

Local Members' Interest
N/A

## **Audit and Standards Committee - 11 March 2019**

### **Member's Code of Conduct**

### **Annual Report on the Management of Complaints and Report of Committee for Standards in Public Life on their Review of Local Government Ethical Standards**

#### **Recommendations**

That the Panel:

- a. Note the information contained in this report and
- b. Consider the findings of the Review of Local Government Ethical Standards and consider whether any of the issues raised are relevant to the County Council and whether a review of the Council's Code of Conduct should be carried out.

#### **Report of the Director of Corporate Services**

#### **Complaints Management and Number of Cases January 2018 – December 2018**

1. Members of the County Council endeavour to maintain their reputation of 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.
2. 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 have offered or are offered, whether accepted or refused. 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. Since May 2017 we have unfortunately had to call two by-elections and the successful candidates at each have also received Code of Conduct training as part of their Induction days.
3. 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.
4. 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***

5. These are complaints for which the Monitoring Officer, in consultation with the Independent Person, feels that appropriate remedy would be:
  - a. a formal apology by the member concerned to the complainant
  - b. training, or both.

### ***Complaints considered by a Panel of the Audit and Standards Committee***

6. 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.
7. The Authority has three Independent Persons - Mr Arthur Goldstraw, Mr Tom Roach and Mrs Christina Robotham.

### **Issues dealt with during 2018**

8. In the period January 2018 to December 2018 there were complaints in respect of seven matters considered under the Council's standards regime.
9. The main issues remain in respect of speed of completing correspondence. However, there is also evidence of members falling foul of social media posts and of becoming too passionate in respect of their approach to local issues.
10. The nature of the complaints and the action taken was as follows -

<b>Nature of complaints considered by the monitoring officer /independent person</b>	<b>Action</b>
Failure to respond to correspondence in a timely/courteous manner	Apology extended / reminder of the need for mutual respect and correspondence concluded
Impartiality and bias expressed in meetings and social media	Dealt with informally
Inappropriate language causing offence	Apology extended by the member/re-training
Offence caused by social media posts	Requirement to review use of social media to avoid reoccurrence

## **Committee for Standards in Public Life (CSPL) – Review of Local Government Ethical Standards**

11. The CSPL has carried out a review of the operation and effectiveness of the provisions in the Localism Act 2011 relating to Members' Code of Conduct.
12. A summary of the Committee's findings prepared by the Association of Democratic Services Officers is attached in appendix 2 . Members are asked to consider whether any of the issues raised are relevant to the County Council and whether a review of the Council's Code of Conduct should be carried out.

### **Legal Implications**

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

### **Risk Implications**

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

### **Appendices:**

**Appendix 1** - Committee on Standards in Public Life - Review into Local Government Ethical Standards

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