

## **Code of Conduct Complaints – Status Report**

### **Purpose**

1. To provide an update on the Code of Conduct complaints received by the council since the Committee's last meeting.

### **Statutory background**

2. All local authorities are required, by s.28 Localism Act 2011, to adopt a code of conduct for their members. All such codes are required to cover the following:
  - The principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership
  - The registration and disclosure of pecuniary and other interests.
3. Wiltshire Council, as a principal authority, is required to have in place arrangements for investigating and determining allegations that a member of the Council, or a member of a town or parish council within the council area, has failed to comply with the relevant code of conduct.

### **Council Code of Conduct procedures**

4. Wiltshire Council's arrangements for considering complaints about alleged code of conduct breaches are set out in Protocol 11 to the Constitution, the procedure having changed with effect from 1 January 2020.
5. On receipt of such a complaint the Monitoring Officer will consider the complaint and, if appropriate, prepare a report for the Assessment Sub-Committee (ASC). The Monitoring Officer (MO) may at this point decide not to take any further action on a complaint where, on the available information, it appears to be trivial, vexatious, malicious, politically motivated or 'tit for tat', and it would not be in the public interest, including particularly the efficient use of resources, to proceed.
6. Valid code of conduct complaints are determined by the Assessment Sub-Committee, following receipt of the report from the Monitoring Officer. The Assessment Sub-Committee may conclude that no further action should be taken, it may refer the complaint for investigation, or it may recommend that an alternative resolution be explored with the parties.
7. If the Assessment Sub-Committee determines that a formal investigation should be undertaken, an Investigating Officer is appointed by the Monitoring Officer. If the

recommendation of the Investigating Officer is that there has been a substantial breach of the Code of Conduct, and that alternative resolution is not appropriate, then the Monitoring Officer, after consultation with the Independent Person, will refer the matter to a Standards Hearing Sub-Committee.

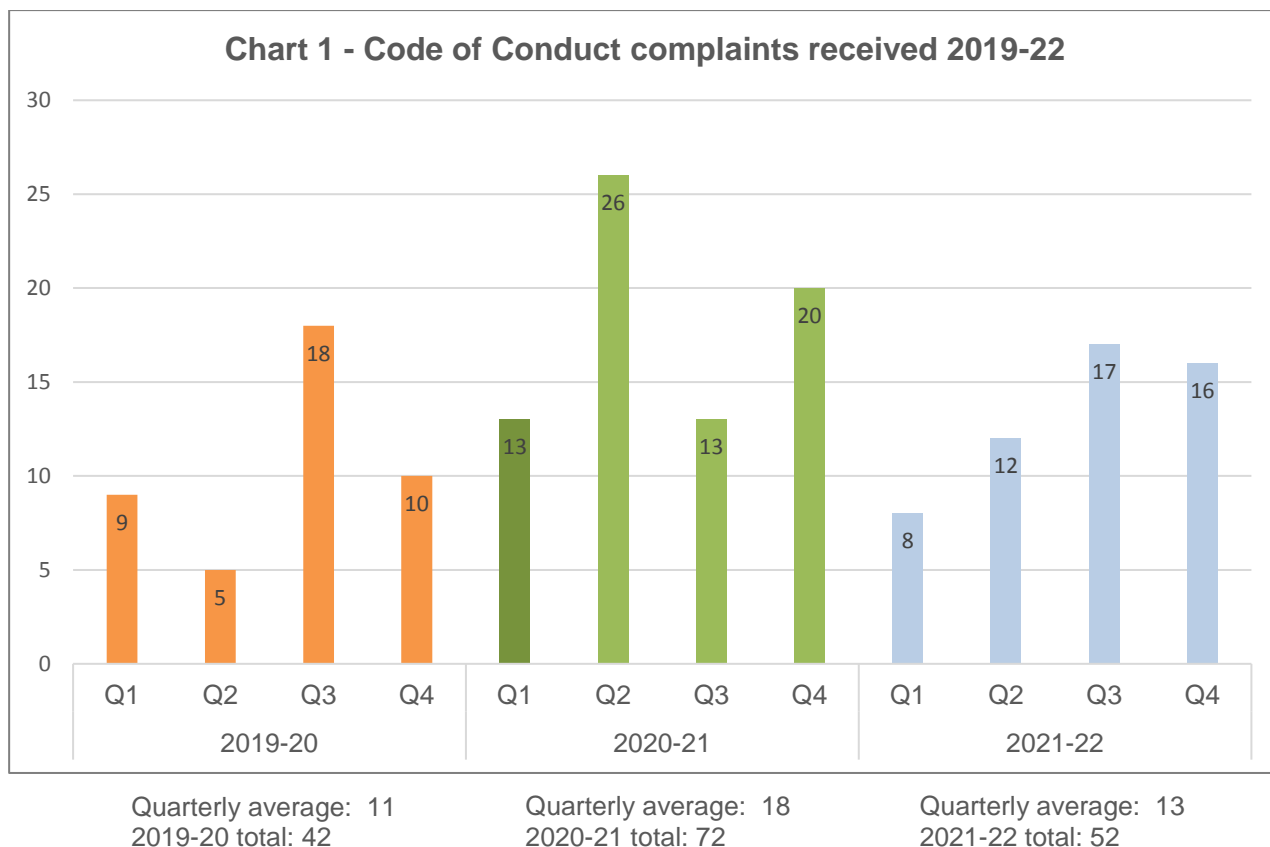
8. The Standards Hearing Sub-Committee will conduct a hearing into the complaint to determine whether there has been a breach of the Code and, if so, what sanctions, if any, should be applied to the Subject Member (the councillor who is the subject of the complaint). If the Subject Member is a member of a town or parish council, the Hearing Sub-Committee's decision regarding sanctions will be in the form of a recommendation to the relevant council.
9. There is no right of appeal of the decision of the Assessment Sub-Committee or the Hearing Sub-Committee.
10. The Standards Committee has oversight of the operation of the procedures for dealing with Code of Conduct complaints as well as a general responsibility to promote and maintain high standards of conduct by elected and co-opted members and officers.

### **Summary of committee meetings**

11. The last Standards Committee meeting took place on 12 January 2021. Since that meeting there have been:
  - 1 meeting of the Standards Assessment Sub-Committee.
  - 0 meetings of the Standards Hearing Sub-Committee.
12. The outcome of these meetings was as follows:
  - 8 February 2022 – Two matters were dealt with by the Assessment Sub-Committee. Both were determined No Further Action.

### **Summary of complaints received since 4 January 2022 (following publication of the 12 January 2022 committee meeting agenda)**

13. Between 4 January and 30 March 2022, the Monitoring Officer received 16 complaints under codes of conduct:
  - 2 were determined as No Further Action by Assessment Sub-Committee.
  - 14 were determined No Further Action by the Monitoring Officer.
14. It should be noted that 12 of these complaints were against members of only two councils.
15. The Monitoring Officer can determine No Further Action under paragraph 4.6 of Protocol 11 – Arrangements for dealing with Code of Conduct Complaints. This is applied where the Monitoring Officer determines that, on the information available, the complaint appears to be trivial, vexatious, malicious, politically motivated or 'tit for tat', and it would not be in the public interest for further action to be taken, including particularly the efficient use of resources.
16. **Chart 1** shows the code of conduct complaints received since 2019:



## Types of complaint

14. The 16 code of conduct complaints received since 4 January 2022 can be broken down as follows:

(NFA = No Further Action    MO = Monitoring Officer    ASC = Assessment Sub-Committee)

- 0 were complaints against **Wiltshire Councillors**:
- 4 were complaints against **town or city councillors**:
  - 3 regarding behaviour in a meeting (1 found NFA by ASC; 2 found NFA by MO)
  - 1 regarding social media posts (found NFA by ASC)
- 12 were complaints against **parish councillors**:
  - 11 regarding behaviour in a meeting (found NFA by MO)
  - 1 regarding a text message (found NFA by MO)

## Complaint resolution speed

17. Under Protocol 11 – Arrangements for Dealing with Code of Conduct Complaints, the council aims to assess all such complaints within **5 working days** of receiving the subject member's response. This is a challenging target as complaints can be complex, require legal input and include a large amount of background information that must be reviewed.

18. Of the 14 complaints assessed by the Monitoring Officer during the reported period, the average assessment time was **7 working days**. The longest time taken was **13 working days**.

19. Complaints referred to Assessment Sub-Committee cannot usually meet the 5 working day timescale due to the need for a scheduled meeting. However, of the 2 complaints assessed by Assessment Sub-Committee, both complaints were assessed at the next scheduled Assessment Sub-Committee meeting.

20. No complaints were referred for investigation during this period. Future reports will include data regarding the time taken to conclude investigations where appropriate.

### **Dip Sampling**

15. A table of current cases was provided to the Chairman of Standards Committee on 31 January 2022 for a dip sample of cases to be undertaken to enable oversight.

### **Proposal**

16. The Committee are asked to note the current position on code of conduct Complaints

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### **Appendices**

None.