



Report to Standards and General Purposes Committee

Date:	18 January 2024
Title:	Member Code of Conduct Complaints – Quarter 3 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 3 (October to December 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 3 (October to December) this year. Of the 15 complaints considered in Quarter 3, one breach has been found following a Stage 3 hearing into a parish and town council complaint.
- 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, Annex 1 includes information on the parish/town councils involved.

1.3 A numerical comparison with the previous quarters for this year and last year is included at paragraph 2.7. As previously agreed, a fuller comparison with other authorities will feature in the annual report early next year.

2. Update on complaints opened and/or closed (Quarter 3)

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 Hearings 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/or closed over the period of Quarter 3 (October to December).

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

Parish/Town Councils

2.3 **Thirteen** complaints about parish and town councillors were considered during October to December. One of these related to a Stage 3 hearing, mentioned more fully at paragraph 3.

2.4 All of the complaints were closed, eleven at Initial Assessment or Stage 1. Four related to the same incident. Almost all the complaints involved some allegations of a technical breach: for example, in relation to interests, the use of information or non-fulfilment of sanctions. Only three involved an element of interpersonal concern such as respect or bullying. Complaints about respect had been more prevalent in the past two years.

Buckinghamshire Council

- 2.5 **Two** complaints were received and/or closed within the Quarter October and December 2023. No breaches were found. Both related to non-response to emails, an allegation which does not in itself trigger the Member Code.

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 the case (Parish and Town Council Complaints 3-4, and 6, Annex 1) this was because further dialogue was required with either the complainant and/or the subject member.

Current complaints

- 2.6 Only one complaint is currently open at the start of January 2024. This relates to a parish council and is at Stage 1.

Comparative information

- 2.7 The following table shows the comparative position with this time last year:

Complaints considered				
Year	Quarter 1	Quarter 2	Quarter 3	Total
2022/23 Parish/Town	3	8	3	14
2023/24 Parish/Town	4	7	13	24
2022/23 Buckinghamshire				
	2	0	11	13
2023/24 Buckinghamshire				
	4	10	2	16

3. Stage 3 Complaint – update on sanctions

- 3.1 On 22 November 2023, a Hearings Sub-Committee heard a complaint about Cllr Linda Derrick of Hughenden Parish Council. This had been made by a former employee. The complaint alleged that a blog post published by Cllr Derrick in relation to the employee was bullying, disrespectful, a breach of the duty of confidentiality and inconsistent with the Code requirements to comply with the complaints process.
- 3.2 The [Hearings Sub-Committee upheld the complaint](#) and found breaches of the Code in relation to each of these allegations. The Sub-Committee did not uphold the complainant's view that the publication was 'harassment' under the Code, as alleged.

3.3 The Sub-Committee has recommended sanctions to Hughenden Parish Council which must now determine whether to apply them in whole or in part or not at all. The Parish Council cannot substitute these with its own sanctions. The recommended sanctions to Hughenden Parish Council are:

- a) To require the subject Member to make a formal apology to the complainant
- b) To issue a formal censure against the subject Member for her conduct in relation to this complaint.
- c) To arrange training for the subject Member on data protection and in particular the recognition, and proper handling of, personal data about staff.
- d) For a period of time, to remove the subject Member from, and not appoint her to, any or all Committees, Sub-Committees or appointment panels of the authority that might give her access to employee information.
- e) To restrict the subject Member's access to council offices (apart from attendance at formal meetings of which she remains a member) until such time as the training detailed in recommendation c) has been undertaken.

3.4 The Sub-Committee agreed that Buckinghamshire Council should issue a press statement highlighting its findings. [This was done.](#)

4. Training on Member Code of Conduct

4.1 The Buckinghamshire and Milton Keynes Association of Parish and Town Councils will hold a training event for parish and town councils on members' interests on 25 January 2024. Buckinghamshire and Milton Keynes Councils will jointly deliver a presentation at this event.

5. Next steps and review

5.1 An update on Quarter 4, together with an annual report on 2023/24 will be presented to the Committee in April 2024. The Committee will also receive an update on the implementation of the recommended sanctions in paragraph 3.3.

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