

**STANDARDS AND ETHICS
COMMITTEE**

4 SEPTEMBER 2017

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

**MEMBERS' CODE OF CONDUCT COMPLAINTS – QUARTER 4,
2016/17**

Reason for Report

1. To provide the Committee with a brief update on complaints made during Quarter 4 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 3 of the financial year 2016/17 were considered at the Committee's last meeting, in March 2017.

Issues

4. A total of 7 complaints alleging a breach of the Members' Code of Conduct were received by the Monitoring Officer during Quarter 4 of the financial year 2016/2017.

5. The table below shows the type of complaints received in Quarter 4 and provides comparative figures for the previous 3 quarters.

	Q1 April, May, June 2016	Q2 July, August, Sept 2016	Q3 Oct, Nov, Dec 2016	Q4 Jan, Feb, Mar 2017
Total	4	3	4	7
Member on Member	1	0	2	2
Public on Member	3	3	2	5
Officer on Member	0	0	0	0
Community Councillors	0	0	0	0

6. The Committee will note that the number of complaints received during Quarter 4 (7 in total) is higher than in previous quarters this year. However, Members may wish to note that there was also an increase in the number of complaints during the same quarter period last year. In 2015/16 there were 18 complaints received during Quarter 4 (although 8 of these related to one particular community council). The number of complaints during Quarter 4 of the current year is lower than the number received during the same quarter last year.
7. Brief details of the complaints and outcomes are as follows:
- i. Complaint alleging that a Member had breached the duty to have regard to equal opportunities – the Ombudsman is considering whether to investigate this complaint.
 - ii. Complaint from a member of the public alleging that a Member made misleading statements during a full Council meeting. The Monitoring Officer sought clarification of the alleged breach of the Code from the complainant and confirmation that the complainant was content for the Monitoring Officer to contact the Member concerned to seek informal resolution. The Monitoring Officer is unable to progress this matter until a response is received from the complainant.
 - iii. Complaint alleging unfair treatment by a Member, which was submitted to the Ombudsman. The Ombudsman decided not to investigate the complaint as there was no evidence of a breach of the Code.
 - iv. A Member on Member complaint alleging slander. The Monitoring Officer sought confirmation on whether the complainant wished to seek resolution under the Local Resolution Protocol or wished to refer the

matter to the Ombudsman. The Monitoring Officer is unable to progress this matter until a response is received from the complainant.

- v. Complaint alleging a Member had breached the duty to show respect and consideration for others. The Monitoring Officer is attempting to resolve this complaint by informal resolution.
- vi. Complaint alleging that a Member's conduct amounts to bullying and bringing the Council into disrepute. The Ombudsman decided not to investigate the complaint as there was insufficient evidence to show a breach of the Code.
- vii. Complaint from a member of the public about a Member's response to certain concerns raised by them. The Ombudsman decided not to investigate the complaint as there was insufficient evidence of any breach of the Code.

Legal Implications

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

Financial Implications

- 9. 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 of Governance and Legal Services, and Monitoring Officer

17 August 2017

Background papers

Standards and Ethics Committee report 'Member Code of Conduct Complaints, Quarter 3, 2016/17' dated 22 March 2017