

CONSTITUTION AND ETHICS COMMITTEE	AGENDA ITEM No. 10
29 OCTOBER 2018	PUBLIC REPORT

Report of:	Fiona McMillan, 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. 296334

CODE OF CONDUCT COMPLAINTS RECEIVED SINCE JULY 2018

RECOMMENDATIONS	
FROM: 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 July 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 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 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 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?	NO	If yes, date for Cabinet meeting	
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4. **BACKGROUND AND KEY ISSUES**

4.1 Since the committee's last report in July 2018 there have been no new council complaints. There is still 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 (the giving of a written apology) but this has not yet been actioned.

4.2 **Closed Complaints**

A complaint that was received pre-July from a member of the public relating 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 has now been closed. The Monitoring Officer had responded to say that a complaint cannot be made against the parish council as a body and needed to be against named councillors. The complainant has not responded to this and therefore the complaint will not be progressed any further.

4.3 **Ongoing complaints**

The Monitoring Officer is considering a parish council complaint relating 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.

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 complaint was considered by the Monitoring Officer and the Independent person and it was decided to refer the matter for a formal investigation, which has now completed. The Monitoring Officer has explored whether the member is prepared to consider alternative resolution of the complaint by way of a written apology and data protection training but the member is unwilling to do this. A hearing will now be arranged for a panel of the committee to consider the complaint and the findings of the investigation report.

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

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