

Code of Conduct Complaints - Status Report

Statutory Background

1. 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
2. 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 parish council within the council's area, has failed to comply with the relevant Code of Conduct. These arrangements must include the appointment of at least one independent person, whose views must be taken into account before a decision is made on any alleged breach of a code of conduct.

Council Structure and Procedures

3. Wiltshire Council's arrangements for considering complaints about alleged code of conduct breaches are set out in Protocol 12 to the Constitution. All complaints are subject to an initial assessment on behalf of the Monitoring Officer, having sought comments from the Subject Member (the councillor who is the subject of the complaint). This initial assessment 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.
4. Both parties (the Complainant and the Subject Member) have a right to a review of the initial assessment. This is considered by the Review Sub-Committee of the Standards Committee.
5. If it is determined that a formal investigation should be undertaken (either at the initial assessment stage or by the Review Sub-Committee), an investigating officer is appointed by the Monitoring Officer. If the investigating officer finds that there has been a breach of the Code of Conduct, and the Monitoring Officer on reviewing the investigation report concludes that alternative resolution is not appropriate, then a Standards Hearing Sub-Committee will be convened. This 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. 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.

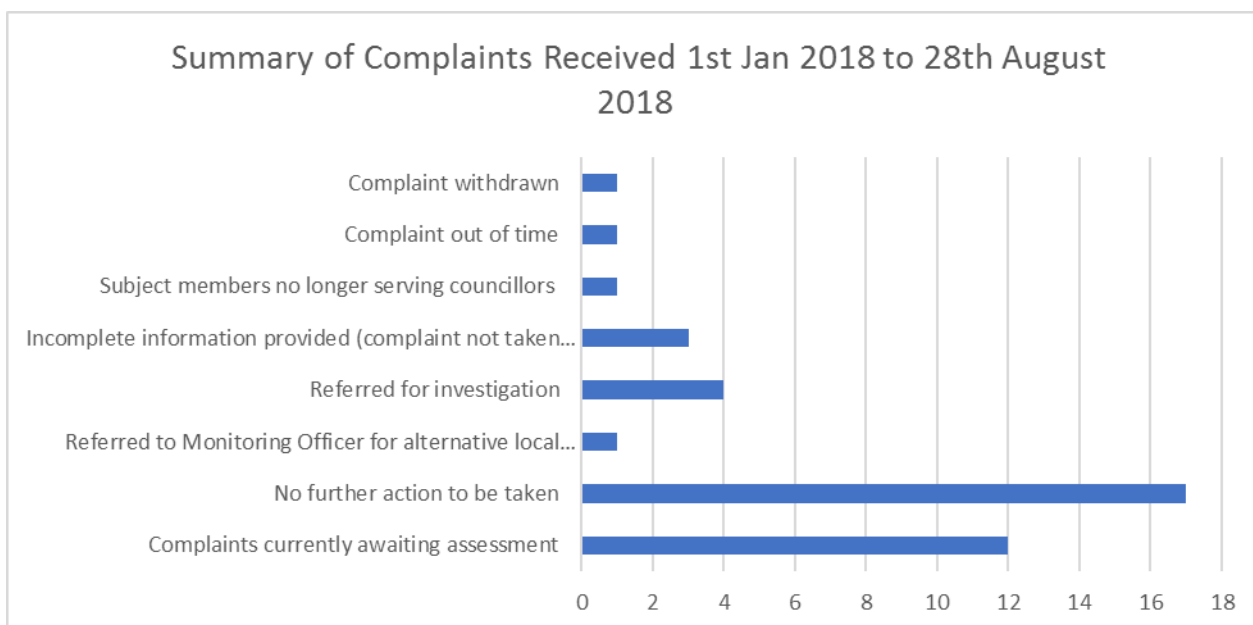
- The full Standards Committee has oversight of the operation of the procedures for dealing with Code of Conduct complaints as well as a general responsibility to promote and maintain high standards of conduct by elected and co-opted members and officers.

Summary of complaints received 1 January 2018 to 28 August 2018

- Between 1 January 2018 and 28 August 2018, the Monitoring Officer received 40 complaints under the Code of Conduct. Of these complaints, ten concerned members of Wiltshire Council, while the remainder were against members of town and parish councils within the authority’s area.

- Of the cases received, the position is as follows:

Complaints currently awaiting assessment	12
No further action to be taken	17
Referred to Monitoring Officer for alternative local resolution	1
Referred for investigation	4
Incomplete information provided (complaint not taken forward)	3
Subject members no longer serving councillors (complaints not taken forward)	1
Complaint out of time	1
Complaint withdrawn	1



- In relation to the current number of complaints awaiting assessment six complaints have been received since 22 August 2018. Not all complaints are submitted with full information and this delays the sending of the complaint to the subject member. In addition, once we have received the subject member’s response, which can take ten

working days, there may be a gap of up to two weeks before a scheduled assessment takes place.

A monthly breakdown of complaints received is attached at **Appendix 1**

Reviews

10. 13 requests for a review were received between 1 January 2018 and 28 August 2018. The Deputy Monitoring Officer's decisions of "no further action" were upheld by 12 of the review sub-committees. The 13th review upheld the Deputy Monitoring Officer's decision of "refer for investigation".
11. Where the complaints had been assessed as no further action, all requests for a review were received from the complainants.

Investigations

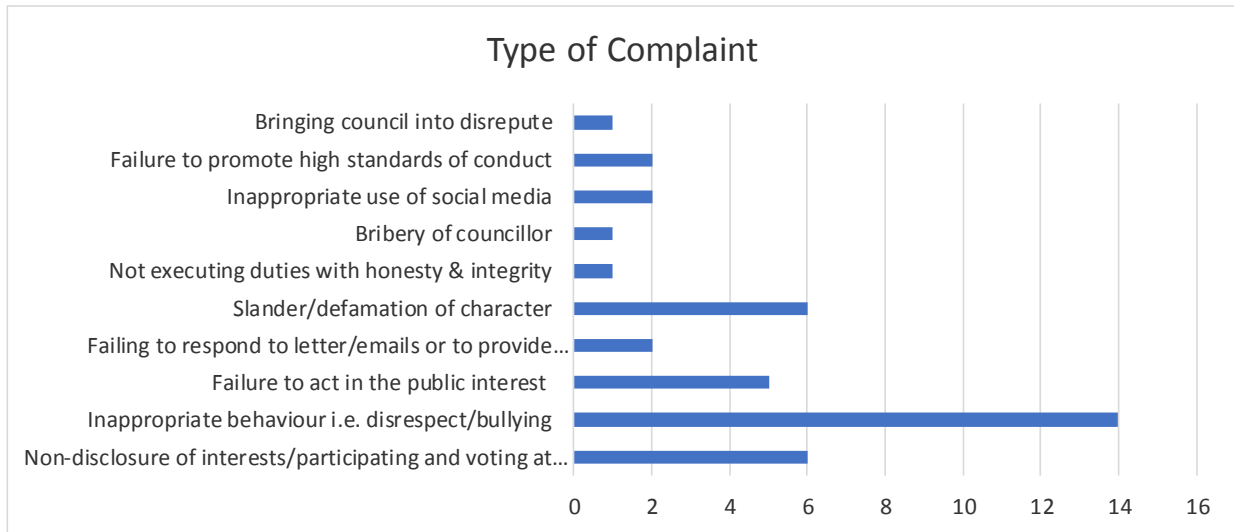
12. Since the beginning of 2018 five complaints have been referred for investigation on assessment. Three of these investigations are currently in progress and one is the subject of a request for review as detailed above.
13. In the case of the fifth complaint referred for investigation, the subject member resigned following the assessment decision and therefore no further action was taken in respect of the complaint.
14. Progress of the open investigations referred during 2016 is shown in the table below:

Reference	Date of Assessment	Progress
WC-ENQ00167	09/09/2016	No further action proposed
WC-ENQ00172	04/10/2016	No further action proposed

Types of Complaint

15. The types of complaints received in 2018 are categorised as follows:

Type of complaint	Number
Non-disclosure of interests/participating and voting at meetings	6
Inappropriate behaviour i.e. disrespect/bullying	14
Failure to act in the public interest	5
Failing to respond to letter/emails or to provide information/lack of communication	2
Slander/defamation of character	6
Not executing duties with honesty & integrity	1
Bribery of councillor	1
Inappropriate use of social media	2
Failure to promote high standards of conduct	2
Bringing council into disrepute	1
Total	40



Proposal

16. To note the current position on Code of Conduct Complaints

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