



Report to Standards and General Purposes Committee

Date: 24 August 2023

Title: Member Code of Conduct Complaints – Quarter 1 Review

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Ward(s) affected:

Recommendations: To note and review the Member Code of Conduct Complaints opened and closed in Quarter 1 (April to June 2023, Annexes 1 and 2) and those currently open.

Reason for decision:

The Committee is responsible for Member Code of Conduct complaints both for this Council and for parish and town councils. As such, the Committee is kept informed of recent complaints activity and the effectiveness of the Council's 'Arrangements for dealing with complaints against councillors' (the 'Arrangements').

1. Executive summary

- 1.1 This report gives an overview of the Member Code of Conduct complaints that were opened and closed during Quarter 1 (April to June) this year. Of the eight complaints considered in Quarter 1, no breach of the Code was found. The report also updates the Committee on currently open complaints.
- 1.2 This update includes an indication of the source of the complaint (e.g. public, fellow councillors), the alleged behaviour and the outcome. As requested by the Committee, the annexes include information on the number of parish councils involved.

2. Update on complaints opened and closed (April to June 2023)

2.1 The Council's arrangements for Member Code of Conduct complaints include the following stages:

- 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 informally (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.

2.2 Annexes 1 and 2 set out the Member Code of Conduct Complaints that were opened and then closed over the period of Quarter 1 (April to June).

- a) Annex 1 relates to Parish and Town Council Complaints
- b) Annex 2 relates to Buckinghamshire Council Complaints

Parish/Town Councils

2.3 Two complaints were received and closed between April and June 2023. A further complaint, opened in March, was closed within the Quarter. A fourth complaint remains outstanding (see paragraph 2.7). The three concluded complaints related to three parish councils. In only one of these cases was the complainant a fellow member of the council.

2.4 The most common cause of complaint was perceived disrespect. Following an Initial Assessment, the relevant Code was not found to be engaged in any of these cases.

Buckinghamshire Council

2.5 Three complaints were received and closed between April and June 2023. An additional complaint had been received in March but was closed within Quarter 1. In three of the four cases, the cause of complaint was also perceived disrespect. Another related to an allegation of bias and predetermination in a decision-making context.

2.6 Following an Initial Assessment, the Code was not found to be engaged in any of these cases.

Performance in applying the Council's complaints arrangements

- 2.8 In all but one of the cases, the Council's timeframes were met. In the one instance this was not the case (Complaint 3, Annex 1) because further dialogue was required with both the complainant and the subject member.

Current complaints

- 2.7 At the start of August **ten** complaints were currently open: five parish councillor complaints and five Buckinghamshire Councillor complaints. One parish council case (mentioned in Annex 1) is currently being formally investigated at Stage 3 and may, depending on the findings of the investigation, require the convening of a Hearing Sub-Committee to determine the matter. In all other cases, the complaints are at Stage 1 (Informal Resolution).
- 2.8 It is not uncommon for multiple complaints to be made about the same person/matter. They are, however, counted individually to give transparency to the number of times the complaint process is used.

3. Training on Member Code of Conduct

- 3.1 The Deputy Monitoring Officer has delivered two online Code of Conduct refresher sessions for Buckinghamshire Councillors, on 30 and 31 May during Quarter 1. The first of these was recorded for those councillors who could not attend the mandatory review. Later in the year, the Deputy Monitoring Officer will also help deliver training to parish and town councils through the Buckinghamshire and Milton Keynes Association of Parish and Town Councils.

4. Stage 3 Complaint – update on sanctions

- 4.1 It was reported at the last meeting of the Committee that a Hughenden Parish Councillor was found to have breached the Code with regard to each of three complaints. Sanctions were [recommended by this Council](#) to Hughenden Parish Council and all were adopted by Hughenden Parish Council.
- 4.2 Two of the sanctions were inter-related: one was that the person should undertake training; a second that the councillor should not attend the parish offices (except to attend formal meetings), until the training had been completed. At present, the councillor has not undertaken the offered training and so the sanction on non-attendance remains in place. It is also understood that the councillor has not issued an apology to the two complainants.
- 4.3 This is of some concern as, under Hughenden Parish Council's Code of Conduct (and the national model) councillors make the following commitment: "I comply with any

sanction imposed on me following a finding that I have breached the Code of Conduct.” The Deputy Monitoring Officer has asked the Parish Council to ascertain whether it is the councillor’s intention to comply fully with the sanctions and, if so, by when. It is a Code requirement for councillors to comply with duly imposed sanctions. To do otherwise undermines the integrity of the standards regime.

- 4.4 Hughenden Parish Council did take the voluntary step, as recommended by the Hearing Sub-Committee, formally to strengthen its governance policies in the context of ethical standards. It has adopted:
- a) A councillor-officer protocol based on the National Association’s model
 - b) A social media protocol adapted from the Civility & Respect Project’s model; and
 - c) Has adopted the Civility and Respect Pledge formulated by the national Civility & Respect Project.

5. Next steps and review

- 5.1 A further update will be presented to the Committee at each meeting, to give a quarterly picture of complaints opened, closed, and currently in hand.

6. Legal and financial implications

- 6.1 The Council has a legal obligation under the Localism Act 2011 to promote and maintain high standards of conduct from councillors and co-opted members. This report contributes to fulfilling that duty. There are no financial implications arising from this report.

7. Background papers

- 7.1 None.

Contact officer: Glenn Watson, Principal Governance Officer