



# Report to Standards and General Purposes Committee

**Date:** 19 October 2023

**Title:** Member Code of Conduct Complaints – Quarter 2 Review

**Author and/or contact officer:** Nick Graham, Service Director, Legal and Democratic. Contact officer Glenn Watson, Principal Governance Officer.

**Ward(s) affected:**

**Recommendations:** To note and review the Member Code of Conduct Complaints opened and closed in Quarter 2 (July to September 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/or closed during Quarter 2 (July to September) this year. Of the 17 complaints considered in Quarter 2, no breach of the Code has been found thus far.
- 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 (Quarter 2)

### The Council's arrangements for dealing with complaints

- 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 2 (July to September).
- a) Annex 1 relates to Parish and Town Council Complaints
  - b) Annex 2 relates to Buckinghamshire Council Complaints

### Parish/Town Councils

- 2.3 **Six** complaints were received between July and September. A **seventh** complaint will be the subject of a Hearing Sub-Committee meeting of this Committee at Stage 3. This will be convened shortly in accordance with the protocol agreed at the last meeting.
- 2.4 Three complaints were closed within this period, none resulting in a breach. In all three, the matters complained of were more to do with the relevant council's governance than the conduct of the individual.
- 2.5 In a departure from recent trends, none of the parish/town council complaints received in Quarter 2 related to 'disrespect' and were more concerned with governance or other technical points.

## **Buckinghamshire Council**

- 2.6 **Ten** complaints were received and closed between July and September 2023. No breaches were found. As with parish/town complaints, there was a shift away from complaints about ‘respect’ to more technical or governance matters – hospitality provisions, data protection, non-response to emails. Perceived delay or non-response to emails by councillors is not in itself a Code of Conduct issue; unlike officers, councillors are not subject to particular rules on the timeframes or prioritisation of their correspondence.

### **Performance in applying the Council’s complaints arrangements**

- 2.8 In all but three cases, the Council’s timeframes were met. In the instances where this was not so (Buckinghamshire Council Complaints 4-5 and 8, Annex 2) this was because further dialogue was required either with the complainant and/or the subject member.

### **Current complaints**

- 2.7 At the start of October **four** complaints were currently open, all relating to parish councils.. One of these complaints is at Stage 3 as mentioned in paragraph 2.3.
- 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 On 7 September 2023, the Buckinghamshire and Milton Keynes Association of Parish and Town Councils held its annual training event on Civility and Respect. The Principal Governance Officer gave a presentation on Buckinghamshire Council’s experience of handling parish/town council complaints over the past year.

## **4. Stage 3 Complaint – update on sanctions**

- 4.1 It was reported at the last meeting that a Hughenden Parish Councillor, found to have breached the Code earlier this year, had not as yet discharged all of the sanctions imposed by the Parish Council. The sanctions had been [recommended by this Council](#). At an Extraordinary Meeting of Hughenden Parish Council held on 26 September, the Council resolved to make a Code of Conduct complaint to the Monitoring Officer on the basis of apparent non-compliance with sanctions, alleging a breach of the Hughenden Parish Council’s Member Code of Conduct. The complaint has been received and is being considered by the Monitoring Officer.

## **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