

Audit Governance & Standards Committee

26 June 2017

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

Yes

Complaints received under the Members' Code of Conduct

Final Decision-Maker	Audit Governance & Standards Committee
Lead Head of Service	Estelle Culligan – Interim Head of Legal Partnership
Lead Officer and Report Author	Donna Price – Interim Deputy Head of Legal Partnership
Classification	Public
Wards affected	All

This report makes the following recommendations to this Committee:

1. The Committee are asked to note the contents of the report.

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all
- Securing a successful economy for Maidstone Borough

Promoting the Code of Conduct and dealing with complaints effectively and efficiently is essential in ensuring high standards of conduct amongst members are upheld as this is an integral part of the decision making processes and delivery of the council's priorities.

Timetable

Meeting	Date
Audit Governance & Standards Committee	26 June 2017

Complaints received under the Members' Code of Conduct

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This is the fifth report by the Monitoring Officer updating the committee on complaints received under the Members' Code of Conduct. This report provides an update for the period 1 January 2017 to 31 May 2017.
 - 1.2 The committee are asked to note the contents of the report.
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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 Constitution adopted in May 2015 (and is unchanged from the previous Code of Conduct).
- 2.2 The Localism Act 2011 requirement to adopt a Code of Conduct also applied to all the Parish Councils. Consequently, all the Parish Councils in the Maidstone area adopted their own Codes of Conduct with the majority adopting the Borough Council's Code of Conduct.
- 2.3 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.
- 2.4 The Constitution stipulates that oversight of Code of Conduct complaints would fall under the terms of reference of the Audit, Governance and Standards Committee.
- 2.5 As part of the committee's oversight function it is agreed that the Monitoring Officer provide reports on complaints to the Audit, Governance and Standards Committee. It should be noted that the Localism Act 2011 repealed the requirement to publish decision notices; therefore in providing the update to the committee the names of the complainant and the councillor complained about are both kept confidential in accordance with the Data Protection Act 1998.
- 2.6 Since the last report to this Committee on 16 January 2017 there has been one new complaint which relates to three separate subject members.
- 2.7 The complaint relates to parish councillors and as of 12 June 2017 this is at the initial assessment stage.
- 2.8 In the last report to the Committee one complaint was awaiting initial assessment. The complaint was not progressed as it failed the local assessment criteria.

2.9 The new Constitution provides for a Hearings Sub-Committee to meet to consider any complaint which remains valid after investigation and consideration by the Monitoring Officer in consultation (as required) with the Independent Person. To date the Hearings Sub-Committee has not yet been required to meet.

3. PREFERRED OPTION

3.1 That the committee note the update on complaints received under the Member's Code of Conduct.

4. CONSULTATION

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

5. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	High standards of conduct are essential amongst members in delivering the council's priorities and the Code of Conduct and complaints procedure supports this.	Interim Deputy Head of Legal Partnership
Risk Management	An effective Code of Conduct and robust complaints procedure minimises the risk of member misconduct and is part of an effective system of governance.	Interim Deputy Head of Legal Partnership
Financial	Should it be necessary to appoint external Independent Investigators the cost of this will be met by the Borough Council	Interim Deputy Head of Legal Partnership
Staffing	The complaints procedure is dealt within the remit of the Monitoring Officer with input from the Legal Team as required.	Interim Deputy Head of Legal Partnership
Legal	The requirements of the	Interim

	Localism Act 2011 with regards to the Code of Conduct and complaints procedure are set out within the report. The reporting process ensures that the committee continues its oversight of the Code of Conduct as required by the Constitution.	Deputy Head of Legal Partnership
Equality Impact Needs Assessment	Any potential to disadvantage or discriminate different groups within the community should be overcome within the adopted complaints procedures.	Policy and Information Manager
Environmental/Sustainable Development	N/A	Interim Deputy Head of Legal Partnership
Community Safety	N/A	Interim Deputy Head of Legal Partnership
Human Rights Act	N/A	Interim Deputy Head of Legal Partnership
Procurement	All complaints are dealt with in the context of the Human Rights Act	Interim Deputy Head of Legal Partnership
Asset Management	N/A	Interim Deputy Head of Legal Partnership

6. REPORT APPENDICES

None

7. BACKGROUND PAPERS

None