

MEMBERS' CODE OF CONDUCT

Executive Summary

This report advises the Committee of (i) complaints, submitted under the Members' Code of Conduct, received by the Monitoring Officer between 1 August 2017 and 31 July 2018 and (ii) seeks the Committee's views on a proposed Protocol for Members submitting complaints under the Members' Code of Conduct.

Recommendations

The Committee is requested to:

RESOLVE That

the report detailing the complaints, submitted under the Members' Code of Conduct, received by the Monitoring Officer between 1 August 2017 and 31 July 2018 be noted.

The Committee has authority to determine the recommendation(s) set out above.

Background Papers: None.

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1.0 Introduction

- 1.1 The Arrangements for Dealing with Standards Allegations under the Localism Act 2011, adopted by the Council, provide for the Monitoring Officer to submit an annual report to the Standards and Audit Committee with appropriate details of complaints received.
- 1.2 This report (i) details complaints received by the Monitoring Officer between 1 August 2017 and 31 July 2018 and (ii) seeks the Committee's views on a proposed Protocol for Members submitting complaints under the Members' Code of Conduct.

2.0 Complaints Received

- 2.1 The Monitoring Officer received seven complaints between 1 August 2017 and 31 July 2018.
- 2.2 On 15 August 2017, a member of the public complained that Councillor 1 acted outside his duties as a ward councillor when attending a meeting, at a resident's house, to discuss a planning matter. The Deputy Monitoring Officer found that there was no evidence (direct or circumstantial) to support the allegation. The complaint did not merit formal investigation, so no further action was taken in respect of it.
- 2.3 On 25 August 2017, Councillor 2 complained that Councillor 3 had made an offensive and inappropriate gesture towards him at a Council meeting. The Monitoring Officer concluded that Councillor 3's gesture fell well within the bounds of reasonableness. The complaint did not merit formal investigation, so no further action was taken in respect of it.
- 2.4 On 26 September 2017, an applicant for planning permission complained that Councillor 4 acted improperly in considering his planning application at the Planning Committee. The Monitoring Officer found that there was no evidence (direct or circumstantial) to support the allegation. The complaint did not merit formal investigation, so no further action was taken in respect of it.
- 2.5 On 29 September 2017, a member of the public complained that Councillor 4 had given him/her misleading advice on his/her partner's driving licence and residency status. The Monitoring Officer found that Councillor 4 was not acting in his/her role as a Member in his/her dealings with the member of the public. The Members' Code of Conduct did not apply, so the Monitoring Officer had no jurisdiction to consider the complaint. No further action was taken in respect of it.
- 2.6 On 6 March 2018, Councillor 5 complained that Councillor 6 did not act with due diligence when dealing with matters affecting a joint venture company in which the Council had an interest. The Monitoring Officer found that the complaint lacked justification, so no further action was taken in respect of it.
- 2.7 On 26 March 2018, Councillor 5 complained that Councillor 7 withheld information from the Council when Council was deciding a matter. The Monitoring Officer found that there was no reasonable basis on which the complaint could be supported, so no further action was taken in respect of it.
- 2.8 On 18 April 2018, a member of the public complained that Councillor 1 had not properly commented on a planning application when it was determined at the Planning Committee. The Monitoring Officer found that Councillor 1's comments were appropriate, so no further action was taken in respect of the complaint.

3.0 Protocol for Members Submitting Complaints

- 3.1 The adopted Arrangements for Dealing with Standards Allegations under the Localism Act 2011 detail how complaints against Members will be dealt with by the Council. Until recently, the Arrangements provided a sufficient framework for dealing with complaints. However, there is a need to ensure that the consideration and determination of a complaint is not prejudiced by comments made to the media. This is a particular risk if the complaint is submitted by a Member, and that Member makes the comments.
- 3.2 The Monitoring Officer is proposing to draft a protocol to address this matter. The Committee is invited to give its preliminary views on what might be included in the Protocol. Comments will also be invited from all Councillors after the meeting of the Committee. Following this consultation, the Monitoring Officer will report back to the Committee on 29 November 2018.

4.0 Implications

Financial

- 4.1 None.

Human Resource/Training and Development

- 4.2 None.

Community Safety

- 4.3 None.

Risk Management

- 4.4 None.

Sustainability

- 4.5 None.

Equalities

- 4.6 None.

REPORT ENDS