



Report to Standards and General Purposes Committee

Date: 7 October 2021

Title: Review of Code of Conduct Complaints

Author and/or contact officer: Maria Damigos Principal Solicitor and Deputy Monitoring Officer 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 April 2021 to October 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 April 2021 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. A new Code based on the Local Government Associated Model Code of Conduct was adopted by full Council on 21 July 2021. The new Code contains similar responsibilities for behaviour as the previous Code. Whilst Town and Parish Council can adopt the

Buckinghamshire Council Code they do not have to but it is anticipated that the majority will either adopt the Council's Code or one based on the LGA's Model Code.

- 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.
- 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 April 2021. This shows that the Monitoring Officer has received 15 complaints. Six of these related to a Buckinghamshire Council member. There remain 5 complaints open against a Buckinghamshire Council member although it is expected that these will be resolved and closed shortly.
- 1.7 Appendix 2 gives a breakdown of the progress of the active complaints.
- 1.8 Whilst some complaints cover more than one theme, the majority of new complaints relate to behaviour at meetings and interests/bias. Bullying or respect was mentioned in 7 complaints with 4 complaints relating to misleading information. One complaint related to failure to respond to enquiries.

Other options considered

- 1.9 Report for noting only.

Legal and financial implications

- 1.10 None except as set out in the body of the report.



Corporate implications

- 1.11 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

- 1.12 Report for noting only.

Next steps and review

Review in 6 months.

Background papers

None

