

CONSTITUTION AND ETHICS	AGENDA ITEM No. 10
27 FEBRUARY 2023	PUBLIC REPORT

Report of:	Rochelle Tapping Law and Governance and Monitoring Officer Director	
Cabinet Member(s) responsible:	Councillor Coles Cabinet Member for Corporate Governance and Finance	
Contact Officer(s):	Philippa Turvey, Democratic and Constitutional Services Manager	01733 296334

CODE OF CONDUCT COMPLAINTS

RECOMMENDATIONS	
From: Monitoring Officer	Deadline date: N/A
<p>It is recommended that the Constitution and Ethics Committee:</p> <ol style="list-style-type: none"> Note the report on complaints received/being handled by the Monitoring Officer since the Committee's last meeting on 21st November 2022. 	

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?	NO	If yes, date for Cabinet meeting	N/A
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4. **BACKGROUND AND KEY ISSUES**

4.1 **NEW COMPLAINTS**

City Councillors

Since the Committee's last report there has been 2 new complaints received in relation to city councillors:

- CONDCOMP/PCC/33. This complaint was received on 9th November 2022 and concerns an interaction on social media regarding a local issue. The Deputy Monitoring Officer shared the complaint with the Subject Member who provided a timely response. The Complainant has confirmed that the Subject Member's response has not satisfactorily resolved the concerns raised and arrangements are now being made to seek the Independent Person's view as to what if any further action should be taken.
- CONDCOMP/PCC/34. This complaint was received on 20th January 2023 and following ongoing correspondence with the complainant, was discontinued on 6th February 2023 on the basis that it concerned actions taken by officers rather than members. This has been explained to the complainant and information has been provided in relation to the action the service has taken to address the concerns raised.

Parish Councillors

Since the Committee's last report 2022 there have been no new complaints received in relation to Parish Councillors:

4.2 **ONGOING COMPLAINTS**

The following complaints remain active since the last meeting:

City Councillors

There are currently no ongoing complaints relating to city councillors.

Parish Councillors

There one ongoing complaint in relation to parish councillors as at the date of the last meeting has now been concluded:

4.3 **CONCLUDED COMPLAINTS**

- The one ongoing complaint reported to the last meeting has now been concluded:
- CONDCOMP/PCC/32. This complaint was received on 19th August 2022 and concerned various allegations which were all connected to and under consideration via the Council's

Complaints procedure. Following further information having been sought and received by the Deputy Monitoring Officer it was determined that the Code of Conduct was not engaged. The complainant was however given advice about accessing additional support via the Council's other services.

5. CORPORATE PRIORITIES

Consider how the recommendation links to the Council's Corporate Priorities:

Peterborough City Council maintains a Code of Conduct for members which sets out the standards of behaviour expected of them in the fulfilment of their public duties. Please see point below which relates to the governance of the Code of Conduct we install in our practices.

1. **Sustainable Future City Council**

- **How we Work**
 - In conjunction with this, the Council has a procedure for dealing with complaints which have arisen as a result of alleged breaches of the Code
- **How we Serve**
 - In conjunction with this, the Council has a procedure for dealing with complaints which have arisen as a result of alleged breaches of the Code
- **How we Enable**
 - This Report seeks to update members on any new, ongoing or completed complaints and demonstrates the Council's commitment to ensuring compliance with the Code

6. CONSULTATION

- 6.1 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.

7. ANTICIPATED OUTCOMES OR IMPACT

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

8. REASON FOR THE RECOMMENDATION

- 8.1 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.

9. ALTERNATIVE OPTIONS CONSIDERED

- 9.1 None

10. IMPLICATIONS

Financial Implications

- 10.1 None

Legal Implications

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

Equalities Implications

- 10.3 None

11. BACKGROUND DOCUMENTS

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

- 11.1 The Localism Act 2011.

12. APPENDICES

- 12.1 None