



## **Standards Committee Agenda**

**Wyre Borough Council**  
**Date of Publication: 8 March 2023**  
**Please ask for: Marianne Unwin**  
**Democratic Services Officer**  
**Tel: 01253 887326**

**Standards Committee meeting on Thursday, 16 March 2023 at 6.00 pm  
in the Committee Room 2 - Civic Centre**

**1. Apologies for Absence**

**2. Declarations of Interest**

Members will declare any pecuniary or significant other interests they have in relation to the items on this agenda.

**3. Confirmation of minutes**

(Pages 3 - 6)

Confirmation of the Minutes of the meeting of the Committee held on 16 June 2023.

**4. Dispensation for all councillors to participate and vote on matters relating to the council's Localised Council Tax Support Scheme (LCTS)**

(Pages 7 - 10)

Report of the Monitoring Officer.

**5. Updated Procedures for dealing with alleged breaches of the Code of Conduct**

(Pages 11 - 32)

Report of the Monitoring Officer.

**6. Updated Guidance for Councillors and Officer on Gifts and Hospitality**

(Pages 33 - 42)

Report of the Monitoring Officer.

**7. Current Complaints: Summary**

(Pages 43 - 48)

Schedule prepared by the Monitoring Officer, attached

The Monitoring Officer will report verbally on the latest position with regard to the complaints listed and any issues arising from them.

**8. Date of next Meeting**

The next scheduled meeting of the Committee is due to be held at 6pm on 22 June 2023.



## Standards Committee Minutes

The minutes of the Standards Committee meeting of Wyre Borough Council held on Thursday, 16 June 2022 at the Civic Centre, Poulton-le-Fylde.

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**Standards Committee members present:**

Councillors Catterall, Orme, Sir R Atkins and Swales

**Apologies for absence:**

Councillor Gerrard

**Failed to attend or tender their apologies for absence:**

Councillor B Birch

**Other councillors present:**

None

**Officers present:**

Jane Collier, Human Resources Manager and Deputy Monitoring Officer  
Duncan Jowitt, Democratic Services Officer

No members of the public or press attended the meeting.

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**20 Election of Chairman 2022/23**

Councillor Sue Catterall was elected as Chairman of the Standards Committee for the municipal year 2022-23.

**21 Election of Vice Chairman 2022/23**

Councillor Phil Orme was elected as Vice Chairman of the Standards Committee for the municipal year 2022- 23.

**22 Declarations of Interest**

None.

**23 Minutes of the previous meeting**

The minutes of the previous meeting of the Standards Committee held on 11

November 2021 were confirmed as a correct record.

## **24 Appointment of Independent Persons**

The Monitoring Officer (MO) submitted a report asking the committee to:

- note the retirement of Barry Parsonage, independent person, on 30 June 2022 and thank him for his service to the council,
- note the appointment of a new independent person, Mike Nuttall, by Full Council on 12 May 2022, following the advertisement of the independent person's post,
- note the officers' recommendation to appoint David Gregson as a third independent person, which would be considered by Full Council on 7 July 2022.

### **Decision**

The members of the committee

- noted the impending retirement of Barry Parsonage on 30 June 2022, thanked him for the invaluable service he had provided to the council in the role and wished him well in his retirement,
- noted the appointment of Mike Nuttall as an independent person, as approved by Full Council on 12 May 2022,
- noted that an application for the independent person's post had also been received from David Gregson and that following interview, the MO would make a recommendation to Full Council to appoint him as the third independent person.

## **25 Members' Code of Conduct Complaints- Summary**

The MO submitted a report advising the Committee of the number and current status of complaints under the Members' Code of Conduct received since the last meeting, which had been, or were to be, considered by the MO and the Independent Person(s). A schedule summarising the complaints of alleged breaches of the Council's Code of Conduct was included as an appendix to the report.

### **Decision**

The committee

- noted the outcome of concluded complaints and the progress of those still outstanding,
- approved the new format and the content of the complaints summary,
- requested that the link to the recording of the Code of Conduct Training be circulated to councillors again,
- asked for a "practice hearing" to be held as a training session for the committee.

**26            Date of next Meeting**

The next meetings of the Standards Committee were scheduled at 6pm on Thursday 10 November 2022 and Thursday 16 March 2022 and would take place only if there was sufficient business to transact.

The meeting started at Time Not Specified and finished at Time Not Specified.

**Date of Publication: XXX**

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<b>Report of:</b>	<b>Meeting</b>	<b>Date</b>
The Monitoring Officer, Mary Grimshaw	Standards Committee	16 March 2023

## **Review of Councillors' Code of Conduct and Complaints Process**

### **1. Purpose of report**

- 1.1** To agree a dispensation under section 33 of the Localism Act 2011, for all councillors to participate and vote on matters relating to the council's Localised Council Tax Support Scheme (LCTS).

### **2. Outcomes**

- 2.1** All councillors will be able to participate and vote on matters relating to the council's LCTS.

### **3. Recommendations**

- 3.1** That a dispensation is granted to all councillors to participate and vote on the setting of the council's LCTS for the purposes of the Local Government Finance Act 2012, on the grounds that it is in the interests of persons living in the Borough for as many members as possible to be able to debate and decide on this issue.
- 3.2** That the Monitoring Officer in consultation with the Chair of the Standards Committee have delegated power to grant dispensations, when it is not expedient to wait until the next scheduled Standards Committee meeting.

### **4. Background**

- 4.1** The council's Code of Conduct states that where a matter arises at a meeting which directly relates to a member's financial interest or well-being or a financial interest or well-being of a relative or close associate, a member must disclose the interest and must not take part in any discussion or vote on the matter and must not remain in the room unless a dispensation has been granted.
- 4.2** A question was raised before the Council considered the council's LCTS on 26 January 2023, whether a councillor in receipt of council tax support

would be required to declare an interest. Legal advice confirmed that it would be reasonable to say, that it related directly to their finances more than to the generality of the population and therefore a councillor should not take part without a dispensation. However there was insufficient time to schedule a Standards meeting to grant a dispensation.

**4.2** The Localism Act 2011 makes provision for councils to grant dispensations to councillors if it is considered that:

- a) Without the dispensation the numbers of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business.
- b) Without the dispensation the representation of different political groups on the body transacting any particular business would so upset as to alter the likely outcome of any vote relating to the business.
- c) Granting the dispensation is in the interests of persons living in the authority's area.
- d) Without the dispensation each member of the Cabinet would be prohibited from participating in any particular business to be transacted by the authority's Cabinet.
- e) Or it is otherwise appropriate to grant a dispensation.

**4.3** Any grant of dispensation must specify how long it lasts for, up to a maximum of four years.

## **5. Key issues and proposals**

**5.1** The Council's Constitution requires that any dispensations have to be agreed by the Standards Committee on the grounds that they meet one or more of the criteria set out above. Given that the failure to disclose this interest at a relevant meeting, could result in a breach of the Council's Code of Conduct, the Monitoring Officer considers it is appropriate for the Committee to grant a dispensation to enable all members to participate in the decision to approve the Council's LCTS until 15 March 2027. A number of other councils have granted similar dispensations.

**5.2** The restrictions on councillors taking part in decisions where they are in arrears on Council Tax (Local Government Finance Act 1992 s106) cannot be dispensed with under the legislation and remain in force.

<b>Financial and legal implications</b>	
Finance	None.
Legal	The Localism Act enables the council to consider granting dispensations if they meet one or more of the criteria set out above.



### Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	x
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
ICT	x
data protection	x

### Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
Mary Grimshaw	01253 887214	mary.grimshaw@wyre.gov.uk	1 March 2023

List of background papers:		
name of document	date	where available for inspection
None	-	-

### List of appendices

None.

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Report of:	Meeting	Date
Mary Grimshaw, Monitoring Officer	Standards Committee	16 March 2023

<b>Procedures for dealing with alleged breaches of the Code of Conduct</b>
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**1. Purpose of report**

1.1 To present to members an updated procedure for dealing with complaints regarding alleged breaches of the Councillor's Code of Conduct.

**2. Outcomes**

2.1 The adoption of the procedure as amended.

**3. Recommendations**

3.1 Members are requested to consider the procedure with amendments set out in Appendix 1.

**4. Background**

4.1 Following adoption of the current Code of Conduct at Full Council on 27 January 2022 which is based on the Local Government Association's Model Code the procedure for dealing with complaints has been reviewed and updated to ensure that it is up to date and in line with the new Code.

4.2 The LGA Guidance on Member Model Code of Conduct Complaint Handling has also been taken into consideration with the review and update.

**5. Key Issues and proposals**

5.1 Many of the amendments are minor to bring the procedure up to date with the new Code of Conduct and to make the process easier to follow. Specific changes include the following:

5.1.1 Update of the general principles and obligations to be followed when acting as a councillor in section 2 to bring in line with the wording within

the Code of Conduct.

- 5.1.2** Clarification regarding the Monitoring Officer and Independent Persons' roles within section 4.
- 5.1.3** Stages in the procedure (1 – 4) aim to provide greater clarity and make the process easier to follow. The LGA guidance encourages informal resolution where possible and appropriate and stage 2 provides information as to how this is incorporated into the process.
- 5.1.4** A section has been included to set out that a summary of complaints received is reported to Standards Committee at least annually.

<b>Financial and legal implications</b>	
Finance	None arising directly from this report.
Legal	The council has a legal duty to respond to complaints made against councillors alleging breaches of the Code of Conduct and have in place suitable procedures for handling and investigating complaints. The council is also responsible for having arrangements in place to investigate and determine allegations against parish councillors.

#### **Other risks/implications: checklist**

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report for those issues marked with an X.

<b>risks/implications</b>	<b>✓ / x</b>
community safety	<b>x</b>
equality and diversity	<b>x</b>
sustainability	<b>x</b>
health and safety	<b>x</b>

<b>risks/implications</b>	<b>✓ / x</b>
asset management	<b>x</b>
climate change	<b>x</b>
ICT	<b>x</b>
data protection	<b>x</b>

#### **Processing Personal Data**

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a 3<sup>rd</sup> party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
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Mary Grimshaw	01253 887214	Mary.grimshaw@wyre.gov.uk	27 February 2023
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<b>List of background papers:</b>		
name of document	date	where available for inspection
None		

**List of appendices**

Appendix 1 - Procedures For Dealing With Alleged Breaches Of The Code Of Conduct By Councillors

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# **PROCEDURES FOR DEALING WITH ALLEGED BREACHES OF THE CODE OF CONDUCT BY COUNCILLORS**

## **Explanatory Notes**

### **1. Introduction**

This procedure applies when a complaint is received that a councillor has or may have failed to comply with the council's Code of Conduct for Councillors.

The arrangements governing standards of behaviour by local councillors are established in Section 28 of the Localism Act 2011, and specified in regulations made under the Act.

The council is required by the Act to approve a Code of Conduct for Councillors and agree procedures for dealing with any alleged breaches of that Code. Wyre Council's Code of Conduct is based on the Local Government Association's Model Councillor Code of Conduct issued May 2021 with some amendments to reflect local practices in Wyre.

Parish and Town Councils within the Wyre area are also required either to adopt the Wyre Code or to approve their own Code of Conduct. Any complaints about breaches of such Codes by Parish or Town Councillors have to be submitted to Wyre Borough Council's Monitoring Officer and, will be dealt with under the procedures set out in these notes.

### **2. What is the Code of Conduct?**

The purpose of the code is to assist councillors in modelling the behaviour that is expected of them. It specifies that councillors must have regard to the Seven Principles of Public Life, also known as the Nolan Principles. Based on these, the following general principles and obligations should be followed when acting as a councillor:

- act with integrity and honesty;
- act lawfully;
- treat all persons fairly and with respect;
- lead by example and act in a way that secures public confidence in the role of councillor;
- impartially exercise responsibilities in the interests of the local community;
- not to improperly seek to confer an advantage, or disadvantage, on any person;
- avoid conflicts of interest;
- exercise reasonable care and diligence; and
- ensure that public resources are used prudently in accordance with the local authority's requirements and in the public interest.

The code sets out the councillor obligations, which are the minimum standards of conduct required and specifies arrangements for the registration and declaration of financial and other interests, which must be followed by councillors.

A full copy of the Wyre Code of Conduct is included in Part 5.01 of the Council's Constitution.



### **3. How to make a complaint**

If you wish to make a complaint, please submit it to the council's Monitoring Officer, using the online form available [here](#). Please make clear, in particular, which of the requirements of the Code of Conduct you think the councillor(s) has breached.

Anonymous complaints will not be considered.

Any councillor who is the subject of a complaint (the subject member) will be informed by the Monitoring Officer of the complaint either during or at the conclusion of stage 1 of this process. The Monitoring Officer will normally tell the subject member the name of the complainant and the details of the complaint, unless he/she considers that there are special reasons for keeping that information confidential.

### **4. How will your complaint be dealt with?**

A flowchart which shows, in diagrammatic form, how your complaint will be dealt with and by whom, is set out at Annex A.

#### Monitoring Officer

Your complaint will be dealt with, in the first instance, by the council's Monitoring Officer. The council is required by the Local Government and Housing Act 1989 to designate a senior officer to undertake this role, which has various responsibilities relating to complaints. He/she will consult with one of the Independent Persons, appointed by the council for this purpose, under the provisions of the Localism Act.

The council's Deputy Monitoring Officer will assist the Monitoring Officer with consideration of, and investigation of complaints. Reference to the Monitoring Officer throughout this document may also include the Deputy Monitoring Officer.

#### Independent Persons

Independent Persons are people who are neither councillors nor officers of the council but are appointed under Section 28 of the Localism Act 2011 to work with the council to support them with Code of Conduct complaints and standards issues. Under the Localism Act their views must be sought and taken into account on any matter under investigation. The subject member may seek their views at any stage of the process.

### **Stage 1 – Procedure for Initial Assessment of the Complaint**

The complaint will automatically be rejected if:

- The subject member was not a councillor at the time of the alleged misconduct.
- The subject member was not acting in their capacity as a councillor at

the time of the alleged misconduct.

Where a complaint is rejected on either of the above grounds the Monitoring Officer will write to the complainant explaining why their complaint cannot be dealt with under this procedure.

The Monitoring Officer may request further information from the complainant, the subject member or any other persons as appropriate before reaching a decision.

If the complaint has not been rejected on either ground as set out above the Monitoring Officer will then go on to further assess the complaint including consideration of the following:

- Is the complaint very minor or trivial?
- Is the complaint vexatious or malicious, politically motivated or ‘tit for tat’?
- Is the complaint about or related to historical issues?
- Is there a potential breach of the Code of Conduct?
- Is it in the public interest to investigate or take action on the complaint?

The options available to the Monitoring Officer, at this stage in the process, are:

- To reject the complaint or to decide to take no action – in which case he/she will state the reason for doing so;
- To seek further information, usually from the complainant, to clarify the particulars of the complaint;
- To seek an informal resolution (including, for example, an apology, or mediation);
- To carry out further investigation, or appoint another officer or an external person to investigate the complaint;
- To refer the complaint to the Police or other investigatory body (e.g. the Department of Work and Pensions), if a criminal offence has, potentially, taken place.

If the decision is to take no action over a complaint, then as soon as possible after making the decision notification will be sent to the complainant and subject member of the decision setting out clearly the reasons for that decision including the views of the Independent Person.

## **Stage 2 - Informal Resolution**

The Monitoring Officer will seek the views of the Independent Person in considering whether informal resolution is the most appropriate way of dealing with a complaint.

An informal resolution is a more proportionate way of dealing with relatively minor allegations, one-off incidents or underlying disagreements between individuals.

Informal resolution may be sought following initial investigations, which is likely

to include seeking further information from the complainant and subject member.

Notification of the outcome of the informal resolution process should be sent to the complainant and the subject member stating what the allegation was and the resolution recommended.

Types of informal resolution might include:

- An apology from the subject member;
- An agreement from the subject member to attend relevant training or take part in a mentoring process;
- Engaging in a process of mediation or conciliation between the subject member and the complainant; or
- Any other action capable of resolving the complaint.

If the Monitoring Officer's attempts to reach an informal resolution are unsuccessful, he/she can reconsider the complaint and pursue other options available or refer for formal investigation as set out below.

### **Stage 3 - Formal Investigation and report**

Any investigation, under Stage 3 of this process, will be conducted either by the Monitoring Officer or a person appointed by him/her. (If the Monitoring Officer himself/herself conducts the investigation he/she will not be able to act as the advisor to the Standards Committee at any subsequent hearing relating to that complaint).

The investigating officer will examine any available evidence of the alleged Breach and will interview the complainant, the subject member and, if appropriate, any witnesses. He/she will prepare a report setting out:

- Established/agreed facts;
- Facts which are not agreed and corresponding conflicting evidence;
- His/her conclusion on whether or not there has been a breach of the Code of Conduct.

#### Completion of the investigation

The Investigation Report will be considered by the Monitoring Officer with the Independent Person. The Monitoring Officer can dismiss the complaint, seek an informal resolution or take other action as appropriate including referring the matter to a Standards Hearing.

If the conclusion of the investigation is that there has been no breach of the Code of Conduct, the Monitoring Officer will inform the complainant and the subject member of that finding and tell them either that no further action is to be taken or, if applicable, that he/she intends to take some other action outside of the complaints process.

If the conclusion of the investigation is that there has been a breach of the Code of Conduct, the Monitoring Officer can seek to resolve the issue

informally without a hearing, for example, by the subject member admitting the breach and apologising. However, if the Monitoring Officer cannot reach a suitable resolution or he/she considers such an approach to be inappropriate, he/she will arrange a hearing of the Standards Committee.

#### **Stage 4 – Standards Committee Hearing**

A hearing may be called where the investigator has concluded that there has been a breach of the Code of Conduct and the Monitoring Officer has concluded that the matter cannot otherwise be resolved informally.

The hearing will be arranged at least 14 days and no later than 3 months after the investigation report has been issued. Where that is not possible, the Monitoring Officer should notify the relevant parties of the reason for the delay and provide an estimated timescale.

If a complaint has reached this stage, the hearing will normally be held in public, in order to promote public confidence and ensure fairness and transparency. However, the Committee will be able to resolve to exclude the public and press whilst any confidential or exempt information is considered and will usually do so when reaching its decision.

Once a date has been set for the hearing the Monitoring Officer will notify:

- The subject member;
- The investigator;
- The relevant Independent Person;
- The complainant (if appropriate);
- The clerk of any relevant town or parish council.

If the subject member is unable to make the specified date the panel may arrange the hearing to be held on a different date, provided that they are satisfied that the subject member has given an acceptable reason. Where the subject member does not give an acceptable reason or does not reply within a specified time, the panel will proceed with the date and may consider the report in the subject member's absence.

Arrangements for the hearing will be made in accordance with the pre-hearing procedure attached as Annex B.

The procedures to be followed at the hearing are set out in Annex C.

The decisions available to the Committee are:

- to take no further action
- to reach an informal resolution between the complainant and the subject member (if agreed by both parties)
- if it finds that there has been a breach of the Code, to impose one or more sanctions listed in paragraph 20 of the Hearing Procedure attached as Annex C.

## **5. Appeals**

There is no right of appeal available either to a complainant or a subject

member against conclusions reached or actions taken by the Monitoring Officer or decisions made by the Standards Committee at any stage in this process.

## **6. Standards Committee Reports**

The Monitoring Officer will submit a summary report of complaints received to each scheduled meeting of the Standards Committee where there is other business to be transacted and otherwise report all complaints annually. Information provided to the committee will include the types of allegations received since the previous meeting and a brief summary of the current position on complaints being dealt with under this process. Information about the names of individuals or specific details of complaints will not be made available at this stage in the process.

No Councillor should reveal any information to the media or in public about a complaint which is currently being dealt with or is not upheld.

## **7. Additional help and contact details**

In line with the requirements of the Equality Act 2010, we can make reasonable adjustments to assist you, if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any support in completing this form or, if you need any further clarification of the complaints process please contact the Monitoring Officer on 01253 887605 or the Democratic Services and Scrutiny Manager on 01253 887481.

When you have completed the attached form, please send it to:

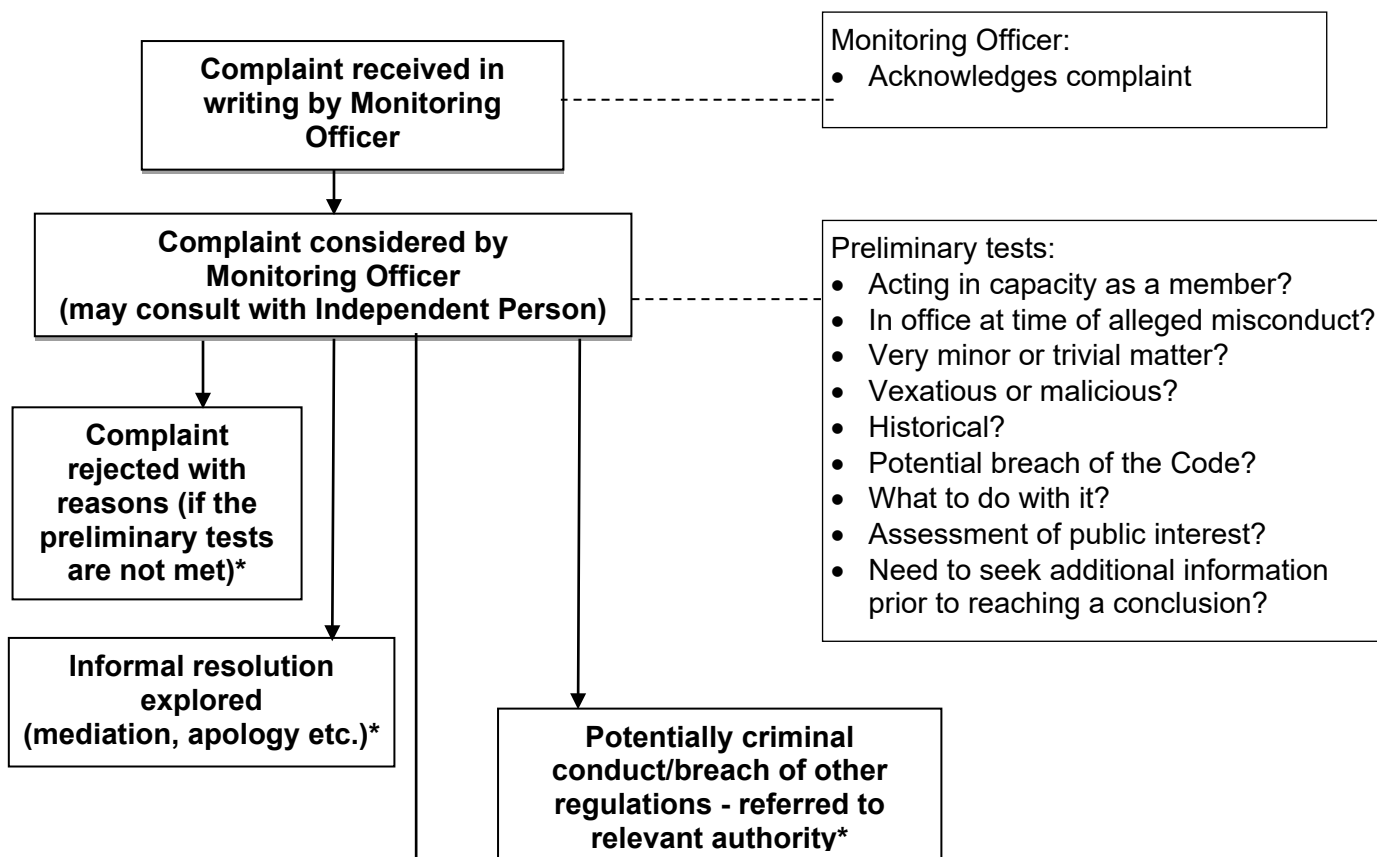
The Monitoring Officer  
Wyre Borough Council  
Civic Centre  
Breck Road  
Poulton-le-Fylde  
Lancashire  
FY6 7PU

Or email to: [monitoringofficer@wyre.gov.uk](mailto:monitoringofficer@wyre.gov.uk)

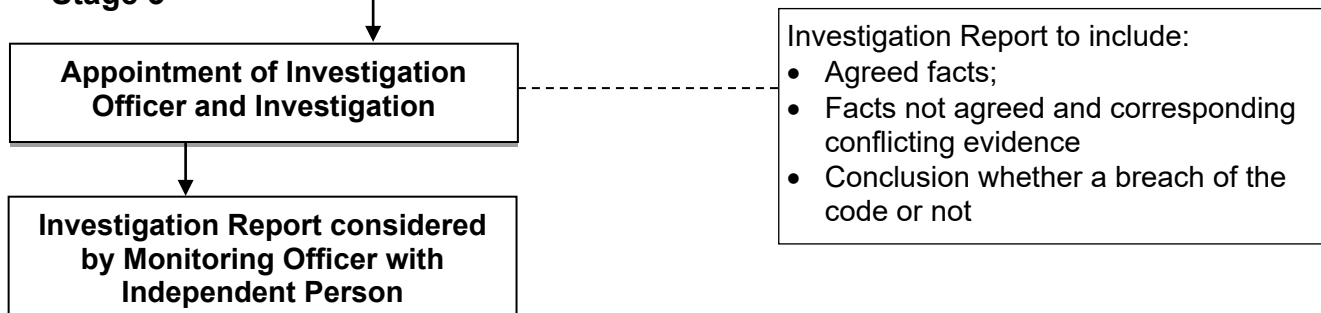
**ANNEX A**

**Complaints Procedure Flowchart**

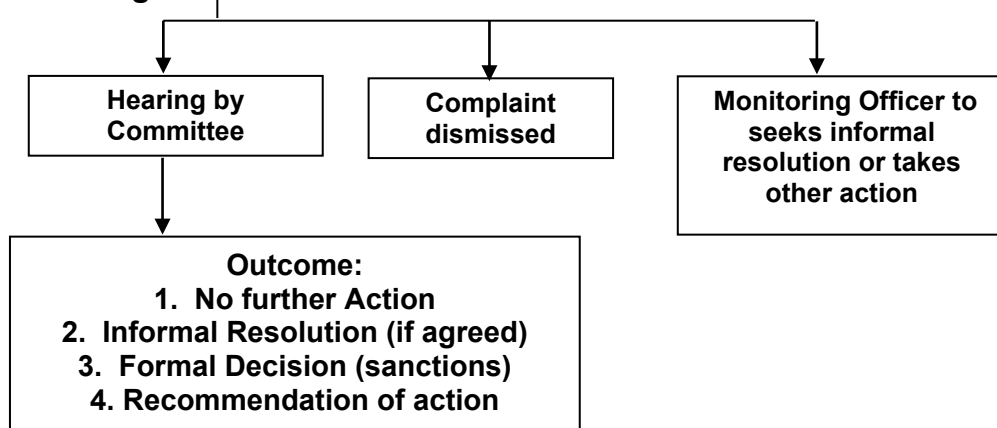
**Stage 1/2**



**Stage 3**



**Stage 4**



The Monitoring Officer will submit summary information on each complaint to each scheduled meeting of the standards Committee.

**ANNEX B****STANDARDS COMMITTEE  
PRE-HEARING PROCEDURE**

1. Where an investigation report has found that there has been a breach of the Code of Conduct, and the matter cannot otherwise be resolved by local resolution, for example by the Subject Member admitting the breach and apologising, a hearing will be arranged. The hearing will generally be a meeting of the Committee convened specifically for that purpose.
2. A copy of the investigation report will be sent to the Subject Member, the complainant, the clerk to the town/parish council if the complaint relates to the Subject Member's conduct as a parish councillor, and to the Independent Person.
3. The Subject Member will be asked for a written response within ten working days. The response should set out the Subject Member's reply to the Investigating Officer's report and state whether he/she disagrees with any of the findings of fact in the report, giving the reasons for any disagreement. The response must also state if he/she:
  - wishes to be represented or accompanied by another person;
  - wishes to give evidence to the Committee, either orally or in writing;
  - wishes to call relevant witnesses to give evidence to the Committee;
  - wishes any part of the hearing to be held in private;
  - wishes any part of the Investigating Officer's report or other relevant documents to be withheld from the public.

The Subject Member may seek the views of the Independent Person who has not been involved in the consideration of the earlier stages in the complaints process.

4. The Subject Member will be informed that if, at the hearing by the Committee, he/she seeks to dispute any matter contained in the Investigating Officer's report without having previously notified the intention to do so, the Committee may refuse to allow the disputed matters to be raised unless satisfied that there are good reasons why they have not been raised beforehand.
5. Upon receipt of the Member's response, the Investigating Officer will be invited to comment on it within ten working days, and to say whether or not he/she:
  - wishes to call relevant witnesses to give evidence or submit written or other evidence to the Committee
  - wishes any part of the hearing to be held in private
  - wishes any part of the report or other relevant documents to be withheld from the public
6. Upon receipt of the Investigating Officer's response, the person advising the Committee at the hearing (either the Monitoring Officer or if he/she has carried out the investigation, the Deputy Monitoring Officer) will consider the responses of the Subject Member and the Investigating Officer and set a date for the hearing in consultation with the chairman of the Committee.



7. The Subject Member and the Investigating Officer will be entitled to request that any witnesses they want should be called. However, the Chairman of the Committee may limit the number of witnesses to be called, if he/she believes the number requested is unreasonable and that some witnesses will simply be repeating the evidence of earlier witnesses, or else not providing evidence that will assist the Committee to reach its decision.
8. Nothing in this procedure shall limit the Chairman of the hearing from requesting the attendance of any additional witnesses whose evidence he/she considers would assist the Committee to reach its decision.
9. The Monitoring Officer, in consultation with the Chairman and the Independent Person, will:
  - confirm a date, time and place for the hearing
  - confirm the main facts of the case that are agreed
  - confirm the main facts that are not agreed
  - provide copies of any written evidence to the relevant parties
  - confirm which witnesses will be called by the parties
  - provide the parties with copies of the proposed procedure for the hearing, specifying which parts of the matter, if any, may be considered in private

**ANNEX C****STANDARDS COMMITTEE  
HEARING PROCEDURE**

1. The Hearing Committee will decide, on a balance of probabilities, on the evidence presented to it, whether the complaint is upheld.
2. All matters will be decided by a simple majority of votes cast. If there are equal numbers, the Chairman shall have a second and casting vote.
3. The Independent Person will attend the hearing in an advisory, non-voting capacity.
4. The meeting will be open to the press and public unless confidential or exempt information is likely to be disclosed and a resolution is passed to exclude them.
5. The Procedure for the hearing shall be as follows, but the Chairman may agree to vary this procedure in any particular instance where he/she is of the opinion that such variation is necessary in the interests of fairness.
6. The Subject Member may be represented or accompanied during the meeting with the permission of the Committee. It is the responsibility of the Subject Member to arrange any representation.
7. The Committee may take advice from the Monitoring Officer/Deputy Monitoring Officer (provided that they have not conducted the investigation) at any time during the hearing or during its deliberations. The substance of any advice given to the Committee will be shared with the Subject Member and Investigating Officer if they are present at the hearing.
8. At the start of the hearing, the Chairman will introduce each of the members of the Committee, the Independent Person, the Subject Member (if present), the Investigating Officer (if present) and any other officers present, and shall then explain the procedure which the Committee will follow in the conduct of the hearing.
9. The Committee shall then confirm that it is quorate, and deal with any disclosures of interests.
10. If the Subject Member is not present at the start of the hearing:
  - The Chairman will ask the Monitoring Officer/Deputy Monitoring Officer whether the Subject Member has indicated his/her intention not to attend the hearing.
  - The Committee will then consider any reasons which the Subject Member has provided for not attending the hearing and will decide whether it is satisfied that there is sufficient reason for such failure to attend.
  - If the Committee is satisfied with such reasons, it will adjourn the hearing to another date.
  - If the Committee is not satisfied with such reasons, or if the Subject Member has not given any such reasons, the Committee will decide whether to consider the matter and make a determination in the absence of the Subject Member, or to adjourn the hearing to another date.

11. After the preliminary procedures, the Committee will consider whether or not there are any significant disagreements about the facts contained in the Investigating Officer's report.
12. If there is disagreement, the Investigating Officer will present the evidence which is relevant to the facts in dispute. With the permission of the Committee, witnesses can be called to give relevant evidence. The Subject Member, the Committee members and the Independent Person may ask questions of the Investigating Officer or any witness.
13. The Subject Member or his/her representative will then present the evidence that is relevant to the facts in dispute. With the permission of the Committee, witnesses can be called to give relevant evidence. The Investigating Officer, the Committee members, the Independent Person and the Monitoring Officer/Deputy Monitoring Officer, may ask questions of the Subject Member or any witnesses.
14. If the Subject Member disagrees with any relevant fact in the report without having given prior notice, he or she must give good reasons for not mentioning it before the hearing. After considering the Subject Member's explanation, the Committee may continue with the hearing, relying on the information in the report, may allow the Subject member to make representations about the issue and invite the Investigating Officer to respond and call any witnesses as necessary, or may postpone the hearing to arrange for appropriate witnesses to be present.
15. Having usually considered the evidence submitted in public the Committee will consider in private, with the Independent Person and the Monitoring Officer (or the Deputy Monitoring Officer), its findings of fact, and its conclusion on whether there has been a failure to comply with the Code of Conduct. Depending on the complexity of the case, this may be done in two stages, with the Committee first hearing evidence and making findings of fact, and then hearing representations as to whether, on those facts, there has been a failure to comply with the Code of Conduct and making a finding on that issue.
16. At any stage in the consideration of the matter, the Committee may return to ask further questions of the Investigating Officer or the Subject Member or seek further information. The other party will be given an opportunity to comment upon the questions asked or the responses made.
17. At the conclusion of the Committee's deliberations, the Chairman will advise the Subject Member and the Investigating Officer of their findings.
18. If the Committee concludes that the Subject Member has failed to comply with the Code of Conduct, the Chairman will invite representations from the Investigating Officer and the Subject Member as to what action, if any, it should take, and will take advice also from the Independent Person. The Committee may ask questions of the Subject Member and the Investigating Officer. The Subject Member will be invited to make any final relevant points.
19. The Committee shall then consider in private, with the Independent Person and the Monitoring Officer or Deputy Monitoring Officer) whether to impose a sanction, and, if so, what sanction to impose and when that sanction should take effect.

20. The sanctions open to the Committee are:
- to censure the subject member;
  - to report its findings to full Council (or relevant parish council);
  - to recommend the subject member's Group Leader (or in the case of an ungrouped member to recommend to the Council) the removal of the Subject Member from any or all Committees;
  - if the subject member is a member of the Cabinet, to recommend the Leader of the Council to remove them from the Cabinet or to relieve them of particular Portfolio Holder responsibilities (in some circumstances this might be for a limited period of time);
  - to recommend to the subject members Group Leader that he/she be removed from some or all outside appointments to which he/she has been appointed by the Council;
  - to instruct the Monitoring Officer to request the subject member to attend training;
  - to withdraw any equipment or privileges provided to the subject member by the Council for a specified period of time as deemed appropriate by the Committee;
  - to exclude the subject member from the Council's offices with the exception of meeting rooms as necessary for attending Council, Committee or Task Group meetings, for a specified period of time;
  - if relevant recommend to council that the subject member be removed from their role as leader of the authority;
  - if relevant recommend to the secretary or appropriate official of a political group that the councillor be removed as group leader or other position of responsibility.
21. If the finding relates to the Subject Member's conduct in his/her capacity as a town/parish councillor, the Committee will report its findings to the town/parish council, and may make recommendations to the town/parish council on the imposition of sanctions.
22. In deciding to impose a sanction, the Committee will consider all the relevant circumstances.
23. The Chairman will announce the decision of the Committee. Written notice of the findings of the Committee will be given as soon as is reasonably practicable to the Subject Member. If the complaint was against the Subject Member as a town/parish councillor, written notice of the findings of the Committee will also be sent to the Town/Parish Clerk.
24. The Committee may consider making any recommendations to the authority concerned with a view to promoting higher standards of conduct among its members.
25. The decision of the Committee, whether or not there has been a finding of breach of the Code of Conduct, will be made public.

# COMPLAINT FORM: ALLEGED BREACHES OF THE COUNCILLORS CODE OF CONDUCT

## Your Details

1. Please provide us with your name and contact details:

Title (Mr/Mrs/Ms/Other): .....

First Name: .....

Last Name: .....

Address: .....

Daytime Telephone: .....

Evening Telephone: .....

Mobile Telephone: .....

Email Address: .....

(Please see attached notes explaining who this information will be given to).

2. Please tell us whether you are:

- A member of the public
- An elected or co-opted Councillor
- A Member of Parliament
- A Monitoring officer for another Council
- A Council employee
- Other (please specify)

3. Please state the name of the Councillor(s) you believe have breached the Code of Conduct and which Council they are a Member of:

<u>First Name</u>	<u>Last Name</u>	<u>Council Name</u>

(Please note that if your complaint relates to a Wyre Borough Councillor who is also a Lancashire County Councillor or a Member of a Parish or Town Council within the Wyre area, then the information on this form may be shared with that other Council).

4. Please explain in this section what the Councillor has done that you believe breaches the Code of Conduct. If you are complaining about more than one Councillor you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the Monitoring Officer when he/she decides whether to take any action on your complaint. For example:

- You should state which specific provision(s) in the Code of Conduct which you think the Councillor has failed to comply with.
- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

- 5. If you do not want your name to be revealed to the Councillor you are complaining about, please say why here.

(Please see attached notes explaining how such requests will be considered).

Date: .....

Please send your completed form to:

The Monitoring Officer  
Wyre Borough Council  
Civic Centre  
Breck Road  
Poulton-le-Fylde  
Lancashire  
FY6 7PU

Or email to: [monitoringofficer@wyre.gov.uk](mailto:monitoringofficer@wyre.gov.uk)

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<b>Report of:</b>	<b>Meeting</b>	<b>Date</b>
Mary Grimshaw, Monitoring Officer	Standards Committee	16 March 2023

<b>Guidance for Councillors and Officer on Gifts and Hospitality</b>
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**1. Purpose of report**

1.1 To present to members an updated guidance document for councillors and officers on gifts and hospitality.

**2. Outcomes**

2.1 The adoption of the guidance as amended.

**3. Recommendations**

3.1 Members are requested to consider the guidance documents with amendments set out in Appendix 1.

**4. Background**

4.1 The guidance document forms part of the Council Constitution and has been reviewed to ensure it is up to date with current practice.

**5. Key Issues and proposals**

5.1 The review has resulted in an amendment in section 6 to include gifts received from the same source which cumulatively are over the value of £50 in a 12 month period. This brings the guidance in line with that for officers.

<b>Financial and legal implications</b>	
Finance	None arising directly from this report.
Legal	Councillors are required by the Council's Code of Conduct to report acceptance of gifts and hospitality. Failure to report may be a breach of the Code.

### **Other risks/implications: checklist**

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report for those issues marked with an X.

risks/implications	✓ / x
community safety	x
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
ICT	x
data protection	x

### **Processing Personal Data**

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a 3<sup>rd</sup> party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
Mary Grimshaw	01253 887214	Mary.grimshaw@wyre.gov.uk	27 February 2023

<b>List of background papers:</b>		
name of document	date	where available for inspection
None		

### **List of appendices**

Appendix 1 – Guidance for Councillors and Officers on Gifts and Hospitality

# **GUIDANCE FOR COUNCILLORS AND OFFICERS ON GIFTS AND HOSPITALITY**

## Guidance for Councillors on Gifts and Hospitality

1. This Guidance is intended to complement the council's Members' Code of Conduct. It offers guidance to Councillors with regards to best practice and the need to preserve integrity and demonstrate good governance. It has been written to protect both individual Councillors and the council. The intention of the Guidance is to ensure that the council can demonstrate that no undue influence has been applied or could be said to have been applied by any supplier or anyone else dealing with the council and its stewardship of public funds.
2. All Councillors have undertaken to abide by the council's Code of Conduct. Councillors must not use their authority or office for personal gain and shall seek to uphold and enhance the standing of the council by;
  - Maintaining an unimpeachable standard of honesty and integrity in all their business relationships.
  - Complying with the law, regulations and the council's own policies and procedures.
  - Rejecting any business practice that might be deemed improper.
  - At all times when acting for or on behalf of the council, put the interests and the reputation of the council first.
3. As a general rule **business gifts and hospitality should not be accepted by any Councillor**. The general test of caution is one of common sense. Would the public question the appropriateness of hospitality or gifts received by the councillor? You must never solicit a gift or hospitality, or accept any gift or hospitality offered as an inducement or which puts you under any obligation. On the other side of the coin, Councillors often do not wish to cause offence by rejecting a gift or offer of hospitality, for example when a member of the public wants to reward good service by offering chocolates, or a bottle of wine. It's about where to draw the line.
4. In summary, if a gift is received or hospitality accepted, unless it is of purely "token" value (e.g. a calendar, pen, or free gift at an exhibition), it should be declared to the Monitoring Officer, who will record the details in the council's register. Any such gifts should be reported to the Monitoring Officer as soon as possible and, in any case, within 28 days of receipt.
5. If you register the gift, or hospitality you received, it is then on the public record and open to scrutiny if necessary. It cannot later be alleged that the gift or hospitality was accepted, in a secret, 'underhand' way, with an ulterior motive.
6. Prior to accepting **any** gift or hospitality with a value of **£50** or more, a Councillor must seek authorisation from the Monitoring Officer. This includes gifts that are received from the same source which cumulatively, are over the value of £50 in a 12 month period. Only once consent has been given should the councillor take ownership. The details must then be provided immediately to the Monitoring Officer for recording in the council's register.

7. In relation to conventional hospitality (lunches, outings etc.) these should only be accepted provided that it is normal and reasonable in the circumstances to do so. An invitation that appears over-generous should be declined; it could be seen as an inducement to affect a Council decision. Again, you must declare the hospitality and it is advisable to discuss the offer with the Monitoring Officer if you are in any doubt as to the motive.
8. The register of gifts and hospitality and interests will be constantly updated and reviewed by the Monitoring Officer and the information will be retained for a period deemed necessary to demonstrate good governance and to address any allegations of misconduct accordingly.

### Step by Step Guide

1. **Token Gifts** with no real monetary value can be accepted and do not need to be declared. These include calendars, pens etc. If you are in any doubt as to the classification of token gifts, ask the Monitoring Officer.
2. **Gifts Under £50** in value can be accepted but must be declared as soon as possible and, in any case, within 28 days of receipt. An entry will be made on the council's register by the Monitoring Officer.
3. **Gifts Over £50** in value must not be accepted without prior permission from the Monitoring Officer. If authorisation is given, and the gift accepted, it must then be registered as above.

To

**Declaration of Receipt of Gifts or Hospitality**

Name	
What was the gift or hospitality?	
What is your best estimate of its market value or cost?	
Who provided it?	
When and where did you receive it?	
Did you get the consent of any officer before accepting it? If so, who?	
Were there any special circumstances justifying acceptance of this gift or hospitality?	
Do you have any contact in your role as a Councillor with the person or organisation providing the gift or hospitality?	
Signed	Date

## Policy for Officers on Gifts and Hospitality and Registering Interests

1. This policy is intended to complement the council's Employee Code of Conduct and Disciplinary Procedures and offers guidance for officers with regards to best practice and the need to preserve integrity and demonstrate good governance. It has been written to protect the officer as much as to protect the council. The intention of the policy is to ensure that the council can demonstrate that no undue influence has been applied or could be said to have been applied by any supplier or anyone else dealing with the council and its stewardship of public funds.
2. Officers of the council are bound by specific rules, codes of conduct and protocols, as are Members. Officers shall not use their authority or office for personal gain and shall seek to uphold and enhance the standing of the council by:
  - Maintaining a high standard of honesty and integrity in all their business relationships;
  - Complying with the law, regulations and the council's own policies and procedures;
  - Rejecting any business practice that might be deemed improper; and
  - Placing the interests and the reputation of the council first when acting for or on behalf of the council.
3. As a general rule, **business gifts and hospitality should not be accepted by any member of staff**. The general test of caution is one of common sense. Would the public question the appropriateness of hospitality or gifts received by the officer? On the other side of the coin, officers often do not wish to cause offence by rejecting a gift or offer of hospitality, for example when a member of the public wants to reward good service by offering chocolates or a bottle of wine. It's about where we draw the line.
4. Personal interests that may impinge or might reasonably be deemed by others to impinge on an employee's impartiality or conflict with the duty owed to the council should be declared in writing. These could be an officer's interests outside work, membership or affiliations to societies or clubs, business interests etc. Anything that may lead to allegations of bias or favouritism; whether it is financial or political, should be declared.
5. The council must be able to show that all its decisions are reached on the basis of value for money for the public and no other reason. Any consideration of whether or not the principles of this policy have been breached will be determined by reference to this principle.
6. Any breach of this policy and the associated codes of conduct could lead to disciplinary action being taken.
7. It is always best to seek a second opinion as to the appropriateness of any gift, hospitality, or regards any interests held outside the council that may be construed as influential, leading to favouritism. If you register the gift, or hospitality you received, or interest you have, it is then on the public record and open to scrutiny if

necessary. It cannot later be alleged that the gift or hospitality was accepted, or interest held, in a secret, 'underhand' way, with an ulterior motive.

8. If a gift is received or hospitality accepted **up to the value of £25**, unless it is of purely "token" value (e.g. diary, pen, free gift at an exhibition), it should be declared using the on-line register from on the HUB for inclusion in the council's register.
9. Prior to accepting any gift or hospitality with **a value of £25 or more**, the Officer should seek authorisation from their immediate line manager, or their Director. Only once consent has been given should the Officer take ownership and complete the on-line register form. Documentation supporting the acceptance should be passed to the Head of Governance and Business Support immediately.
10. In instances where the Chief Executive is in receipt of a gift or hospitality over the value of £25, approval must be sought from the Leader of the council. However, if both the Chief Executive and the Leader of the council are both in receipt of a gift or hospitality, approval must then be sought from the Cabinet.
11. If gifts are received from the same source which cumulatively, are over the value of £25 in a 12 month period, then these must be declared and the officer should seek authorisation from their manager, their Corporate Director or in compliance with the authorisation in paragraph 10 above.
12. The council prohibits the acceptance of cash gifts of any value.
13. Any personal interests that may impinge or might reasonably be deemed by others to impinge on an Officer's impartiality, or cause conflict with the duties of a Council officer as detailed above (such as conflicting business interests) should be declared in writing to the Officer's line manager. The details should then be passed to the Head of Governance and Business Support to be entered onto the council's Register.
14. In relation to conventional hospitality (lunches, golf days, etc) these should only be accepted provided that it is normal and reasonable in the circumstances to do so. An invitation that appears over-generous should be declined; it could be seen as an inducement to affect a Council decision. Again, you must declare the hospitality and it is advisable to discuss the offer with your line manager if you are in any doubt as to the motive.
15. Any officer who is aware of any business dealings conferring personal gain, or involving relatives or associates of a member of staff must supply these details to the Head of Governance and Business Support for entry into the Register. The council's Whistle Blowing Policy can be used to divulge such information in confidence.
16. The council's Monitoring Officer and Audit Committee will inspect the register of gifts, hospitality and interests annually, and the information will be retained for a period deemed necessary to demonstrate good governance and to address any allegations of misconduct accordingly.
17. The effectiveness of this policy will be reviewed regularly by carrying out various training / refresher exercises.



**REMEMBER >>> If in doubt, declare it!!.****Step by Step Guide**

1. **Token gifts** with no real monetary value can be accepted and do not need to be declared. These include calendars, diaries, pens etc. If you are in any doubt as to the classification of token gifts, just ask.
2. **Gifts under £25** in value can be accepted but must be declared to your line manager and reported using the on-line form on the HUB for inclusion on the council's register.
3. **Gifts over £25** in value must not be accepted without prior permission from line management or Corporate Director. If authorisation is given, and the gift accepted, it must then be registered as above.
4. **Declaration of Interests**; if you feel that a personal involvement outside of work may affect judgements made in work, or be construed as doing so, these must be declared and registered as above.
5. **Cash gifts of any value are strictly prohibited!**

**Some useful links / contacts**

Employee Code of Conduct	<a href="https://wyregovuk.sharepoint.com/sites/HumanResourcesDepartment/SitePages/Policies-and-procedures.aspx">https://wyregovuk.sharepoint.com/sites/HumanResourcesDepartment/SitePages/Policies-and-procedures.aspx</a>
Whistleblowing policy	<a href="https://wyregovuk.sharepoint.com/sites/Governance/SitePages/Counter-fraud-and-corruption.aspx">https://wyregovuk.sharepoint.com/sites/Governance/SitePages/Counter-fraud-and-corruption.aspx</a>
Anti- Fraud, Corruption and Bribery	<a href="https://wyregovuk.sharepoint.com/sites/Governance/SitePages/Counter-fraud-and-corruption.aspx">https://wyregovuk.sharepoint.com/sites/Governance/SitePages/Counter-fraud-and-corruption.aspx</a>
Disciplinary Policy	<a href="https://wyregovuk.sharepoint.com/sites/HumanResourcesDepartment/SitePages/Policies-and-procedures.aspx">https://wyregovuk.sharepoint.com/sites/HumanResourcesDepartment/SitePages/Policies-and-procedures.aspx</a>
Head of Governance and Business Support	<a href="mailto:Joanne.billington@wyre.gov.uk">Joanne.billington@wyre.gov.uk</a> or telephone 01253 887372
Monitoring Officer	<a href="mailto:Mary.grimshaw@wyre.gov.uk">Mary.grimshaw@wyre.gov.uk</a> or telephone 01253 887214
Deputy Monitoring Officer	<a href="mailto:Jane.collier@wyre.gov.uk">Jane.collier@wyre.gov.uk</a> or telephone 01253 887506

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Report of:	Meeting	Date
Mary Grimshaw, Legal Services Manager	Standards Committee	16 March 2023

<b>Members' Code of Conduct Complaints - Summary</b>
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## 1. Purpose of report

- 1.1 To advise the Committee of the number and status of complaints received since the last meeting under the Members' Code of Conduct which have been, or are to be, considered by the Monitoring Officer and the Independent Person.

## 2. Outcomes

- 2.1 The public and councillors have confidence in the high standards of local government, and that there is transparency about the conduct of councillors and the mechanisms for dealing with alleged breaches of the Codes of Conduct.

## 3. Recommendations

- 3.1 That the Standards Committee note the outcome of concluded complaints and the progress of those still outstanding.

## 4. Background

- 4.1 The council and individual members are required to promote and maintain high standards of ethical behaviour as is required under section 27 of the Localism Act 2011 ("the Act"). The Act requires the council to have in place arrangements, under which allegations that a member of the council has failed to comply with the Code of Conduct can be investigated and decisions made on such allegations.
- 4.2 At previous Standards meetings it has been agreed that a statistical outline be provided to Members and a more detailed summary on a biannual basis.

## 5. Key Issues and proposals

**5.1** The complaints received are summarised in the attached schedule – Appendix 1. Officers have combined a brief description of each complaint and outcome together with a summary of the type of complaint. However no personal information is provided. This will allow members to take an holistic view of the complaints whilst also considering whether there are any issues of particular concern and whether the outcomes are being used appropriately and effectively.

**5.2** Since the last meeting, the Monitoring Officer has received 20 complaints. Many of these have been relatively minor issues and in the majority (75%) of cases it was concluded that there was no breach of the code. Where there was no breach it was often the case that the subject member was not acting in their capacity and others received were due to the complainant not being happy/satisfied with a council decision. Of those where it was determined that a breach occurred the MO & IP considered them best dealt with informally and have therefore been concluded without the need for formal report for Standards Committee with the subject member being provided with advice or signposting for training. Common themes of the complaints received have been inappropriate or disrespectful behaviour and inappropriate social media comments.

## 6. Data Protection Considerations

**6.1** Personal data has been processed during the consideration / investigation of complaints. Whilst a privacy impact assessment has not been completed on this occasion, previous advice and guidance has been obtained from the councils Data Protection Officer in relation to ensuring that the privacy of data subjects is considered at each stage of the process.

<b>Financial and legal implications</b>	
Finance	None arising directly from this report.
Legal	The council has a legal duty to respond to complaints made against councillors alleging breaches of the Code of Conduct and have in place suitable procedures for handling and investigating complaints. The council is also responsible for having arrangements in place to investigate and determine allegations against parish councillors.

### **Other risks/implications: checklist**

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report for those issues marked with an X.

risks/implications	✓ / x
community safety	x
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
ICT	x
data protection	✓

### **Processing Personal Data**

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a 3<sup>rd</sup> party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
Mary Grimshaw	01253 887214	Mary.grimshaw@wyre.gov.uk	27 February 2023

<b>List of background papers:</b>		
name of document	date	where available for inspection
None		

### **List of appendices**

Appendix 1 Schedule of current complaints

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**Summary of current complaints 2022-23**

**The following alleged breaches of the Code of Conduct are either currently being dealt with under the Council's complaints process or have been concluded since the meeting of the Standards Committee held on 16 June 2022**

Ref No	Subject Member	Category of Complaint	Progress/Outcome
2022/5	Wyre Councillor	Allegation regarding inappropriate behaviour at a FTC meeting and posting inappropriate messages on Facebook	DMO & IP determined that subject member <b>not acting as a councillor</b> at FTC meeting and with posts on social media with the exception of one. Advised to take message down or delete inappropriate words from post. <b>Matter concluded.</b>
2022/6	Wyre Councillors x 2	Allegation that use of office for own financial gain.	Determined subject members <b>not acting in their capacity as councillors. Matter concluded.</b>
2022/7	Fleetwood Town Councillors x 3	Number of allegations around behaviour and comments at FTC meeting 28 June and social media posts in relation to this and some historic events	Some <b>minor breaches of code</b> within allegations – dealt with informally by letter to subject members. Also concern that 'tit for tat' as closely linked to 2022/5. MO & DMO arranging to speak with relevant leaders. <b>Matter concluded.</b>
2022/8	Forton Town Council	Allegations regarding comments made at meeting May 2021 and follow up actions to Wyre Council	<b>No breach of the code. Matter concluded.</b>
2022/9	Unknown Wyre Councillor	Inappropriate comment at Council Meeting	Not able to establish who councillor is and no evidence of any member saying alleged words. <b>Matter concluded.</b>
2022/10	Wyre Councillor	Allegation that inappropriate comments made in public area and planning process unlawful	<b>No evidence of Breach of Code.</b> Subject of the complaint is not a matter dealt with by Wyre Council. Subject member to be spoken to for advice regarding what is said in public arena. <b>Matter concluded.</b>
2022/11	Wyre & FT Councillor	Concerns regarding Warren Farm Community Association sale of property and apparent non-accounting for £95,000	Councillor is not part of association as a councillor so <b>not acting in capacity - no breach.</b> DMO & IP has previously looked into similar allegations and spoken to subject member – no evidence of any fraudulent activity. <b>Matter concluded.</b>

2022/12	Wyre Councillors x 2	Complaint re. lack of response to enquiry – allegation that had been rude and disrespectful	<b>No breach</b> – Officer had replied on councillors behalf. <b>Matter concluded.</b>
2022/13	Wyre Councillor	Allegation about subject member's attitude	<b>No evidence of breach</b> – dealt with informally. <b>Matter concluded.</b>
2022/14	Wyre Councillor	Allegation of discrimination	No evidence provided. DPO emailed complainant but nothing forthcoming. <b>No breach. Matter concluded.</b>
2022/15	Wyre Councillor	Allegation of being disrespectful to attendees at council meeting	Dealt with informally – minor issue. <b>Matter concluded.</b>
2022/16	Wyre Councillor	Allegation re breach of GDPR & failed to act as elected member of Wyre Council	Data sharing in line with privacy notice, no evidence regarding failure to act as elected member – <b>no breach of code. Matter concluded.</b>
2022/17	Wyre Councillor	Allegation that subject member has been disrespectful to complainant	Dealt with informally – subject member apologised to complainant. <b>Matter concluded.</b>
2022/18	Preesall Town	Allegation of disrespectful behaviour	Considered to be <b>breach of code</b> by MO/DMO & IP. Letter sent to subject member recommending apology to complainant. <b>Matter concluded.</b>
2022/19	Wyre Councillor	Allegation regarding conduct - abuse of power of a committee member	More of a matter for planning appeal than code of conduct issue. Referred to complaints procedure. <b>Matter concluded.</b>
2022/20	Wyre Councillor	Complaint re. lack of response to enquiry	Complainant also contacted Leader who dealt with complaint and therefore dealt with informally by MO/DMO. Member has apologised to complainant. <b>Matter concluded.</b>
2022/21	Wyre Councillor	Allegation that subject member had not attended any official meetings in 6 month period	Allegation incorrect – <b>no breach of the code. Matter concluded.</b>
2022/22	Wyre Councillor	Allegation regarding inappropriate Facebook posts	No further information provided. <b>No evidence of breach. Matter concluded.</b>
2022/23	Wyre Councillor	Allegation of inappropriate behaviour – tiktok posts.	Concluded not acting in capacity as councillor – <b>no breach of the code. Matter concluded.</b>
2022/24	Wyre Councillor	Allegation of racist comments	MO contacted complainant to gain further information. Met with subject member in liaison with IP. Determined that comments misconstrued – <b>No breach of the code.</b> Advice given to subject member and signposted to e-learning. <b>Matter concluded.</b>