in the initial assessment stage.

#### **Existing complaints**

- 4.2 Following assessment by the council’s Independent Person and Monitoring Officer three complaints about one councillor have been referred for a formal investigation, to be investigated together. These relate to the following:

- A complaint that was received from a PCC councillor that another PCC councillor had breached the code of conduct in relation to a Facebook post in breach of the Council’s Social Media Code.
- A complaint that was received from a member of the public that a PCC councillor had breached the code of conduct in relation to comments made about another councillor during a full council meeting and an associated social media post in breach of the Council’s Social Media code.
- A complaint that was made by a PCC member that another councillor had used offensive language (via an acronym) in a social media exchange which had been seen by a member of the public and sad they were “appalled”. The complaint is that the post was in breach of the Council’s Social Media Code.

- 4.3 Two other complaints have been initially assessed by the council’s Independent Person and Monitoring Officer and a decision taken to taken no further action as there was no perceived breach of the code. These related to:

- A complaint made by a PCC councillor that another PCC councillor’s social media post which was considered to “incite bigotry and hatred”.
- A complaint made by a PCC Councillor that another PCC councillor’s behaviour towards them in the council chamber was disrespectful and inappropriate and in breach of the code.

- 4.4 A further complaint received from a PCC councillor that another PCC councillor had breached the council’s social media code in relation to comments made on social media about them is still being assessed and currently awaiting further evidence.

### 5. **CONSULTATION**

- 5.1 N/A.

**6. ANTICIPATED OUTCOMES OR IMPACT**

By reporting the complaints that have been made the Committee can more effectively monitor the operation of the Code of Conduct.

**7. REASON FOR THE RECOMMENDATION**

7.1 Regular reporting of both quantities and substance of complaints will help the Committee gain a better understanding of the effectiveness of current procedures and how well the Code is being observed across both the council and the parish councils in its area. This will inform future decisions about what training may be necessary to ensure the requirements of the code are being met.

**8. ALTERNATIVE OPTIONS CONSIDERED**

8.1 None

**9. IMPLICATIONS**

**Financial Implications**

9.1 None

**Legal Implications**

9.2 Under the Localism Act 2011 the council may set its own procedures in relation to the handling of complaints.

**Equalities Implications**

9.3 None

**10. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

10.1 The Localism Act 2011

**11. APPENDICES**

11.1 None

This page is intentionally left blank