

ANNUAL REPORT REGARDING COUNCILLOR CONDUCT 2022/23

Report of the Assistant Director – Legal and Democratic Governance (Monitoring Officer)

1. INTRODUCTION AND PURPOSE OF REPORT

- 1.1 To update the Standards Committee on complaints received by the Monitoring Officer about the conduct of members during the 2022/23 municipal year.

2. BACKGROUND

- 2.1 Under the Members' Code of Conduct, complaints received by the Monitoring Officer about the conduct of members are subject to an initial assessment by the Monitoring Officer in consultation with the Statutory Independent Person. Where necessary, complaints will be referred to the Standards Committee Hearing Panel for consideration.
- 2.2 The Council's approved policy for dealing with complaints states that the Standards Committee will be kept informed of the number of complaints received and an annual report of the Monitoring Officer be submitted to the Council Meeting. A summary of the complaints are set out below.

3. COMPLAINTS

- 3.1 In 2022/23, a total of 17 complaints were received. 12 of these complaints about councillor conduct were received by the Monitoring Officer from members of the public, four complaints were made by councillors against other councillors and one complaint was made by an MP. Further detail in relation to the complaints are set out below.
- 3.2 In all of the complaints, one of the two Independent Persons were consulted at an early stage and a view provided to the Monitoring Officer. On each occasion the Independent Person was in agreement with the action proposed and then taken by the Monitoring Officer.
- 3.3 The details below are a brief synopsis of the complaints received. The purpose of this report is purely to provide an overview of the salient points raised and how they were resolved whilst maintaining confidentiality.
- 3.4 Out of the 17 complaints, 14 were rejected, one was partially upheld and two were upheld, both of which were referred to separate hearings of the Standards Sub-Committee.
- 3.5 A complaint has not been referred to the Standards Sub-Committee since 2016 so it was highly unusual to have to have referred two complaints for the committee to deal with in one municipal year.

- 3.6 Out of the three complaints that were upheld or partially upheld, all of them related to comments made on social media.
- 3.7 All of the complaints made by members of the public regarding comments made at committee meetings and the residents' meeting related to planning or highways matters (all of which were rejected).

Complaint 1

- 3.8 The complaint was made by a member of the public and related to comments made at a committee meeting. After consideration with the Independent Person the complaint was rejected.

Complaint 2

- 3.9 The complaint was made by a member of the public and related to comments made at a committee meeting. After consideration with the Independent Person the complaint was rejected.

Complaint 3

- 3.10 The complaint was made by a member of the public and related to comments made on social media. After consideration with the Independent Person the complaint was rejected.

Complaint 4

- 3.11 The complaint was made by a member of the public and related to comments made at a committee meeting. After consideration with the Independent Person the complaint was rejected.

Complaint 5

- 3.12 The complaint was made by a member of the public and related to comments made on social media. After consideration with the Independent Person the complaint was upheld and referred to a hearing of the Standards Sub-Committee.
- 3.13 The Standards Sub-Committee was held on 15 March 2023 (adjourned to 28 March 2023) at which the committee resolved to impose various sanctions against the councillor as per the sanctions provided for in the Constitution and as set out in the minutes of that meeting.

Complaint 6

- 3.14 The complaint was made by a member of the public and related to comments made on social media. After consideration with the Independent Person the complaint was partially upheld.
- 3.15 A recommendation was made by the Monitoring Officer that the councillor apologise to the complainant but this was not provided. Under the new Code of Conduct applicable to all councillors from May 2023, all councillors have agreed to comply with the recommendations of the Monitoring Officer in relation to

complaints made against them. This complaint and recommendation pre-dated the new Code of Conduct having been adopted by the Council Meeting.

Complaint 7

- 3.16 The complaint was made by a member of the public and related to comments made at a committee meeting. After consideration with the Independent Person the complaint was rejected.

Complaint 8

- 3.17 The complaint was made by a member of the public and related to comments made on social media. After consideration with the Independent Person the complaint was upheld and referred to a hearing of the Standards Sub-Committee. In the interim the Monitoring Officer recommended to the councillor that the comments be removed from social media and an apology provided to the complainant; both of which were undertaken.
- 3.18 The Standards Sub-Committee was held on 25 April 2023 at which the committee resolved to impose various sanctions against the councillor as per the sanctions provided for in the Constitution and as set out in the minutes of that meeting.

Complaint 9

- 3.19 The complaint was made by a member of the public related to comments made at a residents' meeting. After consideration with the Independent Person the complaint was rejected.

Complaint 10

- 3.20 The complaint was made by a member of the public and related to comments made at a committee meeting. After consideration with the Independent Person the complaint was rejected.

Complaint 11

- 3.21 The complaint was made by a councillor regarding the conduct of other councillors in a political party messaging platform/group and in other party related matters. After consideration with the Independent Person the complaint was rejected as it was outside of the Monitoring Officer remit (it did not relate to council business but to the political party's business).

Complaint 12

- 3.22 The complaint was made by a councillor regarding the conduct of another councillor at a committee meeting. After consideration with the Independent Person, although the complaint was rejected, the councillor apologised for their conduct.

Complaint 13

- 3.23 The complaint was made by a member of the public and related to comments made at a committee meeting. After consideration with the Independent Person the complaint was rejected.

Complaint 14

- 3.24 The complaint was made by a councillor regarding the conduct of another councillor at a political party meeting and other conduct in a political party messaging platform/group. After consideration with the Independent Person the complaint was rejected as it was outside of the Monitoring Officer remit (it did not relate to council business but to the political party's business).

Complaint 15

- 3.25 The complaint was made by an MP regarding the conduct of councillors at a council meeting. After consideration with the Independent Person the complaint was rejected.

Complaint 16

- 3.26 The complaint was made by a councillor regarding the conduct of another councillor in electoral campaign material. After consideration with the Independent Person the complaint was rejected as it did not fall within the Monitoring Officer's remit as it related to electoral campaigning and not council business.

Complaint 17

- 3.27 The complaint was made by a member of the public regarding the conduct of a councillor. After consideration with the Independent Person the complaint was rejected.
- 3.28 The complainant then complained to the LG&SC Ombudsman. The Ombudsman confirmed that they would not investigate the complaint about the Monitoring Officer's response to the original complaint because there was insufficient evidence of fault by the council to warrant the further involvement of the Ombudsman.

4. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 3.1 There are none.

5. LEGAL CONSIDERATIONS

- 5.1 The report is provided as per the requirement of the Council's constitution.

6. HUMAN RESOURCES IMPACT

- 6.1 There are none.

7. EQUALITIES IMPACT

- 7.1 None of the complaints raised any issues of any breaches of the Equalities Act 2010.

8. ENVIRONMENTAL IMPACT

- 8.1 There is none.

9. CONCLUSIONS AND RECOMMENDATIONS

- 9.1 For the committee to note the report and agree for it to proceed to the Cabinet Meeting, followed by the Council Meeting.

BACKGROUND PAPERS

There are none.

Anyone wishing to inspect the above background papers or requiring further information should contact Vicki Bates

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