



Report to Standards and General Purposes Committee

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| Date: | 14 April 2022 |
| Title: | Annual Review of Code of Conduct and Complaints Procedure |
| Author and/or contact officer: | Nick Graham, Service Director, Legal and Democratic. Contact officer Glenn Watson, Principal Governance Officer. |
| Ward(s) affected: | All |
| Recommendations: | (1) to note and comment on the annual review of the Member Code of Conduct complaints for 2021/22 (2) to note and comment on the proposed actions for 2022/23 regarding procedures, timeframes, and training (in paragraphs 2.18-2.19) |

Reason for decision:

The Committee has oversight of Member Code of Conduct Complaints both for this Council and for parish and town councils. The report provides an annual review of the complaints received during 2021/22 and of the effectiveness of the arrangements for handling them. The report addresses concerns and queries raised by the Committee during the year.

1. Executive summary

- 1.1 This report provides the Committee with a review of the Member Code of Conduct complaints received during 2021/22. It also outlines the effectiveness of the procedure and addresses concerns from members previously as regards greater transparency and as to timeframes.

2. Review of Complaints and Procedure

2.1 During the year, the Committee asked for greater transparency about the timeliness and nature of member code of conduct complaints. This report therefore addresses four points:

- A) An outline of complaints closed – differentiating between those for this Council and those relating to parish/town councils; and including an indication of the nature and outcome of each.
- B) An indication of the time taken to address the complaints throughout the year – mindful of the Committee’s concerns about achieving a more proportionate and timely approach
- C) Current complaints
- D) A review of the procedure itself – with an indication of the planned action if the Committee agrees.

2.3 Closed Complaints

2.2 Appendices 1 and 2 set out the complaints received and concluded in 2021/22: appendix 1 relates to Buckinghamshire Council; appendix 2 to parish and town councils. It will be clear from these that the Council received more complaints about parish/town councils than about its own members.

2.3 In the appendices, an indication is given of:

- a) Time taken from start to finish
- b) The aspect of the Code of Conduct which the complainant alleged had been breached
- c) The stage of the process at which the complaint was resolved

2.4 From this, the following headlines are clear.

2.5 Only one **breach** of the Code was formally found; and the **average time** taken to complete a case is shown below:



| Authority | No. of complaints | No. of breaches | Average time taken |
|-----------------|-------------------|-----------------|--------------------|
| Buckinghamshire | 7 | 0 | 2.5 weeks |
| Parish/town | 27 | 1 | 5 weeks |

2.6 The Committee noted in the Autumn that complaints had not always moved on, during the year, as swiftly as envisaged within the procedures. Partly this was due to resourcing, which was supplemented early in the New Year. It was also noted that the earliest stages of the process are important. There is an essential element of information exchange at these stages: clarifying the complaint, ensuring that the person complained about has an opportunity to respond; and the complainant then being asked if they are satisfied or not.

2.7 As explained in paragraph 2.18 below, it is proposed to review the timeframes within the Council's procedures against other authorities' practice.

2.8 **Stage concluded:** Other than one town council complaint (raised by seven complainants and not included in the following table), which reached Stage 3, all other complaints were concluded at either Initial Assessment or Stage 1.

| Authority | Initial Assessment | Stage 1 | Stage 2 and 3 |
|-----------------|--------------------|---------|---------------|
| Buckinghamshire | 3 | 4 | 0 |
| Parish/town | 11 | 9 | 0 |

2.9 **Code allegations:** The most alleged breach was against the principle of 'Respect'; that is, that a councillor failed to demonstrate respect to an individual or to the community. Some complaints raised more than one Code principle.

| Code/Authority | Buckinghamshire | Parish/Town |
|-----------------------|------------------------|--------------------|
| Respect | 4 | 12 |
| Interests | 1 | 4 |
| Bullying | 0 | 3 |
| Bias/undue influence | 0 | 2 |
| Honesty | 0 | 1 |
| Disrepute | 0 | 1 |
| Disclosure of info | 1 | 0 |
| Lack of reply | 1 | 0 |

2.10 **Current complaints**

2.11 Only eight complaints are currently live, all relating to parish and town councils. Seven of these allegations relate to one parish councillor, over four separate matters. They are necessarily being taken together and are currently at Stage 2.

2.12 The eighth is an outstanding matter from 2021/22 which will shortly be concluded within Stage 1.

2.13 **The process and actions for 2022/23**

2.14 This Council's procedures include an initial assessment and then three formal stages. This is set out as a flowchart in appendix 3, together with an indication of the timeframes at each stage. The process consists of:

- a) An initial assessment – to determine whether a councillor was acting as a councillor at the time of the alleged breach; and whether if proven, the matter would amount to a breach of the Code.

- b) Stage One – the subject member is asked to comment along with any suggestion to resolve the complaint (if appropriate)
 - c) Stage Two – the Monitoring Officer or Deputy Monitoring Officer determines if an informal resolution is possible or whether an investigation should take place
 - d) Stage Three – formal investigation, with a report presented to a meeting of the Hearing Sub-Committee of this Committee, if necessary.
- 2.15 During 2021/22, it is significant that only one issue was dealt with at Stage 3. That complaint was not only complex but was also contested.
- 2.16 It is encouraging that all other complaints were resolved at either the Initial Assessment stage or Stage One.
- 2.17 It is important that procedures are proportionate. It's therefore intended to carry out a benchmarking exercise against a range of other authorities' procedures to identify if there are changes that could be made to timeframes or the approach generally. The outcome of that review will be reported to the next meeting of the Committee.
- 2.18 Given the number of complaints relating to parish and town councils, the Monitoring Officer will also be liaising with the Buckinghamshire and Milton Keynes Association of Local Councils to explore what training could usefully be offered to members of parish and town councils, and their clerks, about code of conduct matters.

3. Other options considered

- 3.1 This report is an annual review of member code of conduct complaints and the arrangements for dealing with them. There are no alternative means of addressing this other than a report to this Committee which has oversight for member ethical governance.

4. Legal and financial implications

- 4.1 There are no direct financial implications arising from this report.
- 4.2 Under the Localism Act 2011, Buckinghamshire Council has a duty to investigate complaints that a councillor of this Council or of a parish and town council may have breached the Code. This report gives feedback to the Committee on the activity undertaken by the Council in fulfilment of that duty.

5. Next steps and review

- 5.1 A report will be made to the next meeting of the Committee with an update on current, and any new complaints. An update will also be given on the proposed benchmarking exercise about the stages of our process and the timeframes of them.

6. Your questions and views

- 6.1 If you have any questions about the matters contained in this report, please get in touch with the author of this report. This can be done by telephone 01296 382343 or email democracy@buckinghamshire.gov.uk.

