

Report of:	Meeting	Date	Item no.
The Monitoring Officer (Michael Ryan)	Standards Committee	17 March 2016	5

<b>Current Complaints: Summary</b>
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**1. Purpose of report**

- 1.1 To inform the Committee of the latest position with regard to current code of conduct complaints.

**2. Outcomes**

- 2.1 Effective ethical standards arrangements.

**3. Recommendation**

- 3.1 That the current position on complaints listed in the schedule attached as Appendix 1, be noted.
- 3.2 That the position on three complaints being dealt with separately from the routine Code of Conduct complaints process, referred to in paragraph 4.2 be noted.

**4. Current issues**

- 4.1 An anonymised summary of complaints currently being dealt with or completed since that last meeting of the Standards Committee is attached as Appendix 1. The Monitoring Officer will report verbally at the meeting to update the Committee on any further progress on these cases or any issues arising from them.
- 4.2 Since the last meeting of the Committee, three other complaints relating to behaviour or actions by Councillors which might involve breaches of the Code of Conduct have been reported to the Monitoring Officer. However, they do not fall within usual complaints process because the complaints have been made by Council officials rather than another Councillor or a member of the public. These have, nevertheless, been recorded as Code of Conduct Complaints. Brief details are set out below.

- Ref: 2016/03. A complaint by a Parish/Town Clerk about the behaviour of a member of his/her Council. The Councillor who is the subject of this complaint is the Councillor who has made a number of complaints (referenced 2015/07(i), 2015/07(ii), 206/01 and 2016/02 in Appendix 1). Those complaints are about three other councillors from the same parish/town council. Both parties in case ref 2016/03 have now said that they are willing to attend a mediation session to be facilitated by an specialist independent mediator to be appointed by the Monitoring Officer.
  
- Ref: 2016/04. A matter referred to the Monitoring Officer by Wyre's Head of the Contact Centre relating to a benefit claim made by a Wyre Borough Councillor, identified following a data matching exercise carried out with the Department of Work and Pensions (DWP). However, the conclusion of specialist legal advice obtained from Weightmans Solicitors is that the Member concerned was acting in a personal capacity, not in their official capacity as a councillor, when the alleged offence took place and that the Code of Conduct does not apply. It is not yet known what action the DWP is going to take.
  
- Ref: 2016/05. Another issue referred to the Monitoring Officer by Wyre's Head of the Contact Centre, about to a different Wyre Borough Councillor. Specialist legal advice has also been obtained on this case and, although the position is less clear cut, it seems likely that the Councillor concerned was again acting in a personal capacity, rather than as a Councillor. The advice received is that no action should be taken under the Code of Conduct procedure until further investigations relating to other associated matters have been completed.

The Monitoring Officer will provide a verbal update at the meeting.

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

## **List of Appendices**

Appendix 1 Summary schedule of current complaints

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**SUMMARY OF CURRENT COMPLAINTS 17 MARCH 2016**

**The following alleged breaches of the Code of Conduct are currently being dealt with under the Council's complaints process or have been concluded since the last report to the Standards Committee.**

<b>Ref No</b>	<b>Complainant</b>	<b>Subject Member</b>	<b>Category of Complaint</b>	<b>Progress/Outcome</b>
2015/07(i)	A Parish/Town Councillor	A Parish/Town Councillor	<p>Inappropriate comments and behaviour at a Council meeting.</p> <p><i>(Failure to act with integrity and to promote and support high standards of conduct).</i></p>	<p>Preliminary tests considered by the Monitoring Officer and the Independent Person on 9/11/15.</p> <p>Subject Member and Complainant asked to meet together with MO and IP to seek a way forward. Complainant unable to attend on proposed date and requested a separate meeting.</p> <p>Original complaint withdrawn by complainant and new complaint submitted. (Ref 2015/07(ii))</p>
2015/07(ii)	A Parish/Town Councillor	A Parish/Town Councillor	<p>Inappropriate comments and behaviour at Council meetings, in e-mails and to the press.</p> <p><i>(Failure to act with integrity and to promote and support high standards of conduct).</i></p>	<p>Monitoring Officer and Independent Person (BP) interviewed complainant and subject Member (separately) on 11/1/16. Copies of NALC guidance documents and Town/Parish Council minutes and Standing Orders obtained.</p> <p>Complainant and subject Member requested to attend a mediation meeting with an independent professional mediator to be appointed by the Council.</p> <p>Subject member has declined to attend mediation until the complainant has apologised to the Clerk.</p>

Ref No	Complainant	Subject Member	Category of Complaint	Progress/Outcome
2015/08	A member of the public.	A Parish/Town Councillor	<p>Failure to follow appropriate administrative procedures/governance arrangements.</p> <p><i>(Failure to comply with requirement to be as open as possible about decisions and actions)</i></p>	<p>Preliminary tests considered by the Monitoring Officer and the Independent Person (BP) on 9/11/15.</p> <p>Information obtained from the Parish/Town Clerk.</p> <p>Mo and IP (BP) interviewed the subject member on 30/11/15.</p> <p>Concluded that there was no evidence of a breach of the Code and decided to take no further action.</p> <p>Complainant and subject member informed on 8/12/15.</p>
2015/09	A Wyre BC Councillor	A Wyre BC Councillor	<p>Inappropriate comments and failure to declare an interest at a Committee meeting.</p> <p><i>(Failure to act with integrity and to promote and support high standards of conduct)</i></p> <p><i>(Failure to comply with requirement to be as open as possible about to take decisions on merit)</i></p>	<p>Preliminary tests considered by Monitoring Officer and Independent Person (BP) on 17/11/15.</p> <p>MO and IP (BP) interviewed the subject member on 30/11/15.</p> <p>Concluded that the comments made by the subject member at a committee meeting did not amount to a breach of the Code and that there had been no need to declare an interest. No further action to be taken.</p> <p>Complainant and subject member informed on 8/12/15.</p>

Ref No	Complainant	Subject Member	Category of Complaint	Progress/Outcome
2015/10	<p>A Wyre BC Councillor</p> <p>Related complaints also received from a Parish/Town Councillor and a member of the public</p>	A Wyre BC Councillor	<p>Failure to follow correct procedures at a Committee meeting.</p> <p><i>(Failure to comply with requirement to be as open as possible about decisions and actions)</i></p>	<p>Preliminary tests considered by Monitoring Officer and Independent Person (BP) on 14/11/15.</p> <p>MO and IP (BP) interviewed subject member on 30/11/15.</p> <p>Concluded that there was no evidence of a breach, but agreed to review procedures for dealing with the call-in of Executive decisions at Overview and Scrutiny Committee meetings.</p> <p>Complainants and subject members informed on 8/12/15.</p> <p>(Report on call-in procedures to be submitted to Council on 14/4/15).</p>
2016/01	A Parish/Town Councillor	A Parish/Town Councillor	<p>Unauthorised expenditure incurred. Failure to follow correct procedures.</p> <p><i>(Failure to act with integrity and to promote and support high standards of conduct).</i></p>	<p>Preliminary tests considered by Monitoring Officer and Independent Person (BP) on 11/1/16. Considered to be a relatively trivial complaint, involving no breach of Council procedures or of the Code of Conduct. No further action to be taken.</p> <p>Complainant and subject member informed.</p> <p>Complainant requested an appeal, but informed that no appeal process available.</p>

Ref No	Complainant	Subject Member	Category of Complaint	Progress/Outcome
2016/02	A Parish/Town Councillor	A Parish/Town Councillor	Offensive personal remarks made at council meeting in October 2015	"On hold" pending outcome of the mediation session being arranged between the complainant and the subject member about ref 2016/03
2016/03	A Parish/Town Clerk	A Parish/Town Councillor	See paragraph 4.2 of covering report	
2016/04	Head of Contact Centre, Wyre BC	A Wyre BC Councillor	See paragraph 4.2 of covering report	
2016/05	Head of Contact Centre, Wyre BC	A Wyre BC Councillor	See paragraph 4.2 of covering report	
2016/06	A Member of the public	A Wyre BC Councillor	"Breach of trust".  <i>(Failure to act with integrity and to promote and support high standards of conduct).</i>	Considered by MO and IP (BP) on 7/3/16. Insufficient information provided to enable the initial tests to be considered, so further information to be sought from the complainant.
2016/07	A Wyre BC Councillor	9 Wyre BC Councillors	Failure to follow correct procedures at a Committee meeting.  <i>(Failure to comply with requirement to be as open as possible about decisions and actions)</i>  Linked to complaint Ref 2015/10	Initial tests considered by MO and IP (BP) on 7/3/16.  The complainant to be invited to meet with the MO and IP to discuss various issues raised by the complaint, to clarify the outcome sought and to consider possible ways forward.

Updated 9/3/16

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