

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

## **Audit and Standards Committee – Tuesday 11 July 2023**

### **Code of Conduct for Members Report on the Management of Complaints (June 2022-June 2023)**

#### **Recommendations**

I recommend that:

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

#### **Report of the Monitoring Officer**

#### **Complaints Management and Number of Cases June 2022 – June 2023**

1. I am reporting on the number and management of complaints against elected members for the June 2022-June 2023 period.
2. The County Council has its own Code of Conduct for members prepared in accordance with the requirements of the Localism Act 2011. The Council's Code was revised and a new code adopted in 2021 in line with the Local Government Association's Model Code of Conduct for Members which was called for by the Committee on Standards in Public Life (CSPL).
3. Overall, members adopt high standards of conduct all of the time. However, there are occasions when members of the public are unhappy about the way an individual member of the County Council has behaved. The Localism Act 2011 requires local authorities to have arrangements in place to deal with complaints about the conduct of members. Those arrangements include the requirement for me to seek the views of an 'Independent Person' prior to reaching any decision on a complaint.
4. The Authority enjoys the support of four Independent Persons (IPs) - Mr Tom Roach, Mrs Christina Robotham, Mr Eddie Barnett and Mrs Sue Charles. These IPs have wide ranging backgrounds and are therefore able to provide the required alternative perspective on complaints.
5. A formal complaint by a member of the public can be submitted to me either on-line or in writing. I assess the allegation and consult 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 me 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, or
  - b. training, or
  - c. both an apology and training

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

7. Where, in consultation with the Independent Person, I think that it is not appropriate for me to deal with the complaint or that more serious sanctions might be appropriate, the complaint will be referred to a Panel 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.

### **Issues dealt with during June 2022 – June 2023**

8. Details of the number and outcome of complaints received are given in the Table below:

<b>Period</b>	<b>No. of complaints</b>	<b>No. of members</b>	<b>Outcome</b>
June 2022 – Dec 2022	6	6	All concluded -No breaches of the Code
January 2023- June 2023	9	8	5 cases concluded– No breaches of the Code 1 case not entered into process as complainant was not directly affected by the alleged actions of the member concerned. 1 case – closed due to change in circumstances 1 case -under consideration.

			1 case awaiting processing
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More details on the complaints and agreed actions are shown at Appendix 1 to this report.

9. Whilst there is no underlying theme to the nature of the complaints it is worth me highlighting that a number relate to comments made by members either in meetings or publicly, for example to the Press. The Code of Conduct calls on members to exercise Respect towards others. When I'm considering complaints about comments made by members I am keen to maintain the distinction between exercising Respect and the importance of being able to express views and opinions freely. It is important for members to maintain awareness that public interpretation of comments made can vary widely.

### **Legal Implications**

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

### **Risk Implications**

11. 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 – June 2022 –June 2023

### **Contact Details**

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