

MEMBERS' CODE OF CONDUCT

Executive Summary

This report advises the Committee of complaints, submitted under the Members' Code of Conduct, received by the Monitoring Officer between 1 August 2020 and 31 July 2021.

Recommendations

The Committee is requested to:

RESOLVE That

- (i) the report detailing the complaints, submitted under the Members' Code of Conduct, received by the Monitoring Officer between 1 August 2020 and 31 July 2021 be noted; and
- (ii) the Monitoring Officer be advised of any areas of concern upon which the Committee would like further information and/or further work carried out.

The Committee has the 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 details complaints received by the Monitoring Officer between 1 August 2020 and 31 July 2021.
- 1.3 The purpose of this report is to seek to promote and maintain high standards of conduct amongst Members and to ensure members of the Committee and others to whom the report is circulated are updated as to complaints received and to enable them to consider learning points for the future.

2.0 Complaints Received

- 2.1 Attached at Appendix 1 is a list showing the decisions taken by the Monitoring Officer in relation to allegations made against borough councillors.
- 2.2 The Monitoring Officer received 10 complaints between 1 August 2020 and 31 July 2021. Joanne McIntosh was appointed Monitoring Officer with effect from 1 July 2021. There have been two complaints since that appointment. One of the complaints received during this period is still ongoing, so is not detailed in this report. The number of complaints has doubled in this period; in the previous corresponding year there were 5 complaints received.
- 2.3 The identity of all councillors complained of has been anonymised. It is felt that such information should remain confidential unless and until any complaint results in an open hearing before the Hearings Sub-Committee.
- 2.4 There is no common theme that the Monitoring Officer would like to draw to the attention of the Committee. However, the Committee is invited to consider whether there are any areas of concern upon which it would like further information and/or further work done.

3.0 Conclusion

- 3.1 The Committee is asked to note the cases referred to in Appendix 1; and to advise the Monitoring Officer of any areas of concern upon which they would like further information and/or further work done

4.0 Corporate Strategy

The Committee's discussion in public about decisions taken on ethical standards allegations against councillors and consideration of any learning points for the future is an important element of good corporate governance and reinforces the Council's commitment to be open and accountable to its residents.

5.0 Implications

Finance and Risk

- 5.1 There is a financial cost to the Council if complaints are passed to external consultants for investigation/report.

Equalities and Human Resources

- 5.2 The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance

and strategic aims. The Members' Code of Conduct provides that Members should promote equalities and that they do not discriminate unlawfully against any person.

Legal

- 5.3 The statutory background can be found in the Localism Act 2011, Part 1 Chapters 6 and 7 ("the Act") and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 ("the Regulations") made thereunder.

6.0 Engagement and Consultation

- 6.1 Given the nature of the report before the Committee, it would not be appropriate to undertake an engagement or consultation exercise in respect of its content.

REPORT ENDS

Appendix 1 - Code of Conduct Complaints

Date Received	Complainant	Independent Person Consulted	Summary Details of Complaint	Decision	Outcome	Status
15/09/2020	Member of the Public	Yes	Councillor had made vindictive and mean spirited comments in a public forum.	<p>The Councillor was not acting as a Councillor at the time the comments were made on the social media platform.</p> <p>In the event, the Councillor had been acting as a Councillor when the comments were made, the comments were not considered to be such comments that would give rise to an arguable case that there had been a breach of the Code of Conduct.</p> <p>The Code of Conduct does not apply. No further action to be taken.</p>	Not upheld	Closed
14/10/2020	Councillor	Yes	Complaint has not concluded.	Not appropriate to comment at this time.		Open
28/10/2020	Councillor	Yes	Councillor attributed an incorrect statement in respect of an area of Greenbelt Land to the complainant in a public forum.	Complaint withdrawn.	Withdrawn	Closed

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07/01/2021	Council Officer	Yes	Councillor A breached the Code of Conduct by directly contacting a candidate who had withdrawn from a recruitment process and discussed the recruitment process with the local media.	<p>There was an arguable case that the Code of Conduct was breached.</p> <p>The matter was referred for independent investigation.</p> <p>The independent investigator concluded that the Councillor had not, by their actions, breached the Code of Conduct.</p>	Not upheld	Closed
07//01/2021	Council Officer	Yes	Councillor B the Code of Conduct by directly contacting a candidate who had withdrawn from a recruitment process.	<p>There was an arguable case that the Code of Conduct was breached.</p> <p>The matter was referred for independent investigation.</p> <p>The independent investigator concluded that the Councillor had not, by their actions, breached the Code of Conduct.</p>	Not upheld	Closed
13/01/2021	Member of the Public	Yes	The Councillor behaved in an inappropriate manner making biased, unfounded and immaterial comments at a Planning Committee meeting.	<p>There was no arguable case that the Councillor had breached the Code of Conduct.</p> <p>The complaint did not merit formal investigation.</p>	Not upheld	Closed

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18/01/2021	Member of the Public	Yes	The Councillor acted without integrity, asked leading questions and appeared biased on several occasions at a Planning Committee.	There was no arguable case that the Councillor had breached the Code of Conduct. The complaint did not merit formal investigation.	Not upheld	Closed
26/05/2021	Two Councillors	Yes	The Councillor had made disrespectful and bullying comments on social media about the complainants.	There was no arguable case that the Councillor had breached the Code of Conduct. The complaint did not merit formal investigation.	Not upheld	Closed
01/07/2021	Member of the Public	Yes	The Councillor sought to improperly further his private interests to confer an advantage by misusing his position as a councillor.	There is not an arguable case that should be referred for further investigation. No further action can be taken by the Council in respect of this complaint.	Not upheld	Closed
08/07/2021	Citizens Advice Woking	Yes	CAW complained about a Councillors behaviour on behalf of a resident within the Borough.	The Councillor was not acting as a Councillor at the time but in a private capacity. The Code of Conduct does not apply. No further action to be taken.	Not upheld	Closed

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			The matter related to the Councillors business.			
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