

Audit and Standards Committee

12 March 2018

Annual Report on the Management of Complaints made under the Members' Code of Conduct

1. Recommendation:

That the Panel note the information contained in this report.

Report of the Director of Strategy, Governance and Change

2. Background

Members of the Staffordshire County Council pride themselves in their high standards of behaviour. The County Council has its own Code of Conduct for members prepared in accordance with the requirements of the Localism Act 2011 and adopted in 2012. It is based upon the seven principles of public life namely: Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.

The Code also specifically requires members to publically register and declare as necessary any disclosable pecuniary interest that they may have and any gifts and hospitality that they offer, are offered or refuse.

Comprehensive training on the Code of Conduct was provided to all newly elected members soon after the May 2017 County Council elections. Demonstrating the importance placed on adherence to the Code, the training is listed in the first tranche of events for new members. Over the past year we have unfortunately had to call two by-elections and the successful candidates at each have received Code of Conduct training as part of their Induction days.

There may, however, be occasions when members of the public are unhappy about the way a member of the County Council has behaved. The Localism Act 2011 requires local authorities to have arrangements in place to deal with formal complaints against members. Those arrangements have to include the appointment of an 'Independent Person' whose views must be sought by the authority.

Members of the public wishing to lodge a complaint about a member can do so either on-line or in writing to the Monitoring Officer. At an early stage the Monitoring Officer assesses the allegation and consults one of the Independent Persons on whether the allegation, if proved, involves a breach of the Code. If this is the case a further assessment is made on whether the issue can be dealt with by the Monitoring Officer under delegated authority, or, in serious cases, by a Panel of members.

Complaints considered by the Monitoring Officer

These are complaints for which the Monitoring Officer in consultation with the Independent Person, feels that appropriate remedy would be:

- a formal apology by the member concerned to the complainant
- training, or both.

Complaints considered by a Panel of the Audit and Standards Committee

Where the Monitoring Officer, in consultation with the Independent Person, thinks that it is not appropriate for them to deal with the complaint or that more serious sanctions might be appropriate, the complaint will be referred to a Panel of up to five members taken from the full membership of this Committee. The sanctions available are wider including recommendations that the member be removed from a particular committee or outside body and the issuing of an appropriate press release.

For many years the County was supported by two Independent Persons: Mr C Mitchell CBE and Mr A Goldstraw. It is with sadness that I have to report that Mr Mitchell died in early December 2017. Mr Mitchell also served as a Deputy Lieutenant and his commitment to public duty was admirable. We place on record our appreciation of his support for the Authority.

Last year, due to changes in Employment Rules for certain Statutory Officers the Authority needed to increase its 'pool' of Independent Persons. Accordingly, last Autumn, the County Council approved the appointment of Mr Tom Roach and Mrs Christina Robotham as Independent Persons. Both were interviewed and recommended for appointment by a Selection Panel comprising members of this Committee.

3. Issues dealt with during 2017

In the period January 2017 to December 2017 there were no complaints formally dealt with under the 'Standards Regime'. We have however received:

- a small number of enquiries about the timescale within which members can be expected to respond to contact from constituents. These have highlighted the importance of members keeping constituents informed of any action being taken /pursued on their behalf.
- representations about 2 members' decisions in relation to schemes funded from their Divisional Highway Programme budget. Both cases were raised under highway related complaints. They were considered by the Monitoring Officer with Independent Persons' views sought in order to demonstrate openness and transparency to the complainants. These representations highlighted the sometimes fine lines/public perception which members need to be aware of when considering Divisional issues in the immediate locality of their own homes.

Appendix 1

1.0. Equalities Implications

1.1 None

2.0. Legal Implications

2.1 The County Council is required to have a formal complaints procedure for the handling of complaints about elected members.

3.0 Resource and Value for Money Implications

3.1. There are no significant resource or value for money implications from this report.

4.0 Risk Implications

4.1. Compliance with the arrangements addresses the risk of challenge to the governance arrangements of the Council.

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