

## **Audit Governance & Standards Committee**

**16 January 2017**

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>	Audit Governance & Standards Committee
<b>Lead Head of Service</b>	Estelle Culligan – Interim Head of Legal Partnership
<b>Lead Officer and Report Author</b>	Donna Price – Interim Deputy Head of Legal Partnership
<b>Classification</b>	Public
<b>Wards affected</b>	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**

<b>Meeting</b>	<b>Date</b>
Audit Governance & Standards Committee	16 January 2017

# Complaints received under the Members Code of Conduct

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This is the fourth 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 September 2016 to 31 December 2016.
  - 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 At the Full Council meeting in May 2015 the Council adopted arrangements for dealing with all complaints received under the Code of Conduct. In addition it was resolved 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 19 September 2016 there have been three new complaints.
- 2.7 Of the three complaints received two related to borough councillors and one related to a parish councillor.

- 2.8 As of 5 January 2017 one complaint is at the initial assessment stage, one was not progressed as it failed the legal jurisdiction test and one was not progressed as it failed the local assessment criteria.
- 2.9 In the last report to the Committee two complaints were awaiting initial assessment. Of these one has been concluded with a finding that there was no breach of the Code of Conduct and one was not progressed as it failed the local assessment criteria.
- 2.10 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**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	High standards of conduct are essential amongst members in delivering the council's priorities and the Code of Conduct and complaints procedure supports this.	Team Leader Corporate Governance
<b>Risk Management</b>	An effective Code of Conduct and robust complaints procedure minimises the risk of member misconduct and is part of an effective system of governance.	Team Leader Corporate Governance
<b>Financial</b>	Should it be necessary to appoint external Independent Investigators the cost of this will be met by the Borough Council	Team Leader Corporate Governance
<b>Staffing</b>	The complaints procedure is	Team Leader

	dealt within the remit of the Monitoring Officer with input from the Legal Team as required.	Corporate Governance
<b>Legal</b>	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 it's oversight of the Code of Conduct as required by the Constitution.	Team Leader 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.	Policy and Information Manager
<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	Team Leader Corporate Governance
<b>Procurement</b>	N/A	
<b>Asset Management</b>	N/A	

**6. REPORT APPENDICES**

None

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**7. BACKGROUND PAPERS**

None