

Local Members Interest
N/A

Audit and Standards Committee - Monday 12 October 2020

Code of Conduct for Members – Report on the Management of Complaints (January 2019 – September 2020)

Recommendation

I recommend that:

- a. The Committee note the information contained in this report and make any recommendations that they think fit to assist in respect of the management of Member complaints.

Report of the Director of Corporate Services

Report

Complaints Management and Number of Cases January 2019 – September 2020

1. My usual practice is to report to this Committee's March meeting each year on the management of complaints against elected members during the preceding calendar year. Due to COVID 19 I was unable to report in March 2020. The deadlines for the publication of the Annual Audit and Accounts and the Annual Governance Statement have been extended to 30 November 2020. I have therefore collated the information on complaints for the full period January 2019 to September 2020 in order to bring members up to date on activity and to correspond, as closely as possible, with the production of the Annual Governance Statement.
2. 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. Members of the County Council endeavour to maintain their reputation of high standards of behaviour. Their commitment to those standards is illustrated by the fact that earlier this year in advance of any national action by either the Local Government Association or Central Government, the Council's Code was updated in line with a number of the recommendations in the Committee for Standards in Public Life's (CSPL) report on their Review of Ethical Standards in Public Life. Those changes related, in the main, to Declarations of Interest and the addition of a specific clause in the Code on the use of Social Media.
3. More recently this Committee has considered the Local Government Association's Draft Model Code of Conduct for Members, which was called for by the CSPL. Formal observations, including members' input, on the Draft have been submitted to the Association and include calls for improvements to the proposed provisions both on Social Media and treating others with respect and for more effective sanctions.

4. Whilst members might aim to adopt high standards of conduct all of the time, there are 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, including provisions for the involvement of an 'Independent Person' to deal with formal complaints against members.
5. 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

6. 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

7. Where the Monitoring Officer, in consultation with the Independent Person, thinks that it is not appropriate for the Monitoring Officer to deal with the complaint or that more serious sanctions might be appropriate, the complaint will be referred to a Panel of up of 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.
8. The Authority has three Independent Persons - Mr Arthur Goldstraw, Mr Tom Roach and Mrs Christina Robotham.

Issues dealt with during January 2019 – September 2020

9. In this reporting period 12 complaints were received and concluded. There is currently one further complaint under consideration. Details of the reasons for the 12 complaints and agreed action are shown at Appendix 1 to this report. As members will see, the complaints fall into 4 broad categories: Use of Social Media, Failure to respond to correspondence, Attitude towards constituent and comments made by individual members. All have been considered in line with the agreed process and have involved consultation with an Independent Person. The actions listed demonstrate the respect held by members for the Code of Conduct, with swift action taken by those found to be at fault with 'lower level' breaches, and formal action taken on those breaches that merit formal action.

10. The summary of complaints also demonstrates the importance of the Council's action in early 2020 to strengthen its Code in relation to the use of Social Media.

Legal Implications

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

Risk Implications

12. Compliance with the requirement to have a Code of Conduct for members and a local process to deal with alleged breaches of that Code arrangements addresses the risk of challenge to the governance arrangements of the Council.

List of Background Documents/Appendices:

Appendix 1 - Complaints against Elected Members - January 2019 - September 2020

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