

Complaints Received Under the Members' Code of Conduct

Final Decision-Maker	Audit, Governance & Standards Committee
Lead Head of Service	Claudette Valmond – Head of Legal Partnership
Lead Officer and Report Author	Russell Fitzpatrick – Monitoring Officer
Classification	Public
Wards affected	All

Executive Summary

The report provides an update to the Committee on complaints received and disposed of under the Members' Code of Conduct for the period 1 March 2023 to 28 February 2024. This is set out at Appendix 1 of the report.

This report makes the following recommendations to this Committee:

1. That the contents of the report be noted.

Timetable

Meeting	Date
Audit, Governance & Standards Committee	11 April 2024

Complaints Received Under the Members' Code of Conduct

1. 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 complaints procedure supports this.	Senior Legal Adviser – Corporate Governance
Cross Cutting Objectives	No impact.	Senior Legal Adviser – Corporate Governance
Risk Management	The report is presented for information only and has no risk management implications. An effective and robust Code of Conduct complaints procedure minimises the risk of Member misconduct and is part of an effective system of governance.	Senior Legal Adviser – Corporate Governance
Financial	There are no direct financial implications; however, should it be necessary to appoint external Independent Investigators, the cost of this will be met by the Borough Council.	Senior Legal Adviser – Corporate Governance
Staffing	The complaints procedure is dealt within the remit of the Monitoring Officer with input from the Legal team as required.	Senior Legal Adviser – Corporate Governance
Legal	The requirements of the Localism Act 2011 with regards to the Code of Conduct 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.	Senior Legal Adviser – Corporate Governance
Privacy and Data Protection	No personal information is provided as part of the report.	Senior Legal Adviser – Corporate Governance
Equalities	The report is for noting and contains no recommendations that would propose a change in service, therefore no equalities impact assessment will be required.	Equalities & Communities Officer
Public Health	None identified in the report.	Senior Legal Adviser –

		Corporate Governance
Crime and Disorder	None identified in the report.	Senior Legal Adviser – Corporate Governance
Procurement	None identified in the report.	Senior Legal Adviser – Corporate Governance
Biodiversity and Climate Change	None identified in the report.	Senior Legal Adviser – Corporate Governance

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 for Maidstone Borough Council is set out in the Constitution.
- 2.2 The Localism Act 2011 requirement to adopt a Code of Conduct also applies to all Parish Councils. Most Parish Councils in the Maidstone area have adopted a similar Code of Conduct to the Borough Council, based on a Kent wide model. A few Parish Councils have adopted their own particular Code.
- 2.3 Under the Localism Act 2011 Maidstone Borough Council is responsible for dealing with any complaints made under the various Codes of Conduct within its borough.
- 2.4 Pursuant to the Council's Constitution, oversight of Code of Conduct complaints falls within the remit of the Audit, Governance and Standards Committee.
- 2.5 In order to assist its oversight function, the Monitoring Officer provides reports on complaints to the Audit, Governance & Standards Committee. A summary of the Complaints received and disposed of for the period 1 March 2023 to 28 February 2024 is appended. As the Localism Act 2011 repealed the requirement to publish decision notices the names of the complainant and the Councillor complained about are both kept confidential in accordance with data protection legislation.
- 2.6 As requested by this Committee at its meeting on 28 September 2021, whilst personal data is kept confidential, the reasons that a Code of Conduct complaint had failed the preliminary tests is set out in the Appendix.

3. AVAILABLE OPTIONS

- 3.1 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.
 - 3.2 That the Committee note the update on complaints received under the Members' Code of Conduct.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Option 3.2 that the Committee note the update on complaints received under the Members' Code of Conduct is recommended as it is important that the Committee continue to oversee the complaints received.
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5. RISK

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

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 Members of the Audit, Governance & Standards Committee and the Independent Person will be consulted on individual complaints, as and when necessary, in accordance with the relevant complaints' procedure.
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 As the report is for information only, no further action will be taken.
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8. REPORT APPENDICES

- 8.1 Appendix 1 – Table of complaints received for the period 1 March 2023 to 28 February 2024.
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9. BACKGROUND PAPERS

None.

