

Member Code of Conduct Complaints

Report of Monitoring Officer

Date: 14 November 2019

Agenda item no: 9

Officer Title: Christie Tims – Head of Corporate Services and
Monitoring Officer

Local Ward Members: N/A



**Audit and Member
Standards Committee**

1. Executive Summary

- 1.1 Each year the Council's Monitoring Officer is required to advise the committee of their monitoring activity in respect of Member Code of Conduct complaints.
- 1.2 This year has been particularly busy, with a high number of complaints compared to previous reports with 13 complaints this year to date.
- 1.3 Of particular note is also the focus on declarations of interest and the use of dispensations for members to ensure the efficient running of the Council.

2. Recommendations

- 2.1 To receive the report and note the ongoing work to improve standards and members understanding of the code.

3. Background

- 3.1 On 21 May Full Council appointed nine elected members to Audit and Member Standards Committee. In addition to the statutory officers, the committee also includes an independent person as required by our Code of Conduct who is available to consult with the Monitoring Officer or the committee as required on conduct matters.
- 3.2 Training was provided to District Councillors on the members Code of Conduct and constitutional matters during the induction day on 14th May.
- 3.3 The current Code of Conduct regime was established through the Localism Act 2011 which requires that under section 27, a relevant authority must:
 - Promote and maintain high standards of conduct by its members and co-opted members.
 - When discharging its duty, adopt a voluntary code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in their capacity as members (that is in an official capacity).
- 3.4 Section 28 provides that the Code of Conduct must include certain provisions and when viewed as a whole be consistent with the following principles:
 - (a) selflessness;
 - (b) integrity;
 - (c) objectivity;
 - (d) accountability;
 - (e) openness;

- (f) honesty;
- (g) leadership.

3.5 It also provides that “A relevant authority other than a parish council” (in this case this council as District Council) must have in place—

- (a) arrangements under which allegations can be investigated, and*
- (b) arrangements under which decisions on allegations can be made.*

It goes on to be clear that those arrangements put in place must include provision for the appointment by the authority of at least one independent person and seek that person’s views at certain stages.

- 3.6 This Council has adopted arrangements under which allegations are investigated and under which decisions on allegations can be made. These are kept regularly under review (and indeed were amended by the Council as part of the new constitution adopted in May 2018) and clearly meets the requirements of the Act.
- 3.7 Further work is also planned to incorporate updated guidance from the Committee on Standards in Public Life following a review on Local Government Ethical Standards. This will also look at underpinning procedures for investigations and assessment committees to ensure best practice and lessons learned from recent investigations. An updated code of practice is set to be launched in July 2020 at the LGA conference.
- 3.8 The general approach we have taken on investigations has been that those involving parish councillors will generally be done by an officer of the District Council and those involving district councillors will be done using an external investigator. Where possible we use Monitoring Officers from other authorities as external investigators to keep the costs down.
- 3.9 The Monitoring Officer maintains a Code of Conduct Complaints register which details 13 complaints for 2019 to date, three of which relate to district matters.
- 3.10 Sessions to advise Parish Councillors of their responsibilities under the code of conduct will also be held in the New Year following the review as announced at Parish Forum.
- 3.11 Following advice from South Staffordshire District Council Legal team dispensations have been put in place for members with pecuniary conflicts of interests due to spouses who are County Council members. These are currently specific to matters relating to Friary Grange Leisure Centre and may need to be considered in future relative to the relationship in decision making to the County Council interests.
- 3.12 Members have also had extensive advice regarding pre-determination, in relation to petitions and also in respect of planning. A specific session was held for the District Planning Committee, where the issues were extensively discussed and all issues relating to pre-determination and dual-hatted members (who also sit on Planning Committee at Parish level) were clarified.

Alternative Options	The provisions under the Localism Act 2011 are duties not powers and the Council is required to consider Code of Conduct complaints for both District and Parish members.
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Consultation	Where possible, complainants and subject members have been contacted regarding their experience of the code of conduct complaint process to identify possible issues and improvements, these will be fed into the planned review. We have ongoing support from South Staffordshire District Council legal team regarding current advice and guidance.
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Financial Implications	None; there are no further implications.
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Contribution to the Delivery of the Strategic Plan	Sound governance is a key aspect of our strategic plan.
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Equality, Diversity and Human Rights Implications	None
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Crime & Safety Issues	None
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GDPR/Privacy Impact Assessment	Yes – all data collected and collated in the preparation of member code of conduct complaints has been impact assessed with the appropriate controls in place.
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Risk Description	How We Manage It	Severity of Risk (RYG)
		State if risk is Red (severe), Yellow (material) or Green (tolerable) as determined by the Likelihood and Impact Assessment.
Legal challenge if no process is in place	Ensure process is in place and regularly reviewed	Green
Referral to Local Government Ombudsman if complaints are not dealt with effectively	Review the experience of complainants and subject members to ensure process is fit for purpose	Green

Background documents Current Member Code of Conduct
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Relevant web links https://www.lichfielddc.gov.uk/councillors-1/complaints-councillors/1
