

Audit, Governance & Standards 17 September 2018 Committee

Complaints Received Under the Members' Code of Conduct

Final Decision-Maker	Audit, Governance & Standards Committee
Lead Head of Service/Lead Director	Patricia Narebor – Head of Legal Partnership and Monitoring Officer
Lead Officer and Report Author	Estelle Culligan, Principal Solicitor – Contentious and Corporate Governance
Classification	Public
Wards affected	All

Executive Summary

The report provides an update to the Committee on complaints received under the Members' Code of Conduct for the period 1st March 2018 to 31 August 2018.

This report makes the following recommendations to this Committee:

1. To note the contents of the report.

Timetable

Meeting	Date
Audit, Governance & Standards Committee	17 September 2018

Complaints Received Under the Members' Code of Conduct

1. INTRODUCTION AND BACKGROUND

- 1.1 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.
- 1.2 The Localism Act 2011 requirement to adopt a Code of Conduct also applied to all the Parish Councils. Most Parish Councils in the Maidstone area have adopted the same Code of Conduct as the Borough Council, although a few have adopted their own particular Code.
- 1.3 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.
- 1.4 The Constitution stipulates that oversight of Code of Conduct complaints is part of the remit of the Audit, Governance and Standards Committee.
- 1.5 As part of the Committee's oversight function it is agreed that the Monitoring Officer will 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 It should be noted that the Localism Act 2011 repealed the requirement to publish decision notices; therefore in providing the update to the Committee the names of the complainant and the Councillor complained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 2018.
- 1.6 Since the last report to this Committee on 19 March 2018 there have been 8 new complaints against Parish Councillors. Three complaints have been concluded with a decision of no breach; one was resolved through informal resolution, with a recommendation for training; one matter was closed due to insufficient evidence of a breach of the Code. The remaining three complaints are at the initial investigation stage.
- 1.7 At the last meeting, it was reported that a complaint had just been submitted against a Borough Councillor. That complaint was fully investigated and a report considered by a Hearings Sub-Committee in June. The Councillor had admitted the breach during the investigation and the Sub-Committee imposed sanctions on the Councillor.

2. AVAILABLE OPTIONS

- 2.1 The Committee could decide that they no longer wish to receive the updates on complaints under the Code of Conduct. This is not recommended as it is part of the Committee's general oversight function.

2.2 That the Committee note the update on complaints received under the Members' Code of Conduct.

3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

3.1 Option 2.2 that the Committee note the update on complaints received under the Members' Code of Conduct is recommended as it is essential that the Committee continue to oversee the complaints received.

4. RISK

4.1 This report is presented for information only and has no risk management implications.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

5.1 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.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

6.1 As the report is for information only no further action will be taken.

7. 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. The Code of Conduct and complaints procedure supports this.	Principal Solicitor, Contentious and Corporate Governance
Risk Management	This report is presented for information only and has no risk management implications. An effective Code of Conduct and robust complaints procedure minimises the risk of Member misconduct and is part of an effective system of governance.	Principal Solicitor, Contentious and Corporate Governance
Financial	There are no direct financial implications; however, should it	Principal Solicitor,

	be necessary to appoint external Independent Investigators the cost of this will be met by the Borough Council.	Contentious and Corporate Governance
Staffing	The complaints procedure is dealt within the remit of the Monitoring Officer with input from the Legal Team as required.	Principal Solicitor, Contentious and Corporate Governance
Legal	The requirements of the 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.	Principal Solicitor, Contentious and Corporate Governance
Privacy and Data Protection	No personal information is provided as part of the report.	Principal Solicitor, Contentious and Corporate Governance
Equalities	Any potential to disadvantage or discriminate against different groups within the community should be overcome within the adopted complaints procedures.	Principal Solicitor, Contentious and Corporate Governance
Crime and Disorder	None identified in the report.	Principal Solicitor, Contentious and Corporate Governance
Procurement	None identified in the report.	Principal Solicitor, Contentious and Corporate Governance

8. REPORT APPENDICES

None