

# Audit Governance & Standards Committee

20 July 2015

Is the final decision on the recommendations in this report to be made at this meeting?

N/A

## Complaints received under the Members Code of Conduct

<b>Final Decision-Maker</b>	For information
<b>Lead Director or Head of Service</b>	John Scarborough – Head of Legal Partnership
<b>Lead Officer and Report Author</b>	Libby McCutcheon – Senior Solicitor – Corporate Governance
<b>Classification</b>	Non-exempt
<b>Wards affected</b>	All

**This report makes the following recommendations to the final decision-maker:**

For information only

**This report relates to the following corporate values:**

- **Responsibility** – taking ownership for actions & making the right choices and decisions that lead to a satisfactory outcome for us all.
- **Integrity** – building trust and honesty & being open and transparent in everything we do.

### Timetable

<b>Meeting</b>	<b>Date</b>
Audit Standards and Governance Committee to note the report.	20 July 2015

# Complaints received under the Members Code of Conduct Report

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report provides an update on complaints received under the Member's Code of Conduct in the period ending 9 July 2015.

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## 2. INTRODUCTION AND BACKGROUND

- 2.1 It is a requirement under the Localism Act 2011 that all Councils adopt a Code of Conduct and that the Code adopted must be based upon the Nolan Principles of Conduct in Public Life. The current Members' Code of Conduct ("the Code") for Maidstone Borough Council is set out in the new Constitution adopted in May 2015 (and is unchanged from the previous Code of Conduct.)
- 2.2 At the same Full Council meeting the Maidstone Borough Council also adopted arrangements for dealing with complaints under the Code about Maidstone Borough Councillors..
- 2.3 The Localism Act 2011 requirement to adopt a Code of Conduct also applied to all the Parish Councils in the Maidstone area. Consequently, all the Parish Councils in the Maidstone area also adopted their own Codes of Conduct.
- 2.4 Under the Localism Act 2011 Maidstone Borough Council is responsible for dealing with any complaints made under the various Codes of Conduct throughout the Maidstone area. Thus the Borough Council is responsible for dealing with any complaints affecting Members of, not only the Borough Council, but also all the Parish Councils in the Maidstone Borough.
- 2.5 The arrangements for dealing with complaints varies slightly according to which process the relevant Parish Council adopted. Full details of each complaints procedure is available on each Councils website.
- 2.6 The Borough Council have resolved that oversight of any Code of Conduct complaints falls under the Audit Standards and Governance Committee.

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## 3. UPDATE ON COMPLAINTS RECEIVED

- 3.1 This is the first meeting of the newly constituted Audit Standards and Governance Committee and the Monitoring Officer intends to provide an update to the Committee upon complaints received at each meeting. The update is set out so that the names of the complainant and the Member complained about are both kept confidential. The reason for this is that the Localism Act 2011

repealed the previous statutory process for dealing with complaints whereby decisions including names would be published. In the absence of that statutory process, complaints must be dealt with in accordance with the Data Protection Act 1998 which means such data must be kept confidential.

- 3.2 Since Annual Council on **23 May 2015**, there have been two new complaints which are presently receiving initial consideration by the Monitoring Officer.
- 3.3 In addition, there was one outstanding complaint in existence at **23 May 2015**. This has since been rejected by the Monitoring Officer (in consultation with the Independent Person) as being unfounded.
- 3.4 The new Constitution provides for a Hearings Sub-Committee (part 2.1 p26) to meet to consider any complaint which remains valid after investigation and consideration by the Monitoring Officer in consultation (as required) by the Independent Person. The Hearings Sub-Committee has not yet been required to meet.

#### **4. PREFERRED OPTION**

- 4.1 To note the update upon complaints under the Member's Code of Conduct

#### **5. CONSULTATION**

- 5.1 Members of the Audit Standards and Governance Committee and the independent person in accordance with the relevant complaints procedure will be consulted with on individual complaints as and when necessary.

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#### **6. CROSS-CUTTING ISSUES AND IMPLICATIONS**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	Supporting Corporate Values of Responsibility and Integrity	Head of Service or Manager
<b>Risk Management</b>	An effective complaints procedure is part of an effective system of governance	Head of Service or Manager
<b>Financial</b>	If the complaint proceeds to an investigation, which may be carried out by an external person, the costs for this work has to be met by the Borough Council.	Section 151 Officer & Finance Team
<b>Staffing</b>	The complaints procedure is dealt within the remit of the Monitoring Officer with input from other service units as required.	Senior Corporate Governance Solicitor
<b>Legal</b>	This is a requirement of the Localism Act	Team Leader

	2011	Corporate Governance
<b>Equality Impact Needs Assessment</b>	Any potential to disadvantage or discriminate different groups within the community should be overcome within the adopted complaints procedures.	Senior Corporate Governance Solicitor
<b>Environmental/ Sustainable Development</b>	n/a	
<b>Community Safety</b>	n/a	
<b>Human Rights Act</b>	All complaints are dealt with in the context of the Human Rights Act	Senior Corporate Governance Solicitor
<b>Procurement</b>	n/a	
<b>Asset Management</b>	n/a	

## 7. REPORT APPENDICES & BACKGROUND PAPERS

None