

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 recommendation of the investigating officer is that there has been a breach of the Code of Conduct, and 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.

6. 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 2017 to 31 December 2017

7. Between 1 January 2017 and 31 December 2017, the Monitoring Officer received 37 complaints under the Code of Conduct. Of these complaints, 10 concerned members of Wiltshire Council, while the remainder were against members of town and parish councils within the authority's area. A full table summary is attached at appendix 1.
8. Of the cases received, the decision of the Deputy Monitoring Officer was as follows:
- | | |
|---|----|
| No further action to be taken | 23 |
| Referred to Monitoring Officer for alternative local resolution | 3 |
| Referred for investigation | 2 |
| Incomplete information provided (complaint not taken forward) | 1 |
| Subject members no longer serving councillors
(complaints not taken forward) | 5 |

Of the 16 requests for review received, 12 decisions were upheld and 4 were overturned. 3 complaints are currently awaiting assessment or the issuing of the decision.

Investigations

9. Since the beginning of 2017, two complaints have been referred for investigation: one on assessment (date of assessment 01/08/2017) and one on review (date of review 27/07/2017). Both investigations are currently in progress.

Types of Complaint

10. The types of complaints received in 2017 are categorised as follows:

Type of complaint	Number
Non-disclosure of interests/participating and voting at meetings	4
Inappropriate behaviour i.e. disrespect/bullying	11
Failing to act in the public interest	4
Failing to respond to letter/emails or to provide information/lack of communication	3
Inappropriate use of social media	1
Bringing council into disrepute	1
Showing bias towards/against parishioners	8
Deliberate misrepresentation of facts	1
Failure to promote and support high standards of conduct	2
Conferring advantage/disadvantage	1
Inappropriate forwarding of email	1
Total	37

Proposal

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

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Appendix 1 – Summary of Complaints 2017

[Link to Constitution](#)

Appendix 1 - Summary of Complaints Received 1 January 2017 to 31 December 2017

	Cases received (*denotes unitary cldr)	Cases open (cumulative)	Assessed investigation	Assessed no further action	Assessed alternative resolution/ *complaint withdrawn	Pending assessment (*assessed & decision notice being finalised)	Other	Cases closed
2017								
January	3	19	0	3	0	0	0	7
February	1*	17	0	0	*1	0	0	3
March	2*	17	0	2	0	0	0	2
April	9 & *2	26	1	3	*2	0	5*	2
May	2	21	0	2	0	0	0	7
June	2 & *2	20	0	4	0	0	0	5
July	3 & *2	25	1	4	0	0	0	0
August	1	18	0	1	0	0	0	8
September	4	20	0	2	0	*1	1**	2
October	2	16	0	2	0	0	0	6
November	1	14	0	0	0	1	0	3
December	1	14	0	0	0	1	0	1
	37	N/A	2	23	3	3	6	46

Requests for review received
1 (upheld)
5 (upheld)
5 (3 upheld & 2 overturned)
0
0
1 (upheld)
1 (overturned)
3 (2 upheld & 1 overturned)
0
0
0
0
16

*subject members no longer serving councillors - complaints not taken forward

** further information not provided – complaint not taken forward