

STANDARDS AND ETHICS COMMITTEE

30 NOVEMBER 2016

**REPORT OF THE DIRECTOR GOVERNANCE AND LEGAL
SERVICES & MONITORING OFFICER**

**MEMBERS' CODE OF CONDUCT COMPLAINTS – QUARTER 2,
2016/17**

Reason for Report

1. To provide the Committee with a brief update on complaints made during Quarter 2 against Members of the Council alleging breaches of the Code of Conduct.

Background

2. The Committee receives regular reports from the Monitoring Officer on complaints made against Members of the Council alleging a breach of the Members' Code of Conduct. These reports provide information to assist the Committee to discharge its functions, in particular:
 - i. To monitor and scrutinise the ethical standards of the Authority, its Members, employees and any associated providers of the Authority's services, and to report to the Council on any matters of concern; and
 - ii. To advise the Council on the effective implementation of the Code including such matters as the training of Members and employees on the Code's application,

(paragraphs (a) and (c) respectively, of the Committee's terms of reference).
3. Complaints received during Quarter 1 of the financial year 2016/17 were considered at the Committee's last meeting, in July 2016.

Issues

4. A total of 3 complaints alleging a breach of the Members' Code of Conduct were received by the Monitoring Officer during Quarter 2 of the financial year 2016.

5. The table below shows the type of complaints received in Quarter 2 and provides comparative figures for the previous 3 quarters.

| | Q3 Oct, Nov, Dec 15 | Q4 Jan, Feb, Mar 16 | Q1 April, May, June 16 | Q2 July, August, Sept 16 |
|-----------------------|------------------------------------|------------------------------------|---|---|
| Total | 8 | 18 | 4 | 3 |
| Member on Member | 3 | 4 | 1 | 0 |
| Public on Member | 5 | 6 | 3 | 3 |
| Officer on Member | 0 | 0 | 0 | 0 |
| Community Councillors | 0 | 8 | 0 | 0 |

6. The Committee will note that the number of complaints received during Quarter 2 (3 in total) is similar to the last quarter (Q1) and low compared to previous quarters (Q3 and Q4 of 2015/16).
7. All 3 complaints in Q2 were received from members of the public; 2 cases have been informally resolved and closed, and 1 remains active. Brief details of the complaints and outcomes are as follows:
- i. Alleged failure to respond to correspondence in a timely manner. A response was subsequently sent, with an explanation for the delay (the issues raised were complex and required careful consideration), along with an apology, as it was accepted that a holding response should have been sent. The complaint was dealt with through correspondence. The Interim Monitoring Officer considers that the complaint has been addressed and appropriately resolved. However, there is ongoing substantive correspondence between the individual and the Member, and the complainant has reserved the right to complain to the Ombudsman if this does not proceed to his satisfaction.
 - ii. Alleged unauthorised disclosure to a third party organisation of concerns raised by an individual. The complaint was dealt with through correspondence. It was noted that the individual and the Councillor gave different versions of the events. No breach of the Code was found.
 - iii. Complaint alleging that an elected Member's comments on social media (Twitter) failed to give due regard to equal opportunities and statutory equalities duties. The complaint is being dealt with through correspondence which is ongoing at the present time.

8. Members will recall that timeliness in dealing with Members' correspondence and the use of social media are common themes for complaints.
9. Members will also note that no Member on Member complaints were received during Quarter 2.

Legal Implications

10. There are no legal implications arising from the recommendations of this report.

Financial Implications

11. There are no direct financial implications arising from this report.

Recommendation

The Committee is recommended to note the contents of the report.

Davina Fiore

Director Governance and Legal Services and Monitoring Officer

15th November 2016

Background papers

Standards and Ethics Committee report 'Member Code of Conduct Complaints 2016/17' dated 20th July 2016