

<b>CONSTITUTION AND ETHICS</b>	<b>AGENDA ITEM No. 11</b>
<b>6 OCTOBER 2022</b>	<b>PUBLIC REPORT</b>

Report of:	Fiona McMillan, Corporate Director of Governance	
Cabinet Member(s) responsible:	Councillor Coles, Cabinet Member for Finance & Corporate Governance	
Contact Officer(s):	Philippa Turvey, Democratic and Constitutional Services Manager Daniel Kalley – Senior Democratic Services Officer	01733 296334

<b>CODE OF CONDUCT COMPLAINTS</b>
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<b>R E C O M M E N D A T I O N S</b>	
<b>From: Monitoring Officer</b>	<b>Deadline date: N/A</b>
<p>It is recommended that the 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 on 15<sup>th</sup> August 2022.</li> </ol>	

**1. ORIGIN OF REPORT**

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

**2. PURPOSE AND REASON FOR REPORT**

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

To assist in the fulfilment of the above objective it has been agreed that a standing item is placed on the agenda for the committee notifying and updating it on complaints that have been made, how they are being handled and whether they have been resolved. The committee decided that these should be reported in an anonymous way until such time as a breach of the code of conduct is found as part of the complaints process.

This Report fulfils the requirements set out above.

2.2 This report is for the Constitution and Ethics Committee to consider under its Terms of Reference No. 2.7.2.2.

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 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;
- Monitoring the operation of the Code 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	
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### 4. **BACKGROUND AND KEY ISSUES**

#### 4.1 **NEW COMPLAINTS**

##### **City Councillors**

Since the Committee's last report on 15<sup>th</sup> August 2022 there has been 1 new complaint received in relation to city councillors:

**CONDCOMP/PCC/31** This complaint was received on 28<sup>th</sup> July 2022 and concerns allegations about the conduct of the subject member during a telephone conversation with the complainant. The subject member was invited to provide a response and following receipt this was shared with the complainant. Thereafter, the complainant confirmed that he did not wish for his complaint to proceed any further and therefore the process was concluded.

##### **Parish Councillors**

Since the Committee's last report on 15<sup>th</sup> August 2022 there has been 1 new complaint received in relation to Parish Councillors:

**CONDCOMP/PCC/32.** This complaint was received on 19<sup>th</sup> August 2022 and concerns various allegations which are all connected to and under consideration by the Council's Complaints procedure. The Deputy Monitoring Officer has therefore written to the Complainant to request that they complete the complaint form and provide further information as to the nature of the allegations and which of the general obligations they consider have been breached. A response is currently awaited.

#### 4.2 **ONGOING COMPLAINTS**

The following complaints remain active since the last meeting:

##### **City Councillors**

There are currently no additional ongoing complaints relating to city councillors other than those described within the New Complaints section of this Report.

##### **Parish Councillors**

There are currently no additional ongoing complaints relating to parish councillors other than those described within the New Complaints section of this Report.

#### 4.3 **CONCLUDED COMPLAINTS**

**CONDCOMP/PCC/27.** This complaint was received on 22<sup>nd</sup> March 2022 and concerned the content of a Whatsapp message relating to the impact of the Boundary Commission's review which the complainant considered was misleading and designed to extort an adverse public

response. The subject member denied the factual inaccuracy/alleged motivation for the message and the matter was therefore referred for initial assessment. The Independent Person and Deputy Monitoring Officer concluded, having regard to the subject member's convention rights, that whilst the Code was engaged, it had not been breached and that no further action would therefore be taken. As at the date of the last Report, the outcome had been communicated to the Complainant and Subject Member however, the Deputy Monitoring Officer was then requested to provide further information. The information was provided and the matter has now concluded.

**CONDCOMP/PCC/29 and CONDCOMP/PCC/30.** These complaints are connected and were received on 4<sup>th</sup> May and 3<sup>rd</sup> June 2022. They concern allegations that the subject member has brought the Council into disrepute as a result of comments on social media about officers, the stance the Council had taken in relation to the matter in dispute and a potential conflict of interest. The subject member denied any wrongdoing and contended that they had acted in accordance with their convention rights. The complainant did not consider that this response satisfactorily resolved the concerns raised and an initial assessment was arranged. The Independent Person and Deputy Monitoring Officer concluded that the subject member's actions had not breached the code of conduct and that no further action would be taken however, general advice was offered as to the application of the Council's other procedural requirements such as the Member Officer Protocol and Gifts and Hospitality Policy.

## **5. CONSULTATION**

- 5.1 The process for dealing with conduct complaints requires the Monitoring Officer to consult the Independent Person following an initial assessment and before any decisions are taken as to what if any further action is considered appropriate for example, the appointment of an investigator and, following receipt of the investigator's report, whether to refer the matter for a hearing.

## **6. ANTICIPATED OUTCOMES OR IMPACT**

- 6.1 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 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