

<b>CONSTITUTION AND ETHICS COMMITTEE</b>	AGENDA ITEM No. 10
<b>8 JULY 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 Daniel Kalley, Senior Democratic Services Officer	Tel. 296334

## CODE OF CONDUCT COMPLAINTS

R E C O M M E N D A T I O N S	
<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>1. Note the report on complaints received/being handled by the Monitoring Officer since the Committee's last meeting in March 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	
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### 4. **BACKGROUND AND KEY ISSUES**

4.1 Since the committee's last report in March 2019 a sub-committee of the Constitution and Ethics Committee sitting as a Hearings Panel on 1st April 2019 considered a complaint about Councillor Fower and found that he had breached the code of conduct. A link to the meeting agenda, decision and its minutes can be found here:

[Hearing Panel 1 April 2019](#)

4.2 The Panel's unanimous decision was to make the following recommendations:

- The Panel strongly recommended that Councillor Fower should offer an unreserved apology to Councillor Fox for the offence caused by the use of the word "fascist" in a context which could be viewed as having been aimed specifically at him.
- The Panel strongly recommended that Councillor Fower attend appropriate training on data protection requirements as previously offered by the Monitoring Officer.

To date Councillor Fower has not taken up either of these recommendations.

4.3 The Panel's unanimous decision was also to impose the following sanctions:

- The Panel formally censured Cllr Fower for his behaviour and actions and that a report outlining the circumstances, findings and sanctions of this process should be presented at the next available meeting of Full Council for information. This will go to the July Council meeting.
- That this Decision Notice should be published on the Council's website.

#### **New complaints**

4.4 There have been a number of new complaints about councillors, mainly received in the few weeks before the Local Elections at the start of May. Due to the heightened sensitivity in the pre-election period and the possibility of complaints being used as part of political campaigning the Monitoring Officer delayed considering these complaints until after the election was over.

4.5 A complaint 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. The Monitoring Officer has met with the councillor concerned to discuss the complaint and the councillor denied that the post breached the code. The complaint is now with the council's Independent Person for a decision on what action should now be taken.

4.6 A complaint 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. The Monitoring Officer had a meeting with the councillor concerned to discuss the complaint and the councillor denied that the comments or the post breached the code. The complaint is now with the council's Independent Person for a decision on what action should now be taken.

4.7 A complaint was 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. The

Monitoring Officer has contacted the councillor for a response and following an initial response is awaiting further information in order to establish a context for the post.

4.8 A complaint has been made by a PCC councillor that another PCC councillor's social media post which was considered to "incite bigotry and hatred". The Monitoring Officer has held a meeting with the councillor to discuss the complaint which they strongly refute and the complaint is now with the council's Independent Person for a decision on what action should now be taken.

4.9 A complaint has been 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. The Monitoring Officer has held a meeting with the councillor to discuss the complaint and the complaints is now with the council's Independent Person for a decision on what action should now be taken.

4.10 A complaint was made by a PCC member at the end of May 2019 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 said they were "appalled". The complaint is that the post was in breach of the Council's Social Media Code which the Committee agreed at its March meeting and which took effect on 11 March 2019. The complaint is now with the council's Independent Person for a decision on what action should now be taken.

## **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