

<b>Local Members Interest</b>
<b>N/A</b>

## **Audit and Standards Committee – 21 March 2016**

### **Members' Code of Conduct – Report in respect Complaints against Members of the County Council**

#### **Recommendations**

1. To note the position in respect of complaints against elected members of the County Council between May 2015 and February 2016.

#### **Report of the Director of Strategy, Governance and Change**

##### **Background**

All local authorities are required to adopt a code of conduct, which sets out rules governing the behaviour of their members.

Staffordshire's Code of Conduct is contained within appendix 1 to section 3 of the Constitution. It seeks to ensure that members observe the highest standards of conduct when carrying out their role incorporating the seven 'Nolan' principles set out by the Committee on Standards in Public Life.

The code contains a provision in respect of complaints. If a member of the public is unhappy about the way that a member has behaved, they may complain to the Monitoring Officer of Staffordshire County Council.

<http://www.staffordshire.gov.uk/yourcouncil/committeesold/standards/complaining/complaints.aspx>

##### **Complaints during the municipal year 2015/16**

In 2015 the monitoring officer received three complaints in respect of elected members

As required by the County Council's complaints procedure the Monitoring Officer consulted with an independent person in respect of all of these complaints. The Monitoring Officer and Independent person did not consider that any of these complaints required further consideration or investigation under the County Council's Code of Conduct.

A summary of the complaints follows -

**Complaint that procedural standing orders were not followed at a County Council meeting and that there was an abuse of position by a member that caused damage to democracy**

The complaint was that a Cabinet member in a County Council meeting had not read out, word for word, a question and answer as is provided for within the Constitution. The member asked the Chairman of the Council if he wanted him to read the answer out and he was told “no” but to give a very brief report – which he did.

Procedural standing orders in the Constitution give considerable flexibility to the Chairman. In particular

14.11.1 The decision of the Chairman on all points of procedure and order, and his interpretation of these Standing Orders will be final.

14.11.2 The Chairman will have discretion to vary the procedure at any meeting where they consider it would be conducive to the effective management or conduct of business at the meeting.

Consideration of the complaint and the rules within the constitution led to the conclusion that the member had shown appropriate respect to the meeting through the Chairman and that the Chairman had exercised his right to vary the proceedings. Therefore, it was concluded that the complaint should not be considered further.

**Complaint that an elected member, when contacted by a member of the public at about 9pm on a Saturday evening with a request for a contact name in the County Council, was rude and abrupt.**

The member was unable to give the information, was about to sit down to a family event and asked the member of the public to call back on the following day, Sunday.

The member of the public was clear that the member was rude and abrupt and should have had the information to hand or found it at that time. The member was clear that whilst insistent that they were unable to assist at that time they had not been rude. To the members mind offering to follow this up on Sunday was reasonable as the offices of the county council would not be open again until Monday and the information not possible to put to use until that time.

It was not possible to determine what actually happened during the telephone call but the review of the information did not led to either a decision to refer the matter for further investigation or to require the member to tender an apology.

**Complaint that a County Councillor did not follow the correct procedure in respect of an issue with another local authority**

The failure to follow another authority’s procedures was described as an abuse of the county councilor’s position and a breach of the undertaking to always treat people with respect, including those organisations and members of the public that the member engages with and works alongside.

A discussion with the clerk to the other authority confirmed that the complainant's stance could not be supported by the events. The complaint was not considered further.

### **Equalities Implications**

9. There are no implications arising from this report.

### **Legal Implications**

10. There are no implications arising from this report.

### **Resource and Value for Money Implications**

11. There are no implications arising from this report.

### **Risk Implications**

12. It is important that members behave in accordance with their code of conduct and that we maintain a system that gives the public the confidence that they have the opportunity to raise any concerns and have them considered and responded to.

### **Climate Change implications:**

13. There are no direct CO2 implications arising from this report.

### **Report Author**

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