

Report of:	Meeting	Date
Mary Grimshaw, Legal Services Manager	Standards Committee	16 June 2022

Members' Code of Conduct Complaints- Summary

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.
- 3.2** That the Standards Committee decide on the frequency and style of the complaints summary.

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. This report provides a summary to Members of the complaints received since the last Committee meeting.
- 4.2** At the Standards Committee on 18 March 2021, it had been agreed to provide the reporting of complaints in a more statistical manner rather

than in a schedule with a summary of each individual complaint that had been done previously. The statistical report provides members with a breakdown of complaints that are occurring and whether they are Borough or Town/Parish and the types of allegations being reported. It was felt that this more holistic approach would assist with future development and training for members as a whole.

- 4.3** At the last meeting on 11 November 2021, officers were asked to consider what further information might be provided in future without prejudicing any hearings that may become necessary. The Committee asked the MO, Deputy MO and Democratic Services Officer to investigate the practice elsewhere and how complaints are reported at Standards Committee meetings of other authorities.

5. Key Issues and proposals

- 5.1** Since the last meeting, officers have investigated practices elsewhere and also consulted an expert in code of conduct matters. Officers have also had regard to the Local Government Association's Guidance.

The findings are outlined below:

- The Code of Conduct expert confirmed that the statistical approach currently adopted by Wyre was practised in other authorities and was a perfectly acceptable way of providing members with details of the complaints received. He stated that there wasn't one preferred option of reporting a summary of complaints. He also confirmed that it was not appropriate to provide personal information about the complainant or subject member.
- Many councils provide an annual summary to their Standards Committee of the complaints received during the year. It had been agreed at the meeting in March 2021 that the complaints summary would be provided biannually rather than to each meeting of the committee.
- Reports regarding complaints do not contain personal details of the complainant or subject member.
- Some councils provided a statistical report with a breakdown of complaints that were occurring and the types of allegations being reported, similar to the current position at Wyre.
- Other councils provided a summary of each individual complaint and how the complaint had been resolved. This is how the complaints summary had been reported to Wyre's Standards Committee before March 2021.
- The LGA guidance on Member Model Code of Conduct Complaints Handling advised that it is appropriate to report back to the Standards Committee on the outcome of a MO's actions. However the guidance does not state how this should be carried

out and leaves it to each individual council to make that decision.

- 5.2** Since the last meeting, the Monitoring Officer has received five complaints. Of these, one was withdrawn, two were rejected as they did not meet the preliminary tests and two were resolved informally. These are summarised in the attached schedule – Appendix 1. Officers have combined a brief description of each complaint and outcome together with a statistical 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.
- 5.3** Code of Conduct Training was carried out for Councillors on 3 February this year. Twenty-Five members attended on the day and a further 7 have subsequently watched the recorded session that was sent out to all Councillors.
- 5.4** It is a requirement of the Councillors Code of Conduct that training provided by the council is carried out, it is therefore important that the remaining councillors attend the training by watching the recorded session.
- 6.0 Data Protection Considerations**

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.

Financial and legal implications	
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 3rd 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.

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

List of appendices

Appendix 1 Schedule of current complaints