

CONSTITUTION AND ETHICS COMMITTEE	AGENDA ITEM No. 8
9 JULY 2018	PUBLIC REPORT

Report of:	Fiona McMillan Interim Director of Law and Governance & Monitoring Officer	
Cabinet Member responsible:	Cllr David Seaton – Cabinet Member for Resources	
Contact Officer:	Philippa Turvey, Democratic and Constitutional Services Manager, Daniel Kalley, Senior Democratic Services Officer	Tel. 452460/2963 34

CODE OF CONDUCT COMPLAINTS RECEIVED SINCE MAY 2018

RECOMMENDATIONS	
FROM: Interim Director of Law and Governance & Monitoring Officer	Deadline date: N/A
<p>It is recommended that Constitution and Ethics Committee:</p> <ol style="list-style-type: none"> Note the report on complaints received/being handled by the Monitoring Officer since May 2018. 	

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 was created in May 2018 and given 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.

2.3 As the outcome of the Committee's decision on the confidentiality of complaints is not yet known existing complaints will be reported in an anonymised way at the moment. If the Committee decide not to agree with the confidentiality proposals then a non-anonymised report will be placed on the council's website alongside the minutes.

2.4 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 coopted members;
- Assisting the Members and co-opted members to observe the Code of Conduct;
- Advising the Council on the adoption or revision of the 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?	NO	If yes, date for Cabinet meeting	
---	-----------	----------------------------------	--

4. **BACKGROUND AND KEY ISSUES**

- 4.1 Since May 2018 (when the Constitution and Ethics Committee took on responsibility for the operation of the code of conduct) there have been two new parish council complaints received and one ongoing council complaint. There is also an outstanding complaint received pre-May where it has been agreed by all parties that it will be dealt with by way of alternative resolution but this is not yet completed.
- 4.2 One was from a member of the public and related to a complaint that a parish council was not opening and closing meetings correctly, was not following correct protocol at meetings and failed to respond to public questions and were dismissive towards members of the public. The Monitoring Officer has responded to say that a complaint cannot be made against the parish council as a body and needs to be against named councillors. The complainant has not yet responded to this.
- 4.3 The second parish council complaint relates to a complaint from a member of the public about the behaviour of the Chairman and another member of the parish council at a parish council meeting. The councillors have been written to and asked for their responses which have just been received and the Monitoring Officer will now carry out an initial assessment of the complaint.
- 4.4 There is also an ongoing complaint which was raised by two members of Peterborough City Council against another member of council in relation to derogatory comments made in the media against one of the members along with alleged data breaches in relation to information received as part of a petition. This complain was considered by the Monitoring Officer and the Independent person and it was decided to refer the matter for a formal investigation, which is currently underway.

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 It is understood that reports on the operation of the Code of Conduct were not, as a matter of course, made to the Audit Committee, which had responsibility for the monitoring of the code previously before the Constitution and Ethics Committee was constituted.

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