

CONSTITUTION AND ETHICS	AGENDA ITEM No. 10
17 JULY 2023	PUBLIC REPORT

Report of:	Director of Law & Governance and Monitoring Officer	
Cabinet Member(s) responsible:	Councillor Coles, Cabinet Member for Legal, Finance and Corporate Services	
Contact Officer(s):	Philippa Turvey, Democratic and Constitutional Services Manager Daniel Kalley – Senior Democratic Services Officer	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 in February 2023. 	

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	
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4. **BACKGROUND AND KEY ISSUES**

4.1 **NEW COMPLAINTS**

City Councillors

Since the Committee's last report on there have been 5 new complaints received in relation to city councillors:

- CONDCOMP/PCC/37. This complaint was received on 23rd March 2023 and concerned allegations about the subject member's involvement in relation to a planning matter. The subject member's views were sought and shared with the Complainant who confirmed that their concerns had not been satisfactorily resolved. The Deputy Monitoring Officer discussed the Complaint and Subject Member's response with the Independent Person and they were in agreement that the General Obligations of the Code of Conduct had not been breached. The Complainant has been informed that no further action will be taken.
- CONDCOMP/PCC/38. This complaint was received on 27th March 2023 and concerns allegation in relation to the subject member's influence in relation to the determination of particular planning matters. The subject member's views are in the process of being sought with extensions having been granted on compassionate grounds.
- CONDCOMP/PCC/39. This complaint was received on 5th April 2023 and is related to CONDCOMP/PCC/37 and again concerns allegations about the subject members' involvement in relation to a planning matter. The subject members' views were sought and shared with the Complainant who confirmed that their concerns had not been satisfactorily resolved. The Deputy Monitoring Officer discussed the Complaint and Subject Members' responses with the Independent Person and they were in agreement that the General Obligations of the Code of Conduct had not been breached. The Complainant has been informed that no further action will be taken.
- CONDCOMP/PCC/41. This complaint was received on 23rd May 2023 and concerns allegations into the alleged inappropriate use of the Council's logo. The subject member's views were sought and shared with the Complainant who confirmed that their concerns had not been satisfactorily resolved. The Deputy Monitoring Officer discussed the Complaint and the Subject Member's response with the Independent Person and they were both in agreement that the threshold had not been met for further investigation. As part of the process the Monitoring Officer has committed to produce Member Guidance in relation to the future use of the logo. The Complainant has been informed of this and that no further action will be taken.
- CONDCOMP/PCC/42 – This complaint was received on 23rd April 2023 and concerns allegations in relation to an interaction between the Subject Member and the Complainant concerning parking issues. The Subject Member was notified of the complaint and invited to response. The Subject Member denies any knowledge of the interaction and further evidence is therefore being sought from the Complainant.

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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

- Conduct complaints 37, 39 and 41 have been concluded since the date of the last meeting was set out at paragraph 4.1 above.

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 There are no legal implications in respect of what is proposed.

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