



Report to Standards and General Purposes Committee

Date: 15 April 2021

Title: Review of Code of Conduct Complaints

Author and/or contact officer: Maria Damigos Principal Solicitor and Deputy Monitoring Officer (Aylesbury Vale team) maria.damigos@buckinghamshire.gov.uk; 07980 968875

Ward(s) affected: none specific

Recommendations: The committee is asked to:-

- 1. Review and note the contents of this report relating to the dealing with complaints against councillors for the period October 2020 to April 2021.**

Reason for decision: To allow the committee to maintain an overview of the number and nature of the complaints received about members under the Code of Conduct from October 2020 along with details of other complaints which are in process or have been concluded.

Executive summary

- 1.1 This report sets out details of the number of complaints received against councillors, the nature or themes of complaints received and the outcome of those complaints. Except where a breach has been found to have taken place and a formal Decision Notice has been published no personal details will be provided in this report.

Content of report

- 1.2 Under the Localism Act 2011 ("the Act"), the Council has a duty to promote and maintain high standards of conduct amongst its Members and co-opted Members. As part of this duty the Council is required to have a Code of Conduct for Members which sets out the standard of behaviour of Members when acting as a Member or on behalf of the Council.
- 1.3 The Council's Code of Conduct is at Section 2 Part H in the Constitution. Whilst Town and Parish Council can adopt the Buckinghamshire Council Code they do not have to. The Code of Conduct is currently being reviewed however it is anticipated that any

new or updated Code adopted by the Council will contain similar responsibilities for behaviour as the Council's current Code of Conduct.

- 1.4 The Arrangements for Dealing with complaints under the Code of Conduct is at Section 3 Part H of the Constitution and this will apply to complaints against all councillors, including Town or Parish Councillors. Further guidance on dealing with complaints was approved by the Committee on 2 July 2020.
- 1.5 In summary the arrangements for handling complaints requires an initial assessment to check whether the complaint can be considered (eg the complaint relates to the conduct or behaviour of a councillor when acting in an official capacity) and whether it should be accepted (ie the nature of the complaint warrants it being considered further). Stage 1 of the process involves contacting the Subject Member for their response to the complaint and suggestions for resolution. If this is not accepted the complaint moves to Stage 2 when the complaint is formally considered by the Monitoring Officer or a Deputy Monitoring Officer. The Chairman/Vice-Chairman of the Committee will be informed of the complaint and may also consider the complaint together with an Independent Person. Stage 3 is implemented if the matter goes to formal investigation and may include consideration by Sub-Committee or full Committee.
- 1.6 Appendix 1 details the cumulative total of complaints received since October 2020. This shows that the Monitoring Officer has received 34 complaints although 7 of these relate to the same town or parish council councillor and incident. Fourteen of the complaints relate to a Buckinghamshire Council member, six of which are still active.
- 1.7 Appendix 2 gives a breakdown of the progress of the active complaints and closure rates.
- 1.8 One of the closed matters progressed to formal stage 2 consideration however did not progress further due to lack of evidence.
- 1.9 Whilst some complaints cover more than one theme, just under a third of complaints related to behaviour at meetings and interests/bias. Bullying or respect was approximately one quarter of the issues raised. Information (disclosure, use or obtaining) and social media accounted for approximately one fifth of the issues and the remaining matters alleged criminal or unlawful behaviour or condoning such behaviour, failure to represent residents and breaches of COVID rules.

Other options considered

- 1.10 Report for noting only.

Legal and financial implications

1.11 None except as set out in the body of the report.

Corporate implications

1.12 The effectiveness of the Councils standards arrangements is necessary for good governance and contributes to the effectiveness of the Members, the Council and helps ensure proper and legal decision-making.

Consultation and communication

1.13 Report for noting only.

Next steps and review

Review in 6 months.

Background papers

None

