

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

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

Meeting	Date
Audit Standards and Governance Committee to note the report.	23 November 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 11 November 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 second update by Monitoring Officer upon the number of complaints received under the Code of Conduct. 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 my last report to this Committee on 20 July 2015, there have been no new complaints.
- 3.3 There were two complaints in existence at 20 July 2015. Following consultation with the Independent Person the Monitoring Officer found that there had been no breach of the Code of Conduct, however recommendations have been made to the Parish Council that training is arranged for all members to cover management of meetings and conduct of the Council.
- 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.

6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Supporting Corporate Values of Responsibility and Integrity	Head of Service or Manager
Risk Management	An effective complaints procedure is part of an effective system of governance	Head of Service or Manager
Financial	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
Staffing	The complaints procedure is dealt within the remit of the Monitoring Officer with input from other service units as required.	Team Leader Corporate Governance

Legal	This is a requirement of the Localism Act 2011	Team Leader Corporate Governance
Equality Impact Needs Assessment	Any potential to disadvantage or discriminate different groups within the community should be overcome within the adopted complaints procedures.	Team Leader Corporate Governance
Environmental/ Sustainable Development	n/a	
Community Safety	n/a	
Human Rights Act	All complaints are dealt with in the context of the Human Rights Act	Team Leader Corporate Governance
Procurement	n/a	
Asset Management	n/a	

7. REPORT APPENDICES & BACKGROUND PAPERS

None