



## Report to Standards and General Purposes Committee

<b>Date:</b>	4 April 2024
<b>Title:</b>	<b>Annual Review of Member Code of Conduct Complaints</b>
<b>Relevant councillor(s):</b>	<b>All Councillors</b>
<b>Author and/or contact officer:</b>	Sarah Ashmead, Deputy Chief Executive  Contact officer Glenn Watson, Principal Governance Officer.
<b>Ward(s) affected:</b>	None specifically
<b>Recommendations:</b>	<b>To note and comment on the annual review of the Member Code of Conduct Complaints for 2023/24</b>

### Reason for decision:

The Committee has oversight of Member Code of Conduct Complaints both for this Council and for parish and town councils. The report provides an annual review of the complaints considered during 2023/24; and of the effectiveness of the arrangements for handling them.

### Executive summary

- 1.1 This report provides the Committee with a review of the Member Code of Conduct complaints dealt with during 2023/24. It also outlines the effectiveness of the procedure.
- 1.2 The report benchmarks the Council against a cluster of other unitary authorities in terms of complaints received. It also places the Council's own experience in the context of the years since the Council's creation. Finally, it considers lessons arising from this year's complaints for future action.
- 1.3 In headline terms, no breaches of the Code were found against Buckinghamshire Councillors. One breach of the Code was found against a parish councillor.

1.4 Overall, 13 (9%) of Buckinghamshire Councillors (147) and 14 (1.1%) of parish/town councillors (1,234) were the subject of complaints during 2023/24.

## Review of Complaints and Procedure

2.1 This report addresses the following:

- A) An outline of complaints considered during 2023/24 – differentiating between this Council and those relating to parish/town councils; including information on the nature and outcome of each.
- B) The effectiveness of the Council's complaints arrangements.
- C) Stage 3 Hearing
- D) Points of learning
- E) Tracking the Council's own experience since its creation; and benchmarking against a cluster of other unitary authorities
- F) Training during 2023/24

2.2 The review builds on the quarterly reports received by the Committee throughout 2023/24.

## A. Complaints considered

### Generally

2.3 **Annexes 1 and 2** set out the complaints considered during 2023/24. Annex 1 relates to **Buckinghamshire Council**; Annex 2 to **parish and town councils**. An indication is given of:

- A) The source of the complaint (for example, the public; a fellow councillor).
- B) The nature of the complaint (a brief description; and the Code provision that the complainant believed to be engaged).
- C) The stage of the process at which the complaint was resolved (if so).
- D) The time taken to resolve the complaint.
- E) The outcome (for example, whether there was an informal resolution; no case to answer; or a breach).

2.4 In some cases more than one person made a complaint about the same alleged behaviour/incident. For transparency reasons, the Annexes list the total number of complaints received even where they related to the same subject matter. This gives

the Committee a fuller picture not only of the complaints but of the number of persons who sought to use the Council’s complaints arrangements.

2.5 **Annex 3 (A-B)** puts the Council’s 2023/24 experience in the context of the member code complaints received each year since the Council’s creation in April 2020.

2.6 **Annex 4** puts the Council’s experience in the context of some other unitary authorities.

Headlines from 2023/24

2.7 **Table 1:** number of complaints and breaches

Authority	Complaints	Complaints with breaches
<b>Buckinghamshire</b>	<b>27</b> (18 in 2022/23)	<b>0</b> (same in 2022/23)
<b>Parish/town</b>	<b>23</b> (15 in 2022/23)	<b>1</b> (same in 2022/23)
<b>Totals</b>	<b>50</b>	<b>1</b>

2.8 **Table 1** The number of complaints about Buckinghamshire Councillors and Parish/Town Councillors **increased** in 2023/24. In large measure, this was due to multiple complaints being made about the same matter. For example, seven complaints were made about one Buckinghamshire Councillor over the same matter. Similarly, four complaints were made about a town councillor about the same instance.

2.9 Thirteen **Buckinghamshire Councillors** were the subject of a complaint in 2023/24 (compared to nine in 2022/23). Six councillors attracted more than one complaint each. Eleven different circumstances caused a complaint.

2.10 Fourteen individual **parish and town councillors** were the subject of a complaint in 2023/24 (nine in 2022/23). Four councillors attracted more than one complaint each; two of these received multiple complaints about the same matter. The members complained about came from ten individual parish and town councils (four more than in 2022/23). It is noteworthy that it was **town** councils that received the most complaints at parish level – five out of the county’s nine town councils.

2.11 **Table 2** shows the aspects of the Code cited by complainants. It shows that the most commonly alleged breach - as it was last year – was **Respect**. Overall, perceived disrespect was a cause in 16 of 50 (32%) of the complaints received. This reflects the national emphasis from the National Association of Local Councils and the Local

Government Association on civility and respect. At parish level, the second most common concern was a councillor's perceived malpractice with regard to **decision-making** in not following procedures.

2.12 Table 2: aspects of the Code

<b>Code/Authority</b>	<b>Buckinghamshire</b>	<b>Parish/Town</b>	<b>Totals</b>
<b>Respect</b>	<b>9</b>	<b>7</b>	<b>16</b>
<b>Bullying</b>	<b>0</b>	<b>1</b>	<b>1</b>
<b>Bias/predetermination</b>	<b>2</b>	<b>7</b>	<b>9</b>
<b>Decision-making</b>			
<b>Interests</b>	<b>1</b>	<b>2</b>	<b>3</b>
<b>Misuse of data/info</b>	<b>2</b>	<b>1</b>	<b>3</b>
<b>Hospitality</b>	<b>3</b>	<b>0</b>	<b>3</b>
<b>Disrepute</b>	<b>2</b>	<b>4</b>	<b>6</b>
<b>Misuse of resources</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Lack of response by cllr</b>	<b>8</b>	<b>0</b>	<b>8</b>
<b>Sanction undischarged</b>	<b>0</b>	<b>1</b>	<b>1</b>

2.13 As regards the **source** of complaints, 76% of all concerns came from the public. This was particularly true for Buckinghamshire Council. Notably, over a third of parish/town complaints came from fellow councillors which corroborates the national initiatives for emphasising civility within local councils.

2.14 Table 3: source of complaints



Source/Authority	Buckinghamshire	Parish and Town	Totals
Councillor	1	8	9
Employee	1	2	3
Public	25	13	38

## B. The effectiveness of the Council's complaints arrangements

### 3. Cases and commentary

3.1 The Council's arrangements for reviewing complaints consist of 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.

#### Compliance with timeframes

- 3.3 During 2023/24, 84% of complaints were dealt with in accordance with expected **timeframes**. 16% exceeded this but were actively in hand and needed further information or the chasing-up of respondents.
- 3.4 68% of all complaints were concluded at the Initial Assessment stage; a further 28% ended at Stage 1 (Informal Resolution). As envisaged under the council's arrangements, most complaints (96% compared to 88% last year) were resolved without the need for further escalation.
- 3.5 One parish council complaint ended at Stage 2 (following consultation with the Independent Person and the Chairman of this Committee); and one parish complaint was heard by the Hearing Sub-Committee at Stage 3.

## C. Stage 3 Hearing Sub-Committee - Complaints about Cllr Derrick (Hughenden Parish Council)

### 4. Complaint and Decision Notice

- 4.3 In November 2023, the Hearing Sub-Committee heard a further complaint about Cllr Linda Derrick of Hughenden Parish Council (having considered another during 2022/23). The Sub-Committee's [found](#) that the Hughenden Parish Council Member Code had been breached. It recommended sanctions which the Parish Council adopted in January 2024.

## D. Points of learning from the complaints

### 5. Learning

- 5.1 Certain points have emerged from the complaints considered during 2023/24:

**A. Buckinghamshire Council Complaints Arrangements:** these are scheduled for review before the end of the coming council year; in doing so, the Council might wish to include examples of what can and cannot be considered as a complaint under the Member Code arrangements. This would help to manage expectations. For example:

- a) The Code only applies when members are acting in that capacity or have given the impression that they are;
- b) Several complaints were received about the timeliness of member responses to constituency matters: this would not normally engage the Code.
- c) The Council is unable to review complaints about the governance of parish/town councils which do not otherwise engage the Member Code.

**B. Gifts and hospitality:** the annual member code of conduct training for Buckinghamshire councillors will include a greater emphasis on the principles/procedures with regard to gifts and hospitality

## E. Benchmarking – local and regional

6. **Annexes 3A and 3B** map the Council's experience of member code complaints since the Council began in 2020/21.

### ***Local benchmarking***

- 6.1 For the two years 2020/21 and 2021/22, parish and town council complaints outnumbered those made against Buckinghamshire Councillors. For 2022/23 and 2023/24 this changed. However, the reason in both years is that several complaints were made about a single incident (7 against one councillor/incident in 2023/24).
- 6.2 The number of complaints closed during the informal stages increased this year – significantly due to the single case above not being within scope of the Code regime.

6.3 Once again the Code principal of ‘Respect’ was the most significant cause of complaint for both tiers, considerably above all of the other reasons. Notably, complaints about councillors’ involvement in decision making, particularly at parish/town level, was the second highest cause of complaint. With a third of parish and town complaints coming from fellow councillors or officers, this suggests some perceived discontent within certain parish/town councils themselves.

#### ***Regional benchmarking***

6.4 Benchmarking beyond Buckinghamshire is difficult. **Annex 4** attempts to give some context by viewing complaint numbers against a cluster of relatively regional unitary authorities. Given the variety of complaints arrangements, it is difficult to provide reliably accurate information about the nature of the complaints received or of their timeliness.

6.5 This is because each authority has its own Code, its own complaints arrangements and its own local circumstances. This is a consequence of the light-touch, localised regime put in place by the Localism Act 2011. As such, it’s not possible accurately to benchmark councils’ experience or performance. A baseline of published data does not exist and councils report on this variously or not at all. The Committee on Standards in Public Life made exactly this point in its 2019 review of local standards:

“ There is currently no requirement for principal authorities or town and parish councils to collect or report data on the volume of formal complaints they receive, but evidence we received indicates that the number varies widely between local authorities.” [CSPL \(2019\)](#) (p.22)

6.6 The [Government’s response](#) expressed no inclination for a more co-ordinated approach:

“The Government does not believe that there is a requirement to prescribe to local authorities the form and content of such Standard Committee annual reports.” (p. 9)

6.7 This means there’s no consistent evidence-base for the numbers, types, stages and outcomes of other authorities’ complaints; nor the way in which they are recorded. This Council records each individual complaint received even if this relates to the same incident; others record only the originating incident. The cohort selected in **Annex 4** appear to share Buckinghamshire’s means of recording.

6.8 Unsurprisingly, local circumstances were the most determinative factor in the **numbers of complaints**. In the cohort of **principal councils**, Buckinghamshire was mid-range, varying between the third or fourth highest in number. Numbers can however indicate the accessibility of the Council’s procedures and the growing trend for multiple complaints about the same matter. That said, Buckinghamshire Council’s complaints were neither significantly high nor low.

- 6.9 In terms of parish/town councils, the comparison shows that, normally, parish and town council complaints tend to outweigh principal council complaints unless several complaints about a principal council create a spike for that year. This again chimes with the national emphasis on civility and respect within parish and town councils particularly.

## **F. Training**

### **7. Buckinghamshire Council/Parish and Town Councils**

- 7.1 During 2023/24, the Deputy Monitoring Officer delivered two online Code of Conduct refresher sessions for Buckinghamshire Councillors (30 and 31 May). The Monitoring Officer's team delivered Code of Conduct training with the Buckinghamshire and Milton Keynes Association of Local Councils in September 2023 and January 2024. This was in further fulfilment of the Council's duty to promote and maintain good standards of conduct. This is a standing arrangement and the training is likely to take place again in the new council year.

### **8. Other options considered**

- 8.1 This report is an annual review of member code of conduct complaints and the arrangements for dealing with them. There are no alternative means of addressing this other than a report to this Committee which has oversight for member ethical governance.

### **9. Legal and financial implications**

- 9.1 Under the Localism Act 2011, Buckinghamshire Council has a duty to investigate complaints that a councillor of this Council or of a parish and town council may have breached the Code. This report gives feedback to the Committee on the activity undertaken by the Council in fulfilment of that duty. Handling member code of conduct complaints is therefore a statutory duty on Buckinghamshire Council and is an important area of democratic governance.
- 9.2 There are no financial implications arising from the recommendations in this report. However, there is a cost to the Council in relation to the processing of member code of conduct complaints. During 2023/24, approximately 340 officer hours were spent in dealing with the various complaints outlined in this report.

### **10. Next steps and review**

- 10.1 A quarterly report will be made to the Committee throughout the coming year on the operation of the member code of conduct arrangements.